BOARD OF COMMISSIONERS MEETING MINUTES
May 16, 2012

BEFORE THE BOARD OF COMMISSIONERS
County of Lake County
State of Oregon

REGULAR SESSION

The Lake County Board of Commissioners met in Regular Session on Wednesday, May 16, 2012 at 10:02 a.m. at the Silver Lake Fire Hall in Silver Lake Oregon. The following members were present: Chairman Bradley J. Winters and Commissioner Dan Shoun. Vice Chair Ken Kestner was absent from these proceedings. Also present: Administrative Assistant Denise Thorsted

Additions: Klamath County Juvenile Dept. Contract Amendment, possible Action/Consideration
AmeriTitle/Railroad Right-of-Way, possible Action/Consideration
Road Department Donation/Loan of Road Graders for Display
Deletions: None

10:00 a.m. – PUBLIC COMMENT:
No public comment received.

Other Business:
CCSF IGA Amendment, Action/Consideration:
Legal Counsel confirmed that this was a standard Amendment increasing County funds that raised no concerns.

Commissioner Shoun moved to approve the Commission on Children and Families IGA #171113 Amendment #1 as presented. Commissioner Winters second. Motion carried.

Lane County Agreement (renewal), Action/Consideration:
Commissioner Shoun moved to approve the Lane County Information Services IGA for Manatron Software Development and Support as presented. Commissioner Winters second. Motion carried.

10:10 a.m. – County Easement Issue discussion, Citizen Mary Alice Johnson
Item held until later in this meeting for Ms. Johnson’s arrival.

Resolution(s), Action/Consideration:
Commissioner Winters confirmed that every few years the State conducts a local audit. The recent audit was felt to have been a “good” audit with only a few minor issues found.

Commissioner Shoun moved to approve Resolution No. 2011-12 in the matter concerning request for changes received following recent State audit. Commissioner Winters second. Motion carried.
Commissioner Shoun moved to approve Resolution No. 2011-13 in the in the matter of Unanticipated Revenue for Economic Development for receipt of all State Lottery Funds increasing State Revenues by $7,500 and Materials & Services be increased by $7,500.

Remaining Resolution considerations were continued later in this meeting.

**County Easement Issue (carried from above):**

Christmas Valley citizen Mary Alice Johnson came before the Board to discuss correspondence she had sent previously to the Board regarding easement issues she had faced and to discuss potential changes that could be made to make this process easier for residents in the future.

Ms. Johnson asked for there to be in the future better clarification of “private roads” versus County roads in terms of how they are marked and for a remedy concerning the disclosure of properly identifying roadway descriptions by realtors. By doing so, Ms. Johnson felt that hard feelings and issues between neighbors could be alleviated/avoided. Discussion followed.

Ms. Johnson added that she felt Carrico Road and Langdon Springs should be considered for becoming County roads due to the populations living on them and Mid-State lines running along them. Discussion continued later in this Regular Session meeting.

10:30 a.m. – Property Vacation Hearing/Silver Lake Church of the Bible
Hearing Open: 10:32 am

County Property and Lands Manager Bob Pardee provided a brief overview of this request to date. In February 2012, a vacation request was received from Mr. Leon Baker/Silver Lake Church asking to vacate a portion of Fifth Street for various purposes. This request had asked to vacate the full width of the right-of-way.

According to State Statute, the Board of Commissioners approved the notification process for this hearing with notifications sent to immediate adjacent property owners. Additional notifications sent included: utilities, EMS and two property owners immediately south of property. One written response had been received (Mid State Electric) that was neither for nor against this request. Phone calls received included: Keith Little (as Fire Chief) asking for clarification and from property owner Tony Assetti. A statement had also been received from Lake County Road Master on anticipated impacts. Legal Counsel provided clarification on how ownership of the property (if vacated) was to be determined if approved and additional impacts for consideration such as current use of the road.

Jacqueline Lloyd (citizen) inquired as the purpose of this request. Commissioner Winters confirmed that the Silver Lake Church was looking at expansion and parking needs for parishioners.

Harry Robins (citizen) – Opposed – Stated need for road to remain open in order to pull in horse trailers and felt it would lower his property value.

Larry Goff (local property owner) - Opposed – Stated the need for the road to remain open in order to meet EMS needs and for local events. Felt this would be a loss to the community.
Tony Assetti (adjacent land owner) – Opposed – Discussed the design of the road being set up for trucks utilizing the road for hauling and commercial hauling. Mr. Assetti also discussed utilities that utilized this road for turning and offered to submit a formal statement in writing if necessary. Commissioner Winters confirmed that his statement during this hearing was sufficient.

Tom O’Leary (local property owner) – Opposed – Did not feel that the Church would be able to meet septic requirements even with the granting of this vacation request.

Katherine Wilson (renter of adjacent property) – Opposed – Ms. Wilson confirmed that this road was currently used to access and exit her home and business. Parking of her family vehicles would be difficult without the road remaining open.

Jesus Villagran (local citizen) – Opposed – Mr. Villagran confirmed that he lived along this street and vacating would create a hardship for him accessing his property. Discussed current parking that occurred during church service hours.

Mr. Assetti added to his statement that he was willing to speak with his renters and Mr. Baker in order to try and aid the Silver Lake Church with parking issues and to be part of a solution.

Mr. Robins added to his statement that he had offered assistance for finding a solution to meeting the Church’s meeting.

Commissioner Winters expressed his appreciation for the community involvement during this hearing process.

Hearing Closed: 10:48 am

Commissioner Shoun commended those present for their willingness to work as a community to find a solution on this matter. Commissioner Winters agreed.

Road Master Rick DuMille confirmed that as far as the Road Department was concerned, “piecing out” of any roads was undesirable and especially not in the middle of a town site. County Planning Director Darwin Johnson was asked for information on the type of septic being considered for installation. Discussion followed on steps that had been taken by the Planning Commission on this matter.

Commissioner Shoun moved to deny the Fifth Street Vacation Request submitted by Leon Baker/Silver Lake Church. Commissioner Winters second. Motion carried.

Mr. Pardee/Mr. Johnson were directed to forward formal notification.

Recess: 10:53 am
Resume: 11:01 am

COUNTY EASEMENT ISSUES (cont.):
Ms. Johnson appreciated the opportunity to speak and realized that this request needed to follow a process. She again expressed concern for others using the before mentioned roads and road signage/markings of easement roads.
Mr. DuMilieu discussed the current signage and confirmed that County roads were marked with number signs (example: Lake County 5-12) along with the signs with road names required for EMS services. Mr. DuMilieu felt that the biggest role in this issue was that of the realtor and the title search process. Discussion continued.

Citizen Terry Nofziger expressed his appreciation of the Board’s compassion in this matter and informed them that there were potholes in his road that would not be able to be repaired this summer.

Resolution(s) Action/Consideration (cont.):

Commissioner Shoun moved to approve Resolution 2011-14 in the matter of Appropriations Transfer regarding Veteran’s Services in the amount of $2,500. Commissioner Winters second. Motion carried.

Commissioner Shoun moved to approve Resolution 2011-15 in the matter of Appropriations Transfer regarding the Community Development fund due to the onsite program, permit revenue and salaries for up to $50,000. Commissioner Winters second. Motion carried.

Special Transportation Provider Agreement(s), Action/Consideration:

Commissioner Winters moved to approve the Special Transportation Fund Services Agreement between Lake County and the Lake County Senior Citizen Association as presented. Commissioner Shoun second. Motion carried.

Commissioner Winters moved to approve the Special Transportation Fund Services Agreement between Lake County and the Paisley Inner Court Family Center as presented. Commissioner Shoun second. Motion carried.

Meeting Minutes:

Commissioner Winters moved to approve the April 3, 2012 Meeting Minutes as presented. Commissioner Shoun second. Motion carried.

Commissioner Winters moved to approve the April 4, 2012 Meeting Minutes as presented. Commissioner Shoun second. Motion carried.

Commissioner Winters moved to approve the April 12, 2012 Meeting Minutes as presented. Commissioner Shoun second. Motion carried.

Department Update:
None at this time

Addition:
Klamath County Juvenile Department Contract Amendment, possible Action/Consideration:

Legal Counsel expressed concern with wording of Section #3 on this Amendment and asked that there be wording added in order to be more clear on payment involved. Following discussion, the wording was found to be correct.
Commissioner Winters moved to approve the Klamath County/Lake County IGA presented regarding the placement of Lake County juveniles at the Klamath County Juvenile Detention Facility. Commissioner Shoun second. Motion carried.

Commissioner Winters moved to approve the Klamath County/Lake County IGA Amendment regarding the placement of Lake County juveniles at the Klamath County Juvenile Detention Facility with agreement to pay full amount of 200 beds. Commissioner Shoun second. Motion carried.

**AmeriTitle/Railroad Right-of-Way:**

Commissioner Winters provided brief summary of the previous day’s discussion on this matter. Estimated cost was between $1,500 and $5,000.

Commissioner Winters moved to approve the utilizing of Lottery Fund dollars for the purpose of determining the railroad right-of-way along the County’s Railroad by AmeriTitle. Commissioner Shoun second.

Discussion: Mr. Pardee asked for clarification of what was to be determined in this process. Clear description of width of right-of-way only on the Oregon portion of railway was to be determined.

Motion carried.

**Road Department Donation/Loan of Road Graders for Display:**

Legal Counsel provided information on the agreement with JR Stewart for loan graders to be on loan to the Road Department until such time as they can or will no longer be staged at the Road Department. At which time the graders would be transported to the Klamath County Transportation Museum. Legal Counsel confirmed that the only cost to the County would be for a plaque to be placed reflecting the loan of the graders and any transportation costs involved with transportation in the future to the Klamath County Transportation Museum.

Commissioner Winters moved to approve the offer made by JR Stewart of the loan of antique road graders for display at the Lake County Road Department. Commissioner Shoun second.

Discussion: Appreciation to Mr. Stewart for this offer.

Motion carried.

**Legal Updates:**

Legal Counsel confirmed that the Declaratory Judgment had been filed against Mr. Carpenter. Serving Mr. Carpenter was complicated as there was only a “bad” physical address on file. Steps to be taken for serving Mr. Carpenter and other notifications to be sent were discussed.

**Executive Session:**

Recess to Executive Session 192.660 (2) (h): 11:37 a.m.

Recess from Executive Session: 11:50 a.m.

No decisions made in Executive Session.
There being nothing further to come before the Board, the Lake County Board of Commissioners Regular Session adjourned at 11:50 a.m.

Respectfully Submitted

Denise Thorsted
Administrative Assistant

Board Approval,

Bradley J. Winters
Chairman

Ken Kestner
Vice Chairman

Absent

Dan Shoun
Commissioner

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