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, September 17, 2014 at 10:00 a.m. The following members were present: Board Chair Dan Shoun, Vice-Chair Bradley J. Winters and Commissioner Ken Kestner. Also present: Commissioners Administrative Assistant Denise Thorsted, Legal Counsel Bailey, Treasurer Ann Crumrine, Road Master Rick DuMiliu, Facility and Property Manager David Berman, and Lake County Examiner Member of the Press Jimmy Hall. Number of Public present: 14.

Additions: Wayerhaeuser Mineral/Geothermal Rights Offer
Deletions: Mental Health Expansion Request

The Work Session was called to order by Chairman Shoun and the Pledge of Allegiance was recited.

10:00 am – Public Comment
No public comment was received.

Other Business:
2014 Fund Exchange Agreement, Action/Consideration:
Road Master Rick DuMiliu provided those in attendance with a summary of this item. On an annual basis, Lake County “exchanged” Federal STIP funds with the State of Oregon at a $94/$100 ratio. This exchanged allowed the County to utilize funds in a more flexible manner. Legal Counsel confirmed review with no issues found.

Commissioner Winters moved to approve the 2014 Fund Exchange Agreement/2-16 Thomas Creek Overlay project as presented. Commissioner Kestner second. Motion carried.

10:05 am – Public Hearing/Thomas Creek-Westside Rural Fire Protection District
10:05 am: Public Hearing Open
Legal Counsel confirmed that this was a conclusion of a process that had begun with the receipt of a notification from the State of Oregon. Notice was received confirming that annual reports (as required by statute) had not been received for consecutive years. After three years of non-reporting, the State considers an entity to be inactive. Confirmation was given by Mrs. Crumrine that all reporting had been completed and submitted with written notification that delinquent financial reports had been received by the State.
10:08 am: Public Hearing Closed with no action required or taken.
Other Business cont.:

North Lake Annex HVAC Proposal, Action/Consideration:

Confirmation was given that recommendation presented by Facility and Property Manager David Berman was to award the North Lake Annex HVAC bid to Professional Heating & Cooling, Inc.

Commissioner Winters moved to approve the recommendation to award the North Lake Annex HVAC bid to Professional Heating and Cooling, Inc. in the amount of $19,716.00 as presented. Commissioner Kestner second. Motion carried.

Courthouse Paint Contract, Action/Consideration:

Confirmation was given that recommendation presented by Facility and Property Manager David Berman was to approve the recommendation to award the bid for exterior painting of the Lake County Courthouse and the contract presented to DeVry Builders (lowest bidder). Legal Counsel confirmed that the contract used for these items had been revised.

Commissioner Winters moved to approve the bid award and contract with DeVry Builders for the exterior painting of the Lake County Courthouse in the amount of $11,688.35 as presented. Commissioner Kestner second. Discussion: Conversation occurred on painting to be completed. Motion carried.

DHIS Agreement 141416 Amendment #08, Action/Consideration:

Commissioner Kestner confirmed that the Amendment presented did not change funding amounts, only the determination of how funds were to be used.

Commissioner Kestner moved to approve Amendment #08 to the 2013-2015 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #141416 as presented. Commissioner Winters second. Motion carried.

10:15 am – Public Hearing/ATV Use on County Roadways Ordinance #104
10:15 am – Public Hearing Open (1st of 2 Public Hearings)

Commissioner Winters provided information on the draft Ordinance provided and its purpose. A subgroup had been put together to determine the potential of the County drafting an Ordinance complimenting the one recently approved by Lakeview Town Council for ATV use on roadways. Public process for adoption of any Ordinance was to hold public hearings to receive public comment. If during those hearings, changes were to be made, additional hearings would be needed.

Conversation occurred on the draft Ordinance presented with confirmation given that roadways to be deemed “Closed” (rather than those to be open) to use were listed in Attachment A. The second scheduled hearing on this matter was to be held in Christmas Valley October 15th.

Subgroup member Rob Thornton provided additional information related to the process followed for this drafted document. Mr. Thornton stated that this committee had been tasked with bringing forward ideas and reviewing potential obstacles in order to enhance and build economic growth including tourism.
Public comments received included:
Mike Whitclan – asked why use was not already allowed. Explanation was given on the process
that was to be followed including receiving public comment via public hearings. Public hearings
were intended to allow not only positive comments but also those in opposition.

Commissioner Shoun added that he was recently contacted by a Lake County citizen
expressing concern for allowing “hard-surface” ATV use on County roads when this use was not
recommended by manufacturer. Additionally, concern was expressed for increased after dark
activity (including farming) and the increased responsibility for law enforcement. Mr. Whitclan
felt that neither of these items was valid as there would be user responsibility for common sense
and education.

Conversation occurred on purpose of the proposed Ordinance. Legal Counsel confirmed
that at this time, ATV use was not allowed (by law). The County needed to enact their own law
(Ordinance) in order to change the current circumstances.

Patrick Roach – discussed the need for “common sense” of users.

Richie Johnson – as a business manager for local distributor, stated that the recommendations
shown on machines were just that, recommendations and not laws.

John Lane (citizen) and Wade Bryant (Park and Rec. and Oregon Outback Association) provided
information on research conducted on “back county roads” and the interest to promote access
from trails into local communities for economic benefit. Conversation continued on trails
developed in adjacent states, education of users of routes, signage, enforcement, possible
establishment of a speed limit and potential grant opportunities.

New Forest Service District Manager Dave Brillenz introduced himself and asked for
confirmation on the addressing of noise within the purposed Ordinance. A copy was provided
for his review.

No other direct comments were received regarding the purposed Ordinance.

Public Hearing Closed: 10:58 am

Break: 11:00 am
Resume: 11:10 am

11:00 am – EPA Introduction/Air Quality PM Advance Plan Discussion, Justin Spenillo

Also in attendance for today’s discussion were: Larry Calkins (DEQ), Kelly Potter
(DEQ), Lakeview Mayor Mike Patrick, Town Councillman Mike Warren, Ray Simmons (Lakeview
Town Manager) and USFS District Ranger Dave Brillenz. Members of the public: 1

Mr. Calkins provided information and background on the proposed PM Advance Plan
and public meetings that had been held in the past to gather comments. Appreciation was
expressed to the County for the recent repeal of past Ordinances and approval of updated
Ordinances related to air quality.

Mrs. Potter additionally commended the County for their recent Ordinance approvals and
provided information on the work done to determine strategies for avoiding non-attainment with
EPA. Conversation occurred.
Mr. Spenillo acknowledged the work done and efforts made by both Lake County and the Town of Lakeview. Mr. Spenillo was “encouraged” by the proactive stance taken to correct the emission issue in the local area. Commissioner Shoun added recognition of the importance work being done by Commissioner Winters and Regional Solutions for bringing natural gas into the area.

Discussion occurred on “natural” concerns observed in the local area that were not monitored such as wildfire smoke and dust from Summer Lake and Goose Lake. Commissioner Shoun expressed the need for the Environmental Protection Agency and Department of Environmental Quality to hold discussions for future impact of proper management of forests and public lands. Conversation continued on current criteria for monitoring and air quality concerns during summer months.

Citizen Chris Zinda expressed concern with the purposed PM Advance Plan and for future industrial controls.

Conversation continued on the role wildfire smoke plays on the health of local citizens and the importance of allowing for proper management to occur. The Board stressed their support of local agencies and the work they provide but also expressed concern for regulations and other obstacles that diminish the ability of these agencies to do the cleanup needed. Mr. Brillenz confirmed that “we are all on the same page” in terms of what is needed for forest management and reiterated the need for regulation solutions and cross coordination of agencies.

Other Business cont.:
Public Records Request Form, Action/Consideration:
Commissioner Winters moved to approve the Public Records Request form as presented. Commissioner Kestner second. Motion carried.

Meeting Minutes, Action/Consideration:
Commissioner Winters moved to approve the September 2, 2014 Work Session Meeting Minutes as presented. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the September 3, 2014 Regular Session Meeting Minutes as presented. Commissioner Kestner second. Motion carried.

Commissioner Winters moved to approve the September 16, 2014 Work Session Meeting Minutes as presented. Commissioner Kestner second. Motion carried.

Legal Updates:
No legal updates were provided during today’s open session.

Addition:
Weyerhaeuser Mineral/Geothermal Rights Offer -
Confirmation was given that an offer to donate mineral/geothermal rights to Lake County. Legal Counsel confirmed that he say no draw back to accepting this offer but asked to see them as separate Quit Claim Deeds in order to have cleaner processes in the future. Following discussion, Legal Counsel was asked to review process and research all necessary information.
Liaisons:
Commissioner Kestner -
- Brought forward information regarding the BLM road to the Plush sunstone mines discussed the previous day. Due to funding restraints, other more heavily traveled roads received attention before this road. In addition, originally this road had historically been a natural sandy road. BLM invested nearly one million dollars in upgrading this road with crushed aggregate rock. This road unfortunately did not possess the material needed to bind. Continued efforts were expected to occur as funding was made available.

Department Updates:
No department updates were provided during today’s session.

Executive Session 192.660 (2) (h): 12:10 pm
Two items were discussed. Those remaining included the Board of Commissioners, Administrative Assistant Thorsted, Legal Counsel and Business Manager Jay Collins.
Resume Open Session: 1:15 pm

Legal Counsel was asked to review requirements for Executive Session meeting minutes.

Recess: 1:16 pm
Resume: 1:19 pm

There being nothing further to come before the Lake County Board of Commissioners, this meeting adjourned at 1:19 p.m.

Respectfully Submitted,

Denise Thorsted
Administrative Assistant

Board Approval,

Dan Shoun  Bradley J. Winters  Ken Kestner
Chairman  Vice Chairman  Commissioner