

POLK COUNTY BOARD OF COMMISSIONERS
MINUTES January 15, 2014

1. CALL TO ORDER & ATTENDANCE

At 9:00 a.m., Chairman Pope declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Ainsworth and Commissioner Wheeler were present. A CD of the proceedings is on file in the Board of Commissioners' Office.

Staff present: Greg Hansen, Administrative Officer
 Dave Doyle, County Counsel
 Todd Whitaker, Public Works Director
 Eric Berry, County Surveyor

2. ANNOUNCEMENTS

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The Tuesday meeting is held in the Board of Commissioners' Office Conference Room, 850 Main Street, Dallas, Oregon. The Wednesday meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda.

Department Head/staff meetings with the Board of Commissioners are held on Monday, Thursday, and Friday. The meetings are held in the Board of Commissioners' Office Conference Room and are conducted between 9:00 a.m. and 5:00 p.m. The principal subjects anticipated to be considered are on-going, upcoming, and new matters bearing on County operations. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects not listed within this announcement.

The Board of Directors for the Polk Extension Service District will meet on Wednesday, January 22, 2014 at 12:30 p.m. at the OSU Extension Office, 289 E Ellendale, Suite 301, Dallas.

There will be no Board of Commissioners meeting on Wednesday, January 29, 2014 due to lack of a quorum.

3. COMMENTS (for items not on this agenda)

4. APPROVAL OF AGENDA

Staff requested item D be added to the consent calendar, a letter from the Commissioners in response to the Youth Development Council's proposed Community Investment Strategy for the Juvenile Crime Prevention funding.

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH
 SECONDED, TO APPROVE THE AGENDA AS AMENDED.**

MOTION PASSED UNANIMOUSLY.

5. APPROVAL OF CONSENT CALENDAR

MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH SECONDED, TO APPROVE THE CONSENT CALENDAR AS AMENDED.

MOTION PASSED UNANIMOUSLY.

6. APPROVAL OF MINUTES OF JANUARY 8, 2014

MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER WHEELER SECONDED, TO APPROVE THE MINUTES OF JANUARY 8, 2014.

MOTION PASSED UNANIMOUSLY.

7. PUBLIC HEARING - PROPOSED BUTLER HILL ROAD VACATION

Chairman Pope opened the public hearing. Eric Berry presented his staff report for the vacation of a portion of Butler Hill Road. This road was originally created in 1855 as the Dallas to Ocean Pass, until Hwy 22 was developed in the 1920's. There was a requested vacation in the 1960's but no documentation was found regarding a decision at that time. There has been no maintenance on the road by the Public Works department since that time. The road is now very rugged, it would take an estimated \$100,000 to bring it back to minimum standards. It is the staff recommendation that maintaining the road is not in the best interest of the public and the Board should proceed with the road vacation.

Chairman Pope opened the hearing for public testimony.

Brian Boquist of 17080 Butler Hill Road, is the applicant for the vacation. The application was submitted to each of the neighboring property owners. Mr. Boquist installed a gate (by permit) on the road in 1999, and is now applying for the vacation. The Boquist's received a conditional land use permit that requires them to rebuild and maintain the northern end of the road, and the Richter's pay for the costs of maintenance on the southern end of the road.

Delbert Hoekstre of 15010 Hwy 22 testified in support of the vacation. Mr. Hoekstre feels there is a safety issue with people riding their 4-wheelers up and down the road along with alcohol and drug use. The only concern stated by Mr. Hoekstre is in case of a fire/evacuation, if the road was gated, a fence or gate would have to be cut to allow access for evacuation and fire vehicles.

Jerry Keyes of 17230 Butler Hill Road testified against the vacation. If vacated, the only access to Butler Hill would be directly from Highway 22 at the top of Butler Hill, forcing a left hand turn from the fast lane, and is concerned with being rear-ended from cars trying to speed past slower moving vehicles before the passing lane ends.

Karen Richter of 4700 Hart Road testified in support of the vacation. Mrs. Richter's property is located at the bottom of the hill. Only four vehicles routinely use this section of the road because there is so much erosion due to the steep grade that only a four-wheel drive truck could make it up the road. There was a fire that occurred in this area last year, but the fire trucks and emergency vehicles could not make it up the road in the condition that it is now. Mrs. Richter feels that if the County does not vacate the road then the County should maintain it because the cost to maintain it is too great for an individual property owner to bear.

Vicki Griffin of 17127 Butler Hill Road testified against the vacation. Ms. Griffin expressed concern that if the road is vacated and the only option for accessing her home would be from turning left at the top of Butler Hill, which makes her worry for her and her children's safety. Vacating the road

would also cause a great inconvenience for how she accesses her timber property. Staff clarified that the vacation would not land lock any one, but may require a change of access for some properties.

Peggy Boquist of 17080 Butler Hill Road testified in support of the vacation. The Boquists purchased their property in 1997 and have rebuilt and maintained this portion of the road, at their expense, since then. Other property owners are using the road, even though they have not contributed to the upkeep expense. Mrs. Boquist is also concerned with the crime occurring on the road and the long response time of law enforcement and emergency responders. Her children are only allowed outside in the day because of people driving recklessly and at high speed on the road.

David Nees of 2542 Cu-lew Circle, Anchorage Alaska (co-owner of property at 16805 Brown Road) testified against the vacation. This property is equally owned by himself and his brothers and is timberland. The timber was harvested by his father last in the late 1980's, and at the time, Butler Hill Road was used as the transport road to move the timber. In the future, when the timber is ready to harvest again, Butler Hill access would be convenient to use for the log trucks. Mr. Nees' property also has access from Brown Road. Mr. Nees requested the County begin maintaining the road again to the minimum standards of secondary roads.

Daria Boquist of 17080 Butler Hill Road testified in support of the vacation. Ms. Boquist expressed concern with the safety for her niece when she is outside and there are people joy-riding, recklessly and at a high-speed on the road.

Brian Boquist, applicant, was given the opportunity to rebuttal the testimony against the vacation. Mr. Boquist clarified that if the road is vacated, the road (approximately 60 feet wide) will be split down the middle, and each landowner gains approximately 30 feet along their property neighboring the road, and is responsible for the maintenance of that easement. If vacated, it is the intention of Mr. Boquist to gate and fence his part of the easement, but would be willing to provide a private license for the access of the Nees' or Richter's property, even though neither will be land locked.

Chairman Pope closed the public hearing. The Board will hold the record open until January 29, 2013 at 5:00pm for written testimony. The Applicant will have until February 5, 2014 at 5:00pm to submit rebuttal to written testimony. The Board will then make a decision on the vacation at the Board meeting scheduled for Wednesday, February 12, 2014.

At 10:00 a.m., Chairman Pope asked if there was need for an Executive Session. Staff answered that there was not and the meeting was adjourned.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

(a) RESOLUTION #14-02

Adopt Resolution #14-02 in the matter of initiating the legislative amendment process for Polk County Community Development Department Projects.

(b) SHERIFF'S OFFICE - CONTRACT NO. 14-06

Approve contract #14-06 (Amendment 2 to Contract 10-190) with the Oregon Department of Transportation for communications site lease.

(c) HEALTH SERVICES - CONTRACT NO. 14-07

Approve contract #14-07 with Sounds of Silence for a feasibility study for a school based health center.

(d) JCP FUNDING LETTER

Approve letter from the Commissioners to the Youth Development Council in response to the proposed Community Investment Strategy for the Juvenile Crime Prevention funding.

POLK COUNTY BOARD OF COMMISSIONERS

Craig Pope, Chair

Jennifer Wheeler, Commissioner

Mike Ainsworth, Commissioner

Minutes: Heather Alvarez
Approved: January 22, 2014