

BE IT REMEMBERED THAT the Crook County Court met in a regularly scheduled meeting on April 15, 2020, at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon 97754. In attendance were: County Judge Seth Crawford; County Commissioner Jerry Brummer; County Commissioner Brian Barney; County Counsel Eric Blaine; Assistant County Counsel John Eisler and County Court Secretary Colleen Ferguson.

Members of the public and Department Heads attending in person were: Juvenile Director Debra Patterson; Ann Beier, Planning Director; Troy Poncin, IT Director; and Holly Kingsbury, Cattleman's Association in Prineville; Kelly Coffelt, Airport Manager; Russ Deboodt, Crook County Fire and Rescue District, and Steve Gilday, Law Enforcement Chaplain. On the phone were: Casey Daly, Fairgrounds Manager; Jeff Merwin, Landfill Manager; Jon Soliz, County Assessor; Debbie Palmer, Treasurer; and Janet Pritiskutch, Finance.

Judge Crawford Opened the Open County Court Session and asked Russ Deboodt to lead in the Pledge of Allegiance. Steve Gilday offered the opening prayer.

Consent Agenda

1. Approve minutes: February 5, 2020 Regular Meeting; December 3, 2019 and January 21, 2020 Work Session; Open portion of June 3, 2019 and June 28, 2019 Special Executive Sessions.
2. Approve Extension #2 to Professional Services Contract with G. Friesen Associates for Site Development Plan at the Landfill
3. Approve Subgrant Agreement with Oregon Judicial Department.

The Court reviewed the Consent Agenda and made no changes.

MOTION:

Commissioner Brummer moved and Commissioner Barney seconded to approve the Consent Agenda as presented. Vote was 3-0, motion carried.

Grant Application for Runway 28 Project

Airport Manager Kelly Coffelt presented an application for a 100 percent FAA funding grant to cover runway improvement costs, including construction. This is a grant application for Phase II of the Runway 28 Threshold Relocation and associated improvements necessary to comply with FAA regulations on zoning, and to permit future Hwy 126 intersection improvements. Upon completion of the current Runway 10-28 will be renamed Runway 10-29. The grant amount request is \$1,844,820.

MOTION:

Commissioner Barney moved to approve the 100 percent FAA Grant for Phase II of Runway 28 Threshold Relocation and Associated Improvements. Commissioner Brummer seconded. Vote was 3-0, motion carried.

Software Support Contract with XTR for Ascent/Proval Software

Mr. Blaine presented Order 2020-18, finding of facts for an emergency procurement of software support services related to Ascent and Proval programs for County assessment and taxation duties. Previously, support has been through an IGA with Lane County. Lane County recently informed Crook and other counties that the support continuance of the support they provide is uncertain. Assessor Jon Soliz's attempts to find an alternative service vendor to provide temporary services for support of the Ascent and Proval resulted in only one vendor, XTR Value Services, and discussion was held how XTR will work with the County's network. An 18-month agreement was presented and considered with XTR at \$2,500 per month for support services totaling \$45,000.

MOTION:

Commissioner Brummer moved to authorize signature of the agreement with XTR outside of Court subject to the revisions of paragraph 5.2 and approval of the County's Tax Collector, IT Director, and Assessor. Commissioner Barney seconded. Vote was 3-0, motion carried.

MOTION:

Commissioner Brummer moved to authorize execution of the Lane County termination document after the XTR agreement is approved and agreed to sign out of Court.

Commissioner Barney seconded the motion. Vote was 3-0, motion carried.

Request to Release Cypress Creek Solar Decommissioning Bond

Mr. Blaine presented the request by Cypress Creek Renewables (aka Ochoco Solar LLC) to release, without penalty, its solar decommissioning bond providing \$1.2 million if Cypress does not remove the solar facility from County land in conformance with the accepted decommissioning plan. Cypress is in negotiations to transfer assets to Avangrid. Mr. Blaine and the Court discussed the additional releases requested and the proposal that when Avangrid moves forward (or whoever else may move forward with the project) that they would then provide a new decommissioning bond prior to construction. Mr. Blaine and the Court discussed the steps to be taken with the request and the decommissioning plan, and the return of the canceled permit fees and refund from Crook County Community Development, and if another company comes in, the process will be start over by the new developer.

MOTION:

Commissioner Barney moved to release the decommissioning bonds issued by Cypress Creek Renewables. Commissioner Brummer seconded. Vote was 3-0, motion carried.

MOTION:

Commissioner Barney moved and Commissioner Brummer seconded to refund the unused portion of the building permit funds to Cypress Creek Renewables. Vote was 3-0, motion carried.

Public Hearing—Second Reading of Ordinance No. 319 replacing Chapter 8.12 of the Crook County Code regarding Public Burning.

Assistant County Counsel John Eisler provided an overview of Ordinance 319 and explained the clarification of requirements of agricultural burning and/or burning after dusk.

MOTION:

Commissioner Brummer moved and Commissioner Barney seconded to read by title only Ordinance 319, Outdoor Burning Ordinance 8.12, replacing the current Crook County Code. Vote was 3-0, motion carried.

Judge Crawford read Ordinance 319 by title only and opened the public hearing.

Holly Kingsbury, President of Crook County Stockgrowers and Landowner, has discussed this Ordinance with Russ Deboodt, Crook County Fire and Rescue District (CCFRD). At first reading, she was concerned that it was too severe due to landowners accumulations of large piles of debris, but her concerns were calmed after meeting with the Russ Deboodt. Ms. Kingsbury agreed that the restriction is reasonable for properties close to town. When a large burning is going to be done, the fire department is to be notified the day prior so they will be prepared in case of calls and will also notify others of the burn. Discussion was held regarding the needs and reasons for allowing Ag burning.

Fire Chief Matt Smith presented information regarding the burn requirements. He advised the Court that Mr. Deboodt has done a good job. In 2015, DEQ threatened the Prineville/Crook County area regarding restricting burning. The fire district did not want to have changes regarding the strategy, so they wrote a burn regulation that mimics the state regulation, and this has brought some resolution with the state. The accusation in the fall of 2014 came from the smoke numbers spiking and for two days that was over the limit. Some of the smoke from the fire was due to the Forest Service burning on Summit Prairie. At the same time, a landowner in the Paulina area was conducting a burn but the smoke from that burn was not considered.

Tim Deboodt, Natural Resources, commented on the Clean Air Committee in 2015. He echoed the Chief's comments. The regulations are to protect landowners and citizens.

The rules and regulations were discussed on DEQ burn permits, and that no large burns within 3 miles surrounding the city limits is allowed. Chief Smith said that the District went through a process and can now confront DEQ. Statutes require notifications and approval. Discussion was held regarding a burn that went out of control with the wind up and down the valleys. The Fire District has worked well with the landowners, and if we need to, we ask for them to wait until there is a weather change. When a landowner calls, the Fire Department can go out and check. They ask people to take care of concerns.

The Sheriff and Deputies do not have the ability to write a ticket and enforce the burning rules and regulations. The landowner can be defended if they have called in to the Fire Department to advise of the planned burn prior to the burn. Chief Smith has not seen any real changes for the last 5 years. Chief Smith said the DEQ was after the use, so the regulations would remain the same. Mr. Russ Deboodt advised that the changes are not changes in the ordinance. The rule is the same since 2015. This is reducing the Class B misdemeanor to a citation. Discussion was held on a citation fine and all the

different kinds of burnings activities. If people choose to not comply, the Court is authorized to penalize. The ordinance now follows the City and there has been a conscious attempt to keep the policy as in 2015 with the suggestion that the County have a penalty like the City. Mr. Eisler advised that a 3rd conviction result in no further rights to burn. Sheriff Gautney provided information on citations issued in 2019 to 80 citizens and 59 work brushfires. This is currently a misdemeanor crime; the Sheriff proposes a citation with a fine of \$50 for the first offense; \$100 for the second; and \$500 or more for a third offense and burn rights removed. The Sheriff's Office will offer education. If the person is out of compliance or refuses to go into compliance, the person is cited for Reckless Burning and will receive a citation.

With no additional comments, Judge Crawford closed the public hearing at 9:55 a.m.

Mr. Eisler advised the Court that he will take Ordinance 319 back to the office and work with Russ Deboodt on the language and bring the ordinance back for consideration at the next County Court meeting.

Announcements:

Jeff Merwin announced the proposed Free Yard Debris and Brush Disposal Day at the Landfill on April 25th. All debris and brush received will be weighed and reported to DEQ. Discussion held regarding adding more days to the events to keep social distancing in place due to COVID. Mr. Merwin reported that the free events have previously brought a lot of people out, and his concern is about staff exposure. They will practice social distancing.

The Free Appliance Disposal Day in May will be continued.

Mr. Blaine and Mr. Merwin discussed postponing or canceling the event. The Landfill is an essential service, but there is potential risk of exposure. Mr. Merwin anticipates these free events are needed and will be well attended and, after discussion, it was decided to move forward with the events, asking attendees to maintain social distance and wear masks, keeping staff and the public safe.

Burning closed

Chief Smith announced that the State has closed the west side of the State to burning, but burning is still allowed on the east side.

Clean-up and Disposal fees

Judge Crawford talked about having volunteers on public land doing cleanup projects. Point person will be needed. Get a letter from BLM for the project and cover under the BLM agreement. Mr. Merwin discussed disposal of the cleanup project. The BLM is willing to have private groups. SMAF has done that previously and BLM has covered some of the dumping fees.

Eastern Oregon Association of Counties

Commissioner Brummer and Mr. Blaine presented the signing of an agreement to join Eastern Oregon Association of Counties (EOAC). The County is a member of Association of Oregon Counties (AOC) currently, and would like to be involved in EOAC due to the issues aligning with this area as opposed to

the state's western counties. The cost for Crook County is estimated at \$12,500. This is a new organization that has been in existence for just a few years. Discussion was held on the necessity of ratification of the information, PILT funding, and the formula for the fees for joining based on the possible percentage of PILT funds to be received by the County.

MOTION:

Commissioner Brummer moved to approve the County's membership with EAOC and approve up to \$12,500 for dues. If the dues amount increases, the Court will discuss again. Commissioner Barney seconded the motion. Vote was 3-0, motion carried.

Judge Crawford adjourned the meeting of the Crook County Court at 10:15 a.m.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary