

BE IT REMEMBERED THAT the Crook County Court met in a regularly scheduled meeting on April 3, 2019 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon 97754. In attendance were: County Commissioner Jerry Brummer; County Commissioner Brian Barney; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson. Judge Crawford was unavailable.

Members of the public signing the attendance log: Tara Fetterly, Lutheran Community Services Northwest (LCSNW); Sabina Wilson, LCSNW; Glenda Miller, LCSNW; Terra Tyger, Kids Center; Stephen Gilday, COPSC Chaplain; Kristy and Russ Cooper, Prineville; Bob and Ruth Brumagin, Prineville; Vicky Ryan, Health Department; James Savage, Crook County Sheriff's Office (CCSO); Andy Gallagher, Crook County Soil Water Conservation District (SWCD); Rachael Davee, SWCD; Monica Elsom, Prineville Insurance; Elaina Huffman, Prineville Insurance; Michael Ryan, CCSO; Kaitlin O'Donnell, Kids Center; Laura Placek, LCSNW; Ashley Ludwig, LCSNW; Kendell Main, LCSNW; Michelle Duff, LCSNW; Julie Martinez, District Attorney Victim's Advocates Program (DAVAP); Karianne Aaron, DAVAP; Barb Bayless, DAVAP; Wade Whiting, District attorney; Sarah Wannemaker, Department of Human services Child Welfare (DHSCW); Karman Kenton, DSHCW; Stacey Home, DHSCW; Chuck and Connie Hegele, Lone Pine; Kim Bush DHS; Anne Stout, DHS; Riley Maxwell, DHS and Clint Woodward, Prineville.

The media was provided public notice of the meeting.

Commissioner Brummer opened the meeting and asked Elaina Huffman to lead the Pledge of Allegiance. COPS Chaplain Stephen Gilday gave the opening prayer.

Consent Agenda

1. Approve Minutes of January 2 and January 16, 2019 Regular Meetings of the Crook County Court
2. Approve Cooperative Procurement of Purchase of Microsoft Exchange Service License (NJPA purchase through Contract #100614-CDW)
3. Approve 2019 – 2021 Banner Access Agreement (Technology Use) with Oregon State University for 2 eligible County staff to access certain accounts for day to day business
4. Approve Hiring Authorization for an Office Assistant at the Community Development Department
5. Approve Change Orders #72 and #76 for CMGC Contract with Kirby Nagelhout for Jail Project
6. Approve Letter to IRS Naming Debbie Palmer, Treasurer, as "Responsible Official" for eService Program
7. Approve Eastern Oregon Counties Association 2019-20 Membership Invoice

The Court reviewed the Consent Agenda. Item #4 was removed, #7 was moved to the discussion portion of the meeting, and #13 and #14 were removed as action had already been taken on those items.

Motion

Commissioner Barney moved to approve the Consent Agenda with changes as discussed. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Prineville Insurance Quotes for Insurance Coverage re Airport Helibase Project – Requester: Elaina Huffman and Monica Elsom

Elaina Huffman and Monica Elsom, Prineville Insurance, presented information regarding the requested quotes for insurance for the Airport Helibase Project. Zurich, CIS and Liberty responded. Zurich has no prorated premium and since this would be a short term project, Zurich is not being considered. Ms. Huffman wants to pursue CIS and Liberty further for formal proposals. Agreements have been reviewed and it is found that Kirby Nagelhaut, the contractor, has to be listed as a named party on the policy. CIS would list them as additional but not named. Liberty will list as named. Kirby Nagelhaut will be contacted for clarification on this point. Discussion was held on the actual needed coverage. The insurance costs may be less than originally proposed. There is up to a 30 day timeline to work on this. Prineville Insurance will do more research and come back to the Court with the true cost of the insurance.

Request for Additional Funding re: Soil and Water Conservation District – Requester: Andy Gallagher

Andy Gallagher and Rachel Davees presented information regarding the projects currently in the works at Soil and Water Conservation District. Recently, Rachel Davees was hired so there is now a full staff of two. Mr. Gallagher. Mr. Gallagher is here today to request an additional \$10,000 in funding to add to the current \$15,000 comes from Crook County. This funding would help leverage on grants and build the District's capacity to build for the future. At this time, Mr. Gallagher said they are developing a relationship with Central Oregon Irrigation and Ochoco Irrigation District to be able to educate land owners on water rights, cost, share and improve the footprint in Prineville and Powell Butte.

The Court will take this under advisement and consider during the Budget Hearings.

Child Abuse Proclamation Declaring April 2019 as Child Abuse Prevention Month – Requester: Terra Tyger of KIDS Center

Commissioner Brummer read the Proclamation declaring April, 2019, as Child Abuse Prevention Month received from Kids' Center and followed – up the reading with information regarding the community effort to prevent abuse made up of agencies, law enforcement, volunteers and community partners. Community partnership includes For the Children, a non-profit organization, 30+ years old, with a number of volunteers who provide information to the public about prevention as well as providing activities that promote healthy family activities; District Attorney's Office, successfully prosecuting child abuse cases and holding perpetrators accountable; Mental Health (Lutheran Community Services Northwest), providing children and their families with treatment and intervention when needed to address the trauma created from abuse; Department of Human Services (DHS), providing assessment and safety plans to protect this vulnerable population; Law Enforcement, providing well trained officers and deputies to investigate complaints and protect children; Victim's Assistance Office, providing victims with information about their rights and resources and KIDS' Center, providing professional forensic interview and Counseling for victims of abuse.

Motion

Commissioner Barney moved to approve and accept the Proclamation. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Request for Funding of the Holiday Partnership – Requester: Vicky Ryan

Vicky Ryan, Crook County Health Department, explained that over the Holiday Partnership in 2016. In 2018, the number of Seniors and Disabled increased and the expenses and donations went up. This year, Holiday Partnership is asking for a consistent amount of \$2,500 from the County to assist with the program for purchasing gifts for the applicants and food boxes. She explained the outreach and timelines of the program.

The Court thanked Ms. Ryan and will take this request under advisement for the budget.

National Public Health Week April 1 – 7, 2019 / Reading of Proclamation – Requester: Muriel DeLaVergne-Brown

Crook County Public Health Department Director Muriel DeLaVergne-Brown read into the record the Proclamation proclaiming April 1 through April 7, 2019 National Public Health Week. Commissioner Brummer read the portion of the Proclamation pertaining to the support of the National Public Health Week by the Crook County Court.

Motion

Commissioner Barney moved to approve and accept the National Public Health Week Proclamation. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

National Crime Victims' Rights Week April 7 —13, 2019 / Reading of Proclamation – Requester: Julie Martinez

Supervisor of the District Attorneys' Office Victims Assistance Program Julie Martinez read into the record the Proclamation of National Crime Victims' Rights Week, April 7 through the 13, 2019.

Motion

Commissioner Barney moved to approve the National Crime Victims' Rights Week as presented. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Eastern Oregon Counties Association

Commissioner Brummer presented information regarding membership of Crook County into the Eastern Oregon Counties Association (EOCA). The Court had received a bill for the membership earlier for over \$14,000. Commissioner Brummer attending a meeting of the EOCA and discussed the costs of membership along with the County's membership costs for Association of Oregon Counties (AOC) which the Court will be maintaining. At the meeting, changes of the operation of the EOCA were discussed, and it was found that the membership could be reduced to no more than \$5,000. The Court feels that Crook County has a good "fit" with the Eastern Counties and would like to join EOCA and also continue with AOC because they also provide representation of all the Counties of Oregon at the legislative level.

Motion

Commissioner Barney moved to approve the membership and dues to join the EOCA for 2019-2020, with costs not to exceed the \$5,000 range. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Special Procurement for Fiber Network—Requester Eric Blaine

Assistant County Counsel Eric Blaine presented information on the Special Procurement for lease of a Fiber Network. The County will lease the network, not own the network. Two quotes were received. Both 60 months. TDS came in with the lowest price for construction and maintenance. LSN will be used for the redundant fiber line into the Beaver Street Building.

Motion

Commissioner Barney moved to authorize the process of contracting with TDS for \$325,000 over 5 years as the best value to the County for use of the network. Commissioner Brummer seconded the motion. The vote is 2-0, motion carried.

Motion

Commissioner Barney moved to direct staff to begin negotiations for a redundant fiber line with LSN for the cost of \$49,500 over a 5 year period. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Intermediate Procurement re: approval of purchase of DELL R730 Server and Support Services from CXTech—Eric Blaine.

Mr. Blaine presented an Intermediate Price quote for a DELL Brand Server R730 at \$11,373.11 to be purchased through GIS and IT. Three price quotes were received. CXTech was the lowest and includes freight. Mr. Blaine has reviewed and approves of the terms of the contract. The Product Service will be on a separate contract. The second contract is written according to New York Law so there would be no local litigation and no possible arbitration. The cost for product support is \$325.00, and there is a low risk of a dispute or litigation.. The freight costs included are \$398.11.

Motion

Commissioner Barney moved to accept the contracts for the DELL R730 Server and the support services, both from CXTech for \$11, 373.11 for the server and \$325.00 for the product support. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Order 2019-09, Appointment of Jason Carr to the Housing Work Board to fill the recently vacated seat of Bobbie Brooks—requester: David Brandt of Housing Works

The Court discussed the Appointment of Jason Carr to the Housing Works Board, filling the vacated seat of Bobbie Brooks. The current term expires 12-31-2019. Mr. Carr has expressed interest in serving on the Board and Ms. Brooks has discussed with Mr. Carr his serving in the position.

Motion

Commissioner Barney moved to approve the Order 2019-09, the appointment of Jason Carr to the vacated seat of Bobbie Brooks on the Housing Works Board. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Intergovernmental Agreement (IGA) with Deschutes County for Data Conversion Services to Tyler Munis

Mr. Wilson discussed with the Court the implementation of Tyler Munis software with HR. CFO Jeff Caldwell requested an IGA agreement with scope of work and cost for the services. Mr. Caldwell described the scope of work that would be needed to help Crook County implement Tyler Munis software. The team from Deschutes County has been very helpful with other implementations. Mr. Caldwell went out to other companies for quotes. Two other companies responded with the project quotes at \$23,500 to \$53,200. The IGA with Deschutes County is \$6,400. This would be a huge savings to Crook County, and the team has worked together with the County team in the past with successful implementations.

Motion

Commissioner Barney moved to approve the IGA between Crook and Deschutes County for the implementation of County Data to Tyler Munis at a cost not to exceed \$6,400.

Deliberation toward Final Decision regarding appeal of Planning Commission's approval of Woodward's Land Use Permit (Cooper v. County) and deliberation toward Final Decision regarding appeal of Planning Commission's denial of Hegele's Land Use Permit

Hegele

Mr. Wilson reviewed the information from the March 20, 2019 County Court session that resulted in the Court scheduling April 3, 2019 County Court Session to consider and hold deliberations toward a final decision on the appeal of the Planning Commission's denial of Chuck Hegele's Land Use Permit for an RV park. Ann Beier, Planning Director joined the Court for this matter.

Mr. Wilson summarized the hearing of 2171800241-PLNG for Mr. Hegele to locate an RV Park on 2.75 acres along Lone Pine Road with irrigated crop production on the SW and NW property. On the record, the appeal was heard on March 20, 2019, of the decision of the Planning Commission on January 10, 2019 to deny the application as the proposal was submitted. The Planning Commissioner agreed that the application did not identify all needed information.

The County Court believes that application could be granted but not as submitted. This decision confirms the Planning Commission denial but will consider a new application if submitted within 14 days with the proposed changes included at no cost to Mr. Hegele. Mr. Hegele could file a new application later but would have to pay for the full fee.

Ms. Beier discussed with the Court the costs involved. The new application within 14 days is acceptable but she felt the Court needed to be aware of the costs involved in the process. And if the fees are all waived, there is no revenue collected to cover the costs of the staff going through the complete steps again for the Land Use Application approval. Discussion was held regarding a modification of the application. Ms. Beier again pointed out that the modification could be made, but if the Court is waiving the fee, the department will still eat those costs. It is basically the same process. Ms. Beier briefly brought up the Budget Session in which the Department Heads were trying to keep the expenses of the department in control. Ms. Beier said the modification fee is \$820. And a new application for a Conditional use Permit is \$1,980. Ms. Beier recommends a modification over a new application. Recommendation of County Counsel is to approve the final decision as discussed by County Court in the Hegele matter.

Motion

Commissioner Barney moved to affirm the Planning Commission's decision, subject to Mr. Hegele filing a modified application within 14 days addressing the conditions as were listed in the denial and with the fee charge of \$825.00. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Woodward's Land Use Permit , Cooper V. County, Decision of Planning Commission

Mr. Wilson announced this appeal of the Planning Commission decision, Cooper et al vs Woodward 21718000341. The County Court heard the appeal on March 20, 2019, and final argument was to be received within seven days, which it was. This involves an 80 acre site, part of a 180 acre site that was added to the County Aggregate Inventory in 1995. On November 28, 2018, the Planning Commission heard testimony regarding allowing placement of a asphalt batch plant on the property in question. January 10, 2019, the final decision of the Planning Commissioner was to approve the site subject to conditions..

Mr. Wilson identified the conditions in the draft decision, and the County Court may affirm, modify or deny, or remand the Planning Commission's decision. The applicants final argument was submitted in seven days. The applicant recommends remanding this appeal back to the Planning Commission to address the procedural issues, and suggested a procedure for the Planning Commission's review.

Motion

Commissioner Barney moved to recommend the approval of the County Court final decision as written and as described by County Counsel for this appeal. Commissioner Brummer seconded the motion. The vote was 2-0, motion carried.

Commissioner Brummer adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(e) for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions.

10:30 a.m. At this time, a five minute break was taken.

Executive Session under ORS 192.660(2)(e) for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions.

The Court and Counsel discussed overnight lodging unit requirements for transient lodging. Following the discussion held in Executive Session, Commissioner Brummer adjourned the Court out of Executive Session and into Open Session, inviting any members of the public back into the meeting room.

11:00 a.m. Open Session

Commissioner Brummer opened the meeting at 11:00 a.m. on April 3, 2018. Mr. Blaine for the record announced that the County Court met in ORS 192.660(2)(h) , and no actions are required for either session.

Helibase

Commissioner Barney provided information on the Helibase Project bid documents, the shell, TI and descriptions of the tables included. The pre-bid is tomorrow and on April 26, there will be a meeting with a Forest Service to discuss the bids. Bid opening will be held at Kirby Nagelhaut in Bend. Project manager Jerry Milstead and Commissioner Barney will be attending.

There being no further business before the Court requiring action at this time, Commissioner Brummer adjourned the meeting at 11:05 a.m.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary