

**B**e it remembered that the Crook County Court met in a regularly schedule Court meeting on December 6, 2017 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Judge Seth Crawford; County Commissioner Jerry Brummer; County Commissioner Brian Barney; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

Members of the public signing the attendance log: Robert Richter, Powell Butte; Craig Woodward, 126 W 1<sup>st</sup>, Prineville, Oregon. John Giorgi, Paulina; Cheryl Seely, Clerk; Kris Williams, Crook County Health Department; Randy Davis, Building Department; Jeremy Thamert, Building Department; Rich Evans, Building Department; Rich Aaron, Building Department; Andy McChesney, Building Department; Brent Johnson, Building Department; MaryLou Bernard, Prineville; Mary Chapman, Crook County Community Development (CCCD);Faith Duncan, CCCD; Deborah L Shaw, Crook County Human Resources; Way Jackson, Building Department; Melissa Scaramuzzo, LCSNW; Larry York, Prineville; Heather Stratt, Crook County Health Department;; Louis Seals, CCCD; Kelly Coffelt, City of Prineville and Greg Miller, Prineville.

The media received public notice of the meeting.

Judge Crawford called the meeting to order and asked Louis Seals to lead the Pledge of Allegiance.

Nancy Condron gave the Invocation.

### **Consent Agenda**

1. Approve minutes of, November 6, November 13, 2017, and November 21, 2017
2. Approve Order 2017-74, In the matter of adopting the proposed Crook County Oregon Natural Resources Policy
3. Approve Order 2017-76, Cancellation of property taxes
4. Approve Order 2017-77, Increase/Decreased appropriations, reserve fund, software
5. Approve Order 2017-79, Ratifying a change to the Crook County employee handbook.
6. Approve Assignment and service documents, County investment services, Cambridge/BCI.
7. Approve IGA 154107 for Financing of Public Health Services—Amendment #2 and #3
8. Approve extension to Intergovernmental Agreement (IGA) between High Desert Education Service District (HDESD) and Crook County for assessment and administration of defects at the Annex building
9. Approve Sub grant agreement with High Desert ESD for Healthy Families Program
10. Amendment # 1 to mental health, addictions, problem gambling funding IGA # 153120
11. Approve Amendment 4 to Extend Medical Services for jail inmates/ Crook County and Mosaic Medical
12. Approve Subcontract to OHA for tobacco prevention media services
13. Approve seven amendments with Imagine Freedom for Mental Health treatment to increase insurance coverage amount
14. Approve 1<sup>st</sup> amendment to Intergovernmental Agreement between Crook County and COIC for Natural Hazard Mitigation Plan update
15. Approve Richter Public Utility Easement
16. Approve Settlement and Release Agreement with Symbiosis

Court reviewed the Consent Agenda. No changes or additions were made.

## **Motion**

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

## **Introduction of new Community Development inspectors**

Ann Beier, Crook County Planning Director, presented information regarding the new and existing staff of Crook County Community Development that encompasses the planning, building, compliance and environmental health departments for a one-stop shopping department for individuals that are needing permits, inspections, plan reviews, compliance issues, records or other various needs that come with building and construction. Ms. Beier said the staff is the hardest working team, quick and responsive to the needs of the public. There have been 70 plumbing inspections on some days with the inspectors inspecting in Prineville, Paulina, Powell Butte, Lone Pine and anywhere in between.

Ms. Beier introduced Randy Davis, County Building Official. Mr. Davis has been with the Department for 18 years and assumed his new duties as Building Official on September 1, 2018. Mr. Davis introduced his staff explaining that it is the first time to have this many A Level Inspectors. Permit staff includes Mary Chapman, 18 years; Faith Duncan, 11 years; Dan Lewis and Michael LeBeau were out on inspections and unable to attend; Brent with A- level plumbing and electrical; Rick Aaron, 21 years, A- level plumbing, residential; Andy, A- level Electrical; Brent and Andy also do plan reviews; Wayne Jackson, Commercial structural plan review and commercial jobs; Rich, 25 years as an inspector, A- level inspector and Jeremy, a recent addition from Baker who inspected West Butte LLC wind farm, with the ability to consult for military, construction, mechanical structural, electric and plumbing; and himself, Randy Davis, 18 years in this department. Mr. Davis said as a team, we are going to move forward.

The Court expressed their appreciation for all the dedicated staff in the department, and to Mr. Davis and Ms. Beier for their continued work with such a great team and organization.

## **Presentation, Airport Master Plan, Kelly Coffelt, Airport Manager**

Kelly Coffelt, Crook County/Prineville Airport Manager had provided a copy of the Airport Masterplan to all of the Court Members. He presented information regarding the planning process and the time of 3 years work on the Plan. Both the FAA and the City of Prineville have approved and signed off on the plan. The Masterplan is a 20 year outlook that is revisited every 8 to 10 years. The last update was in 2003. He presented an overview of the Master Plan, the forecast of trends in aviation and how it will affect the local airport, the requirement and FAA design standards and alternative on how to grow and what it will look like in 20 years. He explained that there is a commercial service in Redmond, 15 miles away, and the local Airport is general aviation, everything below jet airlines. Mr. Coffelt presented information on future expansion and projects, moving forward on the USFS base, replacement of the current fueling system, the agricultural spray area and defining the airport boundary. There is surplus property east of the airport that was released from the FAA. Additional information was provided on the parking apron, pavement improvements, runway improvements, runway maintenance and runway rehabilitation. The \$8 million is the cost and support from FAA will go toward these plans.

Discussion was held regarding lots on the corner and their access now and the opportunity to have access. Boundary lines were discussed and have been cleared up with the FAA. Discussion was held regarding dedicated County property and property south and north. The humane Society property is not part of the airport.

Approved February 7, 2018

Commissioner Brummer said he appreciates the overview. Judge Crawford appreciation that the plan had a lot of picture and maps, making it easier to identify areas. Ms. Wilson discussed the airport overlay property across highway 126 that has been released from FAA

**Approve Order 2017-78, Acknowledging new masterplan for the Prineville/Crook County Airport**

Following the presentation and discussion on Airport Masterplan, the Court voted on approval of Order 2017-78.

**Motion**

Commissioner Brummer moved to acknowledge the new masterplan for the Prineville/Crook County Airport. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

**Public Hearing, Ordinance 301, first and second readings, amending Crook County Code Chapter 5.04 article one, regarding outdoor mass gatherings and declaring an emergency**

Assistant County Counsel Eric Blaine presented the staff report on Ordinance 301, mass gathering ordinance. The ordinance was originally adopted in 2016 based on state law and other local government requirements. He explained the process to protect the County from risk while allowing gatherings. Mr. Blaine presented information on security deposits that cover County costs of administering large gatherings, the crowd control plans that include additional numbers of security , and better verification of the amount of people actually attending the events. The actual permit will look more like a contract including a more formal application and an actual permit for an event with over 3000 people and up to 120 hours. Over 120 hours kicks the event into a land use issue, and the County would like to keep the events at 5 days and under. Mr. Blaine had drafted the ordinance for the November 8<sup>th</sup>, 2017 meeting but heard there might be interest and changes. He has provided a red line copy to the Court for review that includes the cap on insurant, state law requirements, administration, application and conditions of approval. Discussion was held on the proposed revisions that included statements, indemnification of 3<sup>rd</sup> party injury to the County, indemnify for harm suffered by applicant and several other changes that Mr. Blaine read for consideration of the Court. Discussion of examples was held on presumptive deposits.

The Court and Counsel discussed the 1<sup>st</sup> and 2<sup>nd</sup> readings with an emergency clause. Today's reading was notice as the 1<sup>st</sup> and 2<sup>nd</sup>. The Court can have a 2<sup>nd</sup> reading with emergency clause today or do the second reading with the emergency clause at the next meeting.

Discussion was held on the deposit amounts, tying of fees to attendance, data available, the differences in the events with some needing to pay additional costs, depending on the event.

**Motion**

Commissioner Brummer moved to have the 1<sup>st</sup> and 2<sup>nd</sup> reading of Ordinance 301 by title only with emergency clause. . Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Judge Crawford read Ordinance 301 by title only and opened the public hearing.

Craig Woodward, 126 w 1<sup>st</sup>, Prineville, Oregon said he believed the attorney's did a great job of protecting the County. Mr. Woodward's property was the site of the Symbiosis event during the 2017 Solar Eclipse. He discussed the wording of the ordinance and the need for clarification; the responsibilities placed on the land owner instead of on the event organization; the clarification needed in the ordinance about different responsibilities; the language of no alcohol or drugs on the property and

what a land owner should be expected to know about and have control over versus total responsibility falling on the land owner. Mr. Woodward said the deal killer is that there is language of placing a lien on the property, and he believes no owner will allow a lien on his property for some organization to bring and hold an event in Crook County. A brief discussion was held on how many people actually attended the Solar event, 15,000 or 30,000. There was no idea of how many really came because tickets were sold in advance and also sold at the gate. They should be sold in advance on line only. There was a lot of discussion on the extra people that came to attend the event being a problem. The security was not great, and the security that was here was not as expected for the event.

Discussion was held regarding social media, advertising and advertising according to State Statutes. Willful ignorance was discussed. Also discussed was adding the County to insurance, the amount of bonding and insurance allowed, provisions, liens or some other indemnification; drugs and liens and the time frame of the ordinance. Mr. Blaine presented information on drugs, illegal drug use and bonding.

Mr. Woodward thanked Ms. Beier and Mr. Seals from Community Development for all their help in working through the process with the Symbiosis event.

Discussion was held regarding public notices 21 days prior to the first public hearing and notice provided 10 days in advance to landowners. Further discussion was held on the actual timeline for applications, approvals and permits and when the 120 hours for the event started.

John Giorgio spoke of his concerns regarding the drug and alcohol issues. His concern is that the liability is being place on the land owner. Mr. Giorgio's property was used in the summer for a Country music event. Mr. Blaine explained that if the property owner is acting in compliance with the law, the land owner will not be responsible for people bringing in drugs and alcohol.

Discussion was held on the actual timeline for applications, approvals and permits and when the 120 for the event would actually start. Mr. Woodward said to have no benefits or entertainment except within the time frame of the 120 hours. Commissioner Barney said he wants a date and time certain.

Mr. Giorgio said he is worried about the ticket sales, traffic problems and possible solutions. Discussion was held regarding the traffic problems that resulted from more people attending the events than were permitted and ask how the County would handle that.

Commissioner Barney said it is not just a problem for the County; it is a problem for all of us. Discussion was held on ways to hold tickets back, keep the total below the permit; look at the parameters and the permit allowing for 10 percent above the permitted amount without being in violation. Discussion was held on the excellent job done not starting wild fires at either event.

Mr. Giorgio said they could not search the vehicles. At his event, he went out to buy extra insurance to make sure he was completely covered for any liability.

Commissioner Crawford said the Court is not saying the property owner is to police the event, but no one is allowed to promote illegal use of drugs and alcohol. If the property owner is clear and present, you cannot be willfully ignorant. If the property owner promotes the illegal use activity, there is a problem.

Former Planning Director Bill Zelenka asked what the enforcement is and what is the enforcement clause. Mr. Blaine explained the section of the document that addresses what the County can do; the fines for violation and the portion that explains that the Sheriff can shut down the event. He explained all the ways to handle some enforcement.

Greg Miller, owner of the balloon business that provided balloon rides at Symbiosis, discussed the stair stepping violation plan, the amount of people that are always walk-ups without reservations; always plan for a higher amount because it always better to be up front. He complimented Mr. Woodward and the County on the Solar event. There was really an overload of people and events, and they do not expect that again, Mr. Miller explained how he handles the smaller events that he plans that generally bring in 1,500 people and the indemnifications and insurances that he uses with subcontractors and vendors. He believes more mass gatherings are going to happen in this area. The event came out way bigger than planned, but now we know how to handle it.

With no further input, Judge Crawford closed the public hearing.

County Court, Ms. Beier, County Counsels, Mr. Woodward and Mr. Giorgio discussed changes in the language of the ordinance. Changes and clarifications discussed included the issue of when the 120 hours begins, hard parameters regarding the beginning and ending of the event that will host 3000 people or more with 3000 as the number to begin and end, notification timelines, application completion time lines, changes to the permits at the last moment, a more formal and rigid application process than previously, the deposits, the presumption of numbers of attendees and the expedited process that can be done as an emergency application.

The second hearing of Ordinance 301 will be held with an emergency clause at the next scheduled Court meeting on December 20, 2017.

#### **Approve recommendation for emulsion oil purchase, 2018 chip seal season**

Bob O'Neal, Crook County Roadmaster, presented information to the Court regarding the 2018 Chip Seal season. He will be piggybacking with Deschutes County for a portion of the material needed for the Ranger Station road but not for the asphalt. He went out for quotes for the asphalt and received two quotes. Blue Line at \$425. per ton plus freight and Albina at \$420.30 including freight. Mr. O'Neal recommends awarding the contract to Albina.

#### **Motion**

Commissioner Barney moved to accept the quote from Albina Asphalt as the low bid for the emulsion oil for the Ranger Station road project. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

#### **Approve IT request to purchase new Computer Server**

IT Director Izaac Ross presented the proposal for purchase of one new server. He explained the need and purpose of the server and the part it would play in the goal of creating a totally "in- house" maintained IT program. The purchase price is in the IT budget and the documentation is provided that this server would consolidate five servers into one. Current servers were purchased from 2003 to 2008. Mr. Izaac said the department has purchased two so far, and this would be the last one this year in 2018. This works into the long term planning projections. He will do an analysis for further replacements

Discussion was held regarding different departments that deposit fees into a technology fund and paying for all IT through just one fund. Judge Crawford will contact Mr. Parks about replacement funding and long term planning.

Approved February 7, 2018

### **Motion**

Commissioner Barney moved to approve the purchase of the server unit for IT as presented. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

*At this time, Judge Crawford adjourned the Court for a lunch break until Open Session at 1:15 p.m.*

Judge Crawford reconvened the Court into Open Session at 1:15 p.m.

### **Letter of Support**

The Court discussed approval for a letter supporting the Oregon Volunteer Program that includes the programs of AmeriCorps and Heart of Oregon.

### **Motion**

Commissioner Barney moved to forward a letter of support for the Oregon Volunteers Program. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

There being no further business before the Court requiring action, Judge Crawford adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

### **EXECUTIVE SESSION**

ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

The Court and Counsels discussed the matters before them under the Executive Session ORS as listed. Following the discussion, Judge Crawford adjourned the Court out of Executive Session under ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions and back into Open Session.

### **Open Session**

Following the adjournment out of Executive Session under ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions, Judge Crawford convened the Court into Open Session and invited and members of the public waiting back into the meeting room.

### **Motion**

Commissioner Brummer moved to approve the Intergovernmental Agreement (IGA) with the City of Prineville as discussed in Executive Session. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Approved February 7, 2018

The Court held a discussion on Administration and Legal fees to be charged on long term projects.

There being no further business before the Court in today's session, Judge Crawford adjourned the meeting at 3:40 p.m. The next regularly scheduled meeting will be held on December 20, 2017.

Respectfully submitted,

*Colleen Ferguson*

Colleen Ferguson  
Crook County Court Secretary