

Approved August 16, 2017

BE IT REMEMBERED THAT the Crook County Court met in a regularly scheduled Open Session on July 19, 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 were: Mary Chapman, Crook County Community Development; MaryLou Bernard, Prineville; Teresa Herrmann, County HR. Jennifer Orozco, Crook County Community Development; Ron Hemphill, New Life Bible Chapel; Phil Stenbeck, City of Prineville; County Clerk Cheryl Seely and County Sheriff John Gautney.

The media was provided with a public notice of the meeting.

Judge Crawford called the meeting to order and asked Pam Rhoden to lead the Pledge of Allegiance.

Ron Hemphill of the New Life Bible Chapel offered the invocation.

CONSENT AGENDA

1. Approve minutes of March 15, 2017, March 27, 2017 April 19, 2017, May 3, May 10, May 17, and May 24
2. Order 2017-45, Acceptance of the new Teaters Road
3. Approve extension of real estate listing with County Agent of Record, 15001 SE Winchester Loop, Prineville, Oregon
4. Approve Symbiosis mass gathering bonding agreement.
5. Approve COCC Clinical Affiliation Agreement
6. Approve Personal Services Contract with A. Andrew Parks, CPA, Compensation Study
7. Approve Pacific Source—COBRA Administration
8. Approve Employment contract with Jerry Kathan, on-site septic inspection service
9. Approve request to add part-time employee to assist permit technicians, creating a full time position for current half-time employee
10. Approve MOU, Emergency Coop Response, Agreement, Crook County, Jefferson County and Deschutes County for mutual assistance in the areas of Environmental Health, Communicable Disease, Disaster and Emergence Preparedness.
- 10A. Approve Extension of lease for NeighborImpact.

The Court reviewed the agenda and removed minutes of March 15, March 27, May 3 and May 10th and moved item #4 , approval of Symbiosis mass gathering bonding agreement, to discussion.

Motion

Commissioner Brummer moved to approve the consent agenda, removing minutes of March 15, March 27, May 3 and May 10th and move item #4 to discussion. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

SCHEDULED APPEARANCES

Employee recognition, Planning Director Bill Zelenka, 28 years with Crook County

The Court recognized Bill Zelenka for his 28 years of dedicated work as County Planning Director. Mr. Zelenka was very instrumental in economic development with his working on planning, zoning and comprehensive planning and has made his mark on Crook County. Commissioner Brummer spoke of his days with Mr. Zelenka when Commissioner Brummer served as a Planning Commissioner. He said that if Mr. Zelenka took a stand on something, he always backed it up with proof. Commissioner Barney said he has known Mr. Zelenka for a long time and enjoyed him in both his professional business and in his private business.

Assistant Planning Director Ann Beier spoke of Mr. Zelenka getting the County through the program of creating the State Land Use Program and working with DLCD. He has worked with all the land use from the late 1970's to now. Today we have new data centers but have kept the farming and ranching. It is to Bill Zelenka's credit that he has taken Crook County from there to now. We will continue to celebrate his long tenure with the County.

County Counsel Jeff Wilson said he began working with Mr. Zelenka in 2001, working with land use and real estate. Mr. Zelenka taught Mr. Wilson what he needed to do--learn and provide for the County. Discussion was held regarding the sale of County property to large corporations and the dealings with the corporations that Mr. Zelenka had always been a part of. County Clerk Cheryl Seely said she has worked and known Mr. Zelenka for close to 20 years, and he was wonderful to work with through the title company. Roadmaster Bob O'Neal said he is one of the newest employees, and Mr. Zelenka has guided him through the cycling classic, notices in the newspaper and many other times. Phil Stenbeck, City of Prineville Planner and former Crook County Assistant Planner, has known Mr. Zelenka since 1995 when, as Planning Director in another city, Phil would meet Mr. Zelenka at Planning Director monthly meetings. They learned from each other over the years, and Mr. Zelenka has been a treasure in terms of mentoring. Assistant County Counsel Eric Blaine explained that when first coming to work, he had trouble identifying all the tall men that worked for the County until someone explained that most people wore boots, and Mr. Zelenka work Birkenstocks and socks. He had no more problems identifying Mr. Zelenka after that. Secretary Colleen Ferguson said she first met Mr. Zelenka through animals, the Humane Society and asking if her minutes were correct when they were having land use hearings. Commissioner Brummer said the 100 years had gone by fast.

Mr. Zelenka talked about when he interviewed for the County Planning job and really did not plan on being selected. He worked as Planner in Astoria and was swamped. He interviewed in front of eight people and at that time, all the county offices were in the Courthouse except for Mental Health and Environmental Health. He has seen a lot of changes in Crook County over the years.

DISCUSSION

Consider approval of Goal 5 Reconsideration Decision

Mr. Wilson provided an overview of the history of Ordinance 259 and the appeals, the request for a voluntary remand and LUBA's decision to return the matter back to Crook County for Reconsideration Decision.

On July 5, 2017, a public hearing was held with the limited record as what was before LUBA and those with standing. All involved appeared on July 5th. Judge Crawford was not available in person but

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approved a statement read into the record.

Mr. Wilson met with Commissioner Barney and Commissioner Brummer individually regarding the decision.

The consensus was to affirm Ordinance 259 as written. Mr. Wilson has drafted the decision and summarized the decision for the Court and public. Today, it would not be appropriate for Judge Crawford to sign, however, the letter from Judge Crawford was read into the record.

July 26 is the due date for the decision to be filed with LUBA followed by 21 days for those with standing to appeal. .

Motion

Commissioner Brummer moved to approve the final written decision as prepared by County Counsel. Commissioner Barney seconded the motion. The vote was 2-1, with Judge Crawford abstaining.

Transitional Housing

Phil Stenbeck, City of Prineville Planner, presented information on a transitional housing proposed project that was heard by the City Planning Council last evening. Commissioner Barney attended the meeting. Discussion was held regarding the City's decision, conditions of approval, the County's agreement to waive placement and electrical fees and the City SDC fees and other costs that may or may not be charged due to no decision made by City Council at this time.

Consider assistant water master funding IGA, Deschutes River Basin.

Assistant County Counsel Eric Blaine advised the Court that this item will be removed today and appear on the next County Court Agenda. The agreement is almost the same as in previous years. The County provides funds to help pay for the Assistant Watermaster for Deschutes River Basin.

Consider approval of Extension No. 2 to License Agreement between Crook County and Taylor Northwest, LLC

Mr. Wilson presented information on this license agreement with Taylor Northwest, LLC, for lease of a staging area at the cost of \$1.00 for 1 year. This was to expire on December 31, 2016 and was extended for 6 months to expire June 3, 2017. Taylor Northwest is now requesting an extension until the projects are complete that they were staging equipment for. The Court, County Counsels and Planning Director Bill Zelenka discussed the original license that was specific for this phase, checking to see if they are still working on the original project, the County not wanting an encumbrance on the property and checking on a certificate of occupancy to see if the project is complete. Mr. Wilson will look into this and report back to the Court.

Symbiosis Bond

Mr. Blaine presented this matter to the Court. Mr. Blaine had anticipated original signature copies back by today, however, they have not arrived. Mr. Blaine has reviewed the documents previously and recommends approval subject to receipt of the performance bond as presented.

Motion

Commissioner Barney moved to approve the bonding agreement subject to receiving the original of the performance bond and if needed signatures outside of Court. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

Site Visit to Symbiosis

Discussion was held regarding a planned sit visit on July 26, 2017 at about 11:00. Judge Crawford will be participating and have a chance to actually see the site for the event that will have at least 60 vendors and up to 30,000 people for the Eclipse Event on August 21, 2017.

Letter of support, Federal Transportation Investment Generating Economic Recovery (TIGER) grant funding

Mr. Blaine presented the letter of support for the TIGER grant funding. Judge Crawford thanked Mr. Blaine for drafting the letter so quickly.

Motion

Commissioner Brummer moved to approve signing the letter of support for TIGER grant funding. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

MERS Litigation

Mr. Wilson presented information on the MERS Litigation that is the result of MERS causing damage to the counties by avoiding recording fees. The attorneys for the litigation have sent a bill for \$51,213. Mr. Wilson said there has been push back due to the requirement of the 13 Counties sharing the costs equally. A conference call was held between the Counties involved, and the result is that rather than 13 counties paying equal amounts, the split will now be based on prorated population. Crook County will be responsible for 1% instead of 13%. Today, Mr. Wilson is presenting an agreement to split the cost based on population.

Motion

Commissioner Barney moved to approve signing the Intergovernmental Agreement for sharing the attorney's litigation costs including the initial invoice of \$51,213 based on population for the MERS litigation. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

Discussion was held regarding the time frame of the litigation.

There being no further business before the Court in Open Session requiring action at this time, Judge Crawford adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(e), deliberations with persons designated by the governing body to negotiate real property transactions.

EXECUTIVE SESSION

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

The Court and County Counsel met to discuss the matters before them regarding real property transactions. Following the discussion, Judge Crawford adjourned the Court out of Executive Session under ORS 192.660(2)(e), deliberations with persons designated by the governing body to negotiate real property transactions and back into Open Session.

OPEN SESSION

Judge Crawford adjourned the Court out of Executive Session under ORS 192.660(2)(e), deliberations with persons designated by the governing body to negotiate real property transactions and back into Open Session, and invited any members of the public in waiting back into the County meeting room.

Letter to Governor to add input into selection of District Attorney

Judge Crawford discussed with Court members and Counsel sending a letter of request to Governor Kate Brown requesting permission to add local input into the selection of the District Attorney. He has contacted Klamath Falls, and they had sent such a request letter and were successful in receiving the permission to add input on a local basis.

Motion

Commissioner Brummer moved to direct staff to prepare a letter to Governor Kate Brown seeking permission for local input into the selection of the District Attorney and to authorize signature outside of Court. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Motion (regarding Executive Session matter)

Commissioner Barney moved to continue real property negotiations as discussed in Executive Session. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

There being no additional matters before the Court requiring action today, Judge Crawford adjourned the County Court meeting. The next scheduled meeting will be held on August 2, 2017.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary.