


CROOK COUNTY JUDGE

BE IT REMEMBERED THAT the Crook County Court met in Open Session on December 7, 2016. In attendance were: County Judge Mike McCabe; County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

Members of the public signing the attendance log: David Harris, Crook County Sheriff's Office, Jail; Michael Badilla, Crook County Sheriff's Office Jail; County Clerk Cheryl Seely; George Heinz, Prineville; Greg Hinshaw, County Maintenance Director; Eric Klann, City of Prineville; Scott Smith, City of Prineville; Sharon Hatcher, Bend; Kathy Gray, County Treasurer; Rebekah Burkhardt, Sheriff's Office; Tish Plasterer, Crook County Sheriff's Office; Pete Sharp, Prineville; Mitch Madden, Crook County Sheriff's Office; Jerry and Darlene Harpster, Prineville; Larry Blanton, Bend; Tyson Milliron, Prineville; Casey Daly, Crook County Fairgrounds Manager; Doug Dawson, Prineville; Mike Darling, ODOT; Scott Beard, Kettelson; Ben Austin, ; Faith Duncan, Community Development; Pam Rhoden, Community Development; MaryLou Bernard, Prineville; Jeremy Bottoms, Crook County Sheriff's Office; Teresa Herrmann, County HR; Scott Durr, Crook County Sheriff's Office; John Giorgi, Paulina; Andy Hermreck, Paulina; Susie Hermreck, Paulina; Cheryl Ingersoll, Paulina; Tyler Groo, Paulina; Craig Kilpatrick, Redmond; Scott Willard, LCSNW; Melissa Scaramuzzo, LCSNW; Kay Reed, LCSNW; Dennis McGaughy, LCSNW; Phil and Brenda Hartzell, Paulina; David Duea, LCSNW; Mike Ervin, Prineville; Steven Hatcher, CCSO; Jerry Brummer, Prineville; Brian Huber, County Assessor; Jon Soliz, County Assessor's Office; Ann Hatcher; Melanie Marlow, Prineville; Tatiana Badilla; Adrienne Jorgenson; Lane Jorgenson; Phil Stenbeck, City of Prineville; Chris Estes, Crook County Sheriff's Office; Jordan Friese, Crook County Sheriff's Office; Tammy Van Vleet, Philomath and John Gautney, County Sheriff.

The media was provided public notice of the meeting.

Judge McCabe called the meeting to order and announced that today, December 7, is the anniversary of the attack on Pearl Harbor. He asked everyone to share a moment of silence in honor of those serving and those who lost their lives.

Following the moment of silence, Judge McCabe asked Mike Ervin to lead in the Pledge of Allegiance.

CONSENT AGENDA

- 1.Minutes of October 5, 2016, October 19, 2016**
- 2.Approve Amendment 1 to Office of Emergency Management GIS/MSAG mapping agreement**
- 3.Approve IGA 148006 for Financing of Public Health Services—Amendment 11**
- 4.Approve Amendment 1 to WEBCO Agreement for Early Learning Hub Subcontract**
- 5.Approve 11th Amendment to IGA 147786 for Financing of Community Addictions and Mental Health Services**
- 6.Approve Independent Contractor Agreement for Dietitian Services with RanDee Anshutz, Synergy Health and Wellness**
- 7.Approve amendment to PacificSource Community Solutions/Community Mental Health Program Agreement**
- 8.Approve sale of Mobile Clinic Bus to Mosaic Medical according to agreement**
- 9.Approve Oregon Military Department Emergency Management Performance Grant**
- 10.Amended Professional Services Contract between DLR Group and Crook County for Design Approval Development Phase Services relating to the Crook County Jail Project**

The Court reviewed the Consent Agenda. There were no changes made.

Motion

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

Employee recognition

The Court presented certificates and pins to honor length of employee service to eight employees. David Shanks, Sheriff's Office, 5 years; Mary Smith-Lucas, Juvenile Department, 5 years; Shelly Phillip, DA, 5 years; Jon Soliz, Assessor's Office, 10 years; Faith Duncan, community Development, 10 years; Bill Elliot, Sheriff's Office, 10 years; Pam Rhoden, community development, 15 years and Greg Hinshaw, Maintenance Director, 20 years.

Sheriff's Office Swearing in—Michael Badilla, Corrections Deputy and Steven Hatcher, Patrol Deputy

Sheriff Gautney provided a review of the process that a person goes to through to get hired to work in the Sheriff's Office and the training that is yet to come.

Sheriff Gautney asked Michael Badilla to come forward and receive his oath of office. Mr. Badilla will be working in the Jail as a Corrections Officer. And in the future, working as a patrol deputy. He is from Michigan and served as an M.P in the USAF. Mr. Badilla introduced his family in the audience. And his wife Tatianna pinned the badge on her husband's uniform.

Sheriff Gautney asked Steven Hatcher to come forward, and introduced him as a serious young man, a Marine with two tours in Iraq and a young man going to COCC for credits toward a degree in Criminal Justice. He begins working for the Sheriff's Office on Monday. Mr. Hatcher introduced his family present in the audience and thanked the Sheriff for this opportunity. Mr. Hatcher received his oath of office from Sheriff Gautney and had his badge pinned on his uniform.

Sheriff Gautney explained the challenge coin that each would be issued and the significance of the coin. Following signature on the paperwork, photos were taken.

Order 2016-55 Amendment #1, consider fee changes, Planning, public hearing and opportunity to comment

Assistant County Counsel Eric Blaine presented information to the Court regarding fee changes for the Community development and Environmental Health sit septic fees. Discussion was held that this is a State cost that is collected by the County, and then sent on to the State. The on-site septic fees update reflects the actual sites and costs and the fee is still less than neighboring counties.

Judge McCabe opened the Public Hearing session. There being no comments received, the Public Hearing was closed.

Motion

Commissioner Fahlgren moved to approve Order 2016-66 Amendment 1. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Intergovernmental agreement between the City of Prineville, Crook, and Ochoco Irrigation District

Eric Klann, City of Prineville City Engineer, presented information regarding the Intergovernmental Agreement between the City of Prineville, Crook County and Ochoco Irrigation District. This agreement is in relation to the development of the hydroelectric project and Bowman dam. This is a 2 and ½ megawatt facility and will provide equivalent power for 1400 homes. This agreement would create an MOU (Memo of Understanding) showing solidarity and support for funding the project. There is a meeting scheduled for January to discuss funding. Judge McCabe spoke regarding the stipend for the process and what happens at the end of 2020. Discussion was held on the feasibility of cost over the next 40 years that would be generated and be good revenue for the City of Prineville, Crook County and the Ochoco Irrigation district. The plan is to discuss funding, renewable energy interest and three years from now having a power purchase agreement. At that time, there would be enough of a comfort level to start construction.

Judge McCabe asked that Eric Klann get together with the new Court members with all the paperwork. The Hydro Electric project group has been working on this for two years.

Mr. Wilson explained that today's document is actually an Intergovernmental Agreement. The County Counsel and City of Prineville Counsel have worked together on an agreement to cost share the estimated 2.1 million dollars to complete the permitting phase. There is an out clause if any party does not feel they have finances available. Mr. Klann discussed reaching out for grants. Judge McCabe explained that his understanding is that at the end of 20 years, each party will have one-third ownership. There would also be an option to have a company purchase the operations. Discussion was held regarding the importance of the data centers and their use of renewable energy, and hydroelectric power being a very stable energy.

Mr. Klann said he will be happy to work with the new Court and bring them up to speed on the project up to this point.

Motion

Commissioner Crawford moved to sign the Intergovernmental Agreement as presented. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

ODOT presentation update regarding Tom McCall Road Roundabout Mike Darling

Mike Darling, ODOT, presented information regarding the proposed Tom McCall Road Roundabout, the project partnership between ODOT, The City of Prineville and Crook County, the purpose and the need, and the funding plan. The project will relieve congestion, improve the intersection and improve safety. Planning for this intersection has been ongoing for years. Mr. Darling presented information about the roundabout rodeo held in August of 2016 involving the freight haulers and working with the help of the truckers to review the design and the needed accommodations for the vehicles. At the Deschutes County Fairgrounds, people brought their vehicles out to try the dimensions as laid out, working to make the use of the roundabout comfortable and provide additional information for the design team. Mr. Darling discussed the oversized vehicles that cannot use the roundabout and the design to allow for them to bypass the roundabout and come back onto the highway.

Discussion was held regarding the design, funding, and constructing phases. As this moves forward and is refined, information will be available on the ODOT web site.

The Court discussed the immense importance of the freight industry to the economy and economic development of the community.

Road Master Bob O'Neal has been meeting monthly with ODOT regarding this project, and he will continue to do so.

Staff report, Proposed Mass Gathering, Lazy Rockin' Stirrup Music Festival, Ann Beier

Ann Beier, County Assistant Planning Director, presented information on the preliminary approval for the Lazy Rockin' Stirrup Music Festival and the number of concerns expressed by community members. Ms. Beier met yesterday in Paulina with around twenty community members and heard some really good comments regarding the rural area with few services available, questions and concerns regarding fire issues, safety, Health, traffic, wild fires, trespassing, pets and where the people attending the event will be going for the rest of the 4th of July weekend. If approval is granted, it begins the process for approving all the conditions required of the event between now and when the event occurs in late June.

Ms. Beier reported on some of the suggestions for the conditions of approval and how they would be handled.

Judge McCabe opened the public hearing and stated that fifteen minutes would be allowed for comments.

Proponents testified.

Tammy Van Vleet, Event Planner, discussed addressing all the concerns. She has a web site up for selling tickets and beginning January 19, work with the construction and production company begins, then radio, vendors, local businesses, securing a fire engine, and there are plans to provide back to the community. She presented information regarding all the issues and concerns, and how they are being addressed.

Opponents testified.

Suzy Hermreck had testified in opposition on November 9th and reminded the Court of the petition that was turned in that day from Bob Brittner.

Lawrence Weberg said the event is just not right for the area.

Suzy asked about due diligence on behalf of the County and provided information on some of the consequences that could happen when resources are stretched too thin.

Pete Sharp said this event as an outright use. He sees it as a business that will be used over and over again.

Tyler Groo had submitted question to Ms. Beier. He discussed adequate emergency response. The event will bring the Paulina community to ten times its usual size. Even hunting season and other local events are not to this scale. He said a little town is being brought in and sat down. He worries about the responses, and he is considering the whole Eastern County to be affected by the event.

Ms. Beier clarified the differences between Mass gathering, which this is, and land use decisions. Ms. Beier said the County will devote resources to keep everyone safe. Ms. Beier provided a summary of conditions of the permit. They are not required at the time of application but are required before a permit is issued.

Phil Hartzell said his biggest concern is about the large amount of traffic. He asked if county, state and BLM are going to get together on this. He is also concerned about where are all these people going to go after the event. This will be the 4th of July weekend, and they are very concerned. It is not just a concern as to where the event is being held.

At this time, Judge McCabe closed the public hearing.

Commissioner Crawford said it seemed like everyone was working together and addressing the requirements and concerns. Discussion was held regarding noise moderation, amplified noise and deadlines or timeframes for different parts of the event. Ms. Beier said she has requested everything three months in advance.

Commissioner Fahlgren said there should be no fireworks and no ATV's. Commissioner Crawford agreed. Discussion was held regarding the question of impact to the community and the security and Sheriff's Department crowd control.

Judge McCabe asked Ms. Beier to have monthly meetings with the community if possible. Discussion was held regarding including BLM, the Forest Service, ODOT and ODF. Ms. Beier will also contact counties to the east regarding traffic.

Ms. Beier will draft a letter for the Court signatures on the required conditions.

Motion

Commissioner Crawford moved to approve the permit application subject to twenty conditions, required submittal three months in advance and if not met, the permit will be subject to revocation. . There will be a change of time for music from 11:00 p.m. to 10:00 p.m., and staff will come back with the letter of approval with conditions as discussed for signature outside of Court. Commissioner Fahlgren seconded the motion. The vote was 3-02-1, with Judge McCabe voting opposed. ~~m~~Motion carried.

Approve Verification of Receipt of the Abstract of Votes for the November 8, 2016

Approve Order 2016-94, authorizing the issuance, sale and delivery of general obligation bonds; designating an authorized representative, Bond Counsel and Underwriter or placement agent, and delegating the negotiation and approval of financial documents and related matters
Approve Order 2016-95, authorizing GAP Financing

County Counsel Jeff Wilson presented the three items listed above concurrently because they all three involve the Jail Project. He explained the Verification of Receipt of Abstract of Votes for the November 8, 2016 election; Order 2016-94, authorizing the issuance, sale and delivery of general obligations bonds; designating an authorized representative, Bond Counsel and Underwriter or placement agent, and Order 2016-95, authorizing GAP Financing and the funding that will be required for the project. Mr. Wilson said because the 10 million dollar bond measure passed, the project is moving forward and explained the steps required from the Court. The bond was approved for 10 million dollars; the entire project is estimated at 17 million dollars; There is a 13 million dollar estimate for construction, leaving a gap of 7 million dollars that must be financed.

The documents have been prepared for the bond and the clerk provided a copy of the abstract of votes.

Motion

Commissioner Fahlgren moved to approve the verification of receipt of abstract of votes for the November 8, 2016 election. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Mr. Wilson explained Order 2016-94, the sale of general obligation bonds up to 10 million dollars.

Motion

Commissioner Crawford moved to approve Order 2016-94, the issuance of general obligation bonding up to 10 million dollars. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Mr. Wilson presented Order 2016-95, contracting with Ann Sherman and John Peterson to continue working to obtain gap financing not to exceed 4 million dollars. Mr. Wilson explained that this order is for 4 million dollars. Ms. Sherman recommended not approving the 4 million dollar amount. It may be advisable to authorize a larger amount. — Suggestion for today is to withdraw the order.

Discussion was held on the removal of the two houses on the property for the jail project, the vacation of Dunham Street in the area of the jail project and removal of Order 2016-95 for a future meeting.

Consider Interstate cooperative procurement, Western Star Truck

County Roadmaster Bob O'Neal presented the bids for the purchase of a new Western Star Model 4700SF dump truck for the County Road Department. The funds are in the budget. Mr. Blaine explained the procurement for the truck from the Houston-Galveston Area Council of Governments (HGAC) Government procurement. The cost of the truck including delivery is \$161,715.22. Information was provided regarding the RFP that was put out for the truck and the responses.

Motion

Commissioner Crawford moved to authorize County staff to proceed with the HGAC purchase as described on the November 28 price quote, subject to the lack of receipt of any timely written comments in accordance with the County's December 2, notice. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Lutheran Community Services NorthWest (LCSNW), Extension of Service Contract and accessing the remaining ABHA funding

Dave Duea, Scott Willard and Melissa Scaramuzzo, LCSNW, provided information on the plan to purchase the former Pioneer Memorial Hospital building. Today, LCSNW wants to hold a conversation with the Court regarding the agreement surrounding the ABHA funding, and making sure the agreement to use the \$500,000 toward the purchase of the facility is still in place. The plan for the

facility is a 10-year process of occupancy and use. LCSNW is asking the County to extend the current contract for services for an addition 10 years. LCSNW now has over 50 employees and anticipates hiring 10 additional employs.

Discussion was held on the plan for the use of the building, the financing, the increase of staff by 10 employees and the potential of the areas for different uses. Discussion was held regarding language of the proposed agreement, the purpose of the ABHA funds, the current service agreement and extending that agreement for an additional 10 years. The Court thanked LCSNW for investing in the community.

Motion

Commissioner Fahlgren moved to approve the extension of the Service Contract between Crook County and LCSNW, with the extension dates of June 30, 2016 to December 31, 2026, and to sign the contract outside of the public meeting. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Motion

Commissioner Crawford moved to transfer \$500,000 from the ABHA fund to LCSNW and direct staff to prepare the appropriate documents to sign outside of Court. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Discussion of Extension of Professional Services Agreement #2 between Crook County and Jakie Springs Media LLC

Mr. Wilson presented information related to the extension of the Professional Services Agreement #2 between Crook County and Jakie Springs Media LLC for one more month to run through the end of December. This would allow for the completion of projects with other departments.

Motion

Commissioner Fahlgren moved to extend the service contract of Jakie Springs LLC through the month of December. Judge McCabe seconded the motion. The vote was 2-1, Commissioner Crawford voting "Nay". Motion carried.

Approve bid for Fairgrounds Sewer Project

County Fairgrounds Manager Casey Daly presented the information regarding the broken sewer pipe, the RFP put out with one addendum due to the type of pipe needed and the results with one bid received from SMAF at \$46,938.59. Mr. Daly explained the need for the new system and recommended approval.

Motion

Commissioner Fahlgren moved to approve the sewer project to be completed by SMAF Construction at the cost of \$46,938.69. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Public Comment Period

Doug Dawson, a 10 year citizen of Prineville spoke regarding the selection of the vacant Commissioner position and the process. He provided a history of his over 30 years in Government Service. He presented information on the process; solicitation of letters from the public for recommendations, information on qualifications, popularity contests and his ideas of what he hopes will be done before the choice is made based on what is good for this county.

Craig Kilpatrick said he would not be here for the next County Court Session and wanted to thank the two members of the Court that will no longer be serving as of January for all their work especially during the downtime and recession. He discussed the addition of the public comment portion of the meeting, limiting time for discussion and staying on schedule. Commissioner Fahlgren and Judge McCabe thanked Mr. Kilpatrick for his kind words.

Consider Building Codes Division manufactured structure registration IGA matter

County Assessor Brian Huber and Assistant County Counsel Eric Blaine provided updates regarding the Building Codes Division and an Intergovernmental Agreement. Mr. Blaine discussed participating in the Washington County template and having a unified response to the Building Codes Division. He said he thinks the Building Code Division is in principal wrong and legally wrong.

Brian Huber said if the Court rejects the IGA, the concern than is that the Assessor's Office would have no way to help anyone locally. This is specific around manufactured structures.

Motion

Commissioner Crawford moved that the County opt out of the Building Code Division Agreement and endorse the Washington County counter proposal. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Approve bid for Construction Manager/General Contractor (CM/GC) Jail Project

Mr. Wilson presented information to the Court regarding the RFP sent out for the CM/GC for the Jail project. Kirby Nagelhaut and Emrek Construction Company responded. The review of the bids included the selection and evaluation process followed by grading and today's recommendation to the County Court. The selection was unanimous with Kirby Nagelhaut scoring the highest. Mr. Wilson is recommending the approval of the award for CM/GC services to go to Kirby Nagelhaut. Mr. Wilson presented additional information regarding cost, percentage fees and the review committees confidence in the selection.

Larry Blanton appearing today with Kirby Nagelhaut Construction commented on the building of the jail as no easy task but will build to help our community, providing public safety to the community. Tyson Milliron commented on this project as a big part of the community and the appreciation of the completed project when it is finished.

Sheriff Gautney is 100 percent on board and looking forward to working on the project and working with consultant Larry Blanton. Kirby Nagelhaut just finished building the Deschutes County Jail.

Motion

Commissioner Crawford moved to approve the bid for CM/GC services from Kirby Nagelhaut. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Crook County Holiday Schedule, Crook County Court Schedule

County Court Secretary Colleen Ferguson presented the schedules for the 2017 County Holidays and the Crook County Court meetings. Ms. Ferguson will check with the Paulina school to make sure the dates selected for the spring and fall meetings will work well with the school's scheduling.

Motion

Commissioner Crawford moved to approve the Holiday and Court schedules as presented. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

There being no business at this time requiring action, Judge McCabe adjourned the County Court out of Open Session and into Executive Session under ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

EXECUTIVE SESSION

Judge McCabe convened the County Court into Executive Session under ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. The Court and County Counsel's discussed the matter before them. Following the discussion, Judge McCabe adjourned the County Court out of Executive Session under ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and back into Open Session.

OPEN SESSION

Judge McCabe convened the County Court back into Open Session and invited the public back into the meeting room.

Motion

Commissioner Fahlgren moved to direct staff to contact Lisa Klemp and advise her that the vested right fees will not be waived. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Originally Approved February 1st, 2017
Revised and re-approved 4-19, 2017.

There being no further business requiring the action of the County Court at this time, Judge McCabe adjourned the County Court meeting. The next scheduled County Court meeting is December 21, 2016.

NOTE: When originally approved on February 1, 2017, these minutes contained a typo. Specifically, the vote for the Lazy Stirrup was incorrectly recorded as being unanimous. The actual vote was 2-1, with Judge Mike McCabe voting in opposition. These revised minutes reflect the corrected vote.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary