

BE IT REMEMBERED THAT the Crook County Court met in a regular meeting session on October 19, 2016 in the County meeting room located at 320 NE Court Street, Prineville, Oregon. 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: Ted McClure, Prineville; Sher Eriksen, Prineville; Dave Scott, Prineville; Jay Hendricksen, Prineville; MaryLou Bernard, Prineville; Pete Sharp, Prineville; Jerry Brummer, Prineville; John Gautney, Sheriff; George Heinz; Clyde Peacock, Prineville; County Human Resources Manager Teresa Herrmann; Kimberly Philipp, Veterans Services; Regina Paul, Legal; Melanie Marlow, Prineville; Caroline Ervin, Prineville; Angie Gilley, Veterans Service Officer; Paul Cuddy, Prineville; Shirley Jaynes, Prineville; Ken Jaynes, Prineville; Stephen Henderson, Prineville; Darlene Henderson, Prineville; John Unresh, Prineville; Jesse Toomey, Prineville; Jennifer Pedersen, Prineville and Jason Denio, Redmond.

The media was provided notice of the meeting.

Judge McCabe called the meeting to order and asked George Heinz to lead the Pledge of Allegiance.

Consent Agenda

- 1. Approve minutes of August 30, 2016, September 7, 2016**
- 2. Approve Order 2016-75, Increased Appropriations, IT-GIS, Non-Dept.**
- 3. Approve Order 2016-77, In the matter of increased/decreased appropriations, Title III**
- 4. Approve Order 2016-78, In the matter of increased/decreased appropriations, Video Lottery Grant Funds**
- 5. Approve Order 2016-79, In the matter of increased/decreased appropriations, Wolf funds, RV Park Local Gov. Grant**
- 6. Approve Order 2016-80, In the matter of increased/decreased appropriations, Grant funds, A&D 70, Strategic Prev., Mental Health**
- 7. Approve Order 2016-81, In the matter of increased, decreased appropriations, Health Department grant funds**
- 8. Approve Consideration of Youth in Transition Internship agreement with CC School District**
- 9. Approve Letter of Promulgation, Crook County Emergency Operations Plan**
- 9A. Approve Amendment to FEMA Grant for Davis Loop Road Culvert Replacement Project**
- 9B. Approve IGA for Financing of Public Health Services—Amendment 10**
- 9C. Approve Sno-Park Parking Permit Enforcement**

The Court reviewed the Consent Agenda and removed the minutes of September 7, 2016.

Motion

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

Public Hearing, Ordinance 298, creation of a pro-tem position on the Planning Commission, 1st and 2nd reading, emergency clause, public hearing, vote

County Counsel Jeff Wilson presented the staff report on Ordinance 298, creating a pro-tem position on the Planning Commission that would allow for appointment of a substitute planning commission member to ensure a quorum when one of the members is absent for an extended time.

Today, there is a first and second hearing being held as well as an emergency clause to have the order take effect immediately upon approval of the Court.

Motion

Commissioner Crawford moved to read Ordinance 298 by title only. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 298 by title only and opened the public hearing.

There being no comments received, Judge McCabe closed the public hearing.

Motion

Commissioner Fahlgren moved to approve Ordinance 298. Commissioner Crawford seconded the motion. Judge McCabe reread Ordinance 298 by title only. The vote was 3-0, motion carried.

Second Reading

Motion

Commissioner Fahlgren moved to read Ordinance 298 by title only on the second reading. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 298 by title only and opened the public hearing.

There being no comments received, Judge McCabe closed the public hearing.

Motion

Commissioner Crawford moved to approve Ordinance 298 on the second reading. Commissioner Fahlgren seconded the motion. Judge McCabe reread Ordinance 298 by title only. The vote was 3-0, motion carried.

Ordinance 298 is effective immediately.

Order 2016-82, appointment of Lawrence Weberg to fill the pro-tem position on the County Planning Commission for the remainder of the 2016 calendar year and the 2017 calendar year.

Mr. Wilson explained that Order 2016-82 is related to Ordinance 298 and will appoint Lawrence Weberg as the pro-tem position holder.

Motion

Commissioner Fahlgren moved to approve Order 2016-82 appointing Lawrence Weberg to the Planning Commission as the pro-tem member. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe provided information on State Recognition of Mr. Weberg on October 28, 2017 in recognition of his many years of services to the County serving on the Planning Commission, many of those years involving a 165 mile round trip to attend the meetings. He thanked Mr. Weberg for the stellar attendance.

Order 2016-83, naming SW BarLyn Ranch Way

Ann Beier, Assistant Planning Director, presented a request to name a private easement SW BarLyn Ranch Way that connects to Alfalfa Road. There have been no objections received from property owners and neighbors. The Road Department and 911 have no issue with the naming, and naming this road helps 911 with address issues in times of emergencies.

Motion

Commissioner Crawford moved to approve Order 2016-83, naming SW BarLyn Ranch Way. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Order 2016-84, Appointments to the 2016-2017 BOPTA Board, reading of Pool #1 and Pool #2 into the record.

Judge McCabe presented Order 2016-84, Appointments to the BOPTA Board and read Pool #1, BOPTA Pool into the record: Ron Krebs, Dorliss Reed and Pool #2, Charm Bogle, Ron Krebs and Dorliss Reed.

Motion

Commissioner Fahlgren moved to approve Order 2016-84, appointments to the BOPTA Boards #1 Pool and #2 Pool. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

#14 item Removed Crook County Oregon High School Equestrian Team (OHSET) presentation and request for waiver of fee to use the indoor arena was removed. The students were unable to attend. The Court was advised by the Fair Board that the indoor arena for the OHSET practice is provided on Monday nights by the Fair Board with the team playing for lighting and heat. No discussion today.

Update for third quarter: July, August, September, EDCO—Caroline Ervin

Caroline Ervin, Prineville Economic Development of Central Oregon (PEDCO), presented a third quarter update report to the Court. She discussed new business leads, manufacturing that would provide significant job opportunities, Measure 97 and EDCO's stance of opposition to the measure and other information regarding economic growth in the community.

Ms. Ervin provided information regarding the PEDCO Board members, the Strategic Plan and the goals of the plan, some of which have been reached.

The Court thanked Ms. Ervin for the presentation.

Consider Central Oregon Intergovernmental Council's Amendment 2 for the Veterans shuttle service

Clyde Peacock representing the Band of Brothers provided an update on the proposed transportation program for transporting Veterans between Crook County, Redmond, Bend and Portland. Research has been done on the insurance requirements and costs, price of a van, maintenance, fuel and the volunteers to get this program up and going, and continuing to provide transportation into the future for the Veterans. Dispatch is the biggest concern for this project. This is a huge commitment for the organization. The Court agreed with Mr. Peacock that he could not have a getter group to work with than in this organization.

The Court discussed with Mr. Peacock the \$30,000 available through the County at this time and how that money would be used. Discussion was held on additional fund raisers that would be held in the community for ongoing support of the project. The Court would like to table this until the next meeting to allow time to talk with COIC. COIC had been operating the transportation previously, but was encountering some problems with the scheduling. It was at this time that the Band of Brothers stepped up to start working on a program to provide the service.

Consider snow plow purchase for Road Department, Bob O'Neal, County Roadmaster

County Roadmaster Bob O'Neal presented quotes from Henke and TEC (the local representative for Henke snow plows). The low bid was from TEC at \$11,520.00. This will be a 12-foot plow and will go on the newer truck. The 10 foot plow will be put up on auction. Mr. O'Neal recommended accepting the TEC quote.

Motion

Commissioner Crawford moved to accept the low quote for the Henke Snow Plow from TEC. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Consider recommendation to award Puett Pit Rock Crushing project

Mr. O'Neil presented information on the Puett Pit Rock Crushing project. He discussed the company, 4R, that he recommends for the project, and that they will have seismic monitoring equipment that has been required by BLM after they became concerned regarding petroglyphs located in an adjacent area to the pit where blasting would be happening.

4R, Robinson, would not be able to get to the project until April. There will be no cost for the seismic readings, no cost for BLM to go out and monitor and no cost to the County. Judge McCabe provided information regarding a meeting that he and Mr. O'Neil had with BLM. He said their visit was well received. Discussion was held regarding an answer on the categorical exclusion.

Motion

Commissioner Fahlgren moved to accept the bid quote from 4R Equipment LLC for the Puett Pit Rock Crushing project for \$198,000 and to authorize Judge McCabe to sign the contract outside of Court. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider Deicer Liquid Magnesium Chloride Purchase quotes for winter of 2016

Mr. O'Neil provided an update on an annual contract for deicer for the Road Department to use on County roads during the winter months. Envirotech was making the deicer product last year, and the Road Department was able to obtain it for \$50 per ton less than from other manufacturers. This year, due to a fire in their equipment, Envirotech cannot manufacture the product but are importing it. It is still \$25.00 less than that through the State contract. Mr. O'Neil received three quotes from Dustbusters, Envirotech and Roadwise, that would have to be picked up in Portland. Mr. O'Neil recommends Envirotech because they are a more local company and supply a good product.

Motion

Commission Crawford moved to award the bid to Envirotech at \$162.52 per ton. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Discuss proposed revisions of lease agreement between Crook County and Crook County Parks and Recreation District

Mr. Wilson presented information regarding the two legal documents prepared by his legal office for the bike and pedestrian trail plan. The plan has been sent to Parks and Recreation, and involves an easement and lease across Apple Inc. property. Duane Garner, Parks and Recreation Director has forwarded the documents on to the Special District. Mr. Wilson discussed red line versions of the document and said he has not yet heard back from Apple Inc. He provided information on the primary changes to the lease draft. They included the term, the indemnification language regarding injuries and condition of the property and on indemnifying the County with legal coverage, or if the County does not, the County would hire and the District pay for the coverage. Mr. Wilson explained the two components involved: the lease agreement and the easement agreement. He provided information regarding piecemealing and approving the agreement with Parks and Recreation or waiting on Apple Inc. regarding the easement.

Commissioner Crawford said it is the County property, not Apple's, and the people here today are willing to work on the trails. Commissioner Crawford stated that it is a moot point: the trail does not go within 10 feet of the property, they have been working on this project for 1 ½ years, and it is frustrating, that good ideas are put on hold because of no decision.

Judge McCabe explained his concerns regarding the lease duration and the need for a map that shows the trail. He also talked about offering a buffer around the Apple property. He believes the County cannot do anything until Parks and Recreation signs the lease. Commissioner Crawford expressed his desire for signature outside of Court. Further discussion was held on the two lease agreements and that the trail only works well if it takes in all the area. Judge McCabe thinks the Court should take the time and have it all together, with all the property to be secured.

Darlene Henderson, COTA said it would be better to start with what we have now and work with it later. She has seen trail plans from years ago. Ms. Henderson said that we are waiting for everything to be perfect, or we can wait and have nothing. She said the trail association would like to start on what we have now and believes the community wants it also, even if it is only another mile. Discussion was held on a map recently showing that the trail veered off and went next to Apple. Ms. Henderson said there are

strict parameters, and COTA works within the parameters. They work with the land manager. The Trail Association has started flagging from the lower 66 up to the trail.

Melanie Marlow spoke in favor of COTA and the trails on the Lower 66. She appreciated having the trail at the end of Park Drive. It had solved some health issues at the end of Park Drive where there used to be campers, needles and other things. Judge McCabe said to send it off to Parks and Recreation. Commissioner Crawford wants to authorize signature outside of Court after the document is received back from Parks and Recreation.

Peter Sharp commented on it sounding like countries not working together.

Mr. Wilson spoke more on the lease as prepared with a 5 year notice.

Discussion was held on acreage, green spaces, amenities and moving forward with the plan, and the 200 acres that was agreed upon at the last meeting. Mr. Wilson said he is trying to accommodate all the questions. Commissioner Crawford suggested bringing in the shovels and saying get out of the way.

Motion

Commissioner Crawford moved to send the revised lease agreement to Parks and Recreation and the Court to sign outside of Court. The prorate stays; the district needs to indemnify against contamination into the future, from this point forward it is on them. Commissioner Fahlgren seconded the motion. Discussion was held on the concern of the second section, the language, Parks and Recreation only having part and the first half until Apple Inc. returns the lease. Questions were asked about the obligations. Eventually this property will need to be partitioned. The County is responsible for the cost of partitioning. The City Planning Dept will need to approve the partition. Commissioner Crawford said he has talked to the City and the variance fees will be waived however, ; there are no written documents, it is all hearsay. Commissioner Crawford discussed not agreeing with their changes. Commissioner Fahlgren said we have notice of the costs from the city. There was an amendment to the motion. Judge McCabe said to send back the lease (to CCP&RD) with amendments and sign outside of Court. Commissioner Crawford amended his motion. The vote was 3-0, motion carried.

Consider Task Order Authorization for removal of hazardous fuels (FEMA project)

John Jackson provided information on coordination for implementation of the FEMA grant. Mr. Wilson provided information on the task force authorization, and the tabling of the program until the money began to flow. The money has now begun to flow, and we are starting over. Mr. Wilson provided information on the task order authorization for completion by December 1, 2016, primarily in the Mark's Creek area. Not to exceed \$50,000. Mr. Jackson said the critical issue is to get piles chipped and off site prior to snow.

Commissioner Fahlgren discussed the 25 percent soft match involved with people's time figured at \$21.50 per hour.

Mr. Jackson provided information on the cut and piled time match. There is still opportunity to sign up for the match and project that is available through the summer of 2018. The trick is to work around the weather in the winter months. Mr. Jackson has worked with Russ Deboodt of the Fire District and DEQ, both positive on burning issues. Michael Ryan, Sheriff's Office, is coordinating the concerns of public safety.

The Court and Mr. Jackson discussed clearing of areas, supportive cooperation, concerns regarding homes backed up to Davis Road, areas where the Road Department might assist and Weed Management become involved, and the pools of workers being adequate for the work needed.

Judge McCabe asked about any funding that might be left over after the jobs are completed. Mr. Jackson said that any money left over when the grant is done goes back to FEMA. Mr. Jackson discussed the plans to get the word out, pile the brush and the pools will take care of chipping and clearing out. Mr. Jackson explained the process he has to go through for the accounting and funds. Operationally it is difficult. He is working with the fire district to get the word out. The end of the grant is late summer 2018. In March, an RFP will be put out to reconstitute the pools. He provided information on how the work is lined up and the nature of the work. More information is being added to the County web site to get additional information out there about the projects.

Motion

Commissioner Fahlgren moved to accept the task order authorization for removal of hazardous fuels. Commissioner Crawford seconded the motion. Discussion: The projects are not to exceed \$50,000. The vote was 3-0, motion carried.

There being no further business requiring action before the Court at this time in Open Session, Judge McCabe adjourned the Court into Executive Session under ORS 192.660(20)(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

ORS 192.660(20)(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.

Judge McCabe convened the Court into Executive Session under ORS 192.660(20)(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. Following the discussion regarding the matter before the Court under this ORS, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(20)(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 Court into Open Session following Executive Session under ORS 192.660(20)(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 invited the public in waiting back into the meeting room. There was no action to take on the updated matter discussed in the Executive Session. At this time, Judge McCabe adjourned the Court out of today's meeting. The next County Court Session is scheduled for November 2, 2016.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary