

BE IT REMEMBERED THAT the Crook County Court met in Open Session on September 7, 2016 at 9:00 a.m. 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.

Commissioner Fahlgren met with a group of Veterans at 8:00 a.m. to discuss transportation and medical issues. The group remained for the County Court meeting to hear the proclamations presented that proclaimed the entire month of September as Veteran and Military Suicide Prevention Month with special emphasis on September 16th as POW/MIA Awareness and Patriot's Day, September 11, (9-11).

Members of the public signing the attendance log: Bob Cusick, Bend; Roger DeChamplain: Bill Roberts, Prineville; Earlene Ervine, Prineville; Ted McClure, Prineville; John Ferguson, Prineville; Bill Quant, Prineville; Kimberly Phillipp, Crook County Veterans Services; Frances Carter, Prineville; MaryLou Bernard, Prineville; Judith Berger, Redmond; Julia Garcia, Redmond; Valorie Wrinkle, Redmond; John Wrinkle, Redmond; Richard Tupper, Prineville; David Schwab, Prineville; Tim Ray, Prineville; Jim Bates, Prineville; Darlene Harpster, Prineville; Jerry Brummer, Prineville; Pete Sharp, Prineville; Sarah Bucholz, County Human Resources; Teresa Herrmann, County Human Resources; Todd Catterson, Armstrong Surveying, Prineville; Casey Daly, Crook County Fairgrounds Manager; Rebekah Burkhardt, Sheriff's Office; John Gautney, County Sheriff; Clyde Peacock, Prineville, Band of Brothers (B of B) President; Steve and Laura Nicholson, VFW Post 1412, Prineville; Gail Merritt, Fair Board; Jesse Toomey, Prineville; Paul Cuddy, Prineville; Randy Winderg; Jeff Swanstrum, Prineville; Stephen Henderson, Prineville; Darlene Henderson, Prineville; Bryan Scholz, Terrebonne; Jerry Hicks, Prineville; Terry and Jill Buckmaster, Prineville; Nathan Trammel, Bend; Duane Garner, Prineville; Caroline Ervin, EDCO; Pam Mayo Phillips, Bend; Jacquie Davis, County Landfill; Dale Cummins, Prineville; Ken Jaynes, Prineville and Shirley Jaynes, Prineville.

Judge McCabe called the meeting to order and led in the Pledge of Allegiance.

CONSENT AGENDA

- 1. Approve Minutes of Special Public Meeting September 10, 2015**
- 2. Approve Order 2016-70, Accepting a grant of \$879,615 from the Oregon Department of Transportation for the Weigand Road Bridge Replacement Project**
- 3. Approve funding agreement with Water Resources Dept., Deschutes Basin Ass't Watermaster**
- 4. Approve IGA re: Apple INC. Project Fees—Amendment No. 1**
- 5. Approve 2016-17 APHIS program work Plan**
- 6. Approve 2016 -2017 one-time Victims of Crime Act (VOCA) grant agreement**
- 7. Approve IGA with ODOT/Single Permit Agreement**
- 8. Approve Amendment to Participating Provider Agreement between Moda Health Plan and Crook County**
- 9. Approve 148062 Financing of Community Developmental Disability Services IGA**
- 10. Approve IGA with COIC regarding the Pre-Disaster Mitigation Grant**

The Court reviewed the Consent Agenda. County Counsel Jeff Wilson requested the removal of item number 2, which is the same item as number 25 under discussion, and item number 9, removed after receiving an email that this amendment may not be going into effect.

Motion

Commissioner Crawford moved to approve the Consent Agenda as discussed removing items number 2 and number 9. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

PROCLAMATIONS-- Proclaiming the entire month of September as Veteran and Military Suicide Prevention Month with special emphasis on September 16th as POW/MIA Awareness and Patriot's Day, September 11, (9-11), Judith Burger

MaryLou Bernard read the proclamation proclaiming September 16 as POW/MIA Awareness and Patriot Day.

Judith Burger read the proclamation proclaiming the entire month of September as Veteran and Military Suicide Prevention month.

Bob Cusick read the proclamation proclaiming September 11 as Patriot's Day in honor of all those that lost their lives and loved ones on September 11, 2001.

Judge McCabe said he would like to see these proclamations continue every year in perpetuity. The 3rd Friday of September is POW/MIA awareness day each year.

Commissioner Fahlgren thanked everyone for coming for the 8:00 a.m. Veterans meeting with Commissioner Fahlgren and for the proclamations presented today.

Motion

Commissioner Crawford moved to approve the proclamations. Commissioner Fahlgren seconded the motion and approve signature outside of Court with the changes as discussed. The vote was 3-0, motion carried.

PRESENTATION: Celebrating years of Service to the County. Certificate and pins awarded to eight County Employees and Elected Officials.

The Court and County Human Resource staff, Teresa Herrmann and Sarah Bucholz, presented certificates and pins to honor the years of service of eight employees. Dan Lewis, Community Development, 5 years; Richard Vigil, Parole and Probation, 5 years; Ryan Seaney, Sheriff's Office, 10 years; Robert Bowles, Corrections, 10 years; Colleen Ferguson, Administration, 15 years; Rick Aaron, Community Development, 15 years; Jim Lewis, Road Department, 20 years and Debra Patterson, Juvenile Department Director, 35 years.

Consider interim Personnel Action notice for Jane Scheppke

HR Manager Teresa Herrmann presented a request and recommendation from County Library Director Buzzy Nielsen to provide pay to Jane Scheppke who served as Interim Library Director for five weeks in the amount equivalent to that of the Library Director. The amount recommended is \$1,462.00 and will not impact the budget due to having no director receiving pay for five weeks. This will be a retroactive payment. Teresa reported that Ms. Scheppke did a fabulous job, and the County appreciates all that she did during that time.

Motion

Commissioner Fahlgren moved to allow \$1,462.00 additional to be paid to Jane Scheppke for her five week term of serving as Interim Library Director. Commissioner Crawford seconded the motion. Discussion was held regarding this funding being within the budget. The vote was 3-0, motion carried.

Consider a change in Health Coverage co-pay for RX, returning to three-tier co-pay plan instead of five-tier plan, resulting in the continuation of prior year's co-pay costs to employees for medication

Ms. Herrmann presented information to the Court regarding the issues and complaints received due to the change in health benefit co-pays. The co-pay changed from a three-tier to a five-tier with the fifth tier resulting in a \$100.00 co-pay. This information was discussed at the recent benefits committee meeting held with the County's agent of record, and found that the change was put into effect on July 1, 2016. The committee was aware of a change but not the amount of change and the impact on employees. The committee requested that the County return to the previous co-pay plan with an increase premium payment from both the employee and the County. The intensity of increase for FY2016-2017 was 7 % and will now be 8 % overall. Employees will see a raise in their portion of the coverage from \$1.00 to \$3.00.

Ms. Herrmann has discussed the budget matters with Treasurer Kathy Gray and has been advised by Ms. Gray that the funding is available in the budget. Total difference for the year will be approximately \$23,000. Ms. Herrmann recommends adoption of the change returning back to the three-tier with the third tier co-pay at \$45.00 instead of \$100.00.

Motion

Commissioner Fahlgren moved to approve the change from the five-tier to the three-tier. Commissioner Crawford seconded the motion. Discussion: Agent of Record Greg O'Hanlon initially advised the County of the plan but did not explain the changes. Ms. Herrmann contacted Mr. O'Hanlon regarding the change and found that Crook County was the first Providence client put on this plan. She said in the future, she will look into the impact across the County, and this should have never happened. Mr. Wilson discussed the contract with the Agent of Record and

recommended that an RFP be put out next spring to allow other companies to bid on the health insurance coverage for the County. The vote was 3-0, motion carried.

Presentation, Update on River Keepers and funding request, Mr. Bates, Principle, Barnes Butte Elementary School

Mr. Bates, Principal of Barnes Butte Elementary School, appeared to discuss the Storyline training that the Court had funded in previous years. He reviewed the Riverkeeper's program that brought 1200 kids together in the program and as a result, he is asking the Court to consider funding another Storyline Adventure. He presented information regarding the training and classes associated with this program and said there will be 25 percent of the teachers new to this education. This year will be Farm to Table and a review of the new water system-wet lands program. This is a one week training course and will start next fall and culminate next spring.

Judge McCabe recapped how wildly successful the Riverkeeper's program was and asked how those kids are doing two years later. Mr. Bates said the kids have story after story about what they have learned through the Riverkeeper's program. He said he still sees the kids in the Riverkeeper's shirts. The Storyline experience lives on. They are still living that learning experience. He would like to maintain that experience of learning for the younger students.

Discussion was held on a plan for funding the program. The Court is a proponent of the program.

Presentation--Update of the Annual Harvest Party, Mr. Carmack, East Side Church

Preston Carmack, Eastside Church, presented information regarding the Harvest Party held over the last 10 years during Halloween at the Fairgrounds. In the previous nine years the Court has covered the rental of the facility for the event, and that funding was included in the Video Lottery funding this year, so the facility rental cost will be covered.

Mr. Carmack reported that last year there were 1800 different people in attendance with over 500 pounds of candy distributed and hundreds of dollars of gifts provided. This year, the hope is for more attendance. The hope is to get support this year from businesses locally and from non-profits. They are also looking at new events including live music.

Fairgrounds Director Casey Daly said this is a great event. Can goods are collected at the door to go forth into the entrance. Those foods go to the Holiday Partnership.

Mr. Carmack thanked the Court for the long support of the event for children.

Consider approval of Order 2016-69, road naming, Lazy Back Lane/ Nate Trammel, Crook County Community Development

Nate Trammell, Crook County Community Development, presented Order 2016-69 naming a private drive SE Lazy Back Lane. No objections were received regarding the naming. Terry

Buckmaster explained the purposed and reason behind the naming. His family's address has been on Prairie Schooner, and there was a mix up when 911 responded due to a realignment of the road years ago. The emergency vehicle went to the Buckmaster address even though their home is not on Prairie Schooner road anymore and was delayed reaching the true emergency. The Fire District requested that the Buckmasters change the name of their driveway. All the names in that development are regarding a buckboard wagon. Lazy Back is the name of a seat for the buckboard, and that is the basis for the name of the private drive. Mr. Buckmaster asked if it were possible to waive the fee for the change since it was the Fire District that requested it be done. The fee was \$150.00. The cost of the road sign will be covered by the property owners.

Motion

Commissioner Fahlgren moved to approve Order 2016-69 accepting the naming of the private drive to SE Lazy Back Lane and to waive the \$150.00 fee for the Health and Safety of the community as requested by the Fire District. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Order 2016-70, Federal Local Bridge Project Selection Results

County Roadmaster Bob O'Neal presented information to the Court regarding a grant received for the replacement of Weigand Road Bridge. The grant is for \$879,615, and the County will provide a 10.27 percent match, approximately \$80,000. Mr. O'Neal said this is one of the worst bridges over 20 feet wide in the County and was due to be replaced. He applied for six grants and received one. He will continue to apply for grants for the other County bridges. The money from the grant is available in 2017. Recommendation is to accept the grant.

Motion

Commissioner Fahlgren moved to accept Order 2016-70, accepting the grant for \$879,615 for replacement of the over 20 foot bridge on Weigand Road. Commissioner Crawford seconded the motion. Discussion: The Court discussed the 10.27 percent match. The vote was 3-0, motion carried.

The Court thanked Mr. O'Neal for pursuing the grants and encouraged him to continue to apply for others. They thanked him also for the great chip sealing jobs this summer

Public Hearing: Ordinance 297, amending the County Code regarding recreational vehicles and declaring an emergency, first reading, public hearing

Assistant County Counsel Eric Blaine presented Ordinance 297 amending the County Code regarding the length of time an RV can be parked in an RV approved area. This will bring the County into compliance with the State. The County Codes' ruling of 30 days has not been enforced for years and no one has suffered due to the Code as it was written. This ordinance is

to delete the inconsistent section, inconsistent with State law, and it does include an emergency clause. The ordinance will go into effect immediately after the second reading.

Motion

Commissioner Fahlgren moved to read Ordinance 297 by title only. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 297 by title only. The vote was 3-0, motion carried.

Judge McCabe opened the public hearing. There were no comments received from the public. Judge McCabe closed the public hearing.

Commissioner Fahlgren moved to approve Ordinance 297. Commissioner Crawford seconded the motion. Judge McCabe read the title of Ordinance 297 into the record again. The vote was 3-0, motion carried. A second reading and final approval of Ordinance 287 to be scheduled at the Court's next regular meeting in two weeks.

Consider application for Disposal Fee credit: Prineville Re-Use Store (new owners, formerly Habitat for Humanity).

The Court considered an application from the Re-Use store, a non-profit that was formerly the Habitat for Humanity Re-Store, for a portion of disposal fee credit to be used at the County Landfill. The Court provides a total of up to \$15,000 for disposal fee credit for non-profit organizations that apply each year. An average of \$3,000 is allotted because with application generally from five applicants. The total amount is rarely used, but is available.

Motion

Commissioner Fahlgren moved to approve the Disposal Fee Credit for the Re-Use Store. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Approve Interstate cooperative procurement of Model 826k Caterpillar Compactor, NJPA

Jacquie Davis, County Landfill, presented a request to purchase a model 826K Caterpillar compactor using the interstate cooperative procurement and NJPA. Commissioner Fahlgren has spoken with Landfill Manager Leroy Gray regarding the equipment. Mr. Gray was unable to attend today's session. Commissioner Crawford asked if the equipment cost is included in the Landfill budget this year. It is in the budget.

Discussion was held on the purpose of the new equipment and the reason behind the need to purchase the large piece of equipment. DEQ has made a requirement that now is causing furniture to be included in the municipal waste and will increase the waste stream by 20 to 30 percent. This will result in a decrease in the life of the cell. There is a need for a heavier compactor to get as much room as possible in the cell.

Motion

Commissioner Fahlgren moved to purchase the model 826K Caterpillar Compacter for \$620,656 through the interstate cooperative procurement process and NJPA. Commissioner Crawford seconded the motion. Judge McCabe explained that a percentage of the Landfill fees paid for each ton of waste, is deposited in the equipment replacement fund. The vote was 3-0, motion carried.

The Court thanked Ms. Davis for the presentation.

Update presentation on EDCO activities, Caroline Ervin

Prineville EDCO Manager Caroline Ervin presented the 2nd quarter report for EDCO. She provided information regarding the red zone exemption and new leads of businesses. Ms. Ervin addressed the Kiwanis recently and explained the benefits to the community from having the Data Centers located in Crook County. She provided information regarding the annual luncheon and I-Pads that have been provided to the EDCO Managers. They have been found to be a great tool to meet with local companies. There is now a Facebook page for Prineville-Crook County Economic Development. Ms. Ervin provided information regarding the EDCO Board and the need for new board members. Ms. Ervin thanked the Court for their continuing support.

The Court thanked Ms. Ervin for her presentation.

Expansion of lower 66 Trail System

Justin Toomey, Central Oregon Trail Association (COTA) discussed with the Court the development of part of the plan to expand the Lower 66 trail above the Rimrock. He said that Parks and Recreation has approved the plan as well as the City of Prineville. Due to the location, Apple Data Center is going to possibly approve an easement to go through their property. Darlene Henderson said she believes the organization has gone through all the steps toward this new project.

Planning Director Bill Zelenka discussed the question of a lease or partitioning. Discussion was held regarding leasing, and then partitioning at a later date, a long-term lease of 200 acres on the east side of 126. The 200 acres adjoins property owned by Apple Inc., and is part of a larger parcel that make up the landfill and airport properties. The problem is there is no legal description for the 200 acre parcel (it is not a separate legal parcel). Cost of partitioning was discussed and the legal description needed for the lease. Todd Catterson, Armstrong Surveying, said he believes it is a fairly simple legal description, and he believes the lease could be described without a survey. Until the property is partitioned, the lease will encumber the entire acreage of the larger parcel. Commissioner Crawford discussed the encumbrance.

Discussion was held regarding the Parks and Recreation District requirement, the cost of a survey of the proposed easement from Apple Inc, the best time to work on the trails, the legal

descriptions, the desire of COTA for an unconditional lease for the trail from Apple Inc., and the number of Apple employees seen using the Lower 66 trail for walking.

Motion

Commissioner Crawford moved to authorize Armstrong Surveying to proceed with preparing a legal description for the lease. Commissioner Fahlgren seconded the motion. Discussion: Judge McCabe said there were a number of other items involved and asked if the County would be expected to provide the Kiosk. Parks and Recreation will provide the Kiosk and Restrooms, and sees this as a potential community asset. There may be funding through the State Parks and Parks and Rec. Director Duane Garner said they would want to pursue those funds. Judge McCabe discussed the \$2,900 (for the survey) and asked if that is the total of the County's liability. Ms. Henderson said there would be volunteer labor to build the trail and COTA volunteers will maintain the trail. Mr. Garner said he does not anticipate coming back to request funding. The vote was 3-0, motion carried.

Ms. Henderson, Judge McCabe, Commissioner Crawford and Mr. Wilson discussed when the project could begin. Mr. Wilson estimated how soon the lease could be completed. Commissioner Crawford said he would be looking at the October 5th meeting to sign the lease and then start working on the trail.

Discussion was held regarding the easements that go down over the rim. Mr. Wilson recommended the Court authorize a title report.

Motion

Commissioner Crawford moved to authorize a title report on the property as discussed. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Further discussion was held regarding the intent to include all the park reserve property subject to anything that came forward in the title search and a reservation of rights.

Consider approval of Order 2016-68, Appointment to Crook County Fair Board, Dale Cummins

Judge McCabe announced Order 2016-68, appointment to the Crook County Fair Board of Dale Cummins. The Court talked with Mr. Cummins and asked what had led him to choose to serve on the Fair Board. Mr. Cummins said that he now has some scheduled time to give time back as a volunteer. He and his wife have both volunteered for the Fair Board, and he would like to serve on the board and continue to volunteer. Judge McCabe said he was honored that Mr. Cummins would like to do this.

Motion

Commissioner Crawford moved to approve Order 2016-68, the appointment to the Fair Board of Dale Cummins. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Approve Amendments # 1 and #2 to COIC IGA for public transit services

Mr. Blaine presented the two amendments for the public transit services. Number one is important but modest, involving an audit requirement and a change of rates. Number two is delegating COIC to procure a new bus through an ODOT grant of \$185,000. Mr. Blaine recommends approval.

Judge McCabe explained how important to our community the transit system is today and provided information of the previous transportation system that operated in Crook County through the bus owned by the County and operated by the Soroptomist.

Motion

Commissioner Fahlgren moved to accept Amendments number one and two, amending the COIC IGA for public transit services. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Discussion regarding Planning Department restrictions on EFU Zoned Property, Jerry Hicks

Jerry Hicks, appearing in his capacity as a real estate broker, appeared to talk with the Court regarding Planning Department restrictions primarily regarding Exclusive Farm Use (EFU) property.

He spoke regarding the Shiloh Church. He was not at Court on behalf of the Church but regarding the steps they were required to take when appearing for the Conditional Use Permit (CUP).

He provided information regarding the equine industry and the contributions in funding, horses, full time jobs and people involved in the events. He discussed the rights that come with the property and the defense of themselves regularly by real estate agents. He discussed dispute resolutions and defense. He provided information on being informed and everyone else not understanding the uses of livestock as training, riding and farm uses.

Mr. Hicks said regarding the process of application by the Shiloh Church, he believes the chain of action of the process has holes in it. He mentioned the possibility of ex-parte conflicts, questions with no answers, state statutes, and policy.

Judge McCabe pointed out that those involved including Mike McLane as attorney met and that meeting finished once the attorney said he concluded that was the way to go with the CUP and get it done. Mr. Hicks discussed the drawing of the full church property and the approval from the Planning Department of outright use of the church but the arena was a CUP. He provided information regarding an arena in a non-farm parcel across the road from the church. The arena was pulled off the site plan and they went on with building the church.

Further discussion was held regarding outright uses, training equines, riding lessons, other property owners that have arenas, the cost of the CUP, state statutes, zoning and policies that are not completely understood.

Pamelia Phillips, realtor for 28 years, said this is her primary business, and equine should be recognized as part of livestock because now there is more equine than cattle. She discussed a lot of activities for promoting live stock.

Mr. Hicks discussed further outright uses, rodeo type activity, jackpot roping being not a rodeo type activity, schooling shows, no overnight camping on the church site but County Code says camping up to 14 days, and concerned about impacts of this policy and wanting it to be right for everyone.

Further discussion was held on Jackpot Roping versus roping, activity with lights on up to 10:00 at night, and neighbors not happy when the approval was given. The size of the property, 80 acres was purchased as a non-farm parcel. There was discussion whether the property was 80 acres or 59 acres. Mr. Hicks said that 10 acres of the 49 acres is exempt, the rest is taxed.

The threshold from outright use to commercial purposes was discussed, the intensity and everyone having their own idea of intensity; non-remonstrance forms either signed by neighbors ahead or after they built, and the balancing of a consistent definition against a flexible examination of site-specific circumstances.

Per Mr. Hicks' request, Judge McCabe said the Court will take this under advisement.

Addition—Pete Sharp, Natural Resource Plan

Mr. Sharp wanted to talk about the statement made earlier that all counties went through the planning process with their plans. He said that Baker County Commissioner Bill Harvey said the Baker County Natural Resource Plan definitely did not go through the planning land use process.

There being no further business requiring action at this time before the Court in Open Session, Judge McCabe adjourned the Court out of Open Session and into Executive Session under 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

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.

Judge McCabe called the 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 met with Legal Counsel and discussed the matter before them in the Executive Session. Following the discussion, Judge McCabe adjourned the 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

Following the 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, Judge McCabe convened the Court into Open Session and invited any members of the public in waiting back into the meeting room.

Motion

Commissioner Fahlgren moved to direct Counsel to contact CIS insurance as discussed in Executive Session. Judge McCabe seconded the motion. The vote was 3-0, motion carried.

Following the motion, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(i) Performance Review, Greg Hinshaw, Maintenance Director.

ORS 192.660(2)(i) Performance Review Greg Hinshaw, Maintenance Director

Judge McCabe convened the Court into Executive Session under ORS 192.660(2)(i) Performance Review for Greg Hinshaw. Mr. Hinshaw chose to hold his review in Executive Session rather than Open Session.

The Court and Mr. Hinshaw completed Mr. Hinshaw's review. Following the review, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(i) Performance Review and back into Open Session.

Open Session

Following the Executive Session under ORS 192.660(2)(i) Performance Review for Greg Hinshaw, Judge McCabe convened the Court back into Open Session and invited any members of the public in waiting back into the meeting room.

Motion

The motion was made and seconded to approve Greg Hinshaw's review and his step increase. The vote was 3-0, motion carried.

There being no further business before the Court in Open Session today, Judge McCabe adjourned the County Court meeting. The next regular meeting of the Court will be held on September 21, 2016 in Paulina.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary