

Approved August 3, 2016

**BE IT REMEMBERED THAT** the Crook County Court met in a Regular Session on June 15, 2016 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson. Judge McCabe was coming from Portland and would be attending, but had asked Commissioner Fahlgren to Chair the meeting and begin without him.

Commissioner Fahlgren called the meeting to order and asked County Roadmaster Bob O'Neal to lead the Pledge of Allegiance.

### **Consent Agenda**

1. Approve minutes of April 6, 2016, April 20, 2016
2. Approve Order 2016-43, Increased appropriations of \$35,000.00
3. Approve Order 2016-44, Appointment to Crook County Planning Commission
4. Approve Dedication of County Road Right-Of-Way (Pillar Road)
5. Approve Order 2016-34, Dedicating and accepting an existing easement and right of way between George Millican Road and Baldwin County Road aka "Pillar Road"
6. Approve License Agreement between Crook County and Les Schwab Tire Warehouse Inc., for access to Pillar Road
7. Approve 2016-2017 Spring AmeriCorps VISTA host site agreement
8. Approve interlocal contract for cooperative purchasing, HGAC
9. Approve renewal agreement w/Advantage Dental for WIC services
10. Approve new agreement w/Advantage Dental for SBHC services
11. Approve Agreement to Dispose of Animal Waste at Landfill/Quimby's Independent Meat Market
12. Approve Agreement to Dispose of Animal Waste at Landfill/ Berman Group, Inc. dba Central Oregon Butcher Boys
13. Approve Amendment 1 to PrineTime internet services contract
14. Approve \$5,000 donation to the Crook County Ford Institute Leadership Program Cohort 3 and the project is the Skate Park from the District Attorney's Asset Forfeiture Attorney Fees fund
15. Approve Amendment #2 to Agreement to provide Services, Crook County and The Humane Society of the Ochocos
16. Approval of Community Development Personnel Action Notices (step increases for employees – performance evaluations)
17. Approve Assignment and Assumption of Contract and Intangibles, Open Campus landscaping services
18. Approve a task order authorization for Allan Clark LLC to do Hazardous Fuels Removal in the Marks Creek Project area.

The Court reviewed the Consent Agenda. Item number 16 was removed for additional time for review and discussion, and number 18 was moved further down into the agenda for discussion.

### **Motion**

Commissioner Crawford moved to approve the Consent Agenda as discussed, removing item 16 for additional review and discussion, and moving item 18 into the discussion portion of the agenda. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

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**Public Hearing, Requested changes from approved budget-- Adopt 2016-2017 Budgets:  
Order 2016-45, Crook County  
Order 2016-46, Historical Society**

County Treasurer Kathy Gray presented the changes to the County budget. These are the requested changes from the Budget Committee. These changes were announced at the previous Court meeting but were not accepted correctly. They were accepted with a motion referencing an order number and there is no order involved.

**Motion**

Commissioner Crawford moved to accept the changes from the approved budget. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

**Order 2016-45, Crook County Budget FY 2016-2017**

Ms. Gray presented Order 2016-45, adopting the Crook County Budget FY 2016-2017 totaling \$60,790,113.00..

Commissioner Fahlgren opened the public hearing. There being no comments from the public, Commissioner Fahlgren closed the public hearing.

**Motion**

Commissioner Crawford moved to approve Order 2016-45, adopting, imposing and categorizing the budget for Crook County for fiscal year 2016-2017 for a total budget amount of \$60,790,113.00. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

**Order 2016-46, Crook County Historical Budget FY 2016-2017**

Ms. Gray presented Order 2016-46, Crook County Historical Budget FY 2016-2017 totaling \$521,417.00

Commissioner Fahlgren opened the public hearing. There being no comments from the public, Commissioner Fahlgren closed the public hearing.

**Motion**

Commissioner Crawford moved to approve Order 2016-46, adopting, imposing and categorizing the budget for Crook County Historical Society for fiscal year 2016-2017 for a total budget amount of \$521,417.00. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

**Order 2016-47, Crook County Agricultural Extension District Budget**

Tim Deboodt presented Order 2016-47, the FY 2016-2017 Budget of \$545,565.00 for the Crook County Agricultural Extension District. The public hearing on this budget was held at the May 31, 2016 Extension District meeting that was attended by Judge Mike McCabe. Mr. Deboodt expressed the sadness of the District Board for the loss of two of the Agricultural Extension District Board members: JB Cox and John Say. Both passed away this year and will be sorely missed. They had served for many years

## **Motion**

Commissioner Crawford moved to accept Order 2016-47, the 2016-2017 FY Budget for the Crook County Agricultural totaling \$545,565.00 and making appropriations and levying taxes. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

## **Request for funding, Crook County Kids Club, \$,8,000, Ashley Thrasher**

Ashley Thrasher, Executive Director of the Crook County Kids Club appeared to provide an update on operations of the Kids Club over the last year and request \$8,000 in funding from County Video Lottery funds.

The Club has had 60 children in the after school program held at the Barnes Butte Elementary School. The location is working well. The summer program began on Monday, June 13<sup>th</sup>, 2016 with 62 students, the highest number yet.

Commissioner Fahlgren and Ms. Thrasher discussed the location, the equipment working well, rolling in and out of the gym and cafeteria and also using the outside areas. This is a great partnership with the school. The staff includes one full-time employee, five part-time employees and volunteers. The cost to attend the summer program for nine weeks is \$612.00.

The Court will consider the request during the Video Lottery Fund discussion at a future meeting.

## **Request for funding, Powell Butte Community Charter School for Riverkeeper's Program: final phase, logging, \$1,000.**

Dana Millen presented information on the Powell Butte Charter School (PBCS) Riverkeeper's program, the Rancher's Phase, and the success of the program and the request for \$1,000.00 for the final phase of the program. Jackie LaFrench, Director of the school along with Ms. Millen presented information on the articles regarding the program, pictures, branding, and the raising of a calf, the figures and financials involved in the ranching operations and the interviews of the ranchers. The students learned a lot about where food comes from and the operations of the entire ranching industry.

The third and final phase of the program will be the Logging phase, and the children will be out in the field. The whole document regarding the program will be available to all schools.

The training of the teachers was discussed and how it could be used in all the different phases of the programs. Mr. Bates, Principal of Barnes Butte Elementary also would like to do a storyline on the wetlands. Commissioner Crawford discussed with Ms. Millan all the children in the Prineville schools having the opportunity to take part in the rancher phase of the program. Ms. Millen said it will be used by many partners, maybe one grade at a time. It is a great way for kids to learn. Commissioner Crawford said he attended the presentation of the program, and the students also heard information on the wolf forum and the spotted frog. The students were willing to listen to the whole process, and the message was out there.

Ms. LaFrench had a video to present but the Courtroom was not equipped to use her computer equipment. Discussion was held on the information on the operation of the PBCS and the incredible ranching phase. This will be a lifelong learning experience that the students will remember forever and be informed as they go through life.

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The Court will consider this request for \$1,000.00 during the Video Lottery Fund discussion at a future meeting.

### **Discussion regarding Crawfest Event/ Ann Beier**

Dr. Jacob Crawford and his attorney, Andy Balyeat, appeared before the Court to discuss the social gathering, Crawfest, which will be held in July and hosted by Dr. Crawford. The expectation is that 200 to 250 people will attend the gathering on Alfalfa Market Road to hear a great variety of musical performances. Mr. Balyeat appeared today to discuss the Crook County policy for gatherings the size of Dr. Crawford's compared to the States requirements for mass gatherings of 3000 and over. He reviewed the requirements of Dr. Crawford of a million dollar insurance policy during the application process and the problem of why this social gathering is held to a tougher standard than state standards. Also, the state asks for a \$5,000 cash deposit that may be waived if the organizer is unable to pay. The County has no waiver and does have a penalty of a fine.

Judge McCabe arrived at 9:30 a.m. and asked Commissioner Fahlgren to continue chairing the meeting.

Mr. Balyeat continued and presented information regarding the Sheriff's concerns of stretching resources thin due to this event being held at the same time as the horse races held in Crook County. He believes that Dr. Crawford should not have to pay for that. Mr. Balyeat presented information regarding the process Dr. Crawford went through last year in order to hold the event when he did not know about the required application. Previously, he had worked with Environmental Health. This year is the 9<sup>th</sup> annual Crawfest, and Dr. Crawford has worked with Community Development and Ann Beier on the application to hold this event, the most affordable music festival locally. Mr. Balyeat feels the \$5,000 deposit is steep and excessive. He provided information on noise citations, the experiences with bars in Redmond and trying to grow their town and business, and the neighbors that show up and/or are supportive of the Crawfest. He said that 11:00 p.m. is too soon to stop the music and that these two requests, the stopping of the music at 11:00 P.M. and the \$5,000 deposit are excessive.

Assistant Planning Director Ann Beier thanked Dr. Crawford for his application and working with Community Development. She explained the adopted new language in the Social Gathering ordinance and the consistency of the language with other counties across the state. This language was put into the document to protect the people holding the event and also the neighbors. She said the Planning Department has had complaints of music at 3:00 a.m. Ms. Beier discussed the assurance that music would stop at midnight. The Sheriff's Department is asking for a deposit for overtime to make the event safe. It would take a minimum of two deputies to respond to any call. The concern is for Friday and Saturday. Last year, one of the incidents used 40 hours of the Sheriff's Deputies time. Ms. Beier said the \$5,000 is refundable. The deposit is to protect the county from paying costs out of pocket. Information was provided regarding Dr. Crawford's relationship with Environmental Health, and the BLM property adjacent to Dr. Crawford's property. Commissioner Crawford asked if other counties require deposits. Ms. Beier said the cash deposit is required because small events are unable to obtain bonds. The large use is for clean-up if necessary.

Planning Director Bill Zelenka explained that this area is an EFU zone, and this application is done in order to use the property instead of making this a land use matter. The deposit is so the tax payers are not paying for these services. Planning receives complaints after the event. Commissioner Fahlgren asked if there were complaints from last year and Ms. Beier said there were noise complaints last year. The fire concerns were addressed by working with Casey Kump of Crook County Fire and Rescue District. There were no traffic issues or complaints.

Undersheriff Savage provided information regarding the issues of past years. He said Mr. Crawford is working with his neighbors and is aware of the Brasada Ranch call, the people vacationing at Brasada, and the investigation last year that took a lot of time. Response to Crawfest requires two deputies. The parking has a great plan, so the complaints were mainly regarding the noise. That included loud voices and screaming, people breaking off with their music and not from the bands. The noise was from the crown.

The Court discussed working together. Dr. Crawford was asked to commit the ending of the band music at midnight. Mr. Balyeat asked about the references to the significant investigation and did it relate to Dr. Crawford. He said Dr. Crawford has no notice of a noise complaint. Mr. Wilson advised Mr. Balyeat there had been an alleged rape reported from a participant that attended the event. Dr. Crawford said it occurred on BLM land.

Dr. Crawford spoke about the \$5,000 deposit that is refundable. He said the money is not available. The bands sell the tickets and keep the proceeds. Money coming in for the event is nominal. Discussion was held regarding the documented complaints, scheduled events, intoxicated crowds and the bands. Commissioner Crawford asked about the report of Sheriff Gautney that Dr. Crawford would not allow the deputies on his property. Commissioner Fahlgren asked if there is any security at the event. Dr. Crawford said the security is a volunteer effort working it out together. Commissioner Fahlgren discussed the overtime costs for the deputies and then not allowing them on the property. Mr. Balyeat and his client Dr. Crawford discussed this matter, and if the Sheriff's Deputies respond to a complaint or reasonable cause, they should be allowed on the property. Commissioner Fahlgren suggested a middle ground amount for the deposit. Commissioner Crawford suggested \$2,500 and Dr. Crawford said that still seemed high. Mr. Wilson said he does not recommend lowering this deposit. It is in place to cover problems that are not known at this time. Mr. Wilson explained a mass gathering and the requirement of a bond and/or cash security deposit. To do otherwise leaves the County at risk.

Judge McCabe spoke to Dr. Crawford. This is the 9<sup>th</sup> event. The County has had complaints. Judge McCabe proposed that the County could waive the deposit; however, if the County has to go out on a complaint, Dr. Crawford will have to pay the costs for the Sheriff's Deputies. The Sheriff will roll if he has to--- and if so, there will not be a number 10 event. Dr. Crawford said he appreciates the no deposit.

Discussion was held regarding after the event, if someone wants to promote a complaint. Mr. Balyeat stated that if you roll, Mr. Crawford would have to pay. Every year he will have to go through this. Mr. Balyeat stated again that this requirement is more onerous than the state's requirement. He said he was just saying and asking if this is what Crook County wants to do: make the requirements more onerous than a particular event that puts into place the impetus for others. He spoke on the right to assemble, the health and safety requirements, and the huge differences between a social gathering and mass gatherings.

Judge McCabe said he was sorry he missed the earlier portion of the presentation but the County is not going to change the requirements. The County got to this place the hard way. He instructed Dr. Crawford to shut off at midnight and we are good.

Mr. Balyeat agreed: Midnight cut off, no cash deposit and pay if the Sheriff is called out.

Mr. Wilson said the County will make it work. Judge McCabe added that Dr. Crawford's number 10 event is on the line. There was a discussion regarding the Sheriff's Deputies being allowed on the property. Judge McCabe asked if there were any questions from the audience. There were none. Judge McCabe stated that if the event is selling alcohol, the County can require security.

**Prineville Insurance presentation, Elaina Huffman, Glenda Lyle and Monica Elsom**

Prineville Insurance representatives Elaina Huffman, Glenda Lyle and Monica Elsom presented and overview of Crook County's Liability Insurance Policy. The total for the contents, property and mobile equipment was \$44,595,464. There has been a change in property with the stage and memorial at the Fairgrounds. Information was presented regarding vehicle coverage, the premium summary and the liability line that have grown.

Judge McCabe expressed the appreciation of the Court for the summary this year in the front of the insurance booklet. Discussion was held on the vehicles that have been transferred to the City of Prineville's insurance that are in service at the Airport. The SAIF Workers Compensation insurance was discussed and the prepayment of the premium resulting in a savings of \$5,300. The Best Practices survey was discussed. Judge McCabe said that Dunny Sorenson of CIS has been very good to work with.

Mr. Wilson provided information on the permanently mounted reader board in the park. The County is required to have liability on the sign. He will get the information regarding the sign and liability needs over to the Prineville Insurance office.

Commissioner Fahlgren said he has enjoyed working with the Prineville Insurance people and appreciates their assistance. Judge McCabe added that over the years, it have been an honor and pleasure to deal with the Prineville Insurance and staff, he appreciates all the services and thanked them for the years of service to the County and the good relationship that has grown between the County and Prineville Insurance.

**Approve a task order authorization for Allan Clark LLC to do Hazardous Fuels Removal in the Marks Creek Project area**

Mr. Wilson presented information on the 2010 FEMA grant and the project of preparing areas to make them fire ready. Allan Clark has submitted a request for a task order authorization to do work up in the Mill Creek area that would be complete in July 2016. John Jackson has provided information that FEMA so far has not reimbursed from the 2010 grant. History of the 2007-08 grant when this same thing happened was provided. Mr. Jackson has been working with FEMA and EOM, and as of now, Mr. Jackson cannot tell Mr. Clark when or if this will be approved. If this were approved by the Court, today's project would increase the County's potential liability for up to \$100,000. Currently the grant fund is underfunded. Mr. Jackson has communicated his concern to Deschutes County. They are a partner and the administrator in the project. Deschutes has also not received any money, and there is serious thought of ending the program in Crook County. He explained the need for the Court to know this information.

Judge McCabe expressed the importance of this project to our community, Crook County, and he would hate to see it go away.

Commissioner Fahlgren added that at the AOC conference, there had been a discussion regarding FEMA reimbursement being very slow. Mr. Wilson explained all the conditions that the workers have waited through. Judge McCabe talked about a previous grant when the County had worked hard and done a really good job, not using all the funding, but resulted in being penalized for doing such a good job. He feels that the program is very worthwhile. Mr. Jackson discussed others that he is working through, and right now there is no response and there is no money for this request. Commissioner Fahlgren said he has heard from Tillamook County, and they said the payment schedule is up to 7 to 8 months.

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Mr. Wilson said he recommends not approving the task order. Commissioner Fahlgren agreed that the Court should hold off.

**Consider approval: Hans' Pharmacy Building Purchase and Sale Agreement**

County Counsel presented two documents, duplicates of the Purchase and Sale Agreement for Hans Christiansen, owner of the Hans Pharmacy building, on behalf of the Bowman Museum and Crook County Historical Society. The amount is \$300,000 with \$5,000 earnest money deposit and 60 day inspection. He presented information regarding the written assessment, GHRIBI, the closing of the sale after the 60 day contingency, one third as down payment from the Historical Society, the title report, financial contingency and the inspection.

**Motion**

Judge McCabe moved to approve the Purchase and Sale Agreement. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

**Motion**

Commissioner Crawford moved to approve the agreement for the Level 1 Environmental Site Assessment from GRIBI Associates. Judge McCabe seconded the motion. The vote was 3-0, motion carried.

**Approve applications for Solid Waste Disposal Fee Credit/ LCSNW, Humane Society of the Ochocos, Soroptomist, St. Vincent DePaul**

Colleen Ferguson presented waiver application from four non-profits. The Court in 2006 approved an order for \$15,000 total for non-profits for dumping at the Landfill. There have usually been five or six applications. Today, there are four each asking for \$3,000. Those four are: Lutheran Community Services Northwest; Humane Society of the Ochocos, Soroptomist, and St. Vincent DePaul.

**Motion**

Commissioner Crawford moved to approve the four applications submitted for dumping fee waivers at the Landfill. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

**Additional discussion with Roadmaster**

The Court and Counsel discussed with Roadmaster Bob O'Neal recent emails regarding cost accounting, charges for 21 gallons of fuel, and patch work that was invoiced in 2013 and is now having to be replaced. Mr. O'Neal had not seen the emails or the invoices. Discussion was held regarding prior charges to grants, the costs of the patch work and details with drainage.

The Court discussed a grant application that the Court generally signs but the Court had instructed Mr. O'Neal to sign the grant application. Mr. Blaine will send a letter to be signed by Judge McCabe that will be retroactive to the work session date when the discussion was held and authorization was given to Mr. O'Neal to sign the application.

**16. Consider approval of Community Development Personnel Action Notices (step increases for employees – performance evaluations)**

Bill Zelenka, Director of Planning and Community Development and Teresa Herrmann, Human Resources, presented information on three employees of the Community Development Department that have been recommended for changes in salary. The requests have gone through the Compensation Committee. Certification, cross training and retention of employees was discussed.

**Motion**

Commissioner Crawford moved to accept the salary increases for the Community Development employees. Judge McCabe seconded the motion. The vote was 3-0, motion carried.

**Consider for approval: funding requests from Video Lottery and other funding/ Discussion**

Requests for funding from Video Lottery were reviewed. After discussion, it was agreed that there would have to be some adjustment made before there could be any approval. The request list will be reviewed and requested amounts will be adjusted. This item will be brought back for review at a future meeting.

There being no further business in Open Session before the Court at this time, Commissioner Fahlgren adjourned the Court out of Open Session and into Executive Sessions under ORS 192.660(2)(e) for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions and 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**

**ORS 192.660(2)(e)** for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions

**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

Commissioner Fahlgren convened the Court into Executive Sessions under **ORS 192.660(2)(e)** for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions and **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. County Counsel and County Court discussed the matters before them in the Executive Session. Following the discussion, Commissioner Fahlgren adjourned the Court out of Executive Session and into Open Session.

**Open Session**

Following the Executive Sessions called under **ORS 192.660(2)(e)** for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions and **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, Commissioner Fahlgren convened the Court into Open Session and invited the public back into the meeting room.

**Motion**

Regarding ORS 192.660(2)(e), Commissioner Crawford moved to approve the documents as discussed in Executive Session, two agreements with Invenergy. Judge McCabe seconded the motion. The vote was 3-0, motion carried.

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**Motion**

Regarding ORS 192.660(2)(h), Commissioner Crawford moved to direct staff to proceed as discussed in Executive Session. Judge McCabe seconded the motion. The vote was 3-0, motion carried.

There being no further business before the Court in Open Session today, Commissioner Fahlgren adjourned the Crook County Court.

Respectfully submitted,

*Colleen Ferguson*

Colleen Ferguson  
Crook County Court Secretary