

BE IT REMEMBERED THAT the Crook County Court met in a scheduled Regular Session on March 16, 2016 in the County meeting room located at 320 NE Court Street, Prineville, OR 97754. 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 Assistant Jennifer Orozco.

Members of the public signing the attendance logs were: Jerry and Darlene Harpster, Prineville; Pete Sharp, Prineville; Craig Kilpatrick, on file; Tom Jay, Prineville; Michael Warren II, Crook County Properties, Prineville; County Health Director Muriel Delavergne-Brown, Prineville; Kris Williams, Crook County Health Department; Travis Hegele, Terrebonne; Rocky Hegele, Terrebonne; Melanie Marlow, Prineville and Bill Mintiens, Jakie Spring Media, Prineville.

Public notice was provided to the media.

Judge McCabe called the meeting to order and asked Craig Kilpatrick to lead the Pledge of Allegiance.

Consent Agenda

- 1. Approve Minutes of January 20, 2016 Public Hearing, Goering Remand and January 21, 2016 Town Hall**
- 2. Approve Order 2016-27, In the matter of increased appropriations, Health Department**
- 3. Approve 4th Amendment to IGA147786 for Financing of Community Addictions and Mental Health Services**
- 4. Approve 5th Amendment to IGA 147786 for Financing of Community Addictions and Mental Health Services**
- 5. Approve Letter of Agreement with Pacific Source re: QUIM Project**
- 6. Approve Local Agency Agreement No. 30995—Highway Safety Improvement Program**
- 7. Approve 2016-2021 telephone service contract with Bendtel**

The Court reviewed the Consent Agenda. There were no changes or corrections.

Motion

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

Consider Road Department Purchase of Lube tank for Service Truck

Road Department Roadmaster Bob O'Neal presented the information regarding the proposed purchase of a lube tank for the Road Department service truck, a self-contained hydraulic unit with motor. Three quotes were obtained. The quotes are for parts only, the County will install on the truck. Mr. O'Neal said this should have been included when the service truck was purchased but can now be added. This will be used to service equipment in the field as well as on the County owned generator at the Health Department. Taylor Pump and Lift met the specifications that were asked for and were the low quote for the equipment at \$9,425.00. Mr. O'Neal recommends approval from Taylor Pump and Lift for the price of \$9,425.00.

Motion

Commissioner Crawford moved to approve the purchase from Taylor Pump and Lift at the quoted price of \$9,425.00. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Consider approval of 2016 HMA quotes for Juniper Canyon

Roadmaster Bob O'Neil presented information regarding the project on Juniper Canyon Road involving asphalt widening of Juniper Canyon Road from the Fire Hall to the County Boat Dock Road. The quote is just for asphalt, the County will do the work in May. There will be an asphalt overlay project later, and the Roadmaster will come back to Court with the quotes at that time.

At this time, quotes are from Perrigo at \$46.80 per ton and Knife River at \$46.00 per ton. The distance from the plant to the work figures into this. Perrigo is the closest with the final cost being \$103,068. Knife River is at \$109,781. Mr. O'Neal recommends approval of the Perrigo bid.

Motion

Commissioner Fahlgren moved to accept the quote from Perrigo. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider Iberdrola Aurora Solar—Property Tax Abatement Agreement

County Counsel Jeff Wilson presented the information regarding the seeking of a 10-year tax exemption under HB 2015-3492 plus two additional five-year periods, totaling 20 years. This exemption would not be based upon the value of the land, but based on the megawatt name plate capacity. This could result in approximately \$392,000 paid to the County in lieu of taxes. If production goes up, the amount to the County goes up. If production is down, the amount to the County would also go down. This is the first option.

The second option is to allow the RRED zone. This exemption would be based on property value for a three-year period with an optional two more years of extension. There is a condition that the company must pay their employees 150% of the average annual wage. County Assessor Brian Huber and Oregon Department of Revenue conclude that it is a wash over 10 years with very similar benefits. There is a five-year short term benefit to 2015 house bill 3492 (1.9 million dollars). RRED zone benefits are \$100,000 for each of the first two years

The Court and Counsel discussed the commitment required under HB 2015-3492, 20 years, and the value, if it were to be depreciated in five years, would the county be locked in. There were also questions about how the income would have to be split. Ann Beier, Planning Department, will look into the question and bring back to the Court in April when Iberdrola come in with the decommissioning plan. Also, Iberdrola has found a 1942 County Court decision to vacate a portion of Moffitt Road. Iberdrola will be asking the Court to uphold that decision. This matter will be brought back in April for review.

Public Hearing, Amendment 1 to Ordinance No. 283, regarding regulations for outdoor mass gatherings (3000 or more individuals in excess of 12 hours), second reading, public hearing, emergency clause

Mr. Wilson presented Ordinance 283, Amendment 1. The ordinance currently does not allow discretion to reduce or waive the \$500,000 indemnity bond. Symbiotic Experiences is asking the County to reduce

or waive the bond since they will be providing a \$10 million dollar insurance policy. Mr. Wilson is still not sure if they are insurable or if the insurance policy will cover the same things that the indemnity bond would cover. The Court today is being asked only to amend Ordinance 283 so that they can reduce an indemnity bond at the Court's discretion. They are not being asked to make the decision to reduce or waive it on the Symbiotic request at this time.

Motion

Commissioner Fahlgren moved to read Ordinance 283, Amendment 1 and declaring an emergency by title only. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 283, Amendment 1 by title only and opened the public hearing. There was no discussion, and no concerns or comments received from the public. Judge McCabe closed the public hearing.

Motion

Commissioner Fahlgren moved to approve Ordinance 283, Amendment 1 and declaring an emergency on the second reading. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Due to the emergency clause, the Ordinance 283, Amendment 1 will go into effect immediately.

Public Hearing Ordinance 292, To add an aggregate site to County inventory, Second reading, public hearing, VOTE (Hegele)

Ordinance 292 will add an aggregate site to the Goal 5 inventory. No conditions will be discussed today. The 9 acres Lone Pine Valley site will be a 3C aggregate site. There is an ESEE analysis, and the mining materials are to be used on site in the property owners own operations. It will be mined in two acres cells.

Motion

Commissioner Fahlgren moved to read Ordinance 292 by title only. Commissioner Crawford moved to second the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 292 by title only and opened the public hearing. There were no comments or concerns expressed by the public. Judge McCabe closed the public hearing.

Motion

Commissioner Crawford moved to approve Ordinance 292 on the second hearing. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Ordinance 292 will go into effect in 90 days.

Consider sale of 92 acres of County-owned property/ Mike Warren II

County Realtor of Record, Mike Warren II, presented information on the County owned 92 acre property located on George Millican road. The value is \$1.7 to \$2 Million dollars. Discussion was held regarding the layout of the property, challenges and easements, and the fuel plant located close that has asked to extend their lease. Discussion was held on the lease as currently written or as written as an extension.

The plan is to section off the fuel plant property and sell the other parcel. Also, one idea would be to use the SDC credits as a negotiating tool. The total SDC credit is \$200,000. The Judge does not want to use it all on this one sale. They could use it to negotiate, but the sale price would need to start higher, maybe in the \$2 million dollar mark. The current lease lists the Airport Commission, so that is another consideration for a potential buyer. The City of Prineville has said they would like to meet with the County to discuss the lease before the property is sold. Discussion followed regarding the listing price versus possible SDC credit for negotiation; the possibility of a survey needed to ascertain the easement; whether the parcel with the fuel plant should be partitioned from the parcel to be sold; whether to make the heavy industrial zone permanent as a condition of the sale and finding out who has knocked down many Juniper trees on the west side of the parcel. Mr. Warren said he can list the parcel and mention "possible SDC credits". Judge McCabe requested that total price be set at \$2 million dollars and if there is no interest at that price, he needs to be notified.

Consider offer to purchase County-owned property, Palm Lane

Mr. Warren presented an offer from a person who has purchased an adjacent parcel to this foreclosed County owned parcel located on Palm Lane in Juniper Acres. He is interested in other parcels the County has listed for sale. This property on Palm Lane is listed at \$12,000 but has had no activity on it. The average price in this area is \$800 to \$1,000 per acre. Mr. Warren recommends accepting the \$9,000 offer before the Court today.

Motion

Commissioner Fahlgren moved to accept the \$9,000 offer to purchase the County owned foreclosed property on Palm Lane. Commissioner Crawford seconded the motion. The vote is 3-0, motion carried.

Consider offer to purchase County-owned property, Juniper Street

Mr. Warren provided information on the Juniper Street parcel that is unlikely to be a buildable parcel. There is no legal access. A potential buyer has purchased the property to the east of this parcel and has offered \$2,000 for this County owned property. Mr. Warren recommends a counter offer of \$4,000. Commissioner Fahlgren has visited this property and it is overgrown and weedy. It would be good to have someone maintain the area.

Motion

Commissioner Fahlgren moved to send a counter offer of \$4,000. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider offer to purchase County-owned property, Brekenzie Lane

This property is located in the Paulina area and adjoins a parcel recently purchased by Lou Hollander. Mr. Hollander has offered \$4,000 for the County owned property. There has been no other activity on this parcel. Mr. Warren recommended accepting the \$4,000 offer. There are another seven or eight parcels in the same area. The potential buyer already owns a couple of other parcels located there.

Motion

Commissioner Fahlgren moved to accept the \$4,000 offer from Mr. Hollander for the parcel located on Brekinzie Lane. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Public Hearing, Ordinance 293, To add an aggregate site to County inventory, first reading, public hearing (Stafford)

Assistant Planning Department Director Ann Beier presented information regarding Ordinance 293, adding an aggregate site to the County inventory. Craig Kilpatrick is representing the applicant, the Stafford's.

The request is to add an 85 acre expansion of an existing approved pit. This was originally approved since 2000 and has been mined since the 1950's. It is located on Lamonta Road and meets the criteria with potential for 500,000 tons to 1.5 million tons of material. The Planning Commission has waived the conditional uses because there is already a mining site. They will modify operation hours and other conditions. The Planning Commission recommends adding the site to the inventory as a significant Site.

Motion

Commissioner Fahlgren moved to read Ordinance 293 by title only. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe read Ordinance 293 by title only.

Commissioner Fahlgren discussed making sure that the surface material is being saved to replace during reclamation of the site. He was assured by Craig Kilpatrick that all of the material is piled up and will be used for reclamation. Mr. Kilpatrick clarified the setbacks and the area that would actually be mined. Mr. Kilpatrick explained the reclamation plan, this area has a pivot that will be dropped about 20 feet and they will stop the irrigation as they move through the mining. The area will be brought back to agricultural use after the reclamation.

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

Motion

Commissioner Fahlgren moved to approve Ordinance 293 as presented on the first reading. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

The second reading of Ordinance 293 will be held on April 6, 2016.

Additional items not listed on the Agenda

Commissioner Crawford presented information on wilderness areas being proposed in the Post Paulina area. He is opposed to allowing the wilderness areas, and he would like a letter at the next session to be signed by the County Court opposing the proposal. Commissioner Fahlgren stated that he is aware of the proposal, that the 12 miles flat has been a stud area for a long time. He has been out to that area with BLM personnel and Matt Smith with the GI Ranch. Jerry Vieu, member of the public, said he did not think it had gone to Congress yet, but that it is range land and is used. We don't want more restrictions. BLM and Crook County have property in the center of the area. Commissioner Fahlgren feels that the property needs to be traded to BLM. Commissioner Crawford said the County Court needs to come out strong in opposition and the opposition letter should be signed at the next session. Commissioner Fahlgren said that they need to gather the details first, but that it could be brought back for discussion.

EDCO

Roger Lee, EDCO, requested funding of \$4,300 to help establish a direct flight from Redmond to Phoenix. Commissioner Crawford reminded that it is “proven” that direct flights bring in economic development. Commission Fahlgren agreed,

Motion

Commissioner Fahlgren moved to approve the requested EDCO funding of \$4,300 to help fund the direct flights Redmond to Phoenix. Commissioner Crawford seconded the motion. He vote was 3-0, motion carried.

Health Department

Health Department Director Muriel Delavergne-Brown presented a grant application including attachments completed by Brenda Comini for the Crook County Coalition as fiscal agent for the 2016 Drug Free Community Support. The deadline for submitting the grant is Friday. The City of Prineville has not had the grant since 2007. Crook County Human Services will be fine tuning the grant application process for next year. Ms. Delavergne-Brown said there is no assurance they will qualify this year. Jefferson County and Deschutes County are both receiving this grant at this time.

Motion

Commissioner Fahlgren moved to approve the application for the grant. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Amendment to PPO/POS/ MODA Contract

The Court reviewed the PPO/POS/ MODA Health Synergy Amendment.

Motion

Commissioner Fahlgren moved to accept and approve the PPO/POS/MODA Health Synergy Amendment. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Ms. Delavergne-Brown announced that the County “Health Behaviors” have improved. Crook County went from number 25 out of 36 Oregon Counties to number 12 out of the 36 Counties. The small number is much better. This is referring to categories in which Crook County improved such as adults who smoke. The State produced some results in which Crook County did not improve as much. She would like to know where the State got the data for such things as “physical environment”. Overall, Ms. Delavergne-Brown is very pleased and proud of the results of the study. There will be an article in the Bulletin and a press release today.

Ms. Delavergne-Brown announced that Public Health week is in April. The Health Department will host the Prineville Perk and “What’s Brewing” during April to promote the Public Health week.

Approved May 18, 2016

There being no further business requiring the action of the County Court today in Open Session, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(h) For the purpose of 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) , For the purpose of 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(2)(h) , For the purpose of 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 Court's discussion with County Counsel regarding this matter, Judge McCabe adjourned the meeting out of Executive Session and back into Open Session.

OPEN SESSION

Judge McCabe convened to Court into Open Session following the Executive Session under ORS 192.660(2)(h) , For the purpose of 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 any public that was waiting back into the meeting room.

There being no further business scheduled before the County Court today, Judge McCabe adjourned the meeting. The next regularly scheduled County Court meeting will be held on April 6, 2016.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary
Executive Administrative Assistant