

Approved May 5, 2016

BE IT REMEMBERED THAT the Crook County Court held a Regular Session on March 2, 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.

Members of the public signing the attendance log were: Brett Nelsen, Prineville; Tom Jay, Prineville; Casey Daley, Manager, Crook County Fairgrounds; John Amodeo, Prineville; Corey Amodeo, Prineville; Rita Amodeo, Prineville; Pete Sharp, Prineville; Jane Aggers, Prineville; Melanie Marlow, Prineville; Debbie McCoy, Prineville; Jerry Brummer, Prineville; Rocky Hegele, Terrebonne and Travis Hegele, Terrebonne.

The media received notice of the meeting.

Judge McCabe called the meeting to order and asked Tom Jay to lead the Pledge of Allegiance.

Consent Agenda

- 1. Approve minutes, January 20, 2016**
- 2. Approve Order 2016-22, In the matter of reviewing and reauthorizing reserve funds pursuant to ORS 294.346**
- 3. Approve Order 2016-23, formally appointing members of the Local Public safety Coordinating Council (LPSCC)**
- 4. Approve Order 2016-24, In the matter of establishing policies for fund balance developed for GASB 54**
- 5. Approve Order 2016-26, In the matter of appointments to the Mental Health Advisory Committee**
- 6. Approve Order 2016-25, Approve setting priorities for two COIC applications to ODOTA for Special Transportation Fund Program**
- 7. Approve Amendment No. 1 to Property Use License**
- 8. Approve Extension of Computer Software Maintenance with Executive Information**
- 9. Approve Mosaic Medical—Amendment 1 to Contract for Personal Services**
- 10. Approve Personal Services Contract, Andy Parks**
- 11. Approve Medical Services for Jail Inmates**

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

Motion

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

Relay for Life, request for funding assistance, John Amodao

John Amodao representing Relay for Life for 2016 presented information on the 2015 Relay event that raised \$49,788 for the local community. Right now the Community receives more than that amount from the Cancer Society. The goal is to make more money than we receive from the Relay for Life event.

Mr. Amodao asked the County for the use of the Fairgrounds for the 2016 Relay to be held the last weekend in July. Fairgrounds Manager Casey Daly was in attendance and agreed that the Fairgrounds

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was available for the Relay again this year. This will be the 3rd year that the Relay has been held at the Fairgrounds. Mr. Amodao requested funding to cover the use of the Fairgrounds, total amount \$2,250. This will allow the Relay use of the same area with the track for walking, the stage and the big tent with tables available for many of the activities, restroom facilities, use of the Open Campus building for meal preparation for meals to be served out doors, and the use of the grounds for staying overnight and camping for the 24-hour event. Mr. Amodao expressed his gratitude and that of all attending the Relay event for the use of the facility and the wonderful Fairgrounds staff that assists with the event. It is an ideal venue for the Relay for Life.

Judge McCabe will take this matter to the budget hearings for consideration.

Approve Order 2016-19, Notice of intent to establish a contract for Procurement of Liquid Asphalt

County Counsel Jeff Wilson presented the staff report for Order 2016-19 that authorizes procurement of AC15 P liquid asphalt. This procurement will piggyback on other agency contracts. An affidavit of publication was required for more than seven days, with hard copies out to all Central Oregon companies that provide this product.

Motion

Commissioner Crawford moved to approve Order 2016-19. Commissioner Fahlgren seconded the motion. Judge McCabe read the title of the order. The vote was 3-0, motion carried.

Roadmaster Bob O'Neal discussed with the Court the chip seal of roads that are planned for Millican and Juniper Canyon. Rock is cheaper this year as well, so there will be a major saving on the asphalt and the rock.

Request for funding, Crook County High Jazz Choir

The Crook County High School Jazz Choir appeared at the County Court meeting to present a request for funding to assist in transportation to the choir contest and concerts in Canada. Hayley Bishop, Jazz Choir President explained that the cost is \$300 per student and \$4,300 for the charter bus. The students have been working on fund raising for over a year, and have more fund raisers scheduled. Today they are asking the County to assist with funding toward the cost of transportation.

The Court and audience enjoyed two wonderful song selections presented by the choir.

The request is for \$2,000 to assist with the transportation costs.

Motion

Commissioner Fahlgren moved to provide funding of \$2,000 to assist with transportation costs for the Jazz Choir's trip to Canada. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Presentation, request for funding, Carey Foster Hall use, Tyler McCormack, Crook County Stockgrowers Association/ \$400.00, Non-profit.

Tyler McCormack presented a request from the Crook County Stockgrowers Association for the use of the Carey Foster Hall for the annual dinner and auction. They ask that the fee for use of the Carey Foster

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Hall be waived. Judge McCabe explained that the fees are never waived, but are back filled by the County from another fund back to the Fairgrounds.

The consensus of the Court is that the Crook County Stockgrowers and Cattleman will not be charged the \$400.00 fee for use of the Carey Foster Hall.

Consider request to reduce Brasada Ranch infrastructure bond.

Assistant County Counsel Eric Blaine and Planning Director Bill Zelenka presented information regarding Phase 9 (also named 8B) of the Brasada Plat. Discussion was held regarding the bonded amount and the now fully completed infrastructure. A letter was received from James Frost requesting a reduction of the bond to 10 percent as warranty for 12 months. Or reduce it completely and have a new bond at 10 percent. If after 12 months, there would be no claim.

Mr. Blaine and Mr. Zelenka recommend reduction to 10 percent for the warranty bond. Engineers have reviewed the infrastructure and have signed and stamped it as complete.

Motion

Commissioner Fahlgren moved to accept the request in the letter from James Frost to reduce the bond to the 10 percent figure. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Public Hearing, Ordinance 291, Oregon Association of County Engineers and Surveyors (OACES)/ Second Reading, public hearing, vote

Mr. Blaine presented information on the purpose of Ordinance 291, and the process for the ordinance. The group of engineers and surveyors has functioned for many years. This ordinance will grant legal entity status. The Intergovernmental Agreement (IGA) is limited. The goal is to have all members counties approve and sign.

Motion

Commissioner Fahlgren moved to read Ordinance 291 by title only. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 291 by title only. The vote was 3-0, motion carried.

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

Motion

Commissioner Fahlgren moved to approve Ordinance 291 on the second reading. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

The ordinance will go into effect in 90 days.

Mr. Blaine presented information on the IGA that governs management of the OACES group. This agreement will be held for 90 days. If there is no problem with the Ordinance 291, the IGA will be forwarded to Association of Oregon Counties (AOC).

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Motion

Commissioner Fahlgren moved to approve the IGA creating OACES. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Copies will be sent out to all the Counties when signatures are all received.

Consider approval and signature of letter of support for Grant, COTA

The Court considered a letter of support for a grant written by Central Oregon Trails Alliance to rehabilitate three current trails that total approximately 35 miles.

Motion

Commissioner Crawford moved to approve signature of the letter of support for a grant application by COTA for the rehab of three current trails. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Public Hearing, Amendment 1 to Ordinance 283, regarding regulations for outdoor mass Gatherings (3000 or more individuals in excess of 12 hours), First reading, Public Hearing, Emergency Clause

County Counsel Jeff Wilson presented the staff report for Amendment 1 to Ordinance 283. He presented information regarding the general commercial liability insurance requirement for outdoor mass gatherings (in an amount not less than the limits of the Oregon Tort Claims Act (ORS 30.272) and requesting the \$500,000 indemnity bond be removed. Currently there is no way to remove the bond per the current ordinance. There is no provision to waive the bond entirely but it can be reduced down to \$1.00.

The main concern is that the insurance policy would insure the same risk as the bond. At this time he has seen nothing regarding the bond amount.

Planning Director Bill Zelenka said the insurance policy is due 90 days prior to an event. There had been a question as to how they could even get a bond for the event. Mr. Wilson has contacted symbiotic and asked for a letter from the bonding company to make sure they can get a bond.

Motion

Commissioner Fahlgren moved to read Amendment 1 Ordinance 283 by title only. Commissioner Fahlgren seconded the motion. Judge McCabe read Amendment 1 Ordinance 283 by title only. The vote was 3-0, motion carried.

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

Motion

Commissioner Fahlgren moved to approve Ordinance Amendment 1 Ordinance 283. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

The second reading will be held on March 16, 2016.

Public Discussion

Brett Nelsen discussed with the Court the OHV Proposal that has 45 days to comment. He asked that the County consider holding a town hall meeting about the meaning of the OHV proposal. The Crook County Natural Resources PAC has agreed to facilitate a town hall. Mr. Nelson provided information on the meeting regarding the project and the response for comments due by April 4th.

Commissioner Crawford provided comments regarding the two separate issues involved and getting more information out to the public.

Judge McCabe said that if the County sponsors a town hall meeting, the County will provide a moderator to facilitate the meeting.

Due to the Court meeting running ahead of schedule and the next item on the agenda being a public hearing scheduled for 10:30, the Court contacted Mr. Gray to hold his performance review earlier than the 11:30 time originally scheduled.

At this time, Judge McCabe adjourned the Open Session and convened into Executive Session under ORS 192.660(20)(i) Performance Review , Leroy Gray, County Landfill Manager.

Executive Session

ORS 192.660(2)(i) Personnel review

The Court met with Landfill Manager Leroy Gray to complete his annual performance review.

Following Mr. Gray's performance review, Judge McCabe adjourned out of Executive Session under ORS 192.660(2)(i), performance review, and into Open Session.

Open Session

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

Public Hearing, Consider Social Gathering application, Genesis Arts and Music Festival

Assistant Planning Director Ann Beier, presented the staff report regarding the social gathering application received from James Detherage. The social gathering application is required for a social gathering of more than 100 but less than 3000 for any time greater than 12 hours. The gathering is to be on the Woodward property by Duncan Creek and the Woodward's are supportive of the event. The Road Department, Environmental Health and Sheriff's Office have all been involved.

The fees have been paid, and Ms. Beier said she recommends accepting the application. The insurance will be paid 30 days prior with the cash deposit due 30 days prior also. Ms. Beier discussed the issues that have been addressed such as sanitation, vendors and parking.

James Detherage presented additional information regarding the plans for the proposed event that will bring no more than 2000 attendees. He discussed the on-line ticketing sales, the plans for trash containers and recycle bins, the portable restrooms and handwashing stations, camping and quiet sites, the vendors that will be on site, on site and off site parking and the music to be provided beginning at noon and

running through the night until 7:00 a.m. There will be no dogs, no fireworks and no fires.

Mr. Detherage said he wants to hold this event to bring in all types of music for an audience that has a love of artwork and music. Pricing will be as low as possible, less on line and more at the door. He is hoping to have 2000 people attend. He would break even if 1000 attended, but the cut off is 2000. He is marketing in Portland, Eugene and Southern Oregon, and is trying to do family oriented events throughout the day with day care, crafting, yoga workshops, astronomy, and hooping.

The event will be held on 180 acres of an 800 acres parcel of ground. The underground spring water will be tested and if it cannot be used, Mr. Detherage will have water brought in. Water will also be on-site in case of fire.

Tom Jay asked about the placement of the stages and the sound in the area from the music. Mr. Detherage said the stages will be aimed at the side of the hills to reduce the carrying of the sound to other neighboring properties.

Mr. Detherage said he has worked with Ms. Beier on this project since late November. His hope is to have his own sound system after this year and bring in live band. This year there are 52 acts but no bands. The music is pre-recorded.

Judge McCabe asked for any more comments from the public. Tom Jay said he is Chair of the Crook County Cultural Committee and is all for bringing in more culture.

There were no further comments received. Judge McCabe adjourned the public hearing.

Motion

Commissioner Fahlgren moved to approve the application subject to the conditions set for the event. Commissioner Crawford seconded the motion. Discussion was held on any changes that may be made in the event. The vote was 3-0, motion carried.

Public Hearing Ordinance 292, comprehensive plan amendment to add an aggregate site

Ms. Beier presented the staff report and recommendation from the County Planning Commission to approve the application to add this 9 acre mine site located off Lone Pine Road on the Hegele property to the aggregate inventory and accept the ESEE. This area was previously proposed but at that time it was for 24 acre. Because it is a smaller 9 acre site, a new application is required.

Judge McCabe polled the Court for ex parte contact and conflicts. No ex parte contact or conflict was declared by any member of the County Court.

The report from the geologist on the 9 acre site finds that the site meets the requirement for base, met the general tests for quality and quantity, and met other tests as applied.

The zoning is farm and non-farm, and there are several other aggregate sites in the same area. The mine will be located on the Hegele property mining their own property, and concerns have been addressed for noise, dust and view.

Today the Court will be discussing the approval to add the site to the aggregate inventory and approve the ESEE analysis. County Planner Bill Zelenka explained the two stage process. The Court will hear this

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information today, and if approved, the conditional use permit (CUP) will be applied for. If there are no appeals to the CUP, it will not come before the Court again.

Applicants Travis Hegele and Rocky Hegele, American Sprinklers, are brothers operating the business. The aggregate from the site will be used in their own business. A brief history of the family moving to the area in the mid 90's and their farming operation with Clydesdales, buffalo and farming was provided. They bought a 3000 dozer, started leveling the grounds and realized the need for permits. They built a shop and have donated over 30,000 of clay to ditch and canal liners. In 2002 according to code compliance they needed a permit to mine the gravel and rock on the property for use in their business. The original application requested a 40 acres site and was reduced down to 29 acres. They went through the appeal process for years, costing the family a lot of money and a lot of time for their legal attorney, Bruce White. When Mr. White passed away, the application was put on hold. The family is now trying for 1/5th of the original request. Information was provided on local projects, the bidding and the profits remaining in Crook County.

Information was provided on the bond and the reclamation work that will be done in four phases. They are not proposing a batch plant or an asphalt plant. There will be water available for dust abatement and vegetation screening. The visual impact will be mediated. The operation has cut the hours back, and there will be 90 days of operation.

Judge McCabe Opened the public hearing. There were no comments or concerns expressed. Judge McCabe closed the public hearing.

Motion

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

Today was the first public hearing of Ordinance 292. The seconded reading and vote will be on March 16, 2016.

Motion

Commissioner Fahlgren moved to offer the next step in salary to Leroy Gray. Commissioner Crawford seconded the increase. The vote was 3-0, motion carried.

There being no further business requiring action before the Court today, Judge McCabe adjourned the Crook County Court. The next meeting is scheduled for March 16, 2016.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary
County Administration Executive Assistant