

BE IT REMEMBERED THAT the Crook County Court met in an Open Session on October 21, 2015 beginning 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: Margaret K. McKie, Prineville; Doris Sitzman, Prineville; Justin Gottlieb, Powell Butte; Tom Jay, Powell Butte; Tim Marshall, Tangent, Or.; Steve Mote, Tangent, OR; Sarah Cuddy, Prineville; Darlene Harpster, Prineville; Ken Braukman, Prineville; Pete Sharp, Prineville; Donna Kriege, Prineville; Craig Woodward, Prineville; Ken Brookhart, Prineville; Casey Daly, Manager, Crook County Fairgrounds; Scott Willard, Lutheran Community Services Northwest; Kim Kambak, Prineville; Melanie Marlow, Prineville; Karen Mikulski, Prineville; Betty Roppe, Prineville; Stanley Flynn, Prineville; Bill Mintiens, Jakie Spring Media, Prineville; Tim Deboodt, Extension; Russ Deboodt, Crook County Fire and Rescue; Matt Smith, Crook County Fire and Rescue; Gail Merritt, Crook County Fairgrounds; Tim Ray, Crook County Fairgrounds; Jo Couch, Prineville; Bill Quant, Prineville and Pat Thompson, Prineville.

The media received notification of the meeting.

Judge McCabe called the meeting to order and asked Pete Sharp to lead the Pledge of Allegiance.

CONSENT AGENDA

Approve Minutes of Approve August 5, 2015, August 26, 2015, September 2, 2015
Approve Order 2015-58, amending the Crook County Employee Policy Handbook regarding sick leave
Approve Order 2015-59, updating the IT policies found in the Crook County Employee Policy Handbook
Approve Amendments # 1 & 2 to funding IGA # 147786
Approve Amendment 1 to HHW Collection contract w/ Stericycle
Approve MOA with Building Codes Division between State Building Codes Division and Crook County

The Court reviewed the Consent Agenda and discussed item #4 on the agenda, Amendment 1 and 2 to funding IGA # 147786. Assistant County Counsel Eric Blaine discussed the amendments and recommended removing Amendment #1 due to many errors in the drafting of the document, and approving Amendment #2. Amendment #1 will be put back on the next agenda to come before the Court

Motion

Commissioner Ken Fahlgren moved to approve the Consent Agenda as presented removing Amendment #1 of funding IGA # 147786. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Judge McCabe introduced Don Doughty, new Compliance Officer working in the Community Development office. Mr. Doughty relocated from Arizona two years ago, and has worked in the Redmond Police Department and Central Oregon Community College. The Court welcomed Mr. Doughty to the County.

Discussion and consideration of agreement between LCSNW and Crook County regarding purchase of building on Elm Street: Scott Willard

Scott Willard, Director of Lutheran Community Services Northwest (LCSNW) presented a request for financial assistance from the County to purchase the Smith Clinic located on Elm Street in Prineville. The Court discussed the funding requirements, the documents, and the drafted Promissory Note and Promissory Trust Deed provided for discussion only. The request is for \$500,000 as explained in the terms of the documents. Mr. Willard discussed the understanding that there could be possible changes in the agreed upon documents. Mr. Wilson will work with the title company when an escrow is opened up. The funding discussed today is funding specifically earmarked for use for Mental Health only.

Motion

Commissioner Fahlgren moved to direct staff to work with LCSNW on the documents and authorize the Court to sign documents outside of Court. Commissioner Crawford seconded the motion. There was no further discussion. The vote was 3-0, motion carried.

Review Mylar of First Subdivision of Ochoco Mill

Donna Barnes, Ochoco Lumber Co., presented the information regarding the purpose of the plat of the First Subdivision of Ochoco Mill.

Motion

Commissioner Fahlgren moved to sign the subdivision plat as presented. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Presentation of Over Watch Project, Kim Kambak

Kim Kambak, 491 NW 5th, Prineville, presented information regarding a group of three people working together toward a repurposing of Pioneer Memorial Hospital (PMH) that was built by community donations. They are looking at it as a place for veteran's services to relocate. She provided information on the CHOICE program that can provide 1.2 billion dollars for veterans that live over 40 miles from a Service Center. Discussion was held on the Rural Doctors and their rolls that are full. They accept the program but there is no space available so the Veterans are still receiving no services. Discussion was held regarding improvement in current services, bringing centers into communities, the need for mental health and substance abuse services, the amount of suicides daily among the veteran's population, and veterans that are isolated and the wait is too long for people with acute illnesses. Ms. Kambak expressed the hope that the facility

can be used as a community based center. She has spoken with Senators and Representative who are all on board with the idea.

Ms. Kambak discussed the building being considered for a number of other things and waiting to find out the intent of the City and County. She said they are not looking for a hospital but a lot of jobs from this facility. Discussion was held regarding a press release regarding Project Over watch that was read to the Court and Audience. It expressed support for veterans across all political lines, the challenges and location of clinics, and the VA Clinic benefits that would be jobs, professional and skilled and use of the structure as is or modified.

The Court and Ms. Kambak discussed the responsibility of the PMH Hospital Board now that St. Charles is up and operational and the agreements surrounding the changes including a non-compete clause.

Further discussion was held regarding use of the building, different ways to obtain funding for services to veterans, the need for a veterans hospice, and the real need for some place for veterans to obtain services on the east side of the mountains.

Public Hearing, Ordinance 281, on a recommendation to the Court from the Planning Commission regarding a Comprehensive Plan Amendment to add a site to the County's inventory of significant aggregate: second reading, public hearing, vote

Assistant Planning Director Ann Beier presented a review on the purpose of the Ordinance 281. The ordinance will add the site to the inventory and accept the site specific ESEE analysis to mining and neighboring properties. The Planning Commission has been working on this project since June and the recommendation made by the Planning Commission is to adopt the ordinance and place on the inventory and accept ESEE analysis. Any Conditional Use Permit (CUP) would have 31 conditions. This would be unappealable until this ordinance is approved. If adopted today, it does not necessarily mean the aggregate site will go in.

Testimony will have nothing to do with the CUP. It is only to put the site on the inventory and adopt the ESEE analysis.

Motion

Commissioner Fahlgren moved to read Ordinance 281 by title only. (Note: This is the second reading of Ordinance 281, the first reading having occurred at the Crook County Court meeting held on October 7th, 2015). Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 281 by title only. The vote was 3-0, motion passed.

Judge McCabe opened the public hearing.

Doris Sitzman, 3610 NW Sunset Lan, Prineville presented information regarding her property's location. She is down from Stahancyk Lane. She said to leave the site alone. If disturbed, it can be cancerous. She needs to move and cannot sell her property until this issue is settled. She discussed the water, dams and OID guaranteed operation with water.

Judge McCabe said the daily basis of water is available for the site.

Margaret McKie said she lives one-half mile from the facility. She said that Asthma is a family problem and if this facility is used the dust will be aggravated. She said her family cannot sell the property for the same reason as discussed earlier. She talked about well testing and will this affect the wells. She cares for children and if there is a dust problem, she cannot provide care for children and will have no additional income.

Ms. McKie discussed air quality problems in existence this year due to the fires this summer. She said there is no way to control dust and is not talking about burning but dust. She discussed the water with no holding, truck traffic, school bus traffic, two bus stops and traffic problems on Elliott Lane and Highway 26. She said the county does need gravel pits all over but not by homes, and no kids in the area due to air quality. She discussed the water needed for irrigation and wells and no guaranty of snow. She also talked about water from Idaho.

Judge McCabe said he was not sure about any water from Idaho, but there are a lot of kids out there.

County Counsel Mr. Wilson and Planning Director Mr. Zelenka talked about not being sure this was what should be discussed during this process.

Tim Marshall, Tangent, Oregon, asked if there were any additional questions from the last meetings hearings. There were none.

There were no further comments.

Judge McCabe closed the public hearing.

Judge McCabe said again that today's hearing was regarding the site of the pit meeting with Goal 5.

Motion

Commissioner Crawford moved to accept and approve Ordinance 281 as presented. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Mr. Zelenka said that today some issues were raised concerning the 31 conditions that must be met for a CUP. He asked that anyone with questions, please come in and meet with him to discuss the issues.

Air Quality Plan update to the County Court/ Phil Stenbeck, City Planner and Matt Smith, CCFRD Chief, and Russ Deboodt CCFRD

City Planner Phil Stenbeck presented a review of contact by the Department of Air Quality, and meeting air quality standards with a few days per year when there can be no burning in the

County. The Air Quality Plan adopted by the City of Prineville and Crook County as Air Quality Policy will minimize the effect to the residents of Crook County.

Fire Chief Matt Smith said today is the first day of Open Burning, but by the standards today is a no-burn day, a difficult balance. There were four burn days in September and six in October.

Prineville is in a valley and down canyon winds bring smoke into town. This Air Quality Plan is part of County Code and City Compliance and has nothing to do with wood stoves. Discussion was held regarding education and people that abuse the burning being brought into compliance.

Commissioner Fahlgren discussed the chart and information that the Fire District gets from NOAA and DEA. He discussed the DEQ model they may use. Mr. Smith said that if we can get 15 days we will be ecstatic, but right now there are only six days.

Discussion was held on the web site for air quality, press releases, signage, the 211 system and the phone number of 447-BURN specific to the burn days. Judge McCabe added that we all value our clean air, and the Data Centers value the clean air in our area. The weather patterns in this area were discussed.

The Court thanked everyone for their work with the Air Quality Project.

Update from PEDCO, Caroline Ervin

Caroline Ervin, Prineville Economic Development of Central Oregon (PEDCO) presented a quarterly update, the third quarter, to the Court and audience. Ms. Ervin presented figures on Facebook, the number of people employed, 147 with 85 percent of those living in Crook County; the interest in renewable energy; pending projects that would involve 394 jobs with 2.4 billion in capital. There are five businesses in the grow stage, four interested in moving and two start-ups in the area. Ms. Ervin provided information on the Workforce Development project. Workforce is critical to new businesses.

Ms. Ervin thanked the County for their support. The Court commended Ms. Ervin on doing a great job in and for the City of Prineville and Crook County.

Consider offer to purchase County owned foreclosed property in Ochoco Land and Livestock

No information had been provided for this matter. Mr. Wilson will bring it to the Work Session when information is received. No action was taken.

Consider offer and Statutory Warranty Deed to purchase County owned foreclosed property on Almond Lane in Juniper Acres

County Counsel provided information on this matter. An offer to purchase property at 321 SE Almond Lane, 10 acres in Juniper acres, was brought before the Court and accepted at an earlier meeting. A title report brought out information there was an encumbrance. Mr. Wilson

provided information on the process of the research on the encumbrance. The title company is now willing to insure title if the County uses a Statutory Warranty Deed. The buyer signed the property addendum. Mr. Wilson recommended accepting the offer and providing the purchaser with the Statutory Warranty Deed.

Motion

Commissioner Fahlgren moved to accept the offer and approve the addendum to extend the closing to October 30, 2015 to Clyde Carnegie for purchase of property at 321 SE Almond Lane for \$7,500 and provide a Statutory Warranty Deed. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider response to counteroffer for purchase of County owned foreclosed property located at 129 NW 4th Street

The Court received an offer to purchase County owned foreclosed property located at 129 NW 4th street at an earlier County Court meeting. The Court countered the offer with an amount of \$75,000. The counter offer was rejected and a counter offer back to the County was made at \$30,000 with an expiration date of October 22. The County Realtor of Record Mike Warren II recommended countering back at \$75,000 or just reject the offer. He also recommended reducing the asking price from \$92,000 to \$75,000. Commissioner Crawford said he felt that \$92,000 is fine so there can be negotiation.

Commissioner Fahlgren said that according to the letter from Mr. Warren, he is receiving interest in the property. Commissioner Fahlgren said he agreed that the offer should be rejected.

Motion

Commissioner Fahlgren moved to reject the counter offer received for foreclosed property located at 129 NW 5th Street. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider recommendation to ODFW regarding delisting Wolves

Assistant County Counsel Eric Blaine presented information on behalf of the Wolf Committee regarding delisting of wolves. Commissioner Crawford provided information of the evidence of number of pairs of wolves in the state and the desire to have the delisting on the east of Highway 395 for sure. Mr. Blaine provided options of using an ODF & W form if available, or a letter on letterhead to make the recommendation.

Motion

Commissioner Fahlgren moved to accept the recommendation for delisting of the Wolf Committee and have the Counsel prepare the letter to be signed outside of Court. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider for approval the Building Improvement amount of \$3,500 for the storage area to be built under the Grandstands at the Fairgrounds for storage of the Christmas in the Pines event, and extra storage for Fairgrounds if needed.

Item addressed at an earlier meeting and approved.

Oregon Wild, Sarah Cuddy

Ms. Cuddy will come back to another meeting with a list of Public Meetings regarding the Oregon Wild.

The Court discussed their desire to not have additional wilderness in the Ochocos. Discussion was held regarding Deschutes County people coming to use the Ochocos because they are overran and the County wants to reserve the camp grounds for Crook County constituents.

There being no further items scheduled for open session, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(h) To consult with counsel concerning 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), To consult with counsel concerning 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) To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Following the discussions with County Counsel on the matters before the Court, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(h) and back into Open Session.

OPEN SESSION

Judge McCabe convened the Court into Open Session following adjournment out of Executive Session under ORS 192.660(2)(h) To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and invited any waiting members of the public back into the meeting room.

Motion

Commissioner Crawford moved to instruct Staff to continue negotiations with Ed Fitch as discussed in Executive Session. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Motion

Commissioner Fahlgren moved to authorize staff to prepare the letter as discussed in Executive Session, requested by the Fair Board to be sent to the Crooked River Roundup Association. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

There being no further business scheduled for action before the County Court at this time, Judge McCabe adjourned the Court meeting.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary
Administration Executive Assistant