

BE IT REMEMBERED THAT the Crook County Court met in a Regular Session on January 21, 2015 at 6:00 p.m. in the County meeting room located at 320 NE Court Street. In attendance were; County Judge Mike McCabe; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson. Commissioner Fahlgren was representing the County at a meeting out of state and unavailable for tonight's meeting.

Members of the public signing the attendance log were: Steve Holliday, Prineville Disposal and Solid Waste Advisory Committee; Jane and Gordon Aggers, Prineville; Dick Kerbow, Prineville; Scott Porfily, SMAF and Solid Waste Advisory Committee and Casey Daly, Crook County Fairgrounds Manager.

The media was notified of the meeting.

Judge McCabe called the meeting to order and asked Dock Kerbow to lead the Pledge of Allegiance.

Consent Agenda

1. **Approve minutes of December 3, 2014, December 10, 2014**
2. **Approve Order 2015-03, accepting Ready to Read grant funds from State Library.**
3. **Approve Rebel's Roost Lease—Amendment 3**
4. **Approve Commute Options compensation contract**
5. **Approve real property license, ATV training course**
6. **Approve real property license, Oregon Motorcycle Riders Association training course**
7. **Approve Treasurer's Office step changes**
8. **Approve Juvenile Department Staff step change**
9. **Approve GIS/MSAG funding agreement with OEM**
10. **Approve Amendment to operating agreement with the Crook County Historical Society**

The Court reviewed the Consent Agenda. Discussion was held regarding item number nine, GIS/MSAG funding agreement with OEM. The signature copy of the document contains a change as were discussed.

Motion

Judge McCabe moved to accept the Consent Agenda as presented and with the changes as discussed. Commissioner Crawford seconded the motion. The vote was 2-0, motion carried.

Discussion, DEQ proposed tipping fee rate increase, Leroy Gray, Steve Holliday, Scott Porfily

Scott Porfily, Leroy Gray and Steve Holliday presented information to the Court regarding DEQ changes and the proposed increase in tipping fees. The chart that was provided at a recent meeting to the haulers that use the landfill for dumping had proposed charges, but the chart and charges were vague. Discussion was held regarding the tippy fee and the significant increase that according to DEQ is to fund new programs, grants, prevention and non-regulations.

Mr. Holliday said Crook County is not the only county with concerns. Most counties are not on board with the changes, and AOC would not commit either way. He said it seems like an open checkbook and will affect everyone. The constituents are the losers because the increases have to be passed on to the people

Judge McCabe said the County needs Representative McLane to hear the story and support the County at the Legislature level. The County is working with Representative McLane's office to set up a meeting with him. The meeting will include Commissioner Fahlgren, Mr. Gray, Mr. Holliday and Mr. Porfily. Commissioner Crawford said he had called Representative McLane so the Representative is aware of what is happening with the DEQ.

Mr. Holliday said they are here today to make sure the Court is made aware of what is going on between the landfill, the haulers and DEQ. As members of SWAC (Solid Waste Advisory Committee) it is their job to keep the Court informed. They want to go through the proper channels.

Mr. Gray said that SWAC met with DEQ Representative Shari Harris-Dunning, and she found it a little rough, the reaction to the proposed changes and the employment numbers. He said they want to raise the waste shed amount. Recycling costs the landfill money to do the recycling at this time, but it is the necessary thing to do. The Sheriff is concerned about the dumping fees going from .81 cents to \$1.19. The permit fees are doubling, and in the last two years, the landfill received credit for contaminated soil used for cover at the landfill. The landfill can now only claim 15 percent of the cover, and now they will be paying 85 cents per ton, and the fees were raised arbitrarily. Further discussion was held regarding the chart and charges. Mr. Gray said the Landfill paid the DEQ \$8,469 to DEQ on Material brought in. If the change goes through, the Landfill will have to pay \$4,600 more.

Mr. Porfily said his business, SMAF, brings loads back to the County landfill, and Leroy does a great job. The rates in other areas are lower, both in Deschutes County, and in The Dalles than here in Crook County, but his trucks and employees are coming back home and choose to dump here. He said that if the fees are raised, it will be an issue of where to haul to.

Further discussion was held on the costs associated with recycling. Judge McCabe asked Mr. Gray to contact the newspapers and get this information out to the public.

Request for County to cover annual Stock Growers Banquet cost for rental of Carey Foster Hall, \$450, Tyler McCormack

Tyler McCormack, Vice President of the Crook County Stock Growers Association appeared before the Court to request a waiver of rental fees for the Carey Foster Hall. The Court explained that fees are not waived, but are at times covered by the Court and paid to the Fairgrounds out of funds such as video lottery if available. The Fairgrounds cannot afford to waive fees and still stay in operation.

Mr. McCormack announced the date of the Stock Growers Association banquet, Saturday, March 14, 2015 and invited everyone down. He said the organization is growing. Over the last few years, the Court has granted the request.

Judge McCabe said the request will be honored, and the County will cover the cost this year of the rent, \$450.00. Discussion was held on the calf weight prices this year and the snowpack being so low.

Consider offer to purchase County owned foreclosed property/City of Prineville

County Counsel presented an offer from the City of Prineville to purchase a County owned foreclosed property. The property is located in the Cain's division area. The City sewer line runs through the middle of the property. The City is offering the minimum bid price of \$5,100.

Motion

Judge McCabe moved to accept the full price offer of \$5,100 from the City of Prineville for the .132 acres of County owned foreclosed property. Commissioner Crawford seconded the motion. Judge McCabe restated the price of \$5,100. The vote was 2-0, motion carried.

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

Assistant County Counsel Eric Blaine presented an offer to purchase a County owned foreclosed parcel located in Ochoco Land and Livestock. This offer was presented at the December 17, 2014 County Court meeting and was taken out of consideration at that meeting in order to do more research on the five acre parcel and the access issues. The Court reviewed the information from the previous meeting regarding the error in listing the property as ten acres on the foreclosed property list instead of the corrected amount of five acres. The person making the offer was aware of the correct size. Another issue was regarding legal access. A letter was sent to Mr. Koehn, the person offering to purchase. Mr. Blaine presented the options the County Court could take.

Planning Director Bill Zelenka provided additional information regarding the Ochoco Land and Livestock area. He said that rarely does any Ochoco Land and Livestock property have legal access. It is not a recorded plat. Over the past years, the Planning Department has been working with realtors on this matter. He said that with no legal access, it does not mean that the property can't be built on, but it cannot be divided without legal access. Mr. Zelenka explained the process through the Planning Department for issuing building permits with the disclaimer regarding the access.

Judge McCabe suggested countering at \$5,000.

Motion

Commissioner Crawford moved to present a counter offer to Mr. Koehn in the amount of \$5,000. Judge McCabe seconded the motion. The vote was 2-0, motion carried.

Consider status of Mountain Ridge Estates Phase II performance bond

Mr. Blaine presented the information regarding the Mountain Ridge Phase II performance bond matter. He advised the Court that no decision is required at tonight's meeting.

Mr. Blaine provided the history of the Mountain Ridge Phase II development platted around 2007 with a \$538,000 infrastructure improvement bond by developer Dan Vaughan. If not completed by the date certain, the County could access the bond money to complete the project. The bond included a 20 percent contingency cushion, and since 2008, about 12 percent has been taken up by inflation alone. Mr. Blaine said that if the County waits much longer, the entire 20 percent will be swallowed up.

Mr. Blaine has been in contact with the developer, and the developer provided Mr. Blaine with a letter of explanation regarding the project. Mr. Blaine said he did not understand what the developer meant by the "month-year-paid" notation. He provided information contained in the letter and said it was not a detailed answer. Options to be considered by the Court were discussed. The discussion included engineering, deadlines, requirements of new estimates on completion and a new bond plus 20 percent

based on new estimates, the cost of the bond premiums and the County's ability to collect, even if bankruptcy.

Planning Director Bill Zelenka reported that OTAC was the engineer at that time, and the developer would have had to pay for an inspection. All the dates have been reviewed, and the developer had never called for any inspections. Discussion was held regarding a lot of work done but no certification that it was done or done correctly.

Judge McCabe provided information on the concessions granted to this developer by the County. The people putting the road in did not follow engineering requirements, and the County worked with the developer to ensure the problems could be resolved.

Commissioner Crawford asked about sending a letter to the developer and asking for clarifications.

Mr. Zelenka said the plat is recorded with smaller lots and with exchange for open spaces. The final was due in 2007. The developer is doing the subdivision in phases. The roads will be public roads not maintained by County.

Mr. Blaine explained that the Phase II bond had the Phase 1 lift on the road included. The Counsel's office contacted Mr. Vaughan regarding the second lift on the road, and Mr. Vaughan said a deal was made between the property owners and himself regarding the road. Judge McCabe said the road was designed to have the first layer and then all the trucks coming in for the development. When it is finished and all the truck traffic is done, the second lift is to be done on the road.

County Counsel Jeff Wilson said the developer made two requests: 1) an extension, and 2) a reduction of the bond amount.

Mr. Blaine said in the letter the developer wrote, depending on the economy, the work would be completed by 2016 to 2018. The developer would appreciate being able to reduce the County required bond. Mr. Blaine said he would write the developer back and ask for clarification of the letter and for certifications from the engineers inspecting the roads. Mr. Blaine said the responsibility of completing the project property is on the developer. Judge McCabe said he is not interested in going past the year 2016, and not interested in doing anything with the bond at this time.

Addition Assignment of Bank Account

Mr. Blaine presented information regarding an assignment of bank account for about \$8,000 assigned to the County by a developer for accessing property off Williams Road in Powell Butte, and the asphalt work to be done. The \$8,000 was not to be released until all the work was done and the inspection certified completion of the work.

Mr. Blaine contacted the bank, and the bank had released the funds without the project being inspected and certified. Mr. Blaine said he believes the work is done improperly, and there is a drainage problem that causes the drainage to go into the County right-of-way instead of onto the developer's property. This will in years ahead cause breakdown of Williams road if it is not corrected. The bank has asked if the County will be making a claim. Mr. Blaine said he told them not right now, but the County is reserving the right to do so.

The Court directed Counsel to hire an engineer to look at the job and see what problems there may be and direction for repair. Court directed Counsel to put the bank on notice.

There being no further items before the Court requiring action, Judge McCabe adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Colleen Ferguson

Crook County Court Secretary