

Approved November 5, 2014

BE IT REMEMBERED THAT the Crook County Court met in a Regular Open Session on October 15, 2014 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: County Building Official, Lou Haehnlen; County Fairgrounds Manager Casey Daly; County HR Director Stephanie Blind; Dock Kerbow, Prineville; Darlene and Jerry Harpster, Prineville; County Landfill Manager Leroy Gray and County Weedmaster Kev Alexanian.

The media was provided public notice of the meeting.

Judge McCabe welcomed the public, called the meeting to order and asked Darlene Harpster to lead the Pledge of Allegiance.

Introduction of Crook County Building Official Aaron Yuma

Lou Haehnlen, retiring County Building Official, introduced Aaron Yuma. Mr. Yuma will be filling the position of County Building Official, coming to Crook County from Douglas County with eleven years of experience as the Building Official.

The Court welcomed Mr. Yuma to Crook County and wished Mr. Haehnlen the very best in his retirement.

Consent Agenda

1. Approve minutes of September 3, 2014; September 16, 2014; September 17, 2014, October 1, 2014
2. Approve Order 2014-60, In the matter of suspending further consideration of establishing a tax on the sale of marijuana and marijuana infused products as described in proposed Ordinance 273
3. Approve 9th Amendment to OHA 2013-2015 for the Financing of Public Health Services Agreement 142006

The Court reviewed the Consent Agenda. Commissioner Fahlgren addressed two changes to be made to the September 3, 2014 minutes in the portion regarding the presentation of Heart of Oregon Corps.

Motion

Commissioner Fahlgren moved to approve the Consent Agenda as presented with the changes to the minutes of September 3, 2014 as discussed. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Public Hearing and opportunity for comment: Amendment 2 to Order 2014-40, Crook County fee schedule FY 2014-2015.

Retiring Building Official Lou Haehnlen presented the purpose of the 2nd amendment to the fee schedule. On pages 7 and 8, Community Development changes were made along with language regarding state surcharge fees and Environmental on site fees as well as some minor language changes.

Judge McCabe opened the public hearing.

Jerry Harpster advised the Court that he believes all fees should be lowered by 20 percent. Judge McCabe agreed but said that would have to begin at State level. There were no additional comments.

Motion

Commissioner Fahlgren moved to approve Order 2014-40 Amendment 2 as presented. Commissioner Crawford seconded the motion. There was no additional discussion. The vote was 3-0, motion carried.

Judge McCabe took a moment to talk about working with Lou Haehnlen over the years and the experiences gained throughout that time. The Court discussed that there were no complaints about Mr. Haehnlen in his position as Building Inspector and there were many compliments from contractors. The Court wished Mr. Haehnlen the very best in his retirement.

Recommendation of award of 2014-2015 snow removal contract, SMAF Construction, LLC

Assistant County Counsel Eric Blaine provided information to the Court regarding the sole bid received in response to the RFP put out for the County snowplow contract. The sole bid received was from SMAF and was verified to contain the required information and the business is current with the Secretary of State registry. SMAF had the contract for the previous year and this bid shows a modest increase of \$5.00 per hour. The Road Department does not see the increase as a problem. Mr. Blaine recommended award of the contract to SMAF.

Motion

Commissioner Fahlgren moved to approve award of the County snow plow contract to SMAF for the 2014-2015 season as the lowest bidder. Commissioner Crawford seconded the motion. Judge McCabe restated the motion. There was no further discussion. The vote was 3-0, motion carried.

Consider approval of Crook County Extension pickup purchase/Award of contract

County Counsel Jeff Wilson, on behalf of Dr. Tim Deboodt, County Extension, presented three responding quotes for a new Ford pickup. Responding bidders were Robberson Ford, Gresham Ford and Landmark Ford, Tigard. Mr. Wilson told the Court that Dr. Deboodt, County Extension, is asking the Court to approve the bid of \$26,421.68 from Robberson Ford using the intermediate procurement process. The award does not have to be based solely on price but also on experience, valuation, locality and maintenance availability. Dr. Deboodt asks that the Court approve the purchase citing the factors as being in the County's best interest.

Motion

Commissioner Crawford moved to purchase the pickup for the County Extension from Robberson Ford. Commissioner Fahlgren seconded the motion and added that the pickup bid by Robberson has the extra safety feature of a locking rear end. Jim Waetjen, member of the public, agreed that it was good to use local businesses and discussed the warranty and warranty work. Commissioner Fahlgren agreed and said the pickup is worth the \$1,000.00 difference due to the safety locking rear end. Judge McCabe restated the motion. No further discussion was held. The vote was 3-0, motion carried.

Award of contract to repair and enhance the VFW/DAV/American Legion Memorial at the Crook County Fairgrounds.

Fairgrounds Manager Casey Daly presented an update on the Veterans Memorial Flag Pole area project. Three informal bids were received for the project with Joe Floyd and Son as the best bid. Mr. Hendrix bid on the brick work only, and a bid from Bartlett was also received. The demolition is all done for the project, and the Band of Brothers is still hoping to have it completed by Veterans Day. The total budget for the project is \$34,000. The State agreed to pay \$24,240 of the total.

The Court discussed with Mr. Daly that a lot of people have been involved in the construction. Mr. Daly gathered all the quotes and plans were provided in the Fairgrounds office for anyone wanting to bid on the project. Joe Floyd was the lowest bidder with the most expertise. The memorial wall will be built in Mr. Floyd's shop and brought down ready to install. Dock Kerbow, member of the public, agreed this sounded like a good addition to the Fairgrounds. The concrete work will be \$8,850, and there will be a brick façade. Jared Cooper will be doing the lights for Joe Floyd.

Jerry Harpster said he is a veteran and proud of it. He believes it is a wonderful thing when he viewed part of the plans.

Motion

Commissioner Crawford moved to award the contract for the memorial at the Fairgrounds to the low bidder, Joe Floyd and Sons. Commissioner Fahlgren seconded the motion. There was no further discussion. The vote was 3-0, motion carried.

Discussion, Landfill purchase of Waste Handler Track Loader

County Landfill Manager, Leroy Gray, presented information to the Court regarding the proposed purchase of a 973D Track Loader for Landfill Cell 3. Cell 3 contains all the construction debris. The D6K Cat used now cannot provide enough compaction. The D6k was purchased over 3 years ago due to the failure of an older D6K Cat. Purchasing the used D6K was less expensive than buying a new one or renting one at \$7,500 per month. The Landfill is an Enterprise Fund County Department. There is enough money in the fund at this time to purchase the new machine with a full landfill package included.

Mr. Wilson advised that any purchase of \$150,000 or more has to be a formal bid. Mr. Gray explained that this is a NJPA Piggy Back purchase that would net a \$130,000 discount through the government National Joint Power Alliance. The Government goes out one time per year for formal bids and Government agencies can piggyback onto that process. The Government has already done the formal bidding.

The cost of the machine is \$577,000 plus \$9,700 in freight costs due to shipping from France where the machine is built. There will be a discount of \$130,000 plus the \$100,000 trade-in of the D6K Cat.

Mr. Gray explained the landfill package that keeps the machine cool, the weight of the machine is two times as heavy as the D6K Cat and this machine will provide the compaction needed. The 1977 Track loader that has been used at the Landfill for years and is 37 years old is still used as a backup at the landfill. Commissioner Fahlgren explained that a 6 inch cover is required at the Landfill every night.

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Judge McCabe explained that a dedicated fund from the Landfill for equipment was set up from a portion of the tipping dump fees. The Enterprise Fund money for the equipment is used from the tipping fees only.

Jim Waetjen in the audience commented that he wished the equipment was being built in America, in the USA. Mr. Waetjen and Mr. Gray discussed the landfill package on the machine and the guards that are placed where they are and for what reasons.

Judge McCabe commented that the machine will be used every day at the landfill.

Motion

Commissioner Fahlgren moved to approve the purchase and accept the bid from Peterson Cat for the 973D Waste Handler Track Loader, with approval to sign documents for the purchase outside of Court. The amount approved is \$354,129.15 total including the discount and trade-in. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Miscellaneous

Judge McCabe asked if there were any other matters the public wanted to address.

Darlene Harpster asked if the Extension Office pickup was in replacement for another or in addition to. Commissioner Fahlgren explained that this will be a replacement for the old Ford Ranger pickup that has 200,000 miles on it. Judge McCabe added that the vehicle will be used to drive all over the Extension Service District. Last year, the Extension replaced an old Subaru wagon.

Mr. Waetjen asked if the new pickup was gas or diesel. Commissioner Fahlgren explained that this is a ½ ton gas pickup with a 5 liter V 8, 6 speed automatic.

The Court discussed the November 12th, 2014 meeting. Due to the AOC conference during the third week of November, the Court has in previous years held meetings the first and second Wednesday of the month. This year, the Planning Commission will be holding a meeting on the second Wednesday in the evening at the same time as the Court meeting is held. Because the room is used by both, the Court will either have to move the meeting to another venue or change the time from 6:00 evening meeting to 9:00 morning meeting. Following discussion with the public, the decision was to go ahead and move the meeting to a day meeting beginning at 9:00 a.m. on November 12, 2014.

Mr. Waetjen said he would like to have the County Court refresh the public of the policies for travel with County owned vehicles, the requirement, restrictions and guidelines.

Mr. Wilson responded to the request. He advised the Court and audience that this is a public records request and if the information is available, would be provided in response to a public records request provided by Mr. Waetjen. Mr. Wilson said that this is not the forum for response. It is a public records request and the County is fine to respond to the request. Mr. Wilson said he is not comfortable to have the Court go further with this question. The request form is available on line or Mr. Waetjen can pick up at the County Counsel's Office.

Jerry Harpster said he wanted to let Seth (Commissioner Crawford) know that he was missed at the recent "Open Mic" event held. Commissioner Crawford told Mr. Harpster that he missed him at the previous "What's Brewing" event.

Mr. Waetjen asked for an update on an employee of the County. Judge McCabe said he could not talk about that without violating rights.

Judge McCabe provided information on the continuation of the study for costs and needs for a new jail. The results of the programming phase of the feasibility study should be available soon and be discussed with the public at public hearings hopefully in two to three more weeks.

Jerry Harpster commented on the facilities or events discussed in the paper and he feels the jail should be the number one priority. The Court agreed that the County is just asking for a jail, and the jail is the number one priority. The County has been tasked with coming up with the money to pay for the study and the numbers for the project. Once that had been determined, public hearings will be held. Funding from the County and City for the studies was discussed. The County has provided the major portion of funding for the studies.

Commissioner Fahlgren said he has met with the three judges for Crook County in the last 10 days. The bottom line is that the County needs a jail and the judges say it needs to be done.

Judge McCabe provided information about a previous plan to work with Jefferson County to have a jail out between Madras and Prineville. He said that the Jefferson County representative on the committee working on the proposed jail went back to Jefferson County and then a jail was being built in Jefferson County and Crook County was left out. He said it was very disappointing. The Counties should have partnered and worked together, and both would have had a jail. As it was, Jefferson County found they did not have the operating capital for the jail.

Darlene Harpster addressed the earlier discussion regarding public information on the county requirements for use of the county vehicles. She asked if most of the information requested is in the County employee handbook, and if it is, Mr. Waetjen could access that County employee handbook on line.

There being no further matters to be discussed before the Court at this time, Judge McCabe adjourned the Court out of Open Session and into Executive Session. under ORS 192.660(2)(b), To consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent who does not request an open hearing.

Executive Session

ORS 192.660(2)(b), To consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent who does not request an open hearing.

The Court met in Executive Session with the County Counsel's and individuals involved in this matter. Following the discussion, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(b), To consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent who does not request an open hearing and convened the Court into Open Session.

Open Session

Judge McCabe convened the Court into Open Session after adjourning out of Executive Session under ORS 192.660(2)(b), To consider the dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent who does not request an open hearing, and invited any public waiting back into the meeting.

Judge McCabe entertained a motion as a result of the conversation held in Executive Session.

Motion

Commissioner Fahlgren moved to continue Kevork Alexanian's employment, conditioned upon a written Last Chance agreement including the following terms:

1. Obey all laws including all County Policies and Procedures.
2. Be evaluated for and successfully complete a drug or alcohol treatment program deemed necessary by the evaluation.
3. Submit to random urinalysis for the presence of drugs or alcohol.
4. Pay restitution for all damage to real or personal property
5. Not drive a motor vehicle unless properly licensed and insured.
6. Pay all costs associated with any required ignition interlock device installed on County vehicles.
7. Successfully complete any DUII Diversion Program required by Circuit Court
8. Consent to release of treatment records to determine program compliance
9. 10 consecutive day's suspension from work without pay, to be served immediately.

Judge McCabe seconded the motion. The vote was 2 "Aye" votes to 1 "Nay" vote, with Commissioner Crawford voting "Nay".

Judge McCabe spoke with Mr. Emerson who had been in attendance by phone as the representative for Kevork Alexanian. After a brief discussion regarding the agreement and Mr. Emerson visiting with his client about this matter, Mr. Emerson went ahead and hung up, leaving the meeting.

Commissioner Fahlgren spoke with Mr. Alexanian with questions regarding contracts, the possible need to hire outside contractors, making amends with those that had contracts that Mr. Alexanian had not been able to honor over the last few weeks, the providing of paperwork that allows for Mr. Alexanian to drive for working, and going forth to get the contracts honored and completed.

Mr. Wilson discussed the dates when the 10-day suspension will commence and the unpaid leave completed. County HR Director Stephanie Blind reiterated to Mr. Alexanian to make sure he understood that during the 10-day unpaid leave, there will be no work and no contact. Mr. Alexanian agreed and said he understood.

At this time, 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

The Court discussed the matter involved with Counsel and individuals included in the matter.

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Following the conversation, Judge McCabe adjourned the Court out of 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 into Open Session.

Open Session

Judge McCabe convened the Court into Open Session, and members of the public that might be in waiting were invited back into the meeting room.

The Court agreed there would be no decision to be made regarding the matter discussed in Executive Session.

The next Executive Session listed on the agenda under ORS 192.6600 (2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions was cancelled.

There being no further items requiring Court action, Judge McCabe adjourned the Crook County Court meeting of October 15, 2014 at 8:22 p.m.

Respectfully submitted,

Colleen H. Ferguson

Crook County Court Secretary