

Approved October 15, 2014

**BE IT REMEMBERED THAT** the Crook County Court held a Regular Session County Court meeting on October 1, 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: Rick Kramer, Prineville; Gail Merritt, Prineville; Gary and Ramona Romine, Prineville; Dave Scott, Prineville; Sher Ericksen, Prineville; Tim Ray, Prineville; Cheyenne Young, Prineville; Lance G. Romine, Prineville; Micaela Halvorson, Prineville; Chris M. Gannon, Prineville; Laurie Romine, Prineville; Jerry Harpster, Prineville; County Fairgrounds Manager, Casey Daly and Walt Wagner, Powell Butter.

Judge McCabe opened the meeting into Open Session at 8:30 a.m. and adjourned the Court into Executive Session under ORS 192.660(2)(i) Performance Evaluation for Bill Zelenka, Community Development Director.

Following the evaluation, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(i) Performance Evaluation and into Open Session.

Judge McCabe called the Open Session to order. The Court agreed to follow through with the employee as discussed in Executive Session.

Judge McCabe welcomed the public into the meeting and asked Jerry Harpster to lead the Pledge of Allegiance.

### **CONSENT AGENDA**

1. Approve Order 2014-56, 2014-2015 Board of Property Tax Appeals (BOPTA) Appointments
2. Approve Order 2014-57, appointment to Prineville Lake Acres 1 Special Road District
3. Approve Order 2014-58, appointment to Library Board of Trustees
4. Approve Order 2014-59 requesting that Congress provide full funding for PILT in FY 2015
5. Approve contract for A&D and Mental Health Evaluations/ Crook County and Lutheran Community Services Northwest
6. Approve 2014 amendment 1 to Victims of Crime Act Grant
7. Approve 10<sup>th</sup> Amendment to 2013-2015 IGA # 141407, financing of Community Addictions and Mental Health services
8. Approve Amendment 1 to OHA funding agreement # 143936
9. Approval of Omnibus Agreement ( Inter-County Mutual Aid Agreement) to facilitate and encourage Emergency Assistance among participating Oregon Counties
10. Approve Commercial Lease Agreement between Crook County and Kids Center regarding office space at the Beaver Street Human Services Building.
11. Approve Application for Annexation of real property into the City limits

The Court reviewed the Consent Agenda. Judge McCabe read into the record Order 2014-56, Appointment to the 2014-2015 Board of Property Tax Appeals (BOPTA). County Clerk Dee Berman prepared the order, Judge McCabe read the following into the record. I request that County Court appoint the following people to the 2014-2015 BOPTA pools. Terms would begin October 25, 2014 and end June 30, 2015. If additional or replacement members are needed in Pool 1 or Pool 2, I will make that request at a later date. Chairperson Pool (Pool #1) Nancy Knoche, non-office holding Chairperson, Ron

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Krebbs, non-office holding member; Non-Office Holding Pool (Pool #2) Mary Jo Johnson, non-office holding member; Ron Krebbs, non-office holding member; Dorless Reid, non-office holding member; Dean Noyes, non-office holding member.

The Court removed item number 11 for discussion later in the meeting.

### **Motion**

Commissioner Fahlgren moved to approve the Consent Agenda as presented , removing item number 11 for discussion later in the meeting. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

### **Update on CCHS CTE Natural Resources Management Program of Study and request for continued program support/ Rick Kramer and Chris Gannon**

#### **Consider approval of letter of support to OWEB Outreach Grant Application for CTE-Natural Resources Management**

Rick Kramer, Natural Resources instructor at the High School and Central Oregon Community College, Crook County Open Campus, presented an update on the Natural Resources Program. He expressed his gratitude to the Court for their support of the program and the grand vision of the program that began three years ago. There have been 335 credits earned in the program with 222 students involved.

Cheyenne Young, Crook County High School Student, provided the Court with a look at the program from the student's point of view. Ms. Young reported that she has taken all the classes offered through the Natural Resources program and has received endless opportunities, gained real world opportunities and has made many connections. She has attended the High Desert Youth Range Camp and will be going as the local representative to the Range Conference in Sacramento. Through the classes she has heard from many professionals and has found that she wants to go into this line of work as a career. She has earned nine transferable credits to Oregon State University and will be attending the university in Corvallis. Ms. Young said that when attending the High Desert Youth Camp and in working with the Range Cons, she felt very useful and learned a lot. She had learned the names of the plants through Mr. Kramer's classes and knew more about the plants than the Range Cons.

Mr. Kramer and Mr. Gannon are working with an OWEB Grant that will bring the High School Students in to share their experience with the middle and elementary school children. Mr. Kramer asked for approval of signature to the letter of support for the programs application for the OWEB grant.

Mr. Kramer provided an overview of the funding previously requested and approved from the County and received through the education portion of Title III. The request this year will be for \$24,000 that would carry the plan and the program over from 2016 through 2020.

The Court and Mr. Gannon discussed the Watershed Council's work and support of the program and working with the students.

The Court discussed the requested funding and being in support of the program and the grants, knowing the importance to the local community.

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## **Motion**

Commissioner Fahlgren moved to approve the request for \$24,000 that will be coming from the earliest Title III funds and approved signature of the letter of support to be submitted with the application for the OWEB grant. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

The Court wished Cheyanne Young the very best in her future endeavors.

## **Fair Board to recognize Lance Romine for his time and efforts in building the new stage at the Fairgrounds**

### **Update on NPRA attendance, contracts and update on other Fairgrounds activities**

The Court welcomed the Romine Family, Gary, Ramona, Lance and Laurie and the members of the Fair Board in attendance, Gail Merritt, Tim Ray and Joe Robberson along with the Fairgrounds Staff, Manager Casey Daly and Assistant Micaela Halvorson.

Fair Board members and Mr. Daly recognized Lance Romine for all his hard work with design and construction of the new stage on the Fairgrounds. Gail Merritt explained that she felt Lance took good lessons from his parents, Gary and Ramona Romine, who just received the Lifetime Achievement Award at the recent Prineville-Crook County Chamber of Commerce banquet.

Tim Ray explained that the Board started off in the wrong direction with the stage, but when Lance came on board, it took off. He had the vision and designed the stage, and with his direction and all working together, Joe Robberson said the stage has turned out absolutely beautifully.

The Fair Board and Fairgrounds staff presented Mr. Romine with a beautiful belt buckle that he will enjoy for years to come.

Update on Fairgrounds operations and events were presented by Casey Daly. The NPRA Finals were sold out both nights with 6000 people in attendance, many from out of town. The local community felt the positive impact with local restaurants reporting standing room only. The NPRA has signed a three-year agreement with the Fairgrounds and will be back next year. Mr. Daly provided dates and times for the future events, and progress on projects at the Fairgrounds. Mr. Daly reported that the Fairgrounds is seeking more grant money to replace the last two panels on the big tent. The Flag Pole project in partnership with the Band of Brothers is in progress at this time. The demolition is done and the goal is to dedicate the new flag display area on Veterans Day. The 4-H Haunted House will be in the new building this year, and the Harvest Party is scheduled at the Fairgrounds as well as the Hospice Auction. It's a very busy time.

Judge McCabe expressed the Court's gratitude for all of Mr. Daly and Micaela Halvorson's work with scheduling, arranging and providing such wonderful services to all using the Fairgrounds.

The Court recognized Joe Robberson as the newest member of the Fair Board.

Mr. Daly presented information on behalf of the Oregon High School Equestrian Team (OHSET) Equestrian team that historically has been using the indoor arena at no cost on Sunday afternoons after Search and Rescue uses it in the morning. Search and Rescue as a County organization does not pay to use the arena and it has been the practice that the OSET teams follows in the afternoon on Sunday.

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Previously Les Schwab has picked up the cost for lights and heat. This year the OHSET team parents will be paying for the heat and lights. Mr. Daly asked for the Court to authorize the agreement with the team going forward. There is no money involved.

Mr. Wilson will prepare the agreement.

Mr. Daly provided information regarding the Flag Pole project. The project is the demolition and reconstruction of the existing Flagpole area. State Parks grant money, \$24,000 was approved for the project, and the Band of Brothers and Fairgrounds are working together with an in-kind investment from the Fairgrounds. Band of Brothers member and architect George McCart prepared the design for the memorial wall and flag pole area. There will be text on the memorial wall, and pavers donated from Oregon Block will be sold by the Band of Brothers and engraved for the area that will also hold a reflection bench. It will be a beautiful spot and wonderful addition to the Fairgrounds. Bob Ervin spearheaded the project for the Band of Brothers. Walt Wagner, member of Band of Brothers, explained that the pavers being sold at \$35.00 each will help with the cost of the project.

### **Consider Intergovernmental Agreement with City of Prineville for Water System Development Charge Credit**

Mr. Wilson presented information on the negotiations between Crook County and the City of Prineville regarding system development credits (SDC). This would be compensation to the County for easements granted to the City of Prineville for City well and water systems. The SDC's would amount to \$250,040 based on 7.1 acres at \$35,000 per acre, and will apply only to County owned property.

Mr. Wilson presented the contract with the terms and conditions included in the contract that include being applicable to only water SDC's and after 10 years, the compensation would become null and void. Additional information was presented regarding future easements and easements that can only be used by the city.

Phil Stenbeck, City of Prineville Planner, said the agreement has been signed by the City of Prineville. Mr. Wilson said he has added a fourth recital to the agreement, and it will need to go back the City Council with the change for review. The Court discussed other proposals, changes, and charges that will come out of the \$250,000.

Mr. Stenbeck presented information regarding the City of Prineville Tracking system for funds and information pertaining to ORS 223-307, capital improvements and the City 1093 Resolution Section 6 regarding SDC street improvements, and how following the ORS was complicated on the City's end. Mr. Stenbeck handed information to the Court members and Counsel.

Mr. Wilson said he had discussed the concerns regarding the 10 year cutoff date and the time the credits could be used with City of Prineville Attorney Carl Dutli. Mr. Stenbeck discussed further the ORS 223-304 regarding SDC's that could run no later than 10 years. The lack of flexibility was discussed. Mr. Wilson discussed the statute, the SDC credits accrued and he believes the statute and the City/County contract are different.

Commissioner Fahlgren discussed the need for the contract agreement to be more palatable and easier to use. This agreement is focused and does not take in other SDC issues. Mr. Zelenka said at the time of discussion with the City regarding the easements, there was no discussion on the limitations as discussed

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today in this agreement. If the limitations had been known at that time, things would have been done differently.

Commissioner Crawford discussed the need for more discussion and a future formula for costs and percentages associated with the SDCs.

The Court discussed with Mr. Stenbeck exclusive and non-exclusive easements, easements that could be sold many times and easements not owned in fee title, and changes in value of the credits.

Commissioner Fahlgren said he is not ready to sign the agreement. He does not like the time limitation. For this amount of money, he believes it should not have a time limit.

Mr. Wilson will review the agreement and suggested changes this week. He will also contact Carl Dutli, and talk with him regarding the proposed changes.

Commissioner Crawford discussed the funds not being as restrictive, and usable for other fees instead of just water funds.

The Court thanked Mr. Stenbeck for his presentation of information.

**Consider approval of Statutory Bargain and Sale Deed, conveying to Jay C. Anderson real property located in the Westwood Development**

Eric Blaine presented information regarding a Bargain and Sale Deed from the County to Jay C. Anderson. The County would be selling a portion of property in the Westwood subdivision. Mr. Anderson purchased a parcel in the Westwood Subdivision but he built on approximately one acres of County owned property. Mr. Blaine explained the deed and zoning restrictions and advised the County that Mr. Anderson has already provided a check to pay for the property at the value of \$4,000 as provided by the Assessor. Mr. Blaine asked that the recording be done at County expense.

**Motion**

Commissioner Fahlgren moved to approve the Statutory Bargain and Sale Deed conveying ownership of property from the County to Jay C. Anderson at the cost of \$4,000 with the recording of the document to be paid for by the County. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

**Item 11 removed from Consent Agenda for more discussion: Approve Application for Annexation of real property into the City limits**

Mr. Wilson presented the issue of County owned property that is currently being marketed to sell and the request for an application for annexation of 96 acres into the City of Prineville. The City of Prineville has set up the process and hearing dates.

**Motion**

Commissioner Crawford moved to approve the application for annexation of 96 acres of County owned property into the City of Prineville as was removed from the Consent Agenda for further discussion. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

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There being nothing further before the Court at this time for consideration, Judge McCabe adjourned the Court into Executive Session under ORS 192.660(2)(e) for the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions.

### **Executive Session**

#### **ORS 192.660(2)(e) For the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions.**

The Court met with Counsel for discussion of matters under ORS 192.660(2)(e). Following the discussion, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(e) For the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions and convened the Court back into Open Session.

### **Open Session**

Judge McCabe convened the Court into Open Session after adjourning out of Executive Session under ORS 192.660(2)(e) For the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions and invited the public back into the meeting room.

### **Motion**

Commissioner Fahlgren moved to direct staff to continue negotiations on this matter as discussed in Executive Session and to authorize approval and signature of documents outside of Court. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

There being no additional action items before the Court, Judge McCabe adjourned the County Court meeting of today, October 1, 2014.

Respectfully Submitted,

*Colleen Ferguson*

Crook County Court Secretary