

Approved May 21, 2014

BE IT REMEMBERED THAT the Crook County Court held a Regular Session on April 16, 2014 beginning at 6:00 p.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson. County Judge Mike McCabe was unable to attend tonight's meeting.

Members of the public signing the attendance log were: Jerry and Darlene Harpster, Prineville; Dan Hammond, Prineville; Mike Templeton, Prineville; Airport Manager Kelly Coffelt, Prineville; Chuck Lang, Prineville; Brad Peterson, Prineville; Al Tannock, Prineville; Kris Williams, Crook County Health Department; Jane and Gordon Aggers, Prineville; John Westling, Prineville; Ron Radabaugh, Prineville; Patrick Lair, Prineville and John Gautney, Crook County Sheriff's Office.

The media received notice of this meeting.

Commissioner Fahlgren called the meeting to order and asked Darlene Harpster to lead the Pledge of Allegiance.

Consent Agenda

- 1. Approve Oregon Parks and Recreation Grant Program Agreement**
- 2. Approve Healthy Forest Restoration Act of 2003**
- 3. Approve Sixth Amendment to Oregon Health Authority 2013-2015 IGA for the Financing of 5. Public Health Services-Agreement #142006**
- 4. Approve Second Amendment to Funding of Juvenile Dependency Proceedings Agreement #143659**
- 5. Approve Fifth Amendment to the Financing of Community Addictions and Mental Health Services Agreement #141407**
- 6. Approve 2014-2015 janitorial services contract with Jared Guidry**
- 6A. Approve 2014-2015 janitorial services contract with Lesa Adams**

The Court reviewed the Consent Agenda. Commissioner Fahlgren asked for further information on the District Attorney Juvenile Grant, item number 4 of the Consent Agenda. There had been discussion of the grant coming in at only \$11,000, it had been increased to \$20,000, and this new amendment brings the amount available for attending to Juvenile Dependency Proceedings up to \$87,000. County Counsel Jeff Wilson explained the changes to the agreement.

Motion

Commissioner Crawford moved to approve the Consent Agenda as presented. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Proclamation, Building Safety Month, May 2014

Building Official Lou Haehnlen read into the record the Proclamation of Building Safety Month, May, 2014. Jerry Harpster asked questions regarding ADA compliance in the building codes.

Update on Crook County Kids Club, request for funding, Ashley Thrasher

Director of the Crook County Kids Club, Ashley Thrasher, presented information regarding attendance and programs of the Kids Club. The Club has served as many as 73 children per day and the number is steadily increasing. Ms. Ashley said the Club will offer many new additional programs for the summer. Thanks to the Kiwanis, there is a reduced fee for summer school, \$5.00 instead of \$15.00. Kids Club is working with Parks and Recreation on some programs to provide swimming three days a week, work at the garden plot on Thursday and work on the Kid's Club own garden plot as well throughout the week.

The Court approved funding in the amount of \$8,000 in previous years. Ms. Ashley asked to increase that amount to \$10,000 for additional staff to work with the expected increase in the number of children attending the Kids Club.

Commissioner Fahlgren explained that if approved, the funding would come from video lottery if available and not general fund tax money. He asked that the Court be provided with an updated report every year from the organization.

Crook County/Prineville Airport update/ Kelly Coffelt

Airport Manager Kelly Coffelt provided an update on the local airport activities and projects. The AWOS system is 99 percent complete, the windsock is up and operating, and next Wednesday is scheduled for the FAA review. Pilots will now be able to check on the weather frequency for weather. There is a phone number to check on the weather and in a short time this information will be on the website and eventually on the newscasts on TV. AWOS will allow for Facebook and others to land in Prineville and this will show up in the operational numbers with more planes able to land with the weather information available. This has been a big step. It will take time to have airport users become aware of the new system.

Mr. Coffelt presented information regarding the Master Plan and working with W.H. Pacific Consultants. Mr. Coffelt reported that it has been going a little slow and are gathering numbers at this time. Within the next month, they will be looking at what they want to happen. The next meeting is scheduled for May 14, 2014 for the Master Plan and there will be an open house for the public.

Mr. Coffelt provided a report on the USFS Helipads. There has been discussion regarding construction of two additional helipads due to the heavy use of those already available with approval from FAA to go ahead with the project.

Connect Oregon 5 grant funds if received will be used for an apron expansion and fueling system replacement. The underground single wall fuel tank will be replaced with an above ground double walled fuel tank.

A part-time employee who has been working at the airport for some time is now going to be working full time on weekends and two days during the week. He is a local resident, pilot and great help.

Hillsboro Aeronautics is leasing a hanger where they have installed a flight simulator. There is progress on a dormitory for the students. It had been hoped that it would be in place by spring but is now looking like completion will be in the fall. Mr. Coffelt provided information regarding Erickson's Helicopter, a Sky Train and the practice flights from the Airport to the Ochoco Reservoir, practicing with the dip tank. They typically practice for one week but are now doing two weeks. Mr. Coffelt said the public is invited to come and take a look at the huge helicopter, it is an amazing machine.

Mr. Coffelt reported on fuel sales and operations. The basic low lead fuel has a 60 percent increase from the 2012-2013 year. Jet A sales are up 40 percent. He views increases for next year as well. So far, the airport has not been a draw on City or County budgets since Mr. Coffelt became manager. He is working on the financial budget, projecting year end and the 2014-15 budget. It is looking good, a little tight and some projects have been postponed until next year. Mr. Coffelt has been working on the FlyPrineville.com website. He said it is very time consuming to keep up but is used by a lot of pilots. He also has a small presence of the airport on Facebook with 200 followers so far.

There will be an Open House and Car Show the second weekend in August. Next year it will be changing to the first weekend in August. This year there will be a Father's Day Breakfast again

Discussion regarding Forest Service Road Closures/Mike Templeton

Mike Templeton, a retiree from the Department of Forestry, said he wanted to talk about the proposed road closure on the Ochoco Summit and trail in the Marks Creek community area. He discussed the public standing up and fighting back when closures were proposed in the Malheur and Wallowa Whitman forests. Mr. Templeton said he didn't know this process was going forward until maps were coming out showing the road closures. He discussed the problems caused in 2011 with road closures, closing the roads to the public for wood cutting and ATVs. ATV's want to have trails. Mr. Templeton said he has read all the comments from people regarding the closures. There were 27 for the closures, 45 neutral and 238 comments from those that did not like it for various reasons. He spoke of the horse people that are up in the area every weekend at camps. Mr. Templeton told the Court about the early biggest weekend, Memorial Day, with campers and off trail activities, and no Forest Service personnel policing the areas. He said the proposed trail to be used after the road closures is in the Ochoco Summit area where there are 28 homes. He is worried about everyone coming in to just one place, and he feels the local people are not being heard. He said he is not blaming the local Forest Service because all direction is coming out of Washington D.C. Mr. Templeton said he wishes he had caught this earlier and hopes it will work out. He talked with the public information officer regarding the problem. He said he doesn't get the newspapers and does not know how but sees that there is a need for a better way to keep the public informed. He referred to a resident that had only received a notice five days ago regarding his grazing allotment.

Kate Kline, USFS Supervisor, Ochoco District, presented information regarding the travel management paperwork that was signed in 2011. She said there was public involvement with 42 public meeting and a provincial advisory committee made up with representatives from mixed groups. The decision closed the forest to cross country travel in 2011. It designated an open road system; any roads not on the map are not open. There are 1500 miles of open road on the Ochoco Forest. She said they did seek to make a balance. From the Provincial Committee came the recommended area now being looked at. The proposal is for about 130 miles of road. 20 miles for Jeeps, the remainder for Jeeps and Motorcycles. There will be 1.3 miles new construction with the rest existing. She recognizes that some are not happy and recognizes the concerns. Commissioner Fahlgren asked about the comments of 28 people. Ms. Kline discussed the objection time and wanting to come to a resolution. Commissioner Crawford asked if the people have a specific road they are concerned about, could they still have a conversation with the Forest Service. Ms. Kline said yes, that was well stated. The FS is adding some roads back in. Commissioner Crawford stated again that if people have a specific road concern, they should sit down and talk with Patrick and Kate at the Forest Service. Discussion was held on the Collaborative Field trip where some roads removed were adjacent to others, some were in the creek bottoms from years ago when roads were made in the area of least resistance (the creek bottom) and about Elk and Deer hunting areas.

The Green dot system was discussed that has been used since the 1970's during the hunting seasons.

Brad Peterson, Prineville discussed the disabled policy. Mr. Peterson says he likes to hunt and fish and was never consulted. He said the Forest Service did not address the closures with the disabled. Ms. Kline said roads that are open to the public are open to everyone. Discussion was held regarding the Forest Service shutting down logging and the mills closing in this area.

Jim Waitjen said he has been in logging since 1957, and building roads for the Forest Service. He is a retired avid hunter, sportsman and loves the outdoors. He described the two types of logging; clear cutting and selective logging. He said he believed we have actually run out of the timber in the lower 48 states. He said he had left the coast due to the slaughter of timber and said he has flown over and no one could tell him that there is a surplus of timber. The bulk of timber in the U.S. is in the State of Alaska and it is all going overseas. He suggested the people ask their Congressman why the timber from Alaska isn't going to the lower 48.

Mr. Waitjen discussed that several years ago he had attended the public hearings on the Forest Service road closures and people were not allowed to give input, only written comments were accepted. The public did not have the opportunity to make comments.

Debra Krause, resident of the Marks Creek Community said she was speaking only for herself. She lives in the area of the proposed trail. She said she had concerns that far exceeded the NIMBY (Not in my back yard) concerns. Ms. Krause presented information regarding the process, the community meetings, the draft EIS, the working group with seven members of the Woodward family and no Marks Creek people. In the meeting in March, she saw the map and the Forest Service draft EIS states that the proposed trail system is not located near a populated area. She wrote a comment letter. There was an information meeting in late February or March and the Forest Service did extend the comment period to April 15. Copies of the letter were presented. Ms. Krause presented information regarding the EIS, process, a twice requested meeting with the Forest Service and Marks Creek Community that was ignored, concern regarding noise impacts, the segment of the trail removed and relocated from one area and now next to Mike Templeton's area, concern of Wildlife, noise, OHV season beginning so early with last year there still being snow on June 18 and ice back in the water buckets by August 1st, no control for ATV or OHVs and invasive species, all a problem. She discussed trail riding; trails used every single day for unofficial trail riders, heavy use by equestrian, accidents waiting to happen with motorized vehicles and horses. She spoke of no cell phone service in the area. She told of an accident with woman and horse that resulted in her death in the area. If was a result of the horse stepping in a hole, but no cell phone service had added to the disaster. The Search and Rescue were in the area practicing and were able to assist, but the death did occur. She discussed the law enforcement, illegal woodcutting, fires left unattended and the volunteer service out of Bend that would take way too long to arrive. Fire precautions, trail riders, motor vehicles, concerns of fir, staging areas, parking, all were concerns.

Commissioner Crawford said he believed that these concerns and questions are for the Forest Service and should be discussed with them.

Information regarding a survey taken had the results of the visitors to the area. 90 percent of those visiting were involved in silent sports, only 4 percent were interested in motor cycles. The question was asked regarding economic impact and why would we spend such a large amount of funds for such a small group.

Commissioner Fahlgren and Commissioner Crawford thanked the public for the comments and Ms. Kline for attending on behalf of the Forest Service.

Lou Haehnlen, Search and Rescue discussed the accident talked about earlier. He said the Search and Rescue was there in the area and would have been to the site of the accident sooner if the information about location had been better. He discussed the need for better information regarding location.

Mr. Waetjen asked why the green and red reflectors for open and closed roads couldn't be put up again. He said the forests are publically owned. It is the responsibility of the Forest Service to close off the road and people should not have to start looking for a map for the roads. He does not think that maps or fines are the answer; he believes the little green and red signals would be sufficient.

Public Hearing, Ordinance 269. Second reading, public hearing and vote: Declaring a moratorium on medical marijuana dispensaries and declaring an emergency

Assistant County Counsel Eric Blaine presented the staff report for Ordinance 269 and explained the need for the emergency clause. This ordinance is regarding medical marijuana dispensaries and SB 1531. SB1531 is not yet codified in the statutes and in order for this moratorium to be in place, it must be in place prior to May 15, 2014. The moratorium will then last until May 1, 2015. Ordinance 269 is similar to the ordinance being considered by the City of Prineville. In checking with the 36 counties of Oregon, three-quarters have responded with nine with moratorium in place, more than half are considering some type of moratorium, three are not interested and two are doing something unique.

Motion

Commissioner Crawford moved to read Ordinance 269 by title only. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Commissioner Fahlgren opened the public hearing.

Brad Peterson said he has just finished the Sheriff's Citizens academy and feels that allowing medical marijuana dispensaries would end up with more drunk (and drugged) drivers and recommends adopting the moratorium.

There being no further comments, Commissioner Fahlgren closed the public hearing.

Motion

Commissioner Crawford moved to approve Ordinance 269 as presented. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Ordinance 269 with the emergency clause will be put into effect immediately.

Public Hearing, Ordinance 270, First reading, public hearing and vote: Amendments to Chapter 10.08 of the Crook County Code relating to Vehicle Towing, Inventory and Impoundment, and declaring an emergency

County Counsel Jeff Wilson presented the staff report for Ordinance 270. This Ordinance amends County Code 10.08 and will bring the code into compliance. Undersheriff John Gautney advised the Court that the county code was out of compliance with case law. The original code adopted the Sheriff's policy. This will bring the code into compliance with state laws. This ordinance declares an emergency in order to get this corrected if adopted at the second hearing on May 7, 2014.

Motion

Commissioner Crawford moved to read Ordinance 270 by title only. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Commissioner Fahlgren opened the public hearing. There being no comments received, Commissioner Fahlgren closed the public hearing.

Motion

Commissioner Crawford moved to approve Ordinance 270 as presented on the first reading. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

The second reading of Ordinance 270 will be held on May 7, 2014.

Discussion on selection of bidder Century West for On-Call Engineering and Planning Services

County Counsel Wilson presented information to the Court on the RFP put out for on-call engineering and planning service. Three bids were received and reviewed by the RFP Committee made up of Jeff Wilson, LeRoy Gray and Jodi Stills. The committee recommends award to Century West. Their bid was submitted on time and is in compliance with the requirements. Century West does not rely on subcontractors; all services are provided with their own staff. Other companies submitting proposals use subcontractors if their engineers are not available.

Mr. Wilson said there are no potential conflicts of interest in working with Century West. The committee recommends awarding the contract to Century West, and if approved, Mr. Wilson will follow up with a contract between Crook County and Century West Engineering for consideration of approval at the May 7, 2014 Court meeting.

County Planner Bill Zelenka said he believes the County needs the services of the engineering company at this time due to shortage of staff. The County previously used OTAC for this type of service, but OTAC is no longer in business. He believes the contract should be for one year.

Motion

Commissioner Crawford moved to accept the Century West Engineering RFP Proposal. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Commissioner Fahlgren said the County has worked with Century West during the drafting of Airport Master Plans.

Addition/ Pioneer Memorial Hospital (PMH) Feasibility Study and Jail Bed Analysis

Mr. Wilson advised the Court that this topic of Mr. Kollios doing a cost/benefit analysis of the Jefferson County jail bed proposal was discussed at the April 15 County Court Work Session. The original estimate from Mr. Kollios was \$15,000. At the work session, the Court directed Counsel to contact Mr. Kollios regarding his proposal and request that he simplify the study. Mr. Wilson was able to work with Mr. Kollios to revise the scope of work, and reduce the cost to \$3,000 if John Ralston of HSR will

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provided the raw data from the work his firm has completed as part of the PMH feasibility study. Mr. Ralston has agreed to provide the information.

Mr. Wilson asked the Court today to authorize Counsel to contract with Mr. Kollios to perform the cost/benefit analysis for an amount “not to exceed \$3,000”. Discussion was held on the amount of raw data needed for programing and the limited amount of information required from Mr. Ralston. Mr. Ralston and Mr. Kollios talked together to come up with the amount of information required for Mr. Kollios to do the proposed jail bed rental agreement study from Jefferson County for a fee of not more than \$3,000. The County Court believes that more information is necessary regarding the Jefferson County proposal before giving further consideration to the feasibility of converting the current PMH facility into a jail facility.

Motion

Commissioner Crawford moved to authorize Counsel to contact Mr. Kollios to proceed with the jail bed analysis for a fee not to exceed \$3,000. Commissioner Fahlgren seconded the motion. The vote was 2-0, motion carried.

Brad Peterson and Commissioner Fahlgren discussed the costs that will be incurred when transporting prisoners from Crook County to Jefferson County and back including the additional salary costs for deputies doing the transports. Commissioner Fahlgren said this issue has been a large part of the jail feasibility study.

A brief discussion was held on the matter presented earlier in the meeting regarding the Forest Service road closures. Commissioner Fahlgren said the Court always wants to hear information from all involved.

There being no additional matters before the Court, Commissioner Fahlgren adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Colleen Ferguson

Crook County Court Secretary