

BE IT REMEMBERED THAT the regular meeting of the Crook County Court was held on January 21, 2009 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: Mike McCabe, County Judge; Lynn Lundquist, County Commissioner; Ken Fahlgren, County Commissioner; County Counsel, Dave Gordon; Assistant County Counsel Brian Branch and Colleen Ferguson, County Court Secretary.

Members of the public signing the attendance log were: County Library Director David Patterson; Craig Kilpatrick, Redmond; Sandy Demaris, Prineville; Carol Moorehead, Dean of Redmond COCC campus; OSU Extension Tim Deboodt; Fairgrounds Manager Pat Wood; Alan and Barbara Russell, Terrebonne; Fair Board member Cameron Craig, Powell Butte; Commission on Children and Families Director Brenda Comini; Dave Duncan, OMD/BIAK Training Center; Nickolas Page, OMD/BIAK Training Center; Crook County Planning Commission member Lawrence Weberg, Prineville; BLM Director, Prineville, Molly Brown; Bill McCaffrey, Oregon Military Dept. H.Q., Salem; Art Arroyo, Oregon Military Dept. H.Q., Salem and Crook County Sheriff Rodd Clark.

The media was notified of the meeting.

Judge McCabe called the meeting to order at 9:00 a.m.

Consent Agenda

Approve minutes of December 31, 2008 continued to January 2, 2009, January 7, 2009
Approve Order 2009-03, Approval of FMLA(Family Medical Leave Act) amendments
Approval of appointment of successor trustee regarding Bennett Trust Deed
Approval of Social Gaming License, Cooler Bar, LLC (Tentative)
Approval of Betty O'Let lease, Family Resources Building

The Court reviewed the consent agenda. Commissioner Lundquist asked that language on page two of the minutes be changed to be more emphatic that a Court member would not be serving on the BOPTA board after this BOPTA session. He also corrected the measurement of 10,000 feet of Juniper to 10,000 acres of Juniper on page 4. Dave Gordon asked that the social gaming license be removed pending further research.

Motion

Commissioner Lundquist moved to approve the consent agenda with the changes to the minutes as outlined, and with the removal of the matter of the social gaming license. Commissioner Fahlgren seconded the motion. The vote was 3-0, and the motion passed.

Discussion of OSU Campus, award RFP contract for engineering and design of sales barn/ Tim Deboodt

Tim Deboodt , Director of OSU Crook County Extension, presented to the Court an overview and update of the proposed Oregon Open Campus project scheduled for Tillamook and Crook County. The project will provide higher education, credit classes and distance learning for the communities. The two main focus points at this time for the project are the needs assessment and funding.

Teresa Hogue, OSU, is heading up the needs assessment for the open campus. She is working with the Crook County Leadership group to complete the needs assessment. The summary from the group should be received in late April or May. Mr. Deboodt said the long term funding for the project is harder to deal with, and is contingent on partnerships and long term funding.

Mr. Deboodt presented history of the sales barn and poultry building that are the proposed sites for the construction of the building to house classrooms and offices for the open campus. The plan is to remove the buildings with possible reconstruction at another site on the fairgrounds. The new building would be constructed using the footprint of the buildings that are removed. The size of the proposed building is 50 by 80 feet with three classrooms. The building would have one classroom of 700 square foot for 35 students and a smaller classroom for technology. There will be a third classroom, and the building would house support staff, two coordinators and a regional director.

Mr. Deboodt said an RFP was put out to receive bids for design and construction oversight for the project. The RFP had a 30-day response time, and all RFPs were reviewed by a committee. The recommendation of the committee is to award the bid to Don Wood with the low bid of \$22,681. Mr. Deboodt asked that the County fund this portion of the project.

Commissioner Lundquist and Mr. Deboodt discussed other funding sources to pay for the completion of the open campus. Mr. Deboodt said the planned support would come in part from the Federal Stimulus package if funds become available. He said the area would be shovel ready, and the in-kind matching funds would be the value of the land, the value of the design and the money and time the service district has given. There are also funding requests going out to non-profit groups. The total cost could range from \$350,000 to \$600,000. OSU and COCC will be leasing the space as tenants, and the tuition charged to students will be covering their expenses. Mr. Deboodt said there had been plans earlier to utilize the facility and bring in at least six classes if the project had been completed by September of 2008. If COCC passes a bond and a campus is built on the Ochoco Lumber Mill property, the open campus buildings would be used for the high school students that are now taking college courses in the high school. Carol Moorehead, Dean of the Redmond COCC classes spoke on the continued need for the open campus buildings if the COCC campus bond were to pass. The open campus classrooms would give the students an opportunity to experience a college environment and would be close enough in proximity for students to easily access. Tim Deboodt spoke on the many different ideas that have been presented to him regarding classes and additional opportunities to make use of the facilities.

County Fair Board Member Cameron Craig and Fairgrounds Manager Patrick Wood presented a letter and additional information to the Court from the Fair Board regarding the support for the open campus. The Fair Board's concern is that as stewards of the fairgrounds, the fairgrounds will be losing a building and property with no remuneration. Even though the building has been used infrequently in recent years, the building has been used for winter storage for fairground equipment. Mr. Wood advised the Court that the Fair Board has been working on a five-year business plan, and has been concentrating on renovating buildings on the fairgrounds. The Board has a strong commitment to continue with the on-going progress in renovating the fairgrounds and bringing in new events and funding to the community.

Judge McCabe asked Mr. Deboodt, Mr. Wood and the Fair Board to meet and discuss a plan to make this a project in which all will benefit.

Mr. Deboodt and the Court discussed the Federal Stimulus package, and the time line for completion if this project is successful in being funded. Commissioner Lundquist said he felt the treasurer needed to be part of this dialogue regarding funding.

Mr. Deboodt provided additional options for use of the proposed building, and the opportunities that continue to change as more new people come into the mix of the planning for the open campus. Commissioner Fahlgren said this project looks toward the future, and he discussed the information that was provided during a discussion at County Court about six months ago.

Judge McCabe proposed setting the matter of the approval and award of the RFP bid over to the February 4 meeting. He asked that in the meantime the Fair Board and Mr. Deboodt meet to discuss the building and property. There will also be a discussion with the Treasurer to discuss the funding. Mr. Deboodt was concerned that the RFP bids might expire if the award was delayed. Mr. Gordon said the bids would be fine if the Court acts within the next 30 to 60 days.

Ordinance 212 regarding changing protocol appointing chair of Planning Commission

County Counsel Dave Gordon presented a review of Ordinance 212 which would remove the County Court as the body to appoint the chair for the Planning Department, and place that power in the members of the Planning Commission. The matter had been discussed at the January 7 meeting, and Mr. Gordon was asked by the Court to draft an ordinance for review today.

Mr. Gordon said that after reading the ordinance, there were additional issues to be addressed in the ordinance that had nothing to do with appointing the chair. He said that section three of the ordinance does reflect appointment of the chair, and he presented the options to the Court.

Commissioner Lundquist said he is in support of rewriting the entire ordinance. Commissioner McCabe said that it is his passion and intention that the Planning Commission elect its own chair, but he does not support the retroactive requirement. He said he felt this would be a slap in the face to the current chair, and if this language was in a motion to approve at the previous meeting, it had not been his intention to include it. He proposed redrafting the ordinance and bringing it back to Court for review at the next County Court meeting.

Commissioner Lundquist said the ordinance should be retroactive, and parameters should be set for the members to act as chairman for only two years.

Discussion was held regarding the need for an advisory committee or whether the Planning Commission wanted an advisory committee. Judge McCabe said he would like to have a joint meeting with the Planning Commission to discuss Ordinance 212.

Commissioner Fahlgren said he thought there should be term limits. When this ordinance is passed, the commission should start with a clean slate, and it should not be based on who had served before.

Commissioner Lundquist stated that if the current chair remains as chair, Kim Kambak and Arleen Curths will leave the Commission. He said the process should be done by statute: draft the ordinance, then send to the Planning Commission where they will review and send back to the Court.

Mr. Gordon said a joint special meeting with the Planning Commission would satisfy the requirement of review with the Planning Commission. The Court was in agreement that today's ordinance was not what the Court wanted to approve.

Craig Kilpatrick said he was a little surprised to hear the idea of retroactive. It would disqualify the current chair. Commissioner Lundquist and Mr. Kilpatrick discussed the dialogue that took place regarding the two year limit at the meeting of January 7. Mr. Kilpatrick said the two year term was fine,

but if the Commission was happy with the chair, the chair should be allowed to continue and serve multiple terms. Mr. Kilpatrick asked that his objection be noted in the record.

Lawrence Weberg Planning Commission member of many years said the Planning Commission has no ideas as to what has been drafted in the ordinance. He agreed that a joint meeting would be a good idea and asked that the joint meeting be held on a different night from the regular Planning Commission meeting. Mr. Weberg said that in 26 years, there has been only one time when someone had wanted to resign. He said he did not believe an active chair should be limited to serving only two years if the Commission wants them to remain as chair.

Mr. Gordon discussed sending an advance copy of the ordinance 212 draft to all Planning Commission members for review before the meeting.

Judge McCabe said that on the record his intent was not to unappoint any chairman appointed that a previous court sat. That would be humiliating, and he is just not going there.

Planning Director Bill Zelenka suggested holding the special meeting on Tuesday before the next Planning Commission meeting. The meeting was set for Tuesday, January 27th, 2009 at 6:00 p.m. in the County meeting room.

Judge McCabe stated again that he wanted the Court to relinquish the power to appoint the chair of the Planning Commission and hand it back to the Planning Commission. He said if that had not been clear before, that was his intent. He wants a document that states that the Planning Commission now has the power to appoint a chair.

Commissioner Lundquist said he would like to keep the portion regarding the quorum and the advisory committee in Ordinance 212.

Discussion of right-of-way acquisition for new proposed Powell Butte Highway in conjunction with Hope Ranch/ Commissioner Lundquist

Mr. Gordon gave a brief staff report of the road project from 126 to Powell Butte Highway, where the project is going and the county resources that may be needed to move forward.

Commissioner Lundquist recommended that County Surveyor Dave Armstrong walk the property from Highway 126 to the Nixon property. The Court could then make the decision as to whether the project should continue on or not. The Court reviewed the map and discussed the Avion well location and the need for a right of way in that area. Commissioner Lundquist discussed the access area that would tie into the current intersection or go back to the Remington Road area.

Molly Brown, Bureau of Land Management (BLM) spoke to the Court on the Upper Deschutes Resource Plan, the current guiding document for the area, and the process and time that would be involved in researching the area for the proposed road project. Ms. Brown advised the Court of the current 30-year non-exclusive lease held by the military in the Bend and Redmond block. Art Arroyo, Oregon Military Department Head Quarters in Salem, discussed this training area which is used extensively. A road coming across in this area could have a tremendous impact on the ability to train in this area according to the military. Alternative road locations and the responsibility of the Court to work for improved transportation routes for the future of the County were discussed.

Commissioner Lundquist expressed his concern regarding the private property that the County would need to acquire for this project. The property is currently for sale and is going to be sold for home sites. He would like to preserve the opportunity to go forward with the road realignment project by approving the purchase by the County of the private property.

Bill Zelenka and Molly Brown discussed the protocol to be followed to allow the surveyor to examine the proposed three to four miles of road route on the BLM land. Ms. Brown said the challenge to staff is to take care of the environmental assessment that would be required. Mr. Zelenka and Ms. Brown discussed the application process and the costs involved. Mr. Gordon asked if there would be a problem with the County Surveyor just walking and scouting the land. With notice, Molly Brown said that would be fine..

Bill McCaffrey, Oregon Military Department Head Quarters, Operations, told the Court that the effects on the training center would be significant. He said this is the largest training area in Oregon, and there will continue to be a high demand for the training operation as Oregon is experiencing the largest deployment since World War II. Mr. McCaffrey said there is a road network in the area, and there will be a larger demand on the ancillary roads. He said there is already a significant use of the area with people using the area as a cut-off. Mr. McCaffrey explained the significant safety concerns with military traffic and public traffic, safety for the public and safety for the soldiers. Discussion was held regarding some options and the training taking place out in the Millican Road area.

Judge McCabe asked about the non-exclusive lease. Even though the area is leased by the military, the public is allowed access to the BLM property. The military places signs to designate the activity areas. Grazing and recreation continue in the area and the National Guard works with the BLM to maintain, reseed and share the lands. Judge McCabe said it is incumbent on the Court to always look for better traffic routes. He asked if BLM could be forthright and indicate to the County if there would be any chance of using the proposed route before \$2 million or more was spent on the exercise to find if it can be used.

Ms. Brown said that it is a risk because this road plan was not disclosed in the Upper Deschutes Plan. She said the first hurdle is to find out what the public thinks about the proposed route, and what will the other users of the land think.

Bill McCaffrey stressed that the reality of the problem with the proposal is the impact of secondary users that would make the area basically unusable for use as a training facility. He said the military can't pack up 46,000 acres and move on. There is no other place for the military. He said the military concern is that as the area is potentially developed, the people would move toward the northwest for cutoffs to Redmond, and the impact would be significant. Mr. McCaffrey said it would be mixing tremendous hazards of military tanks and cars.

Commissioner Lundquist asked Ms. Brown if BLM as the owner would make the final decision as to use of the land, and asked if the lessee has a veto on BLM decisions. Ms. Brown said the BLM manages the area for the multiple users.

Judge McCabe said this was a first public hearing and there would need to be additional public hearings, but this is a good start.

Commissioner Lundquist suggested holding two public meetings for public input; one in Prineville and one in Powell Butte.

Dave Duncan of the Military said he was there to represent Lt. James Rejzek. He said Lt. Rejzek was unable to attend but would be available to discuss the matter.

Set hearing date to consider recommendation of the planning commission to deny adoption of division 23 and set a hearing date to consider recommendation of the planning commission related to Sunset Hills Road Vacation

Mr. Gordon said this matter is to set hearing dates only. The dates can then be approved on the consent agenda or the Court can authorize the Judge to set hearing dates. There will need to be adequate time given for public notices.

The Court agreed to give the authority to set the hearing dates as needed to the Judge.

The hearing dates for these two matters will be February 18, 2009.

Discussion regarding Sheriff's Office Painting Bids

Assistant County Counsel Brian Branch presented information regarding the painting bids for the Sheriff's Office. They went out for the second time to the vendors that had provided bids previously with the added provision of working times and the provision of \$100 per day if not completed in the 14 days allowed. The rebid covered all the issues of completion. The local bidder submitted the lowest bid.

Sheriff Clark and the Court discussed the Sheriff's Office roof and the repair work that had previously been performed on the leaking areas. The suggestion was that the roof be checked periodically.

Discussion was held regarding the funding that would pay for the painting. Sheriff Clark said the painting had been budgeted in previous years but was not budgeted this year.

The Court discussed a plan for upkeep of all the County facilities. Judge McCabe presented information regarding a study done for Jefferson County on all County facilities. The study was done by Haraschick. The Court agreed these issues must be looked at and planned for.

A brief discussion was held regarding the jail inspection to be held on Friday. Inspections will be done on both the Jefferson County facility and the Crook County jail.

The Court discussed the recent state judicial study that was done on all buildings in the state that house judicial judges, judicial courtrooms and judicial offices. The Crook County Courthouse was reviewed and recommendations came back that the Courthouse would need \$12 million in upgrades and remodeling. There are many obstacles to remodeling and upgrading a historical building. There is no way to make the Courthouse seismically correct. There has been discussion of using County property close to Courthouse to site a new building to house the justice center that could potentially house all the courts and courts administration. This would be a long term large project that would involve a lot of planning as well as funding from state and other sources. Arrangements will be made with Judge Neilson to attend County Court and present findings on the judicial report and the judicial task force.

The Court discussed the county buildings that are in various arrays of condition. Maintenance Director Greg Hinshaw has been given the task of assembling a list of all facilities and the needed updates and repairs for each.

Commissioner Lundquist and Sheriff Clark discussed the catalyst leading to the painting project for the Sheriff's Office which includes rusting, cracks, wear, fading, spot maintenance with painting of different colors and loosened sheetrock nails.

Motion

Commissioner Lundquist moved to award the painting bid to Burroughs at \$10,700. Commissioner Fahlgren seconded the motion. The vote was 3-0, and the motion passed.

Landfill Salvaging

The Court held a discussion on the practice of people salvaging items, other than wood for the seniors at the landfill. Landfill Manager Alan Keller advised the Court that the wood products to be salvaged for heating by the seniors will be separated out and located in a safe place for access. Mr. Keller is concerned about other scavenging and salvaging at the landfill. He believes it is dangerous to have members of the public scavenging in the landfill while equipment is working in the area.

Motion

Commissioner Lundquist moved to discontinue all scavenging at the landfill except for wood and to place a notice that this policy would go into effect on February 1, 2009. Commissioner Fahlgren seconded the motion. The vote was 3-0, and the motion passed.

Complaint of landfill competition with private business/ Brad Bartlett

Brad Bartlett, Bartlett Excavation, presented a complaint to the County Court regarding the manager of the county landfill working in competition with private business. He appeared on behalf of himself and two other businessmen, Craig Woodward and Bump Stafford. The incident presented by Mr. Bartlett involved the hauling of sawdust chips to a customer that Mr. Bartlett had been working for. Mr. Bartlett gave his customer a bid of \$200 to haul 10 yards of chips. This cost would cover the chips, the equipment and the driver. The customer in the meantime heard about chips available through the landfill. Mr. Keller quoted a price of 30 yards of chips delivered for \$185. The customer purchased his chips through the landfill. Mr. Bartlett also presented a complaint regarding the hydro seeding jobs done through the landfill. Mr. Bartlett, Mr. Woodward and Mr. Stafford believe the County is competing against the county citizens.

The Court discussed with Mr. Bartlett the issue. Mr. Keller is trying to keep the doors open to the landfill with the lowest dumping fees in the state during this slow economic time. The County also receives recycled credit for the recycled woodchips.

The Court discussed the need for the landfill to raise prices to become competitive with the other businesses. The Court agreed to ask Mr. Keller to come in and discuss the steps of grinding, loading and delivery of the chips, and the need to raise the landfill prices. The Court agreed that the County should not be competing with the public. The Court also agreed that Mr. Keller's management of the landfill has supported portions of the County and commended him for that.

Discussion and decision on County meeting schedule

The Court reviewed the County meeting schedule which was revised as requested at the previous Court meeting to include one work session per month. The work session was set to be held on the third Tuesday

of each month. Following discussion, the Court agreed they would rather meet on the fourth Tuesday of the month. The meeting schedule will be modified and presented on the consent agenda for approval at the next meeting.

Discussion regarding the Bend Broadband Lease

Commissioner Lundquist presented a correction as to the directional description of the parcel. The document description of the parcel was east of Highway 26. The direction should say south of Highway 126.

Mr. Gordon explained the lease and the area of the location of the lease which is next to the U.S. West facility.

Brian Branch advised the Court that this lease had been scheduled for approval at an earlier date. Bend Broadband added to the lease that they would sublease within the facility. The Court discussed the subleasing and the cost of the lease at this time which is \$275. There is no tower involved. The Court asked that the lease agreement be written to include language stating that there would be no towers. Discussion was held regarding the 30 year lease, the \$100,000 investment and the clause whereby Bend Broadband could break the lease with a one-year notice. The rate for the lease had been figured on the value from the Assessor's office. The Court agreed that this property has a different value than regular land value of the same size. Even though it is a small parcel, the use is for something completely different than what regular values cover. After discussing all aspects of the lease, the Court agreed that language should be added to the lease that would provide 25 percent of the income from the subleases go to the County. County Counsel will redraft the lease with the modified language, and present the lease at the February 4th meeting for approval.

Approval of County Bills

Commissioner Lundquist had no declarations

Commissioner McCabe declared a potential conflict of interest with any bills payable to Prineville Men's Wear. His sister is married to the proprietor.

Commissioner Fahlgren declared a potential conflict of interest with any bills payable to Advanced Cabinetry. His brother owns the business.

Mr. Gordon said he does not believe declarations have to be made for relatives other than immediate family. He will research this further.

Motion

Commissioner Fahlgren moved to approve the county bills as presented. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

MISCELLANEOUS

Highway Scoping

Commissioner Lundquist discussed the need to "scope" the Highway 126 corridor between Prineville and Redmond area which would cost \$250,000. ODOT has no money for this. He said, if it is ever to get

done, it is important enough that Crook County should step up and have it done. Commissioner Lundquist discussed the possibility of Deschutes County, Bend, Redmond and City of Prineville assisting with the funding as well as Destination Resorts. Commissioner Lundquist said he thinks this is essential and projects cannot move forward without the scoping. ODOT may have some staff to assist. Judge McCabe and Commissioner Fahlgren asked for additional documents regarding the scoping. Commissioner Lundquist will return at the February 4th, 2009 meeting with documents for further discussion.

Vector Control

Commissioner Fahlgren asked that the Vector Control Board be included on the February 4, 2009 agenda. The Board will present the yearly report.

Boards

The Court discussed appointment to the Budget and Compensation boards.

Summer Intern Program

Dave Gordon advised the County Court that the Summer Intern program has been withdrawn this year due to budget constraints.

Budget cuts

Discussion was held regarding preparation and distribution of budget instructions to department heads and budget cuts that may be needed. The Court agreed they would like to have County Treasurer Kathy Gray attend budget meetings and one meeting per month to keep the Court updated.

State of Oregon 150th Birthday Celebration

Judge McCabe presented information regarding the 150 birthday celebration for the State of Oregon to be celebrated on February 14 and local plans to celebrate. The state celebration will last all year. The local celebration on the 14th will include cake and coffee served at the City Hall. Later in the year when the weather is nice and word is received that the sculptures for the City Plaza and Courthouse lawn are completed, another celebration will be held with the unveiling of the sculptures.

There being no further business before the County Court, the Court adjourned.