

BE IT REMEMBERED THAT the regular meeting of the Crook County Court was held on November 21, 2007 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville Oregon

In attendance were: Scott R. Cooper, County Judge; Mike McCabe, County Commissioner; Lynn Lundquist, County Commissioner; David Gordon, County Counsel; Alexa Gassner, Assistant County Counsel and Colleen Ferguson, County Court Secretary.

Members of the public in attendance were: Jared Poljucik, Bend; Michael Picha, Bend; Dan Fouts, Prineville; Paul Fichter, Prineville; County Weedmaster Kev Alexanian; Curt Burrell, Powell Butte; County Health Director Wendy Perrin; Ted LaBombarbc; Kristine LaBombarbc; Craig Kilpatrick, Redmond; Andrew Spreadborough, COIC; Kim Bush, Prineville; Dale Tompkins, Prineville; Arleen Curths, Powell Butte, Planning Director Bill Zelenka, Jim Pippin, Remington Ranch; John Shaw, Remington Ranch and Steven P. Hultberg, Ball Janik, LLP Bend..

The media was notified of the meeting.

Consent Agenda

Approval of minutes: October 17 and November 7

Approval of amendment to Agreement No. 121006/Crook County/Department of Human Services for Public Health Service

Approval of Amendment to Drinking Water Program Agreement/State of Oregon/Crook County

Approval of Pacific Office Automation Copier Leases (Treasurer's Office, Building Department, District Attorney, Extension Office, Clerk's Office)

Approval of Pacific Office Automation Copier Contract/ Crook County Library

Approval of Order 2007-83, Increased Appropriations/ Crook County Library

Approve final decision in the matter of *Young v. Schpankyn*, conditional use permit for a single family residence in the Beaver Creek Road area

The Court reviewed the consent agenda with the addition of the approval of the snow removal contract. Assistant County Counsel Alexa Gassner, presented information regarding the snow removal contract which was put out for bid with only one response from SMAF. The contract provides for snow removal in subdivisions allowing for the road department to concentrate on clearing the roads and highways of the county. This is a budgeted item in the road department budget.

Judge Cooper presented grammatical corrections to the minutes and explained the Library copier lease and associated costs.

Motion

Commissioner McCabe moved to approve the Consent Agenda as presented and amended. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

Discussion of Health Department Mutual Aid Agreement/Alexa Gassner/Wendy Perrin

Ms. Gassner presented the Health Department Mutual Aid Agreement, a mutual aid agreement among Crook, Douglas, Grant, Harney, Jefferson, Lake, Lane, Klamath and Wheeler counties, to the Court with discussion regarding the time frames, mutual aid, travel expenses and change of command.

Motion

Commissioner Lundquist moved to approve the Mutual Aid agreement as described. Commissioner McCabe seconded the motion. The vote was 3-0, and the motion passed.

Consider request of Title III funds for Weed Control, Emergency Management, and Central Oregon Intergovernmental Council (COIC) Wildlife Risk Reduction Project (COPWRR)

The Court heard requests from Crook County Weed Master for funding in the amount of \$6,250 to help educate the public on a noxious weed Scotch Thistle in the Powell Butte, Grimes Flat and Barnes Butte area and become proactive in controlling the noxious weed before the weed crosses over onto the federal lands and becomes a fire hazard.

Brandon Smith, Emergency Management presented a request for Title III funding for Search and Rescue supplies and equipment. The total amount requested for Radio Amateur Civil Emergency Services (RACES) van equipment, tire chains, medical equipment, rope rescue equipment, radio equipment, utility trailer and vehicle is \$72,888.26. This equipment would be used for search and rescue on federal lands.

Andrew Spreadborough, Central Oregon Intergovernmental Council (COIC) presented a request on behalf of COIC in the amount of \$5,000 for support of the Central Oregon Partnership for Wildlife Risk Reduction (COPWRR).

Motion

Commissioner McCabe moved to approve the requests of the County Weed Master, Emergency Management and Search and Rescue, and COIC for the Title III funds for approved project. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

The Court's approval is provisional, pending publication of a 45-day public comment period.

Presentation of Regional Investment Strategy Comprehensive Economic Development Strategy/Central Oregon Intergovernmental Council (COIC) /Andrew Spreadborough/ Public Hearing to be held at 9:45 a.m.

Andrew Spreadborough presented the Regional Investment Strategy Comprehensive Economic Development Strategy to the Court and discussed the strategy that guides the COCIB activities as well as Economic and Community Development Projects. Mr. Spreadborough provided information of the last two biennium's of projects for the Court's review.

Ordinance 196, an ordinance amending the Comprehensive Plan map and changing the zoning designation for property identified as Map T15S R16E Sec 1B TL600: first reading, vote (Doug Dent)

Motion

Commissioner McCabe moved to read Ordinance 196 by title only. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

Judge Cooper read Ordinance 196 by title only and opened the public hearing.

Dave Gordon pointed out that exhibit A was missing a map of the area and lot 14, the area addressed by this ordinance. This ordinance approves the land use decision of the Court in the matter of Doug Dent. There being no further input regarding the ordinance, the public hearing was closed.

Motion

Commissioner McCabe moved to adopt Ordinance 196 with the inclusion of the map on first reading. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

The second reading of the ordinance will be held on December 5, 2007.

Discussion item: Measure 37/Measure 49 letter to claimants

The Court discussed the letter drafted by Ms. Gassner to be mailed out to Measure 37 claimants explaining generally the ramifications of the passage of Measure 49 and urging them to contact their individual attorneys for further guidance. Commissioner Lundquist said there needed to be a phrase added to the letter to addressing the fact that the amount of homes to be built would have to include the homes already on the property. The Court discussed the interpretation of vesting and the date of December 6, 2007 as the date the vesting of the Measure 37 developments would have to be completed and how the finding

on good faith could be made. The Commissioners agreed they were comfortable with the letter with changes discussed to be inserted.

Public hearing, Order 2007-82, adopting the Regional Investment Strategy

Judge Cooper reviewed the Regional Investment Strategy presented earlier in the meeting by COIC representative Andrew Spreadborough and opened the public hearing for comments. There being no comments, the public hearing was closed.

Motion

Commissioner Lundquist moved to adopt Order 2007-82, the Regional Investment Strategy Comprehensive Economic Development Strategy as presented. Commissioner McCabe seconded the motion. The vote was 3-0, and the motion passed.

Request for purchase of waste shredder and excavator for use at Landfill/Alan Keller

The Court heard a proposal from the county landfill manager related to potential purchase of a shredding machine and excavator at the county landfill. The equipment would allow the landfill to extend the life of the current cell by five years and reduce the space required for the deposit of refuse by 40-60 percent. The purchase of this technology would also allow the county to fully recapture from the waste stream all recyclable material. The Court instructed the landfill manager to further evaluate options, including alternative models of machinery and financing options.

Approval of Bills

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

Commissioner Lundquist declared a potential conflict of interest with any bills paid to Central Oregon Trucking. His son is an owner of the company.

Judge Cooper declared a potential conflict of interest with any bills paid to Cooper Electric. His mother and brother own the company.

Motion

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

Cancel Executive Session and approve step increase

Judge Cooper asked the Court to cancel the executive session personnel evaluation for Building Official Mike Finley, approve a one-step pay increase for Mr. Finley and schedule the evaluation to be heard at a future meeting.

Motion

Commissioner McCabe moved to grant a one-step pay increase to Building Official Mike Finley and schedule a personnel evaluation at a future meeting. Commissioner Lundquist seconded the motion. The vote was 3-0 and the motion passed.

Brief recess / Reconvene in open session at 10:30 a.m.

Discussion of Remington Ranch Improvement Agreement

Judge Cooper reviewed the matter of the Remington Ranch Improvement Agreement for the Court and audience and advised the Court that Remington Ranch is represented by the law firm of Ball Janik, LLP.

Judge Cooper declared a potential conflict of interest in this matter. His wife Laura Cooper is a partner in the law firm of Ball Janik, LLP. Judge Cooper recused himself in the matter and said he decided to not take part in the final vote or debate. However, he would chair the discussion.

Dave Gordon presented the staff report regarding the requirement for the bond of financial assurance on behalf of Remington Ranch. The Court heard a proposal from Steven P. Hultberg of Ball Janik, LLC law firm, representing Remington Ranch related to bonding of improvements with discussion regarding the position placement of the County in both Phase 1 and Phase 2 of the development. John Shaw and Jim Pippin provided additional information regarding the development and assurance bonding. Craig Kilpatrick working as the liaison for Remington Ranch to the Planning Commission provided information regarding the permits and plats associated with the hotel track and ninety lots of Phase 1. The Court gave its general approval to the concept of how financial assurances are being negotiated and directed Counsel to complete the financial assurance agreements and return with them for further consideration, with a target date of Dec. 5.

Commissioner Lundquist said he believes the Court is setting a precedent today, and his decision is fully based upon this premise, and that the County would be opening the door for anyone that wanted to, to not bond. Mr. Gordon advised the Court that the County has accepted letters of credit, cash and other methods of bonding for smaller developments.

The Court adjourned and wished everyone Happy Thanksgiving. Most County offices will be closed Nov. 22 and 23 in observance of the Thanksgiving holiday. The county landfill will operate normally, circuit courts will be open and sheriff's patrols will operate.

The next meeting of the Court will be Dec. 5. Items are due before close of business before 5 p.m. on Nov. 28. This is the last regularly scheduled meeting of the calendar year, although the Court will convene if needed on Dec. 19, 2007 to address routine matters.