

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
July 15, 2013**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)  
ELTING G. HASBROUCK (COMMISSIONER)  
BILL WILLEY (COMMISSIONER)  
ARCHIE BANBURY (CLERK)**

Meeting called to order by Chairman Cruickshank at 9:00 a.m.

Clerk Banbury led the pledge of allegiance to our flag. Commissioner Hasbrouck moved, and Commissioner Willey seconded acceptance of the agenda as presented with the addition of noting that the Lake Fork Land Use Agreement pertains to the Fire Camp, and adding the USFS Agreement for funding the Big Creek/Yellow Pine Cost Share Agreement. Motion Carried.

Commissioner Hasbrouck moved and Commissioner Willey seconded approval of the Meeting minutes for June 10<sup>th</sup> (as amended), July 1<sup>st</sup> and July 8<sup>th</sup>, 2013. Motion carried unanimously. It was opted that there will be no meeting of the Board on July 22, and the June 10<sup>th</sup> minutes were incorrect in their original form.

Commissioner Willey moved and Commissioner Hasbrouck seconded approval of the I.T Agreement renewals, and authorized the Chairman to sign the same and carried unanimously.

The recent infestation of grasshoppers has been of concern and poisoned bait is available through the Weed Department however the bait will be picked up at the Road Department.

Commissioner Willey noted the “Woodstock” festival where citizens in McCall joined together in cutting and splitting firewood for the benefit of the needy. Approximately 100 cords were produced and delivered by the volunteers.

Commissioner Hasbrouck moved to accept the MOU for the Travel Management Plan for the Big Creek/Yellow Pine Collaborative as embodied in the Cost Share Agreement. Seconded by Commissioner Willey and carried, unanimously.

Cynda Herrick appeared and asked that the Board reaffirm their decision to approve V-1-13 because an error was made in the previous presentation in that she had concluded that it had been rebuilt, which it had not. The Planning and Zoning Commission had unanimously approved the structure, as proposed and acted upon correct information. Accordingly she asks the Board to reaffirm their prior decision given the new information. They reaffirmed their original decision.

She noted that Tom Olson had tendered his resignation from the Planning and Zoning Commission because of the pressure of personal business. She will advertise the vacancy forthwith. Geographical coverage is not a concern with this appointment.

Assessor June Fullmer presented tax cancellation #2 which eliminates 14 erroneous solid waste fees totaling \$149.50 for Michael J. and Arlene M. Barrie. Cancellation number #3 was cancelling market value of \$35,679 because of a late season timber exemption for Charlie Gibson.

Commissioner Hasbrouck moved and Commissioner Willey seconded cancellations #2 and #3 as requested by the Assessor. Motion carried, unanimously.

Harry Soulen appeared for discussion of the Animal Damage Control Program. He spoke as Valley County's Representative for District #2 Animal Damage Control. He was accompanied by Todd Hansen, Idaho's trapper and Todd Grimm, Idaho State Director for the USDA Animal and Plant Health Inspection Services, Wildlife Services for this area. They took 7 wolves in the County after losing 4 calves, a cow and "a lot" of sheep.

Phil Davis noted that attacking the wolves before the cattle were on the range was the reason that he has no losses thus far this year. He commends all those involved in the trapping effort for this success. He asked that a letter supporting wildlife control be sent to the Valley-Adams Farm Bureau organization.

The State's animal control budget is presently \$1.9 million. Wolf control is a very expensive effort due to the wide range of the predator.

Stephanie Johnson, Cabin Creek Enterprises presented bids for contracting for the Fire Mitigation for Horsethief #5. She recommended American Conservation Solutions as the successful bidder and also the lowest bidder at \$1,449.00 per acre for 17 acres. She then explained the total program of fire mitigation in response to questions by the Commissioners.

Commissioner Hasbrouck, moved and Commissioner Willey seconded acceptance of the bid by American Conservation Solutions, the motion carried.

Delta James with the City of McCall appeared and Chairman Cruickshank opened a Public Hearing concerning a Zoning Ordinance Amendment to the Sign Review Process for the City of McCall in the Impact Area.

Staff Report by Delta James who stated that the purpose was to approve signs in that area as an administrative process and not requiring formal approval by McCall Planning and Zoning. She can generally get through the approval process in three days, as opposed to three weeks.

During McCall Planning and Zoning meetings on this subject there was no opposition.

McCall does not allow interior illuminated signs and also has a “dark sky” ordinance. There being no others present in the room, either proponents or opponents, Chairman Cruickshank closed the Public Hearing. On motion of Commissioner Hasbrouck, second by Commissioner Willey, the motion to approve a change to Ordinance 13-4 was approved unanimously.

Cynda Herrick advised that Valley County would pay for the publication.

Mary Faurot, District Ranger for the Cascade Ranger District appeared for the purpose of discussing future forest management projects. She would like to attend the Commissioner’s meeting the third Monday of each month. She also would like to be apprised via e-mail of the Fire Working Group meetings, the Snowmobile Advisory Meeting and also the list with the agendas for the Board of County Commissioners meeting each week.

She noted two timber sales on West Mountain, one northwest and one southwest. She is in the early stages of a Wildland/Urban interface project proposal. She supports Wildland/Urban interface efforts.

She mentioned the possible roads being discussed by Midas Gold without comment. The Payette National Forest will take the lead position for the Midas Gold project even though the lands may fall within the Boise National Forest.

She then discussed efforts to get the Van Wyck Bridge on the West Mountain cattle/sheep trail completed during this season. The engineering concerns, if quickly resolved, would facilitate completion by this year. Valley County and the Cascade Ranger District are working together on this project.

Recess for lunch at 12:02 p.m.

Resume regular session at 1:02 p.m.

Tim Marks appeared for discussion of the Gem Plan and rates for next year. Based on current activity, our insurance will increase by 5% for next year.

The Affordable Care Act, also known as “Obama-Care” was discussed. The dates and coverage have again changed. If the rate of payment is 9.5% or less, the plan is “affordable”. County is 0% for our employees and accordingly our plan is affordable. Recent rulings also include the provision that if the employee’s cost is “affordable” then the dependents are also deemed “affordable.” We should budget about \$63.00 for each of our employees and their Dependents, which would be required to be paid under present rules in February 2015. It would not be necessary to include that in the FY2014 budget.

The discussion turned to deductibles and actual costs of future insurance. There are many unknowns. The best advice seems to be to sit tight and let the process evolve.

Rob Mason was detained by road construction on Hwy 55. He will return at 4:00 p.m.

Kit Hill, P. O. Box 408, Cascade. Ms. Hill asserted the agricultural permit for Pomeroy's was falsely obtained. She is referring to an agricultural building permit. She said they had leased the property. She told Annette they were leasing the property. They have six people living in a 5<sup>th</sup> wheel, no septic, electrical power. She asserted that Pomeroy's are using the road as a storage area and blocking passage to a historical monument on past the subject property.

She asked that their agricultural permit be revoked, and that the blockage on the subject road be removed as it prevents access to a public right of way. Ms. Hill also provided copies of photos she had taken of the area.

Greg Pomeroy P.O. Box 160, Cascade, appeared. He stated he intends to build a house and is having a well drilled preparatory to building a house on his property. He says he was away in North Dakota, and has removed his property from the road. They are living in the RV and built the barn. Lot 7960 has the south edge of the road as its property line. The right of way, believed to be 50' is measured from the property line. Sue Probst, cartographer, says it is either 50' or 70'. Research does not disclose a 70' right of way. They do intend to build a house. They assert there are no restrictions against camping on one's own property.

Anne Guarino, building inspector said she inspected the property and building from the outside and saw furniture and personal effects and saddles inside. There should be a permit for the building if it is not an agricultural building. It is admittedly not an agricultural building, but rather a storage building. She has not been inside the building.

Pomeroy's initial permit was for a building 600 square feet in size.

Cynda stated she issued the building permit and was told it was to be used for an agricultural building and does not need any building permit. It does not need a permit other than the \$5 permit for a non-agricultural storage shed. Ken Arment advised the road blockage was in fact observed and photographed. He showed a photo of the gated entry to the property, (Kennedy's) which had "No Trespassing" and "Keep Out" signage. Cynda says Joe Kennedy told her that he put up the gate. It has always been open.

Inspection on 7/10/13 by Deputy Prosecutor Arment, and accompanying photo, show trailers blocking the road.

Commissioner Cruickshank summarized. Trailers shown on the road have been moved per Mr. Pomeroy. Personal and agricultural property was present. We recognize a 50" right of way measured from the property line. Commissioner Willey would like the staff to go check it out. Outside, the structure looks like a house, Commissioner Hasbrouck agrees, it looks like a house from the photograph. Commissioner Willey wants it inspected forthwith. Thus, it would be resolved. Kit Hill said that they couldn't afford a building permit for a home but would get a permit for a storage building.

Mr. Pomeroy wants a search warrant to be obtained prior to entry.

Ken Arment said if there was no crime, there would be no warrant, no probable cause. All true.

The Pomeroy's assert they lived in Goslin Estates until April 1<sup>st</sup>, 2013. Commissioner Willey asked if there is a crime here either civil or criminal. Pomeroy's agree to let Cynda inspect the building and report back. June would like to have a representative from the Assessor's office.

Curtis Bennett, Road Superintendent appeared for discussion of Road Department items.

He reported that the Warren Wagon Road rebuild would require a \$1 Million match for applying for an additional \$13M grant. It has been partially funded, but not awarded under an earlier program that required no match however that program is not available now. The Western Federal Lands Access Program FLAP requires a match. Valley County will need to accumulate the necessary \$1 Million no later than 2015-2016. We can accumulate about \$100,000 in 3-8 months for the design portion, and probably another \$900,000 by FY2015-2016. Will there be any in-kind contribution? An environmental clearance is needed to use the Goode Pit. We need to save about \$250,000 per year. \$40,000 could possibly come from McCall for the bike path improvements associated with the re construction.

Curtis presented the Road Maintenance Agreement with Midas Gold for approval and Signature for the road from Yellow Pine to Stibnite. Commissioner Willey moved for approval, Commissioner Hasbrouck seconded and the motion carried, unanimously.

He then presented the ITD Weed Contract for approval and signature. Commissioner Hasbrouck moved for approval, second by Commissioner Willey and carried, unanimously.

He spoke concerning the Simplot driveway agreement. This is a realignment necessitated by replacing the Deadhorse Bridge and associated road repairs to accommodate the new bridge. Commissioner Willey moved for approval, second by Commissioner Hasbrouck and carried unanimously.

He presented the USFS Borrow Pit Request for approval and signature. Commissioner Hasbrouck moved for approval of the letter request, second by Commissioner Willey and carried, unanimously.

Steve Andersen, Weed Supervisor has been contacted and asked if Juvenile Correction detainees to do weed pulling for Valley County. Steve indicated he would use the crew along Elo Road for about 2 ½ miles on both sides where no chemicals can be used. In prior years he has used the ARRA grant to assist with it this process. This refers to detainees who have done well and are to be released soon.

As to FRTA Easements, Curtis presented agreements with both the Boise and Payette Forests. Commissioner Hasbrouck moved for approval of the FRTA easements in both the Boise and Payette National Forests. Second by Commissioner Willey and carried.

He presented the Lake Fork Land Use Agreement for a fire camp if needed. Commissioner Willey moved for acceptance, second by Commissioner Hasbrouck and carried.

The Planning and Zoning Commission together with Cynda Herrick presented their concerns with cloud seeding and their recommendation that a CUP be required for cloud seeding, and a pro former ordinance concerning oil and gas operations ordinance as prepared and recommended by the Idaho Association of Counties. Bonding for cleanup was discussed and it was decided to return back to the P & Z Commissioner for consideration of the bonding issue.

Similarly with respect to water rights and notification of neighboring properties within 300+ feet, as 300 feet is not enough.

Additionally, they provided a list of a various small changes to several sections of the Valley County Code.

A public hearing to consider all these items should be set for September 16<sup>th</sup> at 1:00 p.m. and involve an entire afternoon session.

Rob Mason, Frank Church Foundation appeared with the summer staff members who have been working in the Wilderness areas. They were able to visit both formally and informally with the Board of County Commissioners, discuss their backgrounds and provide insight into their work in the wilderness. Two trails cleared by the crews had over 600 trees each that had to be removed from the trails. The Commissioners commended the crews for their work and what they have learned from their experience.

Adjourned at 6:02 p.m.

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Gordon L. Cruickshank, Chairman

Attest:

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Archie N. Banbury, Clerk

AB/akm 7-18-13