

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

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

Meeting called to order by Chairman Cruickshank at 9:08 a.m.

Valley County Public Defender, Scott Erikson led the pledge of allegiance.

Chairman Cruickshank advised of additional items that needed to be added to the agenda. Commissioner Hasbrouck made a motion to approve the amended agenda. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the amended agenda.

Valley County Deputy Auditor, Alyssa Morrison presented the Commissioners with claims and Junior College Tuition applications to review. Commissioner Willey made a motion to approve the claims as presented and Junior College Tuition applications. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve Claims in the amount of \$815,645.04 and to approve Junior College Tuition applications.

Valley County Assessor, June Fullmer reported that they had their mining class last week with twenty individuals in attendance. She believed that it was very informative and that it was a worthwhile class.

Valley County Clerk, Douglas Miller reported that the department is working with Computer Arts to close out Fiscal year 2013 in order to be prepared for the annual audit which has been scheduled for January 23<sup>rd</sup> through January 25<sup>th</sup> 2014.

Valley County Court Service Director, Skip Clapp reported that there was an issue at the Valley County Juvenile Detention Center involving a juvenile who was threatening self-harm and wanted to thank the Sheriff's office for their assistances over the weekend. He mentioned that out of county probation fees are not currently being charged by Valley County for Courtesy Supervision cases and wanted to discuss this option with the Commissioners. Chairman Cruickshank wanted to know if the probation department was planning on charging \$75 a month? Skip recommended charging \$50 a month. Commissioners agreed that this fee should be required to out of county probationers who are residing in Valley County. Skip advised that he has been getting organized as the Director of Court Services and has been attending several meetings.

Valley County Sheriff, Patti Bolen reported that she has not heard from Adam's County regarding Memorandum of Understanding for No Business Lookout. She provided maintenance agreement and installation agreement for 911 grant. Commissioner Willey made a motion to have Valley County Sheriff Sign maintenance agreement for 911 grant. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to sign 911 grant. Sheriff Bolen presented Fiscal Year 2014 Highway Safety Grant for the Commissioners to review. Commissioner Hasbrouck made a motion to have Chairman Cruickshank sign they Fiscal Year 2014 Highway Safety Grant. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to have Chairman Cruickshank sign the Fiscal Year 2014 Highway Safety Grant. Sheriff Bolen thanked the volunteers who helped with the Highway 55 clean up. Sheriff Bolen advised that they have been trying to determine how to get reimbursement from inmates who are getting medical treatment and are looking at options. She advised that the Sheriff's Association is realizing that there is ongoing training for Deputies that are in the field but not for Jail Deputies. The Sheriff's Association is going to provide two days of training every year and the first one will be this spring in Boise at a rate of \$150 per person. She reported that the jail did have one resignation of a deputy and reported that this position has been posted.

Valley County Treasurer, Glenna Young reported that their office has been very busy with the tax drive and reported that Idaho State Tax Commission will be coming to Valley County to assist with tax drive because of new software. She reported that after Tax Deed Sale, her department will be contacting former property owners to advise them about funds that will be available to them. Glenna reported that Chief Deputy Treasurer, Rhonda Komula has been appointed as the Secretary of the Valley County Republican Party. Glenna reported that she received a letter from a tax payer who owns a lot in Tamarack who was reporting a hardship. Glenna wanted to know if the Commissioners are willing to waive late charges and requested some direction. Chairman Cruickshank advised that this is not their primary residence he does not understand how this is a hardship. The Commissioners were unwilling to grant the request at this time. It was advised that the Commissioners would grant a hearing if a request was made.

Valley County Public Defender, Scott Ereksen reported that it has been a very busy year. He stated that he has handled 400 cases this year but indicated his workload is slowing down. He

Board of County Commissioners Meeting

October 15, 2013

Page 2

believed that this will be a trend until end of January 2014. Commissioner Willey asked what most of the cases consisted of? Mr. Erikson reported that most of the cases he has handled are Driving Under the Influence and drug related cases. He advised that the cases that take the most of his time are the Felony cases. Commissioner Hasbrouck asked Mr. Erikson about his opinion regarding the pending lawsuit involving Public Defender offices? Mr. Erikson did not know how this lawsuit would resolve but indicated that he would be watching closely and advised that this would be a conversation to have once Legislation makes a decision. Mr. Erikson asked about Public Defender contract and wanted to know if a request for proposal would be going to go out for Public Defender work in 2015. He advised that his contract expires in September of 2014.

Valley County Building Department Inspector, Anne Guarino advised that she still has had some building permit request come in. She reported that she will be taking a vacation next week and Annette will be covering the office. Anne advised that she has been having problems with the Ford Explorer and was hoping to have it fixed. Chairman Cruickshank suggested that this be discussed with Curtis Bennett.

Valley County Human Resource Director, Pat Duncan advised that the positions that are open within Valley County are on-call Juvenile Detention Officer and Adult Jailer. She reported that the Snow groomer position has closed. She reported that year ending comp statements should be completed which provides a breakdown of what the benefits are. She reported that she would be mailing this information out to all Valley County Employees.

Valley County IT David Crawford presented an agreement with Integra Information Technologies. This is a twelve month hardware service agreement. Commissioner Hasbrouck made a motion to have Commissioners sign agreement with Integra information Technologies. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to have Commissioners sign agreement with Integra Information Technologies. David advised that they have back up internet connected. Commissioner Hasbrouck wanted to know the progress for the Valley County website? David advised that the templates and designs are on the site and once the content gets finalized it should be about two months for final completion.

Valley County Planning & Zoning Administrator, Cynda Herrick advised that she has ordered signs as previously approved through the economic development funds with the total cost of \$2,100. She reported that the Idaho Department of Lands sent an email that informed the county that they would be recording their plats soon. She reported that a Memorandum of Understanding was never done with them. She reported that the 5-year Community Rating System review would take place next week and it will be challenging since the training was full this summer. She reported that the staff reports for next week's public hearing will be provided to the Commissioners by end of the week. She provided details about the conference that she went to and advised that it was one of the best conferences she has attended. Commissioner Hasbrouck asked if anyone from our office goes to Idaho Transportation Department board meetings? Cynda advised that she did not believe there was anyone who attended. Commissioner Hasbrouck advised that it shows on their agenda that they would be discussing Valley County. Chairman Cruickshank stated that he has gone to one in the past but there is not an opportunity to speak with the Board members directly. Chairman Cruickshank advised that there has been request to Idaho Transportation Department for turning lanes but

have always been informed that Idaho Transportation Department could put in their plans but have been told that it could be five years or more.

Valley County Recreation Director, Larry Laxson reported about the donated fuel tank that is at Wellington Park. He advised that it was discovered that the tank is damaged. He reported that a member of the Smith Ferry Snowmobile Club would like to make a donation to purchase a new tank. Chairman Cruickshank advised that this would need to go through Clerk's office and a resolution would need to be prepared and signed by the Commissioners. Larry advised that Ron Platt was elected by the snowmobile advisory board as the new chair. Larry indicated that he has received several questions from the Snowmobile Advisory Board about the Valley County Website and has invited David Crawford to attend the next Board meeting. Larry would like to discuss private sponsorship to assist with helping offset costs of the boat launches. It was determined that this is a topic to be discussed another day.

Chairman Cruickshank advised that the Commissioner will be going into Indigent and Charity at 10:41 a.m. Recording of hearing began at 10:41 a.m. Commissioner Hasbrouck made a motion to close the hearing, take the matter under advisement and include all exhibits as a part of the evidence. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to close the hearing, take the matter under advisement and include all exhibits as part of the evidence for Indigent and Charity.

Chairman Cruickshank advised that the Commissioner will be going into Indigent and Charity again at 11:27 a.m. Commissioner Hasbrouck made a motion to close the hearing, take the matter under advisement and include all exhibits as part of the evidence. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to close the hearing and to include all exhibits as part of the evidence.

Out of Indigent at 11:50 a.m.

13-KR052 Hearing  
13-LM0562-2 Hearing

14-AB050 Denial for County Assistance  
14-RW089 Denial for County Assistance

13-SC072 Final Denial Letter

14-AB050 Request for County Indigent Lien  
14-CG073 Request for County Indigent Lien

12-MT091 Release of County Indigent Lien

Stephanie Johnson and Ken Postma with Cabin Creek Enterprises presented the October Action Report. She reported on the projects that have been completed this year. She reported that the Smiths Ferry Project concluded in July 2013, which is near Murray Creek and consisted of 44 acres. She reported that this area was former Boise Cascade plantation.

Stephanie reported that they have recently finished with the Horsethief Reservoir area and indicated that the feedback from the YMCA Camp had been very positive.

Next project that was discussed was Meadow Bear and Stephanie reported that they will be working with Quaker Hill. Stephanie reported that she has been approached by a few subdivisions that are interested in doing fire mitigation work. Ken will be giving a presentation to the RCD board of directors on October 23, 2013.

Valley County Recreation Director, Larry Laxson discussed Snowmobile Vendor Registration and reported that there was a twenty percent noncompliance in some areas of the County and believed that this could be rectified if he was able to sell registration stickers. He would like permission to apply for a vendor application. Larry advised that there will be more than one person selling the registration and he reported that John Hicks would be doing the accounting for this program. Chief Deputy Auditor, Trudy Eiguren asked how often the turnover would be done? Larry advised that he would like to see it done every day. Trudy wanted to make sure that stickers were secure. Larry also stated that volunteers from the snowmobile clubs would be selling the stickers. He advised that Cougar Mountain Club would continue to be vendors. Chairman Cruickshank stated that Fremont County reported that they were in 50% non-compliance. Chairman Cruickshank advised Larry that a Memorandum of Understanding needed to be prepared with John Hicks. Chairman Cruickshank felt that a program description needed to be completed in order to show how the program would work. Chairman Cruickshank wanted to have input from the Valley County Prosecuting Attorney. Larry advised that next year, the sticker would be a recreational sticker and not specific for ATV or snowmobile. Commissioner Willey made a motion to have Valley County apply for the Vendor Application. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to have Valley County Recreation Director, Larry Laxson submit the Vendor Application.

Commissioner Hasbrouck made a motion to approve Board of Commissioner meeting minutes from October 7, 2013. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve Board of Commissioner meeting minutes from October 7, 2013.

Chairman Cruickshank discussed IAC Webinar and provided an overview of what had been done in the past regarding the Webinars and the cost. Previously the Commissioners just allowed purchasing of specific webinars and did not purchase the entire package. Commissioner Hasbrouck made a motion to purchase the entire IAC Webinar series. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to purchase IAC Webinar package for \$425.

Commissioner Cruickshank presented a letter that he would like Commissioners to sign supporting the Hastings bill which supports timber harvest. Commissioner Hasbrouck made a motion to sign on to letter of support for vegetation management of the public lands administered by Federal Agencies. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed.

Commissioner Willey advised the Commissioners that the Valley County Economic Development Council requested that Valley County pay \$500 to assist with hiring Stephen

Board of County Commissioners Meeting

October 15, 2013

Page 5

Lord who would be preparing documents to incorporate the Valley County Economic Development Council as an Idaho not for Profit Corporation. Commissioner Hasbrouck made a motion to authorize payment of \$500 from Economic Development fund to assist with the legal costs of Stephen Lord. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to authorize payment of \$500 from the Economic Development fund to assist with the legal costs of Stephen Lord.

Chief Deputy Trudy Eiguren presented Resolutions for the Commissioners to review. First one for discussion was 13-20. Commissioner Hasbrouck made a motion to approve Resolution 13-20 to transfer funds from the 911 account to the General Fund. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve Resolution 13-20.

Commissioner Hasbrouck made a motion to approve Resolution 13-21 which would transfer funds from the Indigent "A" budget and General Fund Reserve Budget to the Treasurer "A" budget. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve Resolution 13-21.

Valley County Road and Bridge Superintendent, Curtis Bennett presented the original signed petition and response letter regarding Herrick Lane. Commissioner Hasbrouck advised that in the past the loggers used to water the roads after using the road as a logging road or would dust abatement. Larry Santo, address 1037 Emma loop, Cascade, Idaho, presented a letter on behalf of Don Lane. Before Mr. Santos made his presentation he wanted to thank the Commissioners for allowing the discussion regarding Herrick Lane. He also presented a video which shows a dump truck traveling on Herrick Lane. Mr. Santo read letter from Mr. Don Lane. Chairman Cruickshank stated that he was the Road Superintendent and talked about road agreements and advised how other roads in Valley County were improved. Chairman Cruickshank gave a over view of how funds have been cut over the years for the Road Department which has limited what county roads are being improved. Chairman Cruickshank advised that Valley County has improved Herrick Lane over the years. He reported that decrease in funds and increases of costs have prevented the County from paving more roads in Valley County. Chairman Cruickshank advised that the Commissioners are concerned and suggested that the residents do cost share for dust abatement. Mr. Santos advised that he is a retired building inspector and knows what the involvement is but stated if you observe other roads, they don't have the amount of traffic that is on Herrick Lane. Mr. Santos believed that 90 more loads of logs will be transported off of Herrick Lane. He also reported that 400 acres have been approved for development in Herrick Lane area. He wanted the Commissioners to understand that Herrick Lane has a lot of traffic. He indicated that he understood that the county does not have funding for asphalt but suggested that recycled asphalt be used at a minimum to repair the road. He did not believe that the dust abatement would do anything but provide a temporary band aid. He also had concerns about the speed limit for Herrick Lane. He believed that 35 miles per hour is too fast for this area. At a minimum, he would like the Commissioners to pave Herrick Lane with recycled asphalt. Curtis Bennett advised that he has done a joint venture with other developments and the residents would pay for the oil and the County would cover the other costs. Chairman Cruickshank advised that what the County can do at this time is lower the speed limit and request that the Sherriff's Office do extra patrol on Herrick Lane. Chairman Cruickshank advised that the County is trying to avoid developing a Highway District. Chairman Cruickshank also advised that the County is looking at options to help with funding. Mr. Santos asked about a turn lane for Herrick Lane? Commissioner Hasbrouck advised that

this would be a discussion to have with Idaho Transportation Department. Commissioner Willey asked if there was a schedule regarding road maintenance? Chairman Cruickshank suggested that the Commissioners look at the Master Plan. Carlton Fletcher address of 1037 Crystal Court, Cascade, Idaho, reported that log truckers make an effort to slow down. He reported that he has paid to oil the road and felt that the County does an excellent job maintaining Herrick Lane. He does not want the road to be paved and would like the speed limit to be reduced with regular patrol by the Sherriff's office. This concluded this discussion.

Curtis Bennett provided Fuel Bids for Fiscal Year 2014. Petroleum Traders Corporation only provided a bid for Schedule #1 fuel in the amount of \$310,931.00 and did not bid on Schedule #2 or Schedule #3 fuel. Kennedy Fuel and Feed provided a fuel bid for Schedule #1 fuel \$313,866, Schedule #2 fuel for \$11,086.20 and Schedule #3 fuel for \$162,270. Curtis made a recommendation that the Commissioners approve the bids from Kennedy Fuel because it provides a bid for all fuel. Commissioner Hasbrouck made a motion to accept bid from Kennedy Fuel and Feed. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept bid from Kennedy Fuel and Feed. Curtis received a request from a homeowner, Mr. William David Evans for winter maintenance to Moonbeam Circle in McCall, Idaho. Chairman Cruickshank requested that Curtis respond to the homeowner and ask when they will be moving in and to make sure that the residence is being utilized.

Curtis Bennett advised that the Road Department is close to completion of the Deadhorse Bridge project and reported that it should be paved this week. This concluded presentation for Road and Bridge Department.

Solid Waste Supervisor Ralph McKenzie appeared to discuss the Lakeshore Disposal contracts. Lakeshore representatives Everette Arter and Jeff Brewster were also present. Discussion commenced concerning terminology definitions, particularly bulky waste and excluded waste. Bulky waste was defined by Lakeshore as waste that doesn't fit in a normal waste container, residential or commercial, no matter what size. Bulky waste must be collected and transported by the Contractor (Lakeshore). Chairman Cruickshank asked for clarification. Lakeshore stated that an outside contractor was allowed to pick up materials related to construction and demolition but Lakeshore has the exclusive right to pick up household waste. Chairman Cruickshank wanted to make sure that we are not causing any harm to any other contractors. If a contractor is hired, they can haul waste from construction and/or demolition but a third party cannot be hired. On the record, Lakeshore's intent is not to harm other contractors hauling to the transfer site. It was never their intent to stop the hauling of construction materials. Contracts in other counties have a clause for unlimited waste. Intent is so that they can charge extra for materials that don't fit in the waste containers.

Tony Meckel spoke and wanted to clarify that construction material is still legal for them to pick up. He spoke to Lakeshore and they agreed that they could put their container on a construction site, outside of the city limits but within the County, up to a 2<sup>nd</sup> party. A subcontractor cannot hire another subcontractor to pick up construction waste materials. Again, Lakeshore's intent is to haul regular solid waste. Household trash is solid waste and a 3<sup>rd</sup> party can't be hired to haul it.

Prosecutor, Jay Kiiha, gave his opinion that the contract is clearly stated. However, lines can be easily blurred. Construction & Demolition waste can be hauled and Lakeshore would

probably have a hard time proving legality. He feels that the contract does meet the expectations that the County has. Mr. Kiiha does not see that there is a huge change from the previous contract and it represents what the County set out to do at the onset.

Tony Meckel stated that he had spent a considerable amount of money on attorney fees defending himself and his business against Lakeshore. He does not feel that the Commissioners should sign the contract.

Chairman Cruickshank again asked for clarification of the contract and asked Lakeshore about contract negotiations with the City of McCall. Lakeshore said that they have reopened negotiations with McCall.

Commissioner Hasbrouck stated that it is not fair that someone should have to use Lakeshore to pick up miscellaneous household items. Again, intent is just so that Lakeshore can charge for household trash.

Chairman Cruickshank clarified, for the record, that if you're on the job you need to be the general contractor doing the work or there can be a 3<sup>rd</sup> party contract.

Janet Meckel asked about excluded waste. It generally includes hazardous waste. A contract hauler must be certified to transport hazardous waste to a specific site designated for that purpose. A subcontractor must also be certified. Ralph mentioned that he would normally contact a certified hauler to move hazardous waste if that situation arises.

Janet Meckel asked Lakeshore to address lawn & tree trimmings and clippings. Lakeshore discussed that landscapers usually haul their own materials. They cannot hire a subcontractor because it is not construction or demolition material. Janet said that they need to make the definitions clearer, it could be a concern over the next 10 years. Lakeshore stated that maintenance materials are different from construction materials.

Ralph McKenzie said they the County is trying to get the very best prices for the citizens of Valley County. Tony Meckel said that landscapers many times load directly into his containers. He asked that the contract be changed to allow others to haul and to clarify definitions of rubbish, solid waste. Tony and Jeff discussed the fact that the Meckels' were asked to cease hauling grass clippings.

Prosecutor Kiiha again stated that the contract fits intent. The intent is not to put a small subcontractor out of business.

Commissioner Willey confirmed the fact that the contract meets the terms of the RFP and meets the intent of the parties. When a contract is drafted, you try to cover all bases but there are always some "what-ifs" and you hope that the terms of the contract meet what you intended to do in the first place. He believes the contract is drafted as such. The contract seems to be good for household trash pick-up and exclusivity is good. It should not intrude on the livelihood of citizens. He feels that the County has done due diligence.

Chairman Cruickshank discussed a situation such as a large windstorm. On the record, the Commissioners have no objection to Lakeshore having the exclusive right to household trash.

The wording may have caused some problems for small businesses and for subcontractors but the intent of the new contract is that everyone is protected. We don't want to set any road blocks over the course of the next 10 years.

Mr. and Mrs. Meckel were concerned that the new and the old contracts were much the same. Mr. Brewster stated that the contracts were written differently. Mr. Meckel told the Commissioners that he would be bring any future letters from Lakeshore to the Commissioners for review.

Commissioner Hasbrouck made a motion to approve the Lakeshore contracts for both Recyclable Material and for Solid Waste as written. Second by Commissioner Willey and motion carried unanimously.

Ralph McKenzie presented a proposal for the repair of the roof at the Jail. He discussed that the roof had been patched but needs to be permanently repaired. He discussed different types of repair work and also that the Courthouse roof is in serious need of repair. The Commissioners asked if Ralph could find other vendors to get quotes. Ralph advised that it was getting late in the season but that he would try to do so. Patching has been done but he is not sure how long it will hold up. Planning & Budgeting for the short-term and the long-term was discussed.

Commissioner Hasbrouck made a motion to expend \$73,386 to repair the jail roof and authorize Ralph to negotiate the price with other contractors. Price includes \$71,846 for repair and an additional \$1,540 for a 20 year warranty. Seconded by Commissioner Willey and carried unanimously. Expense is to be paid out of the Court Facilities Fund.

Pat Duncan, Human Resource Director, appeared and asked that the wage scale workshop be postponed until the next meeting. The Commissioners agreed.

Meeting adjourned at 4:15 pm.

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Gordon L. Cruickshank, Chairman

Attest:

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Douglas A. Miller, Clerk