

Valley County Board of County Commissioners

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**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
November 7, 2011**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
GERALD "JERRY" WINKLE (COMMISSIONER)
RAY MOORE, (COMMISSIONER)
KATIE DURFEE, ACTING CLERK**

Meeting called to order by Chairman Cruickshank at 9:04 a.m. with Acting Clerk Durfee taking minutes.

Commissioner Winkle moved to approve the agenda. Commissioner Moore seconded and the motion carried.

Chairman Cruickshank requested approval of BOCC minutes from October 31, 2011 be tabled until the next meeting, giving time for other Commissioners to review for potential corrections.

Carol Coyle with the City of McCall appeared and requested a Letter of Support, for the Idaho Community Development Block Grant Application (ICDBG) that the City of McCall is working to obtain.

Commissioner Moore moved to approve the development of a letter of support for the City of McCall as presented, Commissioner Winkle seconded and the motion carried.

Discussion ensued regarding holiday BOCC meetings.

Chairman Cruickshank stated the December 26, 2011 BOCC would be cancelled but that the Board would then meet on January 3, 2012. There would be an additional claims period to be held on December 19, 2011.

Treasurer Young presented the Treasurer/Auditor 4th Quarter Joint Quarterly Report for FY2011.

Commissioner Moore moved to approve the Treasurer/Auditor's 4th Quarter Report for FY2011, Commissioner Winkle seconded and carried.

Treasurer Young then presented one tax cancellation #FY11/12-01.

Commissioner Moore moved to approve the tax cancellation #FY11/12-01 as presented, Commissioner Winkle seconded and the motion carried.

Commissioner Moore moved to go in to Executive Session as per Idaho Code 67-2345 (1)(b) for a personnel issue at 9:21 a.m., Commissioner Winkle seconded. Roll Call: Commissioner Moore "aye", Commissioner Winkle "aye", Chairman Cruickshank "aye". Legal advice for personnel matter was discussed.

Reconvened into Regular Session at 10:02 a.m.

Decision on personnel matter, none made.

Chairman Cruickshank commenced at 10:10 a.m., discussion of County legal services.

Commissioner Winkle read in to record Valley County Resolution 11-26, regarding the use of outside legal counsel and disqualification of Valley County Prosecuting Attorney matters. (Resolution 11-26, as attached)

Commissioner Winkle moved to accept Resolution 11-26, Chairman Cruickshank seconded and the motion carried. Roll Call: Commissioner Winkle "aye", Chairman Cruickshank "aye" and Commissioner Moore "aye".

Prosecuting Attorney Matt Williams asked to publicly speak against the allegations listed in the Resolution. Chairman Cruickshank denied the request stating that Mr. Williams would need to get on the agenda.

Chairman Cruickshank stated for the record that Commissioner Winkle was excused from the meeting at 10:35 a.m.

Greg Malmen, IT Administrator, appeared to discuss the phone system for Valley County, Frontier and Cable One contracts. They would be able to keep 10/10 cable for the internet at the same price for two years, no additional cost. The current Cable One contract would have to be cancelled at a 60% cancellation fee, to total \$1800. Frontier however has offered to reduce their bill by \$400 per month as an offset.

Chairman Cruickshank asked that all costs be considered, to exercise fiscal responsibility and further gave the go ahead to pursue this option.

Greg requested permission to purchase the following items: A memory device for \$40, Volume licenses for Windows for \$2156, PT Commander forensic software for \$600. He then explained that Jerry Robinson spoke with him regarding the need for GIS mapping at the Road Department, Greg proposed to utilize the Bullberry system for their needs and the only cost associated would be \$900 for the Bullberry mobile software. He then requested, on the Road Department's behalf, to purchase a network card for \$50, adaptor and the software.

Chairman Cruickshank gave approval for these purchases.

Lastly, Greg presented the Integra contract, which he cut down to \$1410; however it was currently only budgeted for \$1000.

Commissioner Moore moved to approve the Integra Contract in the amount of \$1410 for maintenance of Microfiche, Chairman Cruickshank seconded and the motion carried.

Cynda Herrick presented and requested that the Jughandle LID Extension be granted to January 21, 2012, as described and approved in Resolution 11-27.

Commissioner Moore requested that the Treasurer and P&Z Administrator should coordinate assessment. Cynda stated Stephanie Bonney will visit with the Treasurer this week.

Commissioner Moore moved to approve the extension agreement of the Jughandle LID, Chairman Cruickshank seconded and the motion carried.

Commissioner Moore then moved to adopt Resolution 11-27 for the Jughandle LID Extension, Chairman Cruickshank seconded and the motion carried.

Break 11:10 am – 11:20 am

Commissioner Moore moved to go in to Executive Session as per Idaho Code 67-2345 (1)(f), Pending Litigation, seconded by Chairman Cruickshank. Roll Call: Commissioner Moore "aye", Commissioner Cruickshank "aye", for the record Commissioner Winkle was not in attendance.

Commissioner Moore moved to table a decision from the Executive Session until 1:45 pm, then re-entered into Executive Session as per Idaho Code 67-2345 (1)(b), personnel issue. Roll Call: Commissioner Moore "aye", Commissioner Cruickshank "aye", Commissioner Winkle excused.

Commissioner Moore moved to come out of Executive Session, and then go back in for a personnel matter, Chairman Cruickshank seconded and the motion carried. Roll Call: Commissioner Moore "aye", Chairman Cruickshank "aye", Commissioner Winkle excused.

Commissioner Moore moved to come out of Executive Session with no decision made, Chairman Cruickshank seconded and the motion carried.

Reconvened at noon and adjourned to lunch.

The meeting then commenced at 1:05 pm with Cynda Herrick, who presented the proposed Tamarack Extension, the last submittal being Plat 4.1, South of Eagle's Nest. The last extension given was to end on December 20, 2011. Cynda stated she has spoken with a Tamarack Representative who will pursue applying with P&Z for this extension.

Cynda asked of the Commissioners whether an extension or stay would be most appropriate.

Commissioner Moore did not feel it appropriate to circumvent the system with a stay.

Cynda will work towards an additional extension.

Chairman Cruickshank asked that Ralph McKenzie appear to discuss a recent solid waste complaint; additionally present was Everett Arter from Lake Shore Disposal.

The complaint is in regards to a non-compete clause within the contract with Lake Shore and if an outside source is allowed to pick up trash other than Lake Shore, which occurred recently.

Chairman Cruickshank commented this issue has come up in the past, current contract may need clarification, as Ralph explained, it is the franchise agreement which contains the non-compete clause.

Commissioner Moore asked for clarification as to the correct copy of the contract. His concern being the verbiage as listed in #1 therein, which appears vague.

Everett stated there were three contracts in total for Lake Shore.

Chairman Cruickshank was concerned about more clearly defining the definition of solid waste, pointing out the exclusivity of the franchise being breached and that other individuals need to make a living as well, allowing for solid waste removal from outside sources to some degree, similar to a contractor cleaning up a job site where a house is being built. This does not include regular household garbage, which is understood as being the exclusive right of the contract. The clarification of what the term "Solid Waste" means will need to be done in the next contract.

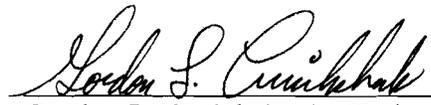
Commissioner Moore does not want to get in to a fight that does not involve us.

Commissioner Moore moved to approve the BOCC minutes of October 24, 2011, Chairman Cruickshank seconded and the motion carried. Minutes of October 31st to be approved at the next BOCC meeting.

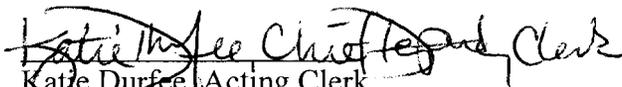
Discussion ensued regarding legal services being obtained in the interim without Matt Williams.

Commissioner Moore then moved to solicit the legal services of Michael Kane, Attorney at Law on an interim basis until a permanent situation can be identified. Chairman Cruickshank seconded and the motion carried.

Adjourned at 1:59 p.m.


Gordon L. Cruickshank, Chairman

Attest:


Katie Durfee, Acting Clerk

KD/tme 11-21-11