

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
February 22, 2010**

**PRESENT: GERALD “JERRY” WINKLE) Excused Absence  
FRANK W. ELD) COMMISSIONERS  
GORDON L. CRUICKSHANK) Vice Chair, Presiding**

**ARCHIE N. BANBURY, CLERK**

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

On motion of Commissioner Eld, second by Commissioner Cruickshank, the Proposed Agenda for Monday, February 22, 2010 was adopted.

Claims were read as follows:

General Fund	\$ 74,179.40
Road and Bridge	\$ 14,708.19
Probation	\$ 2,723.65
Indigent and Charity	\$ 11,653.18
Revaluation	\$ 2,724.00
Solid Waste	\$ 1,216.08
Tort	\$ 200.00
Weed Department	\$ 535.70
Waterways	\$ 156.77
Snowmobile 43A	\$ 19,355.58
Snowmobile 43B&C	\$ 8,686.81
Snowmobile 43D	<u>\$ 7,759.74</u>
Total	<u>\$ 143,899.10</u>

On motion of Commissioner Eld, second by Commissioner Cruickshank, payment of the bills was approved, except the Smith Ferry Club will pay the \$740.75 for the radio, listed in the claims, so the total will be \$143,158.35.

Karen Campbell questioned why the Road Department charged for removing snow from the recycle shed. That payment amounting to \$682.50 will be held.

On motion of Commissioner Eld, second by Commissioner Cruickshank, payment of Board Order Claim to USDA, Forest Service in the amount of \$1,262.22 was approved, to be drawn from the Title III Trust for Avalanche Prediction.

On motion of Commissioner Eld, second by Commissioner Cruickshank, payment of Junior College tuition for Ryan Stauffer was approved.

Commissioner Eld noted the observance of President George Washington's Birthday.

Karen Campbell reported and requested approval for Market Value Cancellations numbered #27, 28, 29 and 30. This included the Grad's request for a casualty loss adjustment following a fire last year. On motion of Commissioner Eld, second by Commissioner Cruickshank, the Board approved the cancellations as presented. Motion carried.

Assessor Campbell furthered advised that the state had reviewed her values and she is within the range. She predicted the values will fall dramatically. She suggested a review of budget.

Commissioner Cruickshank reminded all assembled of the meeting with the Department Heads and Elected Officials on March 15, 2010 from 9:00 a.m. to 12:00 noon.

Glenna Young presented a Tax Cancellation request for an RV which had been placed on Personal Property Tax Rolls, whereas the RV had been licensed. The amount was \$20.90. Commissioner Eld moved to cancel the tax, seconded by Commissioner Cruickshank and carried.

Commissioner Cruickshank asked for the Personal Property Roll to determine the amount of property tax assessed in Valley County.

Rick Ridenour reported on Snowmobiling and Weeds. The stimulus funding is moving along. Commissioner Cruickshank noted the need to aggressively move against the Canadian Thistle. Rick advised it has been given #1 ranking by the State Department of Agriculture.

There is a groomer workshop on-going in McCall for operators. Not all groomers wished to attend, choosing to groom or maintain their equipment. The workshop was offered to them.

Cynda Herrick reported, no news.

Steve Brown reported, he's had a few calls concerning building permits for homes.

A snow-room failure in Smith's Ferry was discussed. A structural inspection had not been requested, nor had one been done. The connectors had not been installed, which likely caused the failure.

Commissioner Eld commented on new rules governing lead based paint.

Katie Durfee reported the State Income Tax Intercept Program has generated approximately \$9,100 in payments on fines and restitution.

Greg Malmen reported on the temporary loss of internet service by our provider, from Horseshoe Bend north.

Sheriff Bolen reported planning process for summer events is underway.

Doug Miller reported three juveniles in detention. Juvenile Justice Commission wants him to look at family engagement when a juvenile is in the justice system. The State is not willing to fund the position. A pilot project may obtain funding for such an effort from outside sources.

Matt Williams reported a busy schedule, possible trial next month.

Karen Campbell appeared to discuss the need for a decision regarding the Shepherd's Home. Matt advised that for 2009-2010, the non-use is not necessarily a change of use. It would be o.k. to allow the exemption at this point. They need to decide what their use is and will be. Commissioner Eld moved to continue the tax exemption for 2009 and 2010, and cancel tax or market value as is appropriate. Commissioner Cruickshank seconded. Motion Carried.

Commissioner Cruickshank asked Karen Campbell to correspond with the Shepherd's Home and inform them of the decision.

Matt Williams asked the Board for an Executive Session. It could not have been included in the proposed agenda because the event necessitating the session happened and was unknown at the time the agenda was adopted this morning. The amendment is authorized by I.C.67-2343. The session is authorized by I.C 67-2345(f) pending litigation.

Commissioner Cruickshank moved to amend the agenda to add an Executive Session pursuant to Idaho Code 67-2343, to deliberate on a matter unknown to the Board at the beginning of the meeting when the agenda was adopted. This matter involves potential litigation and is authorized by Idaho Code 67-2345(f). Commissioner Eld seconded the motion and it was carried. Commissioner Eld moved to convene Executive Session pursuant to Idaho Code 67-2345(f) to communicate with legal counsel concerning imminent, pending, likely litigation, pursuant Idaho code 67-2345(f). Second by Commissioner Cruickshank. Commissioner Eld votes yes. Commissioner Cruickshank votes yes. Motion carried.

On motion of Commissioner Eld, second by Commissioner Cruickshank, reconvened Regular Session at 11:08 a.m.

Allyson Statz appeared and asked permission to adjust their budget to use unexpended funds amounting to \$2,500 to operate a much needed after-school program. This will not involve any additional expenditures. It is simply reprogramming existing authority. The Director for Southwest Idaho, Dr. Patrick Momont is in agreement with this proposal and has indicated so by telephone conversation with Clerk Banbury. It will involve about 30 youth after school and 10 or so in the summer.

Commissioner Eld moved, and Commissioner Cruickshank seconded, approval to reprogram expenditures to support the County Agent's After School Program.

Todd Hatfield asked to address the Board on the issue of employees who may seek election against incumbent Elected Officials who are their line supervisors. Matt advised against receiving his comments without adding it to the agenda. Mr. Hatfield may communicate his views to the Commissioners individually outside the meeting if he wishes.

Commissioner Cruickshank commenced a Public Hearing for the vacation of a portion of Shadows Trail.

Planning and Zoning Administrator Cynda Herrick provided a staff report with history and background of the application. Valley County Road Department agrees with the application. Cynda provided the language for a motion in support of the vacation which includes the Valley County Prosecuting Attorney's comments that the vacation requested is in the public's best interest.

Blake Hampton, 3088 North Lancer Ave, Meridian, Idaho, provided a map explaining the effect of the vacation.

Commissioner Cruickshank moved as follows "...to approve Vacation Application No. 09-02, a Portion of Shadows Trail, accept the .10 acre of dedicated public right-of-way; and, accept the Planning and Zoning Commission's Findings of Fact and Conclusions of Law as our own (attached). This motion is made with the understanding that the applicant shall prepare the following documents for signature:

- 1) Dedicated public right-of-way documents to deed the property will be prepared by the applicant and signed by the Board of County Commissioners.
- 2) A letter from Theron Robison and Paul Procter, owners of Lot 22, accepting the additional property will be required, I.C. 50-1321.
- 3) Prepare deeds to be signed by the Board of County Commissioners deeding the vacated portions of property to the three lot owners (Bruce, Hansen, Robison/Procter).

Further, all documents must be executed before the Commissioners sign them and the Commissioners find that it is in the Public's best interest to correct the right-of-way.

Recess for Lunch at 12:00 noon.

Reconvene at 1:00 pm.

Closed Session for Indigent & Charity

09-KF086	Final Denial for Medical Assistance, Release of Lien.
10-PW055	Request for Lien, New Application for Assistance
10-AB069	Request for Lien, New Application for Assistance

A discussion regarding the employee in Probations MYST program, paid by a grant, was held with the determination that Doug Miller and Glenna Young would develop a position for consideration by the Board.

Regarding the Open Meeting Complaint. Matt discussed the complaint and his recommendation that Board admit the violation and suggested a cure that the Board may employ. Two decisions were involved and Matt recommended rendering them null and void. The principal error was that the addition of the item to the agenda was not in accordance with the open meeting law.

Commissioner Eld added that it was an unknowing error, i.e., not intentional. The discussion of personnel matters are authorized for discussion of the performance of individual agents.

Matt recommended placing these items on the agenda as soon as possible.

Commissioner Cruickshank read Resolution #10-11 into the Record. On his motion, and a second by Commissioner Eld, the motion was carried. Commissioner Cruickshank voted yes, and Commissioner Eld voted yes.

Commissioner Eld apologized for the errors, Commissioner Cruickshank also apologized and Clerk Banbury apologized as well.

The issue of the contract is to be resolved by placing it on the agenda for March 15<sup>th</sup> and moving forward from there. Commissioner Cruickshank moved to place it on the agenda for 1:30 p.m. on March 15 and have John Blaye appear with a decision possible by Valley County at that time.

Commissioner Cruickshank rescinded his motion.

A discussion followed as to whether or not to invite the UPREDC Board.

Further discussion followed as to whether or not to proceed in Open Session or invoke Executive Session.

A discussion followed, specifically as concerns the distribution of paychecks and pay stubs. The Commissioners decided to adhere to the provisions of the Employee's Personnel Handbook. Any changes will be considered during the overall assessment of the 4X10 workweek.

Doug Miller appeared, again, to discuss the position described in his grant for MYST and asked that it be paid at the rate of \$17.00/hr. He can do so at 30 hours per week, a total of \$20,072 per year which ends on 9/30/10. Rate and position set for Diversion Coordinator as outlined above, on motion of Commissioner Eld and second by Commissioner Cruickshank.

Adjourned at 3:10 p.m.

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**GERALD "JERRY" WINKLE, CHAIRMAN**

**ATTEST:**

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**ARCHIE N. BANBURY, CLERK**