

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
March 28, 2011**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
GERALD "JERRY" WINKLE (COMMISSIONER) excused absence
RAY MOORE (COMMISSIONER)**

ARCHIE N. BANBURY, CLERK

Meeting called to order by Chairman Cruickshank at 9:02 a.m. with Clerk Banbury taking minutes.

Concerning approval of the proposed agenda, Commissioner Moore asked for an Executive Session per I.C. 67-2345(f) for an update on pending litigation. Motion by Commissioner Moore, second by Chairman Cruickshank to approve the agenda as amended. Motion carried.

Chairman Cruickshank asked to hold the claims from Tami Rhodes until after the consideration of the budget modifications. Motion by Commissioner Moore, second by Chairman Cruickshank to approve the claims, excepting HR, which will be held until after 2:00 p.m., the time when the budget modifications will be considered. Motion carried.

Motion to approve claims, with the exception of Tami Rhodes, in the amount of \$112,370.13 by Commissioner Moore, second by Chairman Cruickshank and the motion carried. Motion to approve Board Order claims in the amount of \$3,577.58 by Commissioner Moore, second by Chairman Cruickshank and the motion carried.

Pledge of Allegiance to the Flag of our Country was led by Anne Guarino.

June Fullmer reported on Assessor matters and requested Cancellation of Market Value due to an additional Homeowners Exemption of \$101,152, Cancellation #39. Also a BTA Appeal cancelling \$154,590, Cancellation #40. Commissioner Moore moved and Chairman Cruickshank seconded approval of the cancellations so presented, and the motion carried.

Anne Guarino reported on Building Department matters. They are still busy scanning and the office is in good order. A discussion of Building Department fees is to be added to the agenda for April 11, 2011.

June Fullmer reported the State Tax Commission has recommended inclusion of short sales and foreclosures in the sales data used in determining market value. There are approximately 43% of all sales included in this group of distressed sales. They are awaiting the results of the State's review.

Clerk Banbury reminded everyone of the need to submit all contracts to the Commission for approval, as well as presenting grants for approval, and finally paying heed to the hours worked by part-time employees to avoid over use of their labor and incurring unnecessary PERSI costs.

Douglas Miller reported on trips for meetings he will be taking on behalf of Juvenile Detention.

John Blaye reported on progress of business development. He asked for Board participation in helping the SVCRD, City of Cascade, Swimming Pool Association and attorneys for both sides resolve their differences. He also reported on an article published on Teton County's similar situation economically.

He also reported on Economic Development, noting his prior report was partial. He asked for more input from the Board as to what additional information they would want. Chairman Cruickshank and Commissioner Moore suggested setting an agenda item to do so. He asked for a time on the agenda on April 4, 2011.

Vim Braak reported on Extension Office matters, he has started two actions teams in Cascade integrated with Horizons. He attended a workshop at U of I concerning economic development.

Tami Rhodes reported on Human Resource matters, and provided a hiring protocol as well as a list of issues she is engaged with. She asked for a statement of support for the Guard and Reserve. We will only be accepting applications for open positions.

She would like volunteers to discuss potential revisions to the leave policy, and will be scheduling training for the Road Department in April.

Greg Malmen appeared and offered to answer questions concerning the scanning system. He explained the need to re-wire the north end of the Courthouse so that everything would be on Category 6 cables, phones, computer and other devices. He anticipates difficulties with the Prosecutor's office but the Appraiser's area should be easy and he intends to do those areas as soon as possible. The telephone company is presently finishing their job.

The Commissioners agree that the IBM printer is of no value. Perhaps we can give it to another County.

He discussed the possibility of purchasing video arraignment equipment.

The decision to approve the Frontier contract should be on the April 4th Agenda.

Cynda reported and asked for a motion to amend the LUDO, i.e. begin the process. Commissioner Moore so moved, and Chairman Cruickshank seconded the motion, and it carried.

Cynda wants to discuss the Teton County news article on Economic Development. She and John Blaye will discuss it privately and eventually discuss it with the Board.

Matt Williams reported that he found his desk top is in fact made of wood a discovery which occurred since he has taken some time to clean things up in his office. In a serious vein, he is busy on a variety of civil and criminal matters.

Sheriff Bolen reported and provided background on the rescue of two snowmobilers on West Mountain. Reimbursement should be obtained via Title III RAC Funds.

Glenna Young reported on Treasurer matters. She wanted to be sure the Commissioners are aware of a situation regarding a hardship concerning fees and interest on a three year delinquency. Glenna will respond that it was presented to the Commissioners and they have declined to waive the fees and interest. (RP00209077000A)

Rick Ridenour reported Smith's Ferry has the new connectors for the drag. Cascade's cat is under warranty and the dealer, Petersons, will be coming to Cascade to oversee the spring servicing of the new cat.

Concerning Weeds, a class will be held next Saturday, April 2 at the Weed building, for commercial operators concerning weed spraying. He will be attending a weed-free hay training session and will take Christel with him.

Closed session for Indigent and Charity at 11:01 a.m.

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| 11-AB072 | Denied for Medical Assistance |
| 11-RG091 | Denied for Medical Assistance |
| 10-JF078 | Release of Medical Lien – Filed BK |
| 11-KG050 | Request for Medical Lien – New Application |
| 11-CP056 | Request for Medical Lien – New Application |

Regular Session reconvened at 11:15 a.m.

Cynda Herrick introduced Gary Kruger for the purpose of discussing a parcel of what appears to be County property. Mr. Kruger would like to purchase the property, which measures 50x260, approximately, and has a power line passing through it. It appears that Idaho Code 31-808(8) would permit the sale. Chairman Cruickshank suggested the possibility of an exchange of a portion of the property for a cul-de-sac so as to provide a turn-around. Cynda will assist Mr. Kruger and ask Jerry Robinson, Road Superintendent, to have a look at the property to see what can be done.

Sheriff Bolen appeared for the purpose of a discussion of the Highway Safety Memorandum of Understanding. These grants are earned by specialized enforcement of traffic problems. Funds so earned may be used to acquire equipment. Commissioner Moore moved to approve the highway safety grants so specified. Second by Chairman Cruickshank. The motion carried.

Commissioner Moore moved to accept the MOU for Homeland Security funds and authorize the Sheriff to sign the MOU. Second by Chairman Cruickshank and carried.

A Public Hearing was opened by Chairman Cruickshank concerning a proposed ordinance adopted by the City of McCall for the creation of a proposed Business Park. The Board has no conflicts of interest per the statements of Chairman Cruickshank and Commissioner Moore.

Staff report from Michelle Groenvelt disclosed that no defined area is established, just the framework within which a business park may be established.

Commissioner Moore inquired as to the 10 foot wide perimeter path (asphalt) that would surround any business park. Further discussion identified other concerns which need minor changes. Michelle agreed and will make minor corrections to sections 3.5.15 and 3.5.07.

Proponents.

Cynda Herrick, Valley County Planning and Zoning Administrator made technical suggestions to clarify the text.

Uncommitted - none

Opponents- none

Michelle Groenvelt commented on Cynda's suggestions. Commissioner Moore moved to adopt Ordinance No. 11-3 as amended in Section 3.5.07 and 3.5.15. Second by Chairman Cruickshank and carried.

Section 3.5.07 (b) second sentence "A minimum 10" foot wide asphalt multi-use pathway is required where needed per the McCall Area Master Pathway Plan.

Section 3.5.15 begins with the wordage Projects “shall.” Commissioner Moore suggested use of the words “are encouraged to” in place of “shall.” This document shall be known as Valley County Ordinance 11-3.

Concerning C. U. P. No. 06-14 Westwood Subdivision. The final plat for Phases 1 and 2 were approved in 1975. The roads are acceptable to the Road Superintendent. Commissioner Moore moved to accept the Phase 2 road system as public and the road maintenance level shall be determined at a later date. Chairman Cruickshank seconded the motion. The motion carried.

Chairman Cruickshank opened a Public Hearing on modifications to the budget.

Clerk Archie Banbury discussed the changes and recommended approval of Resolution No. 11-9 which provides detail of the amounts of adjustment to each line item.

No Proponents, opponents or uncommitted. Public Hearing closed

Commissioner Moore moved for adoption of Resolution No. 11-9, second by Chairman Cruickshank and carried.

Commissioner Cruickshank asked that the statement of support for the Guard and Reserve be placed on the April 4, 2011 agenda under “Correspondence.”

Commissioner Moore moved to authorize payment of the previously held claim for HR in the amount of \$2,657. Second by Chairman Cruickshank and the motion carried.

Suzanne Rainville appeared to discuss the Three-mile road and “other roads of concern.”

She clarified her perspective that she has not denied public access. She cited the 2008 Travel Plan, which authorizes access through the gate. She has also dealt with the owners of the properties accessed by that right. She argued the road did not exist in 1947 per an aerial photo. Present road was built in the 1950’s as part of the Zena Creek logging activity. If so, there is no right of way on that route. There is a trail there, they have recognized our claim, as yet, unresolved.

They are aware that it has been unresolved in the past. Maintenance of the road, outside the agreements in place, jeopardizes the relationship with the Valley County Road Department. The Payette National Forest has not proceeded to decommission that road. Valley County should be a partner in the solution. The discussion moved onto possible ways to resolve the issues on a permanent basis.

Concerning Smith Creek Road, Supervisor Rainville feels it should be combined with the required NEPA action along with the above Three-mile road issue.

Motion by Commissioner Moore to enter Executive Session as provided by I.C 67-2345(f), concerning pending litigation. Second by Chairman Cruickshank. Roll Call vote - Commissioner Moore, "Yea", Chairman Cruickshank, "Yea".

Convene Executive Session at 3:11 p.m., with Matt Williams and Jerry Robinson present.

Convene Regular Session at 3:30 p.m. No decisions were made concerning the matter reviewed during the 3:11 p.m. Executive Session.

Jerry Robinson presented a Road Development Agreement for Elk Meadows River Ranch, Phase 3. He introduced Jim Fodrea who drafted the document. Jerry Robinson, Valley County, did not participate in the preparation of the document.

Chairman Cruickshank read the following from the agreement.

"On March 6, 2011, Valley County adopted Resolution No. 11-6 (Resolution Regarding Road Improvement Fees and Development Agreements)." The Developer does not object to entering into this Road Development Agreement per Section 2 of Resolution No. 11-6."

Chairman Cruickshank asked Jim Fodrea if he had prepared and submitted this agreement voluntarily and Mr. Fodrea responded in the affirmative. Commissioner Moore moved to approve the Elk Meadows River Ranch, Phase 3 RDA, with the understanding that the document was prepared by the developers and owner and that they have submitted it voluntarily. Second by Chairman Cruickshank and carried.

The Road Department has 5 vacant positions and will only be filling 4 of them. Jerry will work with Tami Rhodes to publish and fill the positions, it being clear that the Road Department is entering a busy time of the year and needs to be fully staffed.

Ralph McKenzie reported on MRF matters and provided the MRF report. He also provided bids on the manufacture and erection of the building addition.

He mentioned the mandatory green house gas report, and advised 25,000 metric tons of carbon dioxide output is the minimum to require reporting. Our output is 1556 metric tons.

He ranked the bidders from highest to lowest and the bids ranged from \$75,019 down to a low of \$31,400. He had the specifications from the original building which he prescribed as the requirement for the addition.

RFP process discussion will be set for the April 4, 2011 meeting.

Commissioner Moore moved to accept the Idaho Department of Agriculture grant for Milfoil previously applied for and approved in the amount \$13,125. Second by Chairman Cruickshank and carried.

Commissioner Moore moved to approve the meeting minutes of March 21, 2011 as submitted, second by Chairman Cruickshank and motion carried.

Commissioner Moore moved to authorize the Chairman to sign the PREA letter approved earlier today, second by Chairman Cruickshank and carried.

Adjourned at 4:28 p.m.

Gordon L. Cruickshank, Chairman

ATTEST:

Archie N. Banbury, Clerk

AB/tme 4-4-11