

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

March 9, 2009

**PRESENT: GERALD "JERRY" WINKLE) CHAIRMAN
FRANK W. ELD) COMMISSIONERS
GORDON L. CRUICKSHANK)
ARCHIE N. BANBURY, CLERK**

Chairman Winkle called the meeting to order at 9:00 a.m.

Claims were read by Commissioner Cruickshank:

| | |
|----------------------|----------------------|
| General Fund | \$64,525.14 |
| Road and Bridge | \$31,267.91 |
| Ambulance | \$44,532.76 |
| Magistrate Court | \$702.59 |
| District Court | \$978.81 |
| Indigent and Charity | \$660.67 |
| Revaluation | \$5,445.34 |
| Solid Waste | \$109,547.27 |
| Tort | \$170.00 |
| Weeds | \$662.14 |
| Pest Control | \$150.00 |
| Snowmobile 43-A | \$1,820.87 |
| Snowmobile 43-B&C | \$1,498.70 |
| Snowmobile 43-D | \$2,292.12 |
| Waterways | <u>\$2,902.17</u> |
| Total | <u>\$ 267,156.49</u> |

On motion of Commissioner Cruickshank with a second by Commissioner Eld, payment of the bills was approved and carried. On motion of Commissioner Cruickshank, second by Commissioner Eld, the Board approved junior college tuition for Christopher Bateman.

Chairman Winkle led the Pledge of Allegiance to the flag of the United States.

Treasurer Glenna Young reported on progress with credit cards systems being implemented by Valley County. She has a new contract with the bank for signature by the Board because of a small clerical revision. The Board signed the revised contract.

Doug Miller reported on a variety of probation/detention matters.

Deb Deree reported on court activities.

Cynda Herrick reported on Planning and Zoning matters.

Sheriff Patti Bolen reported that 40 inmates are in custody and that there were a large number of accidents because of last week's snow. Enhanced 9-1-1 is progressing as planned.

Prosecutor Matt Williams reported on court calendars, specifically the planned 9:00 a.m. to 2:00 p.m. trial calendar. He also discussed trials set for the next month.

Closed session for indigent and charity (non-medical).

No action taken by the Board.

Closed session for indigent and charity (medical).

The following cases were decided:

| <u>Case</u> | <u>Decision</u> |
|-------------|-------------------------|
| 07-EE001 | Approved for Assistance |
| 08-RD058 | Approved for Assistance |
| 09-GE054 | Denied |
| 07-M023 | Denied |

Commissioner Eld moved and Commissioner Cruickshank seconded approval of Resolution 9-13 to transfer funds from Solid Waste to the General Fund in repayment of advances made to Solid Waste for the months of October and November. The motion carried.

Commissioner Cruickshank moved and Chairman Winkle seconded a motion to convene executive session as provided by I.C. 67-2345(f) to consider pending litigation. The motion carried. Matt Williams, Valley County Prosecuting Attorney, Jerry Robinson, Valley County Road Superintendent, and Cynda Herrick, Planning and Zoning Administrator also participated.

No action taken by the Board.

On motion of Commissioner Cruickshank and second by Commissioner Eld, it was carried to resume regular session.

Commissioner Cruickshank moved that Matt Williams be directed by the Board to correspond with the principals involved as directed during the executive session. His motion was seconded by Commissioner Eld and carried.

Mike Medberry, representing Idaho Solar Power, appeared and asked for support for two projects he has proposed for approval by the Governor's Office.

Commissioner Eld moved that the letter of support be signed by the Board. Commissioner Cruickshank suggested the letter be rewritten. Second by Commissioner Cruickshank and carried.

Recessed for lunch at 12:00 noon.

Reconvened at 1:05 p.m.

Discussion held on Treasure Valley Transit's operation of the Valley County Connection with the temporary financial difficulties encountered by Tamarack Resort, LLC.

John Blaye's appearance was cancelled and was to appear in the afternoon.

Jerry Robinson appeared to deliver his report on the Road Department. The engineer's report continues as before, nothing new to report. He discussed the RDA Credit Transfer concerning Clover Valley (Ken Roberts). Mr. John Rennison also commented. No agreements were reached.

Joel Droulard appeared and discussed a small parcel of land encroached upon by a road right-of-way. Commissioner Cruickshank moved, and Commissioner Eld seconded acceptance of the parcel by the County, and passed.

Jim Fronk, representing Red Ridge subdivision again discussed the width of the road proposed for 20' and paved, versus the County standard of 28" and graveled. He was accompanied by the engineer for Red Ridge, Dave Powell.

Dwight Utz, County Engineer appeared and commented to approve this with some caution because we may have to take over snow removal at some point.

Commissioner Eld moved to not allow this variance. Motion failed due to a lack of second. No response has been received from Parametrix.

Commissioner Eld then moved to table the matter until the regularly scheduled meeting on March 23, 2009. Commissioner Cruickshank seconded, and the motion carried.

On motion of Commissioner Eld and second by Commissioner Cruickshank, Resolution 9-14 directing the formation of an EMS District in Valley County was approved and signed.

A public hearing regarding the Macomber application for the Final Plat for Morrell Meadows commenced at 3:00 p.m. Planning and Zoning Administrator Cynda Herrick gave her staff report concerning the application and processes followed to date. The Board had no questions of staff. There was no conflict of interest or ex parte, excepting that Commissioner Eld reported a contact by Larry Bender which he reported to the Board and advised that he would not be influenced by the contact.

Cynda recommended hearing from the neighbors first. (Opponents - they are the appellants.)

Larry Bender, a neighbor, graduate in engineering with 35 years of experience referred to the subdivision regulations, ordinances 3-91 and 5-76, both to be referred to later on.

The Valley County road standards were also referred to, specifically as the minimum standards. He argued the adopted policy is law. He also referred to letter by Dwight Utz, which he thinks is totally irrelevant, it misses the point. He also cites drainage problems. He wants all of the conditions of approval to be met before it is approved. He wants the standards for private roads to be applied.

John Sievers argued that Jerry Robinson testified in favor of the subdivision. Mr. Sievers has a PhD in Mechanical Engineering and has taught at several universities. He has also gained acceptance as an expert witness. He lectured on engineering standards as far as the road standards in Valley County are concerned. He questioned "extraordinary" hardship insofar as granting the variance. He thinks they are "Plain Jane" roads. He also cited "no cost" to the County.

He asserted bias on the part of County officials, and challenged their honesty and integrity.

Proponents – Wayne Meuleman, Attorney for the Macomers. He commended the Board for holding yet one more public hearing. Letter not received until well beyond the due date for appeals. He asked who should properly assert professional standards for roads.

The assignment goes to the Road Supervisor and Engineer. It's a good judgment by the County Commissioners to have those people make the decision.

Dave Ringel, surveyor, testified and pointed out that the mechanical engineers should not judge roads, it's a civil engineering responsibility.

Cynda commended professional judgment in the field and she does not recall Jerry Robinson testifying at any Planning and Zoning meeting.

Jerry Robinson commented he did go measure the culvert. While he did not have a copy of the road standards, he is familiar with them, and helped develop the standard.

Dwight Utz refused comment.

Commissioner Eld had no questions.

Commissioner Cruickshank asked Dwight Utz if he had visited the road site, and he replied that he had been there twice, and described the occasions. He asked Jerry Robinson about compaction tests. Jerry could not get compaction tests done.

Public Hearing closed at 3:55 p.m.

Proponents and opponents met and could not reach agreement. Road Department and Engineer should look at road during runoff.

Chairman Winkle moved to continue until March 23, 2009 at 1:00 p.m. which was seconded by Commissioner Cruickshank and passed.

The Commission considered a request by Human Resources to correct an error in a specific employee's salary, which was approved, and appropriate documents prepared and forwarded to the payroll clerk.

Adjourned at 5:22 p.m.

GERALD WINKLE, CHAIRMAN

ATTEST:

ARCHIE BANBURY, CLERK