

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
April 9, 2012**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
GERALD "JERRY" WINKLE (COMMISSIONER) (Excused absence)
RAY MOORE, (COMMISSIONER)
ARCHIE BANBURY, CLERK**

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

Commissioner Moore moved to approve the agenda, with the addition of an executive session at 3:00 p.m. per I.C. 67-2345(b) and (f). Second by Chairman Cruickshank and carried.

Commissioner Moore moved to approve the claims in the amount of \$401,259.15, holding the jail medical claims until after speaking with Sheriff Bolen, and Board Order Claim of \$4,259.15. Chairman Cruickshank seconded and the motion carried.

Paula Fodrea led the pledge of allegiance to the flag of our country.

Chairman Cruickshank reported on behalf of Doug Miller from Court Services who is not available for the meeting, noting the detention facility had been inspected and passed. They have offered a position for a program leader position for P.O.T.S and are continuing with the hiring process for Trail Crew Leaders and are now working with the Forest Service to determine what trails the trail crew will work on. He has two local juveniles in the detention center and is enjoying working with Judge Berecz. He has visited with Judge Berecz on some possible changes he thinks would help in the Juvenile arena. Doug will be at an Administrators' meeting in north Idaho next week.

Extension Office - Vim Braak is on vacation this week.

Human Resources - Tami Rhodes sent in her report via email, she is proceeding with the hiring process for the IT support position, seasonal weed sprayers and a Road Department position. Tami will be in Valley County for two weeks starting April 16th and she will hold a supervisor training on 4/24, and will also be here on Monday, April 16th during office hours.

IT Department- Dave Crawford reported he has three more applicants for the desk top assistant position and will be interviewing for the position this week.

David has been working on the 911 software and server to perform upgrades, with no down time to the department. He has also finished upgrading the McCall Annex networking system. He also reported on the sound system in the Commissioner's room and discussed possible thoughts on how to fix the feedback noise.

Commissioner Moore moved to approve the Computer Arts Inc. network support renewal agreement for programs Valley County has with CAI, and Chairman Cruickshank seconded. Motion carried.

Rick Ridenour appeared and discussed Snow, Weeds and Pests. Grooming ended on April 7th for the 2012 season. The operator reported the trail on the Warren Wagon Road was in good shape when he made his final run. There is some damage to the tiller on McCall's cat due to wet snow conditions building up inside the tiller, the plastic shroud is shattered. Cascade's cat is almost done with spring service. Smith Ferry's is to be done upon return of the groomer operator next week. The New Holland that grooms the Warren Wagon Road trail is next for spring service.

He is advertising for weed sprayers April 12th with position to close April 23rd, hiring to commence during the first two weeks of May to bring them onboard May 29th and work them until October, including both ARRA and regular Weed employees. He has submitted the NPDES permit that is required and is waiting for Commissioner Winkle to certify the permit to make it final.

He will be on vacation May 13-24th.

WICAP - Paul Fodrea reported 400 energy assistance applications at a cost of \$180,839.00 for the area. She discussed the energy program as it primarily concerns utilities. She has had many applications recently for emergency assistance for folks needing heat.

She also discussed population statistics. She has scheduled the Poverty Simulation for the Cascade elementary school gym at 6:00 p.m. on April 30th. Paula verified that Clerk Banbury and all of the Commissioners were on the "confirmed" list.

P & Z - Cynda Herrick reported on the agreement with Heartland Hunger and recommended revision, per legal counsel. There are several issues to be addressed in the agreement and would like to work with legal counsel on drafting a long term lease agreement for the site to house the Heartland Hunger Center. The Commissioners agreed Cynda could work with the Commissioners legal counsel on this matter.

Charles Pickens appeared on behalf of the Assessor's office to request a cancellation of market value due to a split done in 2001, where a building had been assessed on the wrong parcel. Commissioner Moore moved to approve market value cancellation #51 dated 4/3/2012. Second by Chairman Cruickshank and the motion carried.

Commissioner Moore moved to authorize the Chairman to sign the 2nd Quarter Stag Grant report. This grant is a pass through grant to the City of Cascade for Sewer system upgrades. Second by Chairman Cruickshank and carried.

Sheriff Bolen appeared and presented the BOR contract for renewal, which provides funding to help with issues surrounding Lake Cascade both on the water and on shore. Commissioner Moore moved to authorize the Chairman to sign the contract. Second by Chairman Cruickshank and the motion carried.

She then reported on a Jail Medical issue that has come to her attention concerning the cost to the County. The question is whether she can access the Indigent Fund and that once the \$11,000 ceiling for the County is exceeded, she can then apply for Indigent funds from the State of Idaho Catastrophic Fund. Rhonda Komula suggested that other counties have not succeeded in turning it over to the CAT fund. She has been asked to check with IAC as to what is proper. Commissioner Moore commented he would ask the Commissioners legal counsel to weigh in on this issue as well. The jail medical claim on this is to be held until clarification is received.

The jail medical claim on this is to be held until clarification is received.

Treasurer - Glenna Young appeared and presented three cancellations #10, 11 and 12, for personal property taxes. As to #10, it is \$84.60, the personal property cannot be located. As to #11, the owner is deceased and his widow cannot be located, the mobile home is being destroyed. The amount of tax on #11 is \$194. Cancellation #12 involves a mobile home with a snow roof and a deck, but it had been moved away from the improvements. Glenna recommended cancellation of the 2005, 2006 and 2007 taxes, amounting to \$365, and an additional \$793 in late fees and interest. The mobile home park owner has paid 2008 taxes and will pay 2009, 2010 and 2011 taxes and clean this whole problem up. Commissioner Moore moved to approve tax cancellations #10, #11 and #12. Second by Chairman Cruickshank and carried.

With this action the Treasurer will be able to close out the 2005 and 2006 books on taxes.

Glenna also reported there is some interest in the small parcels that did not sell in a prior tax deed sale when Valley County offered them to adjoining property owners.

Commissioner's correspondence session began with consideration of a letter of intent with the Squaw Creek Soil Conservation District for FY 2014 funding for the district, this funding will be matched by the State of Idaho. Commissioner Moore moved to authorize the Chairman to correspond with the Soil Conservation Districts, substituting the word circumstances for emergencies in the proposed response as was in the last letter sent for their FY 2013 funding. Second by Chairman Cruickshank and carried. Clerk Banbury will prepare the response.

Commissioner Moore moved for approval of the contract with Cabin Creek Enterprises, for consulting on Natural Resource topics, administration of Stewardship projects and other duties requested by the Commissioners, as presented. Second by Chairman Cruickshank and carried.

Cynda appeared from P&Z to request time on the next agenda to discuss a proposal by the BOR on an erosion project near the Big Sage Campground.

Commissioner Moore moved for approval of the minutes of April 2, 2012, seconded by Chairman Cruickshank and carried.

Chairman Cruickshank provided a request from an employee who wants to trade some Comp Time for Sick Leave as there is a greater need for Sick Leave due to some medical issues the employee is dealing with. After some discussion it was thought it would be better to extend the time the Comp Time was to be used than to trade hours. The Commissioners will request some additional information before making a decision on this request.

Closed the session for Indigent and Charity at 10:42 a.m.

12-TR059 Request for Assistance Suspended

12-MG051 Request for Assistance Approved

12-HS076 Request for Indigent Lien, New Application for Assistance

Resume regular session at 11:00 a.m.

P & Z - Cynda Herrick appeared for the purpose of discussing the Findings of Fact and Conclusions of Law before the Valley County Board of Commissioners as concerns Conditional Use Permit No. 11-07 – Nisula Gravel Pit. She suggested approval of minutes of February 29, 2012 and March 12, 2012. Then she recommended considering the Findings of Fact and Conclusions of Law.

Chairman Cruickshank stated he had reviewed the minutes against his notes, listened to the audio, and is satisfied with the intent of the conditions of approval reflected therein. Cynda stated her office had reviewed the minutes and is satisfied that the conditions of approval stated therein are a satisfactory reflection of the decisions made by the Board and that the names and addresses to the best of their abilities match who spoke during the hearing.

Commissioner Moore referred to Item #8 of the conditions enumerated in the March 12th minutes and suggested a clarification may be in order.

Commissioner Moore moved to approve the minutes of February 29, 2012 and March 12, 2012 as amended. Second by Chairman Cruickshank and carried.

Cynda clarified that this matter was heard under the LUDO of 2010, and that document has since been codified under a different date.

Cynda then read Conclusions #1 through #25 into the record, followed by a reading of the Board's order as to conditions of approval. After reading, corrections to item 8 of the conditions were made as follows: delete line 2, "...of like sizes to the original proposal ..." and insert "...to the same specifications as the trees on the east property boundary." Item 19, delete "s" in the first word – "Sounds"

Commissioner Moore moved to approve the finding of Fact and Conditions of Law after insertion of the above changes to item #8 and #19 as noted above, motion seconded by Chairman Cruickshank and carried.

Adjourn for lunch at 11:47 a.m.

Reconvene at 1:00 p.m.

Bill Rice, Cascade District Ranger, appeared to discuss the snow grooming and the Johnson Creek Rock Pit.

The U.S. Forest Service will scope a cost share agreement regarding 240 miles of Forest Service Road on the Boise National Forest. Keith Dimmett was recently assigned to this project. They intend to generally coordinate their plans/activities to be the same or similar to the Payette National Forest. The BNF's goal is to have the document ready for public comment in June, when a 30 day comment period will be open. Once approved this agreement will be for a five year term. The 2001 decision on grooming is what is being used to determine miles.

They expect a final decision sometime in October.

There are in fact 243 miles of presently groomed trail authorized, and 240 used so there remains 3 miles unused. The 243 is the baseline, He wants to make that clear. The three miles should be selected, they cannot just be "banked" for future use, and must be identified.

Chairman Cruickshank questioned what happens with new technology that is more accurate shows more or less miles. There is also concern as to the routes in the Burnt Log, Sand Creek and Sulfur Creek and the mileage they had if they were correctly measured. He does recall trading some miles from Whiskey Creek when the Deadwood route was added.

Commissioner Moore noted that when discussed recently, he does not recall anyone giving up the three miles in question. He also asked why the 1998 no net gain numbers were not used.

Keith said the 2001 decision overruled the 1998 decision.

A discussion was held on what is considered groomed on a regular basis and what is called intermittent groomed. Deadwood was only groomed twice this year due to conditions.

Sandra Mitchell advised that the Payette will allow a bank, particularly if the miles were on existing improved trails.

Also discussed was the possibility of adding Avalanche Control for Deer Creek in the agreement. As it may slow the process the Avalanche program may need to be a separate topic to work through.

Mr. Rice discussed the Johnson Creek Stabilization Project. In that regard, he discussed a onetime use of a talus slope to obtain about 3,000 yards of rock. They will be scoping this project soon, and shortly thereafter a decision memo.

Chairman Cruickshank suggested a more permanent arrangement for a rock source would be appreciated as each year washouts may occur. Mr. Rice replied that a higher level of analysis would be necessary which may slow down the process. This project is in conjunction with the RAC proposal submitted previously by Valley County to address some washes along the Johnson Creek Road.

The Cascade Ranger District is in a support position insofar as the development of Midas Gold workings is concerned, the lead being with the Payette National Forest. The Cascade Ranger District is working with the Road Department to understand the work being performed on Johnson Creek Road by Midas Gold to support their activities in Stibnite.

A discussion was held on the issue with the irrigation districts to determine if the County needs to get out of the collection business. At issue is the apparent option regarding I.C. 42-613 and I.C. 42-619. Glenna Young clarified that the issue is not taxes, but the collection of fees levied for the water master.

Last May, the Commission decided that the Treasurer should only do that which she was legally bound to do. She described the process outlined in I.C. 42-613, we are not following the totality of the law.

Shirley Florence, 139 Heinrich Lane in Lake Fork, secretary for Lake Irrigation, discussed the historical perspective of this record keeping, that the Irrigation District(s) provided the annual charges to the County Treasurer who billed the membership and collected the fees. The annual budget was set with input from the State Water Resources Board and an Irrigation District Treasurer was elected who paid the operating expenses.

With the clarification the process will be followed to meet the requirements of Idaho State Code.

Road Department - Jerry Robinson appeared and discussed the need to transfer jurisdiction on bridges to Valley County wherein the FRATA easements from the Forest Service require the County to maintain them. These transfers were missed when the Forest Service provided the easements to Valley County. Commissioner Moore moved to authorize the Chairman to accept the transfer of FRATA easement bridges to Valley County. Second by Chairman Cruickshank and carried. A list of the bridges so transferred is appended to these minutes.

He also provided an agreement for approval to work on the stabilization of Johnson Creek Road with the U. S. forest Service. This is to be a RAC Project with funding to be reimbursed by the RAC program.

Commissioner Moore moved for approval for the Chairman to sign the agreement. Second by Chairman Cruickshank and carried. The reference is Project #12 BNF 002, 12-RO-11040216-044.

He also presented a deed for the easement on Smalley Road, and requested the Board's acceptance. Commissioner Moore moved for the acceptance of the Smalley Road row agreement (quitclaim deed) second by Chairman Cruickshank and carried.

He then discussed Navajo Drive, which has never been constructed, noting that Valley County cannot accept the road until it is brought up to standard. It is not now a road acceptable to County standards.

Lee Road was also discussed. Lee Road is proposed to be given to Valley County. There is a drainage problem and other problems with the County accepting the Road, for maintenance and snow removal, specifically. Before accepting the roads for maintenance, Valley County would need access to the drainage easements or for the drainage to be constructed. The road is desirable, but not the potential liability mitigating against it. This issue to remain open until a reasonable resolution can be found.

Midas Gold should be done with the snow removal on Johnson Creek this week and hope to allow the road to dry some before it is open for traffic. Jerry had been in to Stibnite and had asked for some additional maintenance on the road to Stibnite by Midas Gold as they are maintaining the roadway this winter.

Many of the crew will be taking some Vacation and Comp time before the summer work season begins.

The 3-Mile Road gate on the South Fork of the Salmon remains closed, however the Krassel District Ranger is working on the issue. There is a possibility the gate was placed in the wrong place when installed.

The access to Scott Amos's property, near Yellow Pine is being resolved by the use of an easement from the Forest Service to Valley County.

Jerry reported that most of the roads damaged by the flood water the last few weeks are repaired so people have access to their residences. The more permanent repairs will be done when the roads dry out as the roads are too soft to handle loaded trucks running on them.

Solid Waste - Ralph McKenzie reported and provided volume data for Solid Waste that is year to date. The volumes are running a little less than last year for Solid Waste.

He also discussed a problem with the truck scale at the MRF, which was repaired at a cost of \$6,900.

Ralph is about complete with his rough draft of a new contract and will share with the commissioners soon to get their input.

Rhonda Komula provided an update on the inmate medical situation. Her input will be added to the information the Sheriff and Commissioner Moore will be getting.

Commissioner Moore moved to convene executive session per 67-2345 (1) (b) and (f) concerning a personnel matter with a probability for litigation. Second by Chairman Cruickshank and carried. Roll call vote, Commissioner Moore "aye" and Chairman Cruickshank "aye."

Convened executive session at approximately 3:30 p.m.

Reconvened regular session at 3:50 p.m.

No decisions were made as a result of the Executive session.

Adjourned at 3:55 p.m.

Gordon L. Cruickshank, Chairman

Attest:

Archie N. Banbury, Clerk

AB/tme 4-12-12