

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
May 14, 2012**

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

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

Chairman Cruickshank asked that the following items be placed on the agenda as to amend, support letter for the Cascade EMS of grant to purchase chassis. Discussion of Summer Intern for Clerk's office.

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

Commissioner Moore moved to approve the claims as presented. Commissioner Winkle seconded and the motion carried. Acting Clerk Durfee will gain clarification for the held claim by the Clerk's office on payment to Marty's Appliances for a refrigerator repair at the Senior Center in Cascade.

Building Department Administrator, Anne Guarino stated that building permits are up and she is inspecting 3 out of 4 days a week. YMCA has picked up permit for main lodge. She received a scholarship for a Green Energy conference in June, as sponsored by IAC.

Probation Director, Doug Miller explained one individual in juvenile detention. Department of Corrections position open, causing a delay in one case. He further asked for support of a Memorandum of Agreement between the Idaho Department of Juvenile Corrections and Valley County, to support the continued efforts of providing the clinician services of Jake Wilson, who provides substance and mental evaluations for juveniles.

Commissioner Moore moved to approve the Memorandum of Agreement for a clinician at the Juvenile Detention Center. Commissioner Winkle seconded and carried.

Doug further requested use of Ridley's points to roll over and be used to purchase gift cards from Home Depot, to purchase tools for the P.O.T.S. program. Commissioners agreed this use was acceptable.

Vim Braak with the U of I Extension spoke of coordination efforts to develop a council to serve our area with a balance of business owners and leaders of the area on economic development.

Vim also reported the 4-H programs and the P.O.T.S. program working together is helping build relationships with our youth.

Chairman Cruickshank spoke on HR status, looking to hire new director. Interview date to be determined for applicants on a BOCC meeting date of May 29, 2012, to start at 1 pm.

David Crawford IT Administrator brought on a new employee today to help him with current workload.

P&Z Administrator, Cynda Herrick, would like to formalize the decision made on the Nisula Gravel Pit through the signing of the Addendum of CUP 11-07 Nisula Gravel Pit.

Commissioner Moore moved to approve the findings of fact and conclusions of law of addendum of CUP 11-07 Nisula Gravel Pit, Commissioner Winkle seconded and the motion carried.

Cynda also reported that she and Dwight Jividen are taking the signage plan to the cities to acquire their support if possible.

Rick Ridenour, Weed Supervisor is on vacation.

Paula Fodrea, with WICAP, is on vacation but Commissioner Moore provided update on the Poverty Simulation Symposium.

Assessor June Fullmer is out of town.

Acting Clerk Durfee requested approval to support a summer Intern position to support the Clerk and Court Services Departments, utilizing a local high school student as has been done in the past. Commissioners approved the request.

Sheriff Bolen will need to gain a bid to fence around the propane tank at the EOC, as it was recently tampered. The Commissioners asked if the tanks themselves could be locked instead of building a fence.

She sent Matt Bannon and Jason Metz to a Highway Safety Division course where Deputy Metz was given the award of Going Beyond the Traffic Stop.

Treasurer Young discussed that tax notices have gone out. Glenna provided the commissioners a heads up on a mistake by the computer on sending out tax notices for small amounts. One was for one cent, which has not been done in the past. A software program is being written to eliminate this from happening in the future. Glenna also reported that by combining tax notices to one owner in a single envelope she has saved quite a bit on postage.

Commissioner Moore moved to approve the meeting minutes of May 7, 2012 as amended. Commissioner Winkle seconded and the motion carried.

Chairman Cruickshank received a call from Bill Rice, Cascade Ranger District regarding the need for a Special Use Permit requirement for Avalanche Control at Deer Creek, to hold harmless the Boise

National Forest. This will need to be a separate document aside from the grooming program scoping that is currently out for public comment. Due to the complexity of the permit Ranger Rice would like to handle separately so it does not slow down the process for the grooming permit.

Commissioner Moore asked of Acting Clerk Durfee to inquire of ICRMP (County's liability insurance carrier), as to the County's liability position as pertains to avalanche control.

Commissioner Moore requested Ronn Julian to approach and provide further clarification on Snowmobile Grooming Comments letter, as was drafted by Mr. Julian.

Commissioner Moore asked if they can stress the importance that this is a Draft still at this point. Mr. Julian agreed this could still be stated as a proposal. Determine liability verbiage from ICRMP, so as to insert on page 2 of the letter, Acting Clerk Durfee to supply answer. Chairman Cruickshank asked that a watermark be added on this copy of the letter – to state Draft. Commissioner Moore asked for correction on 1st page, 4th paragraph and clarification to Sulfur Creek and Mud Lake inclusion to grooming program.

Commissioner Moore moved to authorize the Chairman to sign the Grooming Program Comments as presented for the Boise National Forest and include the draft grooming protocol for Deadwood. Commissioner Winkle seconded and the motion carried. Sheriff Bolen requested her department be included when discussing the final protocol.

Commissioner Moore moved to approve the Chairman's signing of the Cascade EMS Support Letter to obtain a grant for an ambulance chassis. Commissioner Winkle seconded and carried.

Closed session to discuss Indigent matters at 10:32 a.m.

- 12-DB056 Request for Assistance Denied
- 12-MM068 Final Denial for Assistance
- 12-JW050 Request for Lien – Application for Assistance
- 12-BR079 Release of Medically Indigent Lien
- 12-MW053 Release of Medically Indigent Lien

Resumed in to regular session at 10:55 a.m.

Chairman Cruickshank explained next item on the agenda is the McCall Area Master Plan, which he would like to open in to a Public Hearing, asking if there was any conflict of interest by the Commissioners.

Commissioner Moore stated he received a voice mail after last meeting from Bonnie Bertram expressing concern opposed to level of taking by McCall.

Commissioner Winkle explained that when the Pathways tried to go north, he testified in his capacity as a Pine Lakes Ranch committeeman of them going through old railroad grade and he did not feel it would deter on any decision he might make today.

Commissioner Cruickshank received a phone call from Bonnie Bertram who felt the language was too strong as used in reference to property rights.

Michelle Groenevelt, Community Development Director for the City of McCall, appeared to discuss the McCall Area Pathways Master Plan and Zoning Code Amendments, which will have updates to a prior biking plan. She has submitted public comments and expressed a citizens concern for dependency on

Transit System to get around affordably as a senior. She added this will connect existing pathways for benefits such as increased safety, connecting communities, providing affordable transportation and it improves public health. Michelle then explained how the program was noticed to the public and their participation solicited. She also reviewed the Ordinance as proposed to correspond to the implications this amendment would include, as this will impede on the McCall Impact Area and property owners.

Chairman Cruickshank then asked for opponents, proponents, neutral:

Tim Garber, 150 Sunny Way, McCall, Idaho: Owner of Mill Restaurant feels that the City of McCall has not answered some questions, especially as concerns funding. He has a concern that some of his parking will be taken away. There are privacy, noise and liability issues. Property owners should not have to give up their property to the government. Also expressed issues with winter safety as pertains to pathways signage and sidewalk maintenance as affects the private property owners with enforcement.

Woody Woodburn at 610 Lenora Street #2, McCall, Idaho: He would like more definitive answers as effects code.

Todd Hatfield - 638 Woodlands Drive, McCall, Idaho: Cites 5th Amendment as it pertains to the verbiage stating "seizing land will have to offer just compensation to property owners". In his capacity on the P&Z Commission, they had discussed putting the pathways on ROW's, so as not to take land from property owners. As well, it should not be the responsibility of property owners to maintain the pathways. Should expect lawsuits if this goes through.

Gary Newway at 325 N. 3rd Street, McCall, Idaho: Feels he will be extorted to have to improve his property.

Chairman Cruickshank asked if anyone else would like to speak, hearing none, he asked Michelle for rebuttal.

Michelle stated this is an update, not to change much but the majority of the projects are within ROW's and homeowners affected were contacted and asked to be involved, not taking anything without consent of homeowners. There is one area to be determined yet which affects commercial land. As far as sidewalks, property owners are responsible for maintaining these already. Defining developments, will be kept the same right now by City of McCall P&Z, further research will be necessary. The Master Plan is multi-model; to include multiple seasons and ample public weigh-in was sought.

Commissioner Moore is needing clarification on the code for Sections B-1, uses verbiage "are required", Section 2-G "requirements for development", Section 4-"exactions". Michelle explains the intentions for each and design review processes and triggers.

Chairman Cruickshank asked to table this discussion until June 18, 2012 in the afternoon, to allow for more time to discuss. There is a question which exists with respect to "taking".

Commissioner Winkle moved to continue this discussion until June 18, 2012 at 1pm. Commissioner Moore seconded and the motion carried. Commissioner Moore "aye", Chairman Cruickshank "aye", Commissioner Winkle "aye".

Jared Zwygart of Bailey & Company appeared and presented findings of Valley County's annual audit. He added that no major issues were found and it appeared the County was following its budget.

Commissioner Moore moved to accept audit from Bailey & Company, Commissioner Winkle seconded and the motion carried.

Acting Clerk Durfee provided announcement that a portion of the claim previously approved earlier in the morning for Cabin Creek, was supposed to have been made a Board Ordered Claim, for payment of Title III Funds, in the amount of \$4,188.42.

Commissioner Moore moved to approve Board Order Cabin for payment in the amount of \$4,188.42. Commissioner Winkle seconded and the motion carried.

Adjourn at 12:07 p.m. for lunch.

Reconvened at 1 p.m.

Jerry Robinson, Road Supervisor presented Michelle Butler's request to gain access to start using Duffy Lane in the Barnard Subdivision #2, as the only access previously was to go through Bureau of Reclamation and that their access through Henglow Dr. is on the Bureau's property.

The homeowners were present and further explained the situation; the dilemma has not been resolved yet but they were told by the Bureau that they could not use the prior access anymore.

In review of the maps provided by the property owners, Chairman Cruickshank felt the property lines fell within the ROW of Duffy Lane and there was no reason they couldn't use the road. Jerry Robinson advised the owners would need to update the road.

Jerry Robinson then discussed the ROW on Heinrich Lane and that the fencing bid received was high and he would look to obtain a less expensive bid. He is working with the Simplot Company to see if he can trade fencing for additional right-of-way on Heinrich Lane.

He then spoke on his progress towards the appraisal of County property; one estimate received was for \$550,000 on 7 acre parcels, to include: 5 parcels around the Goode Pit, 1 parcel at Heinrich Lane and 2 acres around the Lake Fork property.

Jerry wanted to hold the Dust Abatement Piggy Back Bid until more information can be obtained.

As well, Jerry Robinson obtained a piggy back bid to purchase a Durapatcher. The Durapatcher bid is for \$65,500. The Durapatcher will help with patching pot holes and use less employees to accomplish.

Commissioner Moore moved to authorize the Chairman to approve the bid on a durapatcher, Commissioner Winkle seconded and the motion carried.

Update was then provided for other Road Projects around the County. 3 Motorgraders are working with water trucks on gravel roads, started working on Coy Road where the pavement has failed, will move to Pearson Lane next, will do some temporary repairs on the Mud Creek Bridge and then do permanent repairs after Lake Cascade water level goes back down. They have cleaned 14 miles of barrow ditch this spring so far.

Announcement was made that Mike Fullmer's Retirement Party will be held at 3 pm this Thursday, down at the Road Department.

Cynda Herrick appeared and stated that Harry Soulen has contacted her regarding the gravel pit on Soulen Road; he has no record of a renewal in 2010 which would have required a public hearing. If it has indeed expired, then she asked the Commissioners if they want to renew. If they do not intend to do so, Harry is requesting to put the property back under his name, so that he could sell the gravel pit because it isn't being used very much anymore. Jerry Robinson stated it is good for pit material that doesn't need to be crushed. Cynda will look to get further information on this issue and come back to the Commissioners for a decision.

Ralph McKenzie the Solid Waste Director was unable to make the meeting due to an excused absence, so there was no report to provide.

Jerry Winkle will not be in attendance for next Monday's BOCC meeting.

Adjourned at 1:30 pm.

Gordon L. Cruickshank, Chairman

Attest:

Katie L. Durfee, Acting Clerk

KD/tme 5-15-12