

# Valley County Board of County Commissioners

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**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
May 2, 2011**

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

**ARCHIE N. BANBURY, CLERK**

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

Motion to add litigation discussion & decision at 3:40 p.m. and discussion of Resolution No. 11-09 at 10:35 a.m. was made by Commissioner Moore to approve amended agenda, second by Commissioner Winkle and carried.

Cynda Herrick led the Pledge of Allegiance to the Flag of our Country.

Concerning the VAC No. 10-02, A Portion of Paradise Lane within Paradise Cove Subdivison, a Public Hearing was opened by Chairman Cruickshank. All Commissioners asserted no conflict of interest or *ex parte* contact in this action.

Cynda Herrick provided a staff report on the issue. The applicants were requesting approval to vacate a public right-of-way that was originally platted in the Paradise Cove Subdivision as recorded on 9/12/1961 in Book 2 of Plats at Page 40, in Valley County, Idaho.

- In 1961, the original plat contained a 30' dedicated public right-of-way as part of the Certificate of Owners that was not accepted by Valley County for maintenance.
- In 1963, new right-of-way where the road was actually constructed was deeded to Valley County by Instrument No. 59995 in Book 35, Page 395.
- In 1982, Valley County accepted the road on the new right-of-way for public maintenance. (Declaration of a Public Road, Instrument No. 118651)

In summary her report concludes that the road was built in the wrong place, not where originally platted; therefore, the applicants would like the original R-O-W vacated to the actual R-O-W.

Applicant's representative Kathy Taylor, 5812 W Farm to Market Rd in Hidden Springs, ID 83714, described the poor condition of a portion of the road and suggested that the request was for a "clean up" of the road, noting that most of the homes in the area were built in the 1960's. She believes the road is an "official" dead end.

Cynda added that almost all of the lots, except those on the north side of the road, have been vacated. There are no homes built on them.

Proponents were invited to speak. There were none.

Uncommitted were invited to speak. There were none.

Opponents were invited to speak.

Rod Higgins stated to clarify his situation, he had no problem with the proposal. He represented the Higgins Family Trust.

Cynda suggested modification of the deeds to add easement for all utilities.

Public Hearing closed. Issue sent back to the Board for deliberations.

No comments by Commissioner Moore. No comments by Commissioner Winkle. No comments by Chairman Cruickshank.

Commissioner Moore moved "to approve Vacation Application No. 10-02, a Portion of Paradise Lane within Paradise Cove Subdivision; and, acknowledge that Paradise Lane will continue to be a 50' public right-of-way as accepted in 1982. (Declaration of a Public Road, Instrument No. 118651). With the following conditions of approval:

1. All utility Companies shall retain all existing rights to maintain facilities, and the vacation must be subject to, and preserve any utility's rights of ingress and egress to/from its facilities, to install new facilities, or to repair, replace, maintain or otherwise modify any existing facilities in the subject road right-of-way. (See Idaho Power letter dated February 28, 2011.)
2. 50' right-of-way shall be retained by the County.
3. The applicants are responsible for all expenses incurred to affect the deeding process.

The vacation will not be effective until such time that the P& Z Administrator records the associated documents.”

Commissioner Winkle seconded the motion and it was carried.

Concerning Nasi Lane Public of right-of-way, Cynda Herrick provided her staff report. There has never been acceptance by the Board of Nasi Lane West of Highway 55 and East of the Railroad right-of-way. She provided an Order for Recordation and an Acceptance/Validation of Nasi Lane, West of State Highway 55.

Commissioner Moore moved to accept the Nasi Road validation as presented. Second by Commissioner Winkle. Chairman Cruickshank asked for inclusion of an amendment to add that there will be no maintenance to this road to paragraph three. Amendment accepted. Motion carried.

Cynda Herrick noted that Alzar School applied for a Conditional Use Permit which they have since withdrawn and asked for permission to refund \$245.00 of the \$300 paid for the permit. Commissioner Moore moved to grant the \$245.00 refund, second by Commissioner Winkle and the motion was carried.

Variance V-1-11, the Leister Shared Drive Variance. Staff Report was provided by Cynda Herrick after denial of conflict of interest and/or exparte contacts by each of the Commissioners. The Planning and Zoning Commission recommended approval. Staff recommended approval of the Variance.

Commissioner Moore moved for approval of Variance V-1-11, second by Commissioner Winkle and discussion followed. The motion carried.

Commissioner Winkle stated he had received a phone call from a person he did not identify to the Board, who he said had complained to him this past weekend via telephone, that the Board did not follow proper procedures or process when the budget was recently opened to accommodate unanticipated revenues. This was accomplished with the adoption of a resolution. The nature of the complaint is unknown. Clerk Banbury explained that the process followed was the same as in prior years and is authorized by Title 31, Section 1605A of the Idaho Code. The proposed changes were published in the County’s designated newspaper, a Public Hearing was held, and the revision adopted via Resolution No. 11-9 on March 28, 2011.

Discussion tabled to May 9<sup>th</sup> at 11:30 a.m.

Vim Braak appeared to discuss economic development and the role and actions of the Extension Office. It was agreed to begin the process of reforming and revitalizing the Valley Adams Planning Partnership, or a similar entity to coordinate economic development.

John Russell appeared to present the annual report of the County Surveyor. He reported one new subdivision with seven new lots. He had one plat review and a few questions from the Board, for a net cost of \$420. The report was accepted as filed. His contract (Professional Service Agreement) was then considered and Commissioner Moore moved to accept and approve the contract as offered. Commissioner Winkle seconded and the motion carried. The Chairman also signed a letter of transmittal of the contract to the cities of Cascade, Donnelly and McCall.

Cynda Herrick provided background information and explained the desirability of making Lee Way a public right-of-way, with no maintenance. The Planning and Zoning Commission agrees that this should be a public right-of-way and this action should be pursued with respect to Lee Way from the intersection of Beverly Way and Lee Way, to the Intersection of Kantola Lane and Lee Way and then east on Kantola Lane to the current public R-O-W. Mr. John Beery, speaking on behalf Glenn Loomis, assured the Board that it is a 70' right-of-way, and Amy Loomis spoke on the subject as well.

The Commissioners support the idea, and ask Cynda to pursue this matter further.

Sheriff Bolen appeared and discussed filling the vacancy on the jail staff because of the overtime required to cover all shifts. Motion by Commissioner Moore to accept the RBS grant for Waterways salaries, second by Commissioner Winkle and carried.

Commissioner Moore moved to approve the BOR funding agreement at \$8,500, second by Commissioner Winkle and carried.

Commissioner Winkle moved to accept the Jughandle LID extension agreement and Resolution No. 11-10. Second by Commissioner Moore to approve the Chairman signing the same and the motion carried.

Doug Miller reported approval of the JABG project award, continuing since 2002 or so, and asked for approval for the acceptance and use of the funds according to existing agreements. Commissioner Moore moved to accept the funding and authorize the Chairman to sign the same. Commissioner Winkle seconded the motion and it was carried.

Commissioner Moore moved to enter into Executive Session as provided by 67-2345(b), Idaho Code, regarding a personnel matter. Second by Commissioner Winkle and carried by a favorable roll call vote of all three Commissioners.

Commissioners set the subject's salary at \$29,106.

Commissioner Moore moved to enter Executive Session as provided by Idaho Code 67-2345(1)(f) concerning pending litigation. Second by Commissioner Winkle and carried by a favorable roll call vote of all three Commissioners.

Commissioner Moore moved to direct our legal counsel to contact Mr. Roberts to discuss the claim he has made. Commissioner Winkle seconded, and the motion carried.

Economic development was discussed. The following are key items:

Top 20 projects should be listed and prioritized, and 85% of Mr. Blaye's time should be spent on them.

Effort should be put into attempting relationship with Donnelly and McCall by both Mr. Blaye and the Commissioners.

Daily activity reports should be presented to the Commissioners via email at a minimum of monthly.

Monthly report should summarize daily activity reports by Client/Prospect.

Website should be brought up to date.

Any details on activities requested by a Commissioner should be provided when requested.

If clients are unwilling to let the Commissioner's know what John is working on, they will be ineligible for County assisted economic development

Tourism support does not mean working on the event, but enhancing the business of the entity doing the event.

Contract should be amended to make any work product, document or data prepared or assimilated by John Blaye, the property of Valley County, or at least co-property with Valley County.

Commissioners expect significant progress on these items within 30 days.

Mr. Blaye is to be given more time to communicate with and update the Board starting on May 9<sup>th</sup>.

Concerning the Rodeo Arena, Commissioner Winkle has given Matt Williams something to review.

Commissioners agreed to have Tri-State Electric remove the temporary power pole near the green storage shed (court record storage).

The Commissioners asked Clerk Banbury to review the Snowmobile Advisory Committee recommendation, concerning the duties of the groomer coordinator.

Commissioner Moore moved to approve the Francis Wallace parking lot lease. Second by Commissioner Winkle, and carried.

Commissioner Winkle left the Commission meeting at 5:15 p.m.

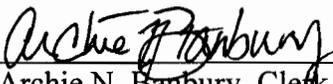
Chairman Cruickshank and Commissioner Moore discussed Valley County signing onto a support letter for a Collaborative Forest Landscape Restoration program (CFLR) for the Forest Service Payette Forest Coalition. After review it was determined it could include supporting road decommissioning. Valley County will not sign the support letter due to the possible road decommissioning.

Chairman Cruickshank moved to pay \$200 to help defray the costs of a person to travel to Challis, Idaho to attend an Economic Development and report back to the Board on what they learn at the meeting. Commissioner Moore seconded and the motion carried.

Adjourned at 5:37 p.m.

  
Gordon L. Cruickshank, Chairman

Attest:

  
Archie N. Banbury, Clerk 

AB/lme 5-10-11