

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
June 18, 2012**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
GERALD "JERRY" WINKLE (COMMISSIONER)
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, correcting the 9:30 a.m. appearance by Vicki Eld to reflect 911 update, instead of Donnelly EMS and further, add an executive session for personnel and litigation and add a decision at 3:15 p.m. from that session, and finally moving the budget workshop to 3:20 p.m. Second by Commissioner Winkle and carried to amend the agenda.

Delta James with the City of McCall led the Pledge of Allegiance to the flag of our country.

Delta then presented an amendment to CUP 12-2-935 to add a full kitchen to a previously approved accessory dwelling unit. This request was approved by the McCall Planning and Zoning Commission with no testimony offered for, against or uncommitted.

Commissioner Moore moved for approval of CUP 12-2-935, second by Commissioner Winkle and carried.

Commissioner Moore moved to approve the meeting minutes of June 11, 2012, second by Commissioner Winkle and carried.

The Board considered meetings for the next quarter of 2012, and scheduled meetings for July 2nd, 9th, 16th (Chairman Cruickshank to be absent on July 16th), 23rd and cancelled the fifth Monday, July 30th. Meetings were then scheduled for the August 6th, 13th, 20th, and 27th (Commissioner Winkle to be absent from the meetings scheduled for August 20th and 27th). Finally, meetings were scheduled for September 4th, September 10th, September 17th and September 24th.

The Commissioners will meet as the Board of Equalization to hear property tax appeals on June 27th for non-appearance appeals, and June 28th for personal appearance appeals, and July 2nd, 2012 after 1:00 p.m. for any further appeals.

Commissioner Moore moved to authorize the Chairman to sign the STAG Grant letter to the City of Cascade. Commissioner Winkle seconded and the motion carried.

Commissioner Moore moved to authorize the Clerk to sign the title over to the Southern Valley County Recreation District for a 1982 Dodge ¾ ton truck VIN #1B6WW34T5CS246943, second by Commissioner Winkle and carried.

Vicki Eld appeared in representation of the Local Emergency Planning Commission's Communications Committee and discussed their last meeting and presented their position that LEPC communications and the 911 Committee should be combined. The 911 Committee appears to have lapsed into inactivity.

The Committee, she suggested, would not be concerned with the financial aspects of 911 except for the application for grants. It is primarily for implementation and use of the systems.

Sheriff Bolen added that originally the 911 committee was formed by Idaho Code, with specific statutory responsibilities. Once E911 was operational, the committee's duties had been fulfilled. The 911 Committee eventually evolved into the Valley County Communications Committee. The Valley County Communications Committee functioned as a subcommittee to LEPC and is recognized as such by Idaho Bureau of Homeland Security.

Sheriff Bolen added that in the past the Mayors of McCall and Cascade had been asked to concur in the selection of representatives for the cities. She agreed that funding issues are not a fundamental concern of the committee. She believes cooperation is presently good among the agencies. Sheriff Bolen has no objection to combining communications committees into one under LEPC.

Commissioner Moore moved to have the 911 Advisory Committee merge into the LEPC Communications Committee. Second by Commissioner Winkle and carried to merge the 911 Committee into the LEPC Communications Committee.

The Payette National Forest personnel did not attend today.

Glenna Young presented tax cancellations numbered 11/12-12 and 11/12-13 as pertains to 10 parcels owned by the United States, and tax exempt. The only effect of this is to reduce the payments to the Southern Idaho Timber Protective Association. She also has cancellations for mobile homes 11/12-14 and 11/12-16. Commissioner Moore moved and Commissioner Winkle seconded approval of these cancellations.

Commissioner Moore moved for approval cancellations 11/12-15, 11/12-17, 11/12-18, 11/12-19 and 11/12-20. Second by Commissioner Winkle and carried.

Chairman Cruickshank opened a public hearing for proposed ordinance 12-02 concerning the prohibition of using Air Compression brakes.

Cynda Herrick provided her staff report concerning Air Compression brakes. She reviewed similar ordinances in other areas.

Proponents of Air Compression ordinance were invited to speak. Mike Ratterree, Cascade spoke and stated that he agrees with the ordinance and thanks the staff for its work.

Uncommitted – None.

Opponents – None.

Cynda pointed out the need to contact Idaho Transportation Department to have signs erected concerning the prohibition of air compression brakes. ITD should be contacted once the ordinance is enacted and Cynda is ready to do so.

Public hearing closed by Chairman Cruickshank.

Commissioner Moore moved to adopt ordinance 12-2 and direct staff to work with ITD to get the requisite signage in place. Second by Commissioner Winkle and carried.

11:14 a.m. Recessed for lunch.

1:00 p.m. Reconvened regular session.

Chairman Cruickshank reiterated the continuation of the City of McCall Master Pathway Plan hearing, and finalization the discussion of May 14th, 2012. The hearing from May 14th was postponed when the time had elapsed and further information and discussion was needed. The hearing had concluded on May 14th to where the commissioners were in deliberations for a decision and found additional information would be needed. Michelle Groenevelt Planner for the City of McCall presented the documents on behalf of the city found some inconsistencies in the draft ordinance which she has repaired and included in her final draft.

Much discussion was held on the legalities of the ordinance being requested for adoption with the Pathway Plan as there is a concern by the Commissioners that the language creates a taking of property and an unlawful tax, requires the construction by adjoining landowners, which includes maintenance from then on. After discussion the Commissioners explained that, while they support pathways, they would not approve the ordinance as presented. Commissioner Moore explained that this wording was very similar to the previous inclusionary zoning ordinance language and if a person substituted the word Pathway in place of Affordable Housing the ordinance would look the same. Commissioner Moore asked if the City had gone back and looked at their ordinances after the inclusionary zoning lawsuit. Michelle replied she did not know if that had been done or not. Commissioner Winkle agreed with the discussion.

The Commissioners then discussed the Pathway Master Plan and how it was worded as it made reference to the landowner and or developer being required to construct pathways along their property. To protect landowners in the City of McCall Impact Area, the Commissioners reworded the section they were concerned about.

Commissioner Moore moved to restate Policy 1.1 found in Section 4.3 on page 34 of the pathways plan as follows:

“Explore opportunities for public pathway connections through new and existing developments and require that all new developments and redevelopment projects discuss with staff the possibilities and opportunities for pathway access through their sites. This should be done regardless of whether an existing pathway is currently available for connection realizing that incremental improvements will eventually result in a connected and functional network.”

Commissioner Winkle seconded the motion and it carried.

Harry Soulen appeared and discussed Animal Damage Control and how the efforts of employees who travel around to confirm wolf depredation in our area. Accompanying Harry was Todd Grimm who manages the employees and Greg Hansen who works in this area to inspect wolf kills when reported to the agency. A discussion was held concerning payment for cattle, sheep and other farm animals lost to wolf predation. He wants to open up the question of money for the program. Last year Valley contributed \$3,000 to the effort. The damage was confirmed as to numbers. Cattle depredation was primarily on the Valley floor, sheep losses tended to be in the high country. A discussion of depredation followed.

Chairman Cruickshank noted that we do what we can within our budgetary limitations to support animal damage control. Harry Soulen agreed that Valley County was doing its share compared with other counties. Harry also thanked the commissioners for allowing him to serve as the representative to the Animal Damage Control for Valley County.

Sheriff Bolen and Teresa Perry, Idaho Parks and Recreation made a presentation concerning the four summit bike ride scheduled for July 28th. There are presently 329 participants registered. Sheriff Bolen said she is considering closing Warm Lake road from the campgrounds on the East side of Warm Lake up to the Landmark Junction for a period of about 2 1/2 hours starting at 9:15 a.m. This closure will be widely advertised by State Parks and Recreation with each landowner in the Yellow Pine and Big Creek area being so notified by a post card.

She will also provide additional patrols on the West end of the course for young people riding the shortened course. Chairman Cruickshank suggested notifying Midas Gold of the race as well because of their heavy equipment using the roads as well and to send in a press release to the Yellow Pine Times to help prewar the folks of this potential temporary closure. Commissioner Winkle also mentioned the Star News as their reporter was in the room. Teresa Perry suggested that they were comfortable with projecting 500, and would like to have 600 participants for the race.

Commissioner Moore moved to convene executive session as provided by I.C. 67-2345(1) (b) and (f) (Personnel and Litigation). Second by Commissioner Winkle and carried. Roll Call Vote, Commissioner Moore, "Aye", Commissioner Winkle, "Aye" and Chairman Cruickshank, "Aye".

Convened Executive Session at 3:00 p.m.

Resumed Regular Session at 3:28 p.m.

Commissioner Moore moved to authorize the Chairman to sign a letter to the cities of McCall and Cascade regarding the prosecution contract with Prosecuting Attorney Matt Williams. Motion seconded by Commissioner Winkle and carried.

The budget workshop scheduled for 3:20 p.m. was postponed until June 25th.

Gordon L. Cruickshank, Chairman

Attest:

Archie N. Banbury, Clerk

AB/tme 6-25-12