

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
June 20, 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 9:00 a.m. with Clerk Banbury taking minutes. Agenda was approved with the addition of including sale of the extra fogger under Commissioner Discussion as well as discussion of the economic development on motion of Commissioner Moore, second by Commissioner Winkle and carried.

Chairman Cruickshank opened a Public Hearing concerning a proposed new ordinance regarding Warrants of Distrain. Glenna Young, County Treasurer, is a proponent and is present. There is no conflict of interest noted by any of the Commissioners. Staff report was presented by Cynda Herrick. There are no proponents nor are there any uncommitted persons present.

Ordinance, to be identified as 11-6, was presented for review and discussion by the Commissioners. The Ordinance is acceptable to all concerned.

Commissioner Winkle moved that Ordinance 11-6 be accepted and published. Second by Commissioner Moore and carried, unanimously, and the Ordinance was signed by Chairman Cruickshank.

Cynda reported on codification of Valley County's Ordinances. She recommended the McCall Impact Area section as formatted by Sterling Codifiers. Cynda discussed the process of reviewing existing ordinances and correcting small errors in spelling, etc. This could possibly be accomplished by making the changes and then ratifying the entire Code inclusive of all changes.

Any material changes must be accomplished through the full procedure of Public Hearing and adoption. The Prosecutor will review any proposed changes and confirm whether or not ratification is appropriate.

Chairman Cruickshank opened the Public Hearing on the Historic Preservation Code. He asked if there were any conflicts of interests with the Commissioners. There being none, he asked Cynda Herrick to provide the staff report.

Cynda Herrick explained that the present Historic Preservation Code, Ordinance 1-87, must be repealed in order to effect the decisions previously made by the Board which authorizes some level of funding after submittal of a budget for creation of a Historic Commission for Barn and other Historic Buildings Preservation. She read from the proposed Ordinance No.11-7.

Chairman Cruickshank asked for proponents, uncommitted or opponents. There being none, Chairman Cruickshank stated for the record that Ordinance 1-87 had not been used. Staff confirmed and read correspondence with Barry Johnson, who said that they have a commission, have had 3 meetings, have gone to conferences, and are working on a budget in order to request the funds. Cynda also paraphrased Ordinance No. 11-7, which stated the reasons for repeal of the ordinance such as this will reduce the burden and cost to the County of running an additional commission; provides the County with a needed update to the Comprehensive Plan at a very low cost; and, will allow us to create a barn registry while still protecting property rights.

Commissioner Moore moved to adopt Ordinance No.11-7, which repeals Ordinance 1-87, and Commissioner Winkle seconded the motion and it carried unanimously.

Cynda then introduced a discussion on the Roseberry Overlay, a review of the 11:00 p.m. closing of all functions and concerts. This had been an amendment to an Ordinance. It was to be reviewed and reconsidered in two years. At this point all correspondence received has been favorable toward retaining 11:00 p.m. Since no one she has heard from disagrees with this closing hour, Cynda recommended retention of the 11:00 p.m. closing time. If the Board of County Commissioners takes no action, the 11:00 p.m. will remain in place.

Stephanie Johnson stated that this is the only event where the closing time is extended to 11:00 p.m.

No action was taken by the Board of County Commissioners and the closing time will remain at 11:00 p.m.

Chairman Cruickshank introduced the Aerobatics Practice Area.

Cynda explained that the issue is not a Planning and Zoning issue concerning a Conditional Use Permit. This issue is to address to the Federal Aeronautics Agency (FAA) concerns about the Environmental Assessment. This includes public concerns involving residential subdivisions and level of agricultural use, particularly during the summer months, June through October.

Rich Stowell, 361 Moon Dr, McCall, who is the applicant, appeared and spoke in response to questions. He said his lowest level is 2,000 AGL, predominantly 3-4,000 feet from the ground. He provided an explanation of the outlined cube of space. He must identify the area because of its proximity to a Federal Airway, which is why he must obtain a permit from the FAA. His instructions relate primarily to safety training. He estimates the number of such training flights at 20 per year. In the past he has performed 18 such training flights per year. Chairman Cruickshank asked about safety training.

He is a master flight instructor, and has trained military and airline pilots. His focus is safety training for the pilots. During 2009 and 2010 there were 174 flights in the area south of the Cascade airport. The aerobatic maneuvering is not stunt flying, but some of the things he does fall within the definition of aerobatic training. He puts pilots into the maneuvers to teach them how to recover to normal flight.

Commissioner Winkle asked if he ever had complaints. He said one person did come to talk to him about what he was doing, and the person had photographed him flying and wanted to sell him pictures.

He added that this had not been discussed in the past, but has been brought into focus because he had asked permission to use the space in proximity to the Federal Airway.

He asked Cynda if she had heard complaints, and she said she had not.

Chairman Cruickshank said he would permit limited public comment. This is not a Public Hearing, but he would like to hear from them if they are satisfied.

Harry Adams spoke and indicated a much higher level of use in an area which he had not noticed previously. The expanded area includes 400 homes which generally would be occupied in the summer months. He asked why he should expand into this new area. This is not, as stated by the FAA, an unoccupied riparian area. It has 400 homes and about 2,000 cattle in the area at this time. He provided a copy of a letter to the FAA, but expects the FAA is simply going to “rubber stamp” the application.

Mr. Adams questioned the validity of the sound projections, questioned the use of “average decibels” as is opposed to peak decibels as sound measurement. He doesn’t think it would be too bad, but he doesn’t want it over his house.

Elt Hasbrouck, 50 Hasbrouck Lane, Cascade. He thinks the air above the land should be considered in a manner similar to the land insofar as use is concerned. He thinks they should stay in the present area. He has had aircraft “buzz” the cattle, and other unpleasant and loud experiences with aircraft.

Wayne Chapman, 86 Goslin Loop, Cascade. He is affected by the use of the air space. He notes the flight level of 9,500 requires oxygen. The applicant would be using the air between 7,000 and 10,000 feet and hypoxia is a problem at those altitudes and could cause crashes.

Rich Stowell responded. He generally works at 8,500 feet MSL, about 4,000 above ground level. He asked for the expanded area for more flexibility, and cited patches of morning fog as something he could best avoid with an expanded area. It does overlap the airport. The whole idea for an aerobatic practice area falls within the federal guidelines. This issue came about because of competition aerobatics. That is not what he does or is about. He is about safe flying and training people how to be safe. He does not believe his sound level will be objectionable as he will not be low.

Commissioner Winkle asked why he picked this location. He answered because he has a hangar here, and flight activity is much less here than in McCall. Cascade is a lot more attractive from a business point of view. Commissioner Winkle stated that there are approximately 400 homes involved in the area mentioned and that people have moved into our valley because of its quiet, serene location. He further stated that this should not be taken away from the residents of the area. Therefore, Commissioner Winkle suggested that the aerobatic practice area could and should be moved further south into a less inhabited area.

Chairman Cruickshank said they will be discussing the matter and invited written comments via e-mail at [commissioners@co.valley.id.us](mailto:commissioners@co.valley.id.us). The deadline for comment by the Commission to FAA is June 26, 2011.

Undersheriff John Coombs and Joel Chaudoir appeared to discuss the final report concerning construction of the Emergency Operations Center. They should receive the permanent certificate of occupancy soon. All matters should be complete by the end of this week, still remaining under budget.

Nate Hines appeared on behalf of the Fair Board regarding Letters of Intent from Brian Kirby and Sally Campbell. The Fair Board is holding off nominating someone to the Board until after the Fair. They are partnering up with the Cascade Air Show for advertising.

Discussion ensued over the Aerobatic Practice Area with no action being made. There were concerns for safety of residents and potential noise contributed by flight training practices. The FAA should have kept all parties apprised with proper notification.

Commissioner Moore moved to request a comment letter be drafted to the FAA and authorize signature by the Chairman. Commissioner Winkle seconded and motion carried. Cynda Herrick is to draft the letter.

Doug Miller presented the Juvenile Detention Agreement with Boise County, juveniles arrested in Boise County are to be held in McCall due to a substantial rate difference than that which they currently hold with Ada County. Doug is also repainting the Annex, utilizing current staff.

Commissioner Moore moved to accept the contract with Boise County for juvenile correction as presented, Commissioner Winkle seconded and the motion carried.

Recessed for lunch at 11:50 pm

Reconvened at 1:00 pm

Commissioner Winkle left at 1:00 pm, to conduct the Jail Inspection.

Matt Williams presented findings on court fines being collected via CBI, reporting that Canyon and Ada Counties had positive working relations with this agency and their staff. Reports collected from ISTARs to CBI, show cases for collection in red and once they are submitted the individuals affected would have to pay CBI and not bring it to the Courthouse.

Matt explained verbiage in contract is essential. For now, start by sending infractions and closed cases to collection.

Chairman Cruickshank would like to move forward on putting together a contract with CBI and collection to start with closed cases and infractions.

Commissioner Moore requested Mr. Williams review the contract, to include how the money would be applied if a person came to the Clerk's office to make a payment.

Chairman Cruickshank requested Matt to prepare a tentative contract and report back to the Commissioners at the July 11<sup>th</sup> BOCC meeting, asking that it be provided a week beforehand for review.

Commissioner Moore moved to convene to Executive Session as per Idaho Code 67-2345 (1)(b) for a personnel matter. Chairman Cruickshank seconded. Roll Call vote - Commissioner Moore "aye", Chairman Cruickshank "aye", Commissioner Winkle excused while performing jail inspection.

Resumed Regular Session at 2:00 p.m.

June Fullmer appeared and reported that, so far, we have 10 appeals. She expects a few more.

D'arcy Maag, contract commercial appraiser, provided information on commercial reappraisal. There were a few actual appraisals, and all were trended. He has four sales, two were foreclosures, two were arms length. Trend applied to land. Overall land declined 33%.

June has a general overall estimate of values. Lakefork area down 10% on average; Donnelly area down 14% on average; Cascade area down 18%; South Cascade to High Valley; down 13%; McCall area down 9%.

Commissioner Winkle rejoined the meeting at 2:20 p.m. after attending the Jail Inspection.

Greg Himes, State Tax Commission Consulting Appraiser, provided statistical data comparing 1/1/2010 values and 1/1/2011 which demonstrated more precision and less dispersion for the 2011 values.

The BOE appeals hearings are to begin June 29, 2011 and those involved should plan for all day, subject to change if necessary. Right now, June has 10 appeals, but if more are received, the Board may meet again on July 6<sup>th</sup>.

Motion by Commissioner Moore to convene Executive Session per IC 67-2345(1)(f) concerning pending litigation. Commissioner Winkle seconded. Roll call vote, Commissioner Moore, “aye”, Commissioner Winkle “aye” and Chairman Cruickshank “aye.”

Convene Executive Session at 3:00 p.m.

Resume Regular Session at 3:28 p.m.

Commissioner Moore moved to instruct Mr. Williams to deny the Higgins claim, second by Commissioner Winkle, and carried.

Jerry Robinson provided a letter to Seubert Excavators, Inc. concerning completion of the rock crushing contract and a response from Seubert Excavators, Inc. wherein they offered to complete 5,000 tons of material by August 8, 2011 and all remaining crushing to be completed by August 31, 2011.

Commissioner Moore moved to communicate to Seubert Excavators, Inc. that we will delay completion of the 2011 Goode Pit Rock Crushing contract until August 10, 2011 and that we expect full performance by that date or the penalty phase will commence. Second by Commissioner Winkle and carried. Motion to authorize the Chairman to sign the letter by Commissioner Moore, and second by Commissioner Winkle and carried.

Stephanie Johnson appeared and asked for approval of the Paddy Flat #2 contract with (Pakan-Yani) to increase the total work area to 39.60 acres, an additional 9.7 acres at the same rate as the balance of the contract.

She also provided a reimbursement request for Paddy Flat #2 to the Chairman for signature as previously approved.

Commissioner Moore moved to authorize the Chairman to sign a building permit for the addition to the Francy Wallace groomer shed owned by Valley County. Second by Commissioner Winkle and carried.

Chairman Cruickshank moved to authorize Commissioner Winkle to sign a Memorandum of Understanding with the Woody Biomass Utilization Partnership; seconded by Commissioner Moore and carried.

Commissioner Winkle moved to approve a proposal for insect spraying for the next 12 months for \$3,000. No second. Chairman Cruickshank asked the Clerk to look for other vendors who may provide this service at a reduced cost.

Commissioner Moore moved for approval of both the Regular and Special Meetings of June 13<sup>th</sup>, 2011, second by Commissioner Winkle and carried.

An offer has been received for the surplus fogger for \$4,000. Commissioner Moore moved to sell the fogger for \$4,000, second by Chairman Winkle and carried.

Adjourned at 5:20 p.m.

Attest:

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Gordon L. Cruickshank, Chairman

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Archie N. Banbury, Clerk

AB/tme 6-24-11