

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

June 22, 2009

**PRESENT: GERALD "JERRY" WINKLE) CHAIRMAN
FRANK W. ELD) COMMISSIONERS
GORDON L. CRUICKSHANK)
ARCHIE N. BANBURY, CLERK**

Chairman Winkle called the meeting to order at 9:00 a.m.

Claims were read by Commissioner Cruickshank:

General Fund	\$99,685.48
Road and Bridge	\$10,679.99
Magistrate Court	\$2,636.47
Probation	\$ 501.70
Indigent and Charity	\$6,499.83
Solid Waste	\$58,012.65
Tort	\$285.12
Weeds	\$1,939.26
Snowmobile 43-A	\$1,102.50
Snowmobile 43-B&C	\$135.00
Waterways	<u>\$1,961.91</u>
Total	<u>\$ 183,439.91</u>

On motion of Commissioner Cruickshank, second by Commissioner Eld, and carried to approve payment of the claims.

On motion of Commissioner Cruickshank, second by Commissioner Eld, and carried to approve Resolution #09-21 which adjusts balances between Snowmobile areas.

Treasurer Glenna Young reported on Treasurer matters, and asked for cancellation of taxes for Wagon Wheel Ranch Recreation Corporation for 2006 and 2007 totaling \$628.50.

On motion of Commissioner Cruickshank, second by Commissioner Eld, and carried to approve the cancellation as requested.

Assessor Karen Campbell presented exemption requests concerning two parcels owned by the YMCA and in conjunction with the Church Camp at Horsethief Reservoir.

On motion of Commissioner Eld, second by Commissioner Cruickshank, cancellations approved by Commissioners acting in their capacity as Board of Equalization.

Deb Deree appeared, presented Cindy Goodwin and introduced her as a newly hired Deputy Court Clerk.

Prosecutor Matt Williams briefed the Commissioners on events in his office.

Doug Miller reported on probation and juvenile corrections matters and his interviews for a new employee, with the person selected to be decided. He thanked Sheriff Bolen for her help in training first responders for Sheriff's deputies.

Cynda Herrick reported on Planning and Zoning issues. Discussion of the Planning and Zoning Commission's work on impact fees resulted in a request to ask Anne Westcott to respond to the presentation made by Ray Moore. Also, if additional funding is needed to complete the work on impact fees, she should make such a request. Clerk Archie Banbury will appear before Planning and Zoning to discuss Mr. Moore's presentation from a budgetary point of view.

Greg Malmen reported on Data Services activities.

Sheriff Patti Bolen appeared and reported on activities in her office, the jail and dispatch. Enhanced 9-1-1 is live and operational since 3:00 a.m. on Thursday morning. The grant in which they applied for a vehicle has been approved. A Jail Inspection is needed. Over the Fourth of July weekend, she wants to limit parking on East Lake Drive to the west side of the street only. The road is under the jurisdiction of the Department of Lands.

On motion of Commissioner Cruickshank, second by Commissioner Eld to agree to the provisions of the letter concerning the boat grant from Idaho Parks and Recreation for use by Waterways and carried.

Kevin Gaither appeared and presented the Clark Mosquito Contract for approval, should it become necessary to spray for West Nile Virus outbreaks.

Weed report included noting an increase in Rush Skeleton in the South County, possibly because of the wet spring. Grasshopper bait is not yet available.

On motion of Commissioner Eld, second by Commissioner Cruickshank, and carried to sign the Clark Mosquito contract.

10:31 a.m. - Closed session for Indigent and Charity.

- 09-GH063 Denied for County Medical Assistance/Release of Medical Lien
- 09-JW070 Denied for County Medical Assistance/Release of Medical Lien
- 09-AB088 Denied for Medical Assistance
- 09-CF088 Denied for Medical Assistance
- 09-CC066 Denied for Medical Assistance
- 09-JR061 Denied for Medical Assistance
- 09-RG063 Findings of Fact, Conclusions of Law & Final Determination/Denial for Medical Assistance
- 09-TC063 Approved for Medical Assistance/Medication (Generic)

The following Subpoenas were issued for non-payment of Indigent Accounts: 04-F033, 04-GJ08, 98-H102, 05-CH04, 04-H032, 03112003, 96-H101, 07-WJ001, 08-LG064, 02-G101, 98-G104, 06-H004, 95-G102, 03-D001, 94-B104, 00-D101, 00-B101 01-B103, 02-B102, 94-C102, 02-C102, 98-CJ1, 99-C101, 02-D101, 93-D101, 98-D102

10:58 a.m. - Reconvened into Regular Session.

On motion of Commissioner Cruickshank, second by Commissioner Eld, convened Executive Session as provided by Idaho Code 67-2345(f), concerning legal matters, and later, 2345(b) personnel matter.

Accepted resignation of Dwight L. Utz, County Engineer on motion of Commissioner Eld, second by Commissioner Cruickshank and carried.

The balance of the Executive Session was tabled until afternoon.

Chairman Winkle moved to approve a temporary position for the duration of 8 weeks at 40 hours per week, and \$8.00 per hour assisting in the District Court. Second by Commissioner Eld, and carried.

Sheriff Bolen and Captain Coombs appeared to discuss the building proposed for evidence storage, equipment housing, the dispatch center and training facility.

Captain Coombs comments were predicated on an informal proposal from PETRA. He would like to speak with other engineering/design firms. This will have to be open to the public for bid.

Adjourned for lunch.

Reconvened at 1:05.

Opened Public Hearing concerning the Land Use and Development Ordinance. Commissioner Eld reported on his involvement with Preservation Society. No ex-parte.

Cynda Herrick provided staff report.

No responses received to public notices.

There were no proponents.

There were no uncommitted.

Opponents:

Helen Layton, 13123 Farm to Market Road, read a letter suggesting approval for later hours on a case by case basis as opposed to a blanket authority. Suggested that the crowd gets crazy after 10:00 p.m.

No rebuttals.

Closed public hearing. Commissioner Eld agreed with Mrs. Layton. There is one event where several bands are invited. The Board (of Long Valley Preservation Society) passed a resolution that the building be open after 10:00 p.m. only upon special request. This relaxation of the rule is usually once a year because of the cost of the performance.

Commissioner Cruickshank moved and Chairman Winkle seconded, approval of an amendment to section 404 (01) (b) of the Land Use and Development Ordinance to allow an 11:00 p.m. shut down for the Folk Lore Music Festival. This issue will be reviewed in two years.

Concerning the EPA letter, Cynda will coordinate the production of Keller's letter to the Board of County Commissioners.

Chairman Winkle excused himself from the meeting with the permission of the Commission.

Commissioner Eld moved, Commissioner Cruickshank seconded and it was carried to appoint Andria Pomeroy to the Fair Board.

Commissioner Eld moved, Commissioner Cruickshank seconded and carried to approve the Simplifile contract.

Commissioner Eld moved, Commissioner Cruickshank seconded and carried to continue with the Jughandle Project and accept the \$150,000 grant from Idaho Department of Lands.

Commissioner Eld moved and Commissioner Cruickshank seconded, that in regard to the matter of John Blood, the Prosecutor is authorized to proceed with a vigorous defense to the suit he has filed.

Commissioner Cruickshank moved and Commissioner Eld seconded to appoint Commissioner Eld as the Payette National Forest Fire Contact.

On motion of Commissioner Eld, second by Commissioner Cruickshank and carried, to approve the meeting minutes of June 8th and June 10th, 2009.

Commissioners signed Forest Road Project Agreements as previously approved, specifically RAC Project No. 9007, Sack Creek Road No. 582 Culvert Replacement Project and Rehabilitation and Restoration Work (WFW3) on roads associated with the 2007 Cascade Complex Wildland Fire.

It was noted by Commissioner Cruickshank that Sandra Mitchell, Idaho State Snowmobile Association, has indicated her support in the acquisition of the Smith's Ferry property and the attendant lease(s).

As to Packer John Road, Commissioner Cruickshank moved to perform limited summer maintenance to the Blessing residence, second by Commissioner Eld and carried.

The Northwind Subdivision Variance involves a request for a variance to permit gravel roads. On motion of Commissioner Eld and second by Commissioner Cruickshank to deny the variance and carried. Applicants may apply for conversion of the roads to "private roads" from public roads.

Regular maintenance is nearly complete, but slow due to the continuing wet weather. Dust Abatement will start soon.

The May MRF report was submitted for review.

Commissioner Eld moved for acceptance of the bid for the Cleaning Contract from Warren Gunderson, Valley Management Corporation at \$50,000 which was the lowest bid offered. Commissioner Cruickshank seconded the motion, and carried.

Jerry Gocken objected, citing a clause in his contract, in which he stated his employees, which Warren Gunderson was a former employee, may not be considered for employment by Valley County. Prosecuting Attorney Matt Williams offered his opinion insofar as contracting with a corporate entity to start July 1, is acceptable and does not violate his existing contract.

Commissioner Eld moved and Commissioner Cruickshank seconded to pay the hotel expenses for Valley County Service Officer Mike Keithley's attendance at a State sponsored training session in August, as requested by the Idaho Department of Veteran's Affairs.

Karen Campbell provided a list of Property Tax "Exempt" organizations who had applied for current exemption, as well as others who had not.

On motion of Commissioner Eld and second by Commissioner Cruickshank, exemptions were approved for the following Parcels: #RP00583000010 and #RP13N04E010606.

Commissioner Eld moved, and Commissioner Cruickshank seconded continuing the morning's Executive Session of considering matters covered by Idaho Code 67-2345(b).

Commissioner Eld moved, Commissioner Cruickshank seconded to resume regular session.

Commissioner Eld moved, Commissioner Cruickshank seconded to assign Matt Williams to discuss a personal service contract with Mike Stewart concerning writing grants. Motion carried.

Adjourned at 5:53 p.m.

GERALD WINKLE, CHAIRMAN

ATTEST:

ARCHIE N. BANBURY, CLERK