

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
June 6, 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 8:55 a.m. with Clerk Banbury taking minutes. Agenda was approved as presented on motion of Commissioner Moore, second by Commissioner Winkle and carried.

The meeting of June 13th was discussed. It will be here in the Courthouse from 9:00 to 11:00 a.m. After adjournment, a special meeting of the Board will be convened in McCall at 1:00 p.m. Economic development and possibly transit funding and community housing will be discussed. Time permitting, public comment will be requested.

Chairman Cruickshank opened a Public Hearing concerning amendments to the Valley County Land Use and Development Ordinance. There were no conflicts of interest noted by the Commissioners.

Cynda Herrick provided a staff report explaining the need and reasoning for the amendments. There being no one present in the Commissioner's chambers other than the Commission, Clerk, and Planning & Zoning Administrator, the Chairman noted there were no opponents, no proponents and no undecided present in the chambers. He closed the Public Hearing.

Commissioner Moore moved for approval of the amendments to the Land Use and Development Ordinance. Second by Commissioner Winkle and carried.

Convened Public Hearing concerning VAC No. 11-01. No ex parte contacts or conflicts noted by members of the Board.

A staff report was presented by Cynda Herrick. Representative for the applicant, Michael G. Pierce, Attorney at Law, was present in chambers. The Planning and Zoning Commission unanimously approved the Vacation on April 14, 2011. Chairman had no questions. Question by Commissioner Moore requesting to view the plat., and he was shown the same by Cynda. She explained the Vacation to each of the Commissioners from the plat.

Mr. Pierce, representing the applicants, explained the history of the property. There has been no public involvement with the road for which vacation is sought, and it was not constructed.

There being no proponents other than Mr. Pierce, no opponents, and no uncommitted present in chambers, accordingly Chairman Cruickshank closed the Public Hearing.

Commissioner Winkle moved to approve Vacation Application No. 11-01, a Portion of Rapid Creek Road, a private road, in Paddy Flat Subdivision, and accept the Planning and Zoning Commission's Findings of Fact and Conclusions of Law as our own. This motion was made with the understanding that the applicant shall prepare and record the deeds. This action will take effect at the time of recordation of the Declaration of Vacation by the Planning and Zoning Administrator. Second by Commissioner Moore, and carried.

Commissioner Moore shared with the Board an email from Michael David which claimed that the County's contract with VARHA was originally set in 2006, and "updated" annually, however, neither VARHA nor Valley County has been able to produce said contract. Commissioner Moore pointed out a description of services previously provided by VARHA as well as previous minutes of the Board which contained requests made of VARHA. It does not appear that the services or requests have been fulfilled. Commissioner Moore suggested we need a housing policy and that we have a capable Planning and Zoning Administrator who presently has time to work with housing policy and a housing authority. He does not want to give up on affordable housing, but changes in the funding of and expectations of Valley County's housing authority are necessary.

Commissioner Winkle agreed. He thinks Mr. David has been avoiding us, or at least it was difficult to get him to a meeting with the Board of County Commissioners.

Gretel Kleint was present. She is a Commissioner of VARHA and thinks the Board of County Commissioners is dancing around the real issue. There is \$15,000 still due on their contract. Must we pay the entire budgeted sum? Next year it is up to the Board of County Commissioners, but this year VARHA should be paid.

Commissioner Moore addressed the lack of copy of a contract (dating back to 2006). Gretel wants the bills of VARHA to be paid, which are budgeted by VARHA. She feels there is no need for VARHA. The Housing Authority is prepared to work, but presently there is nothing to do and nothing anticipated in the foreseeable future to do.

Commissioner Winkle inquired as to the expenses incurred. Mrs. Kleint said the bills to be paid are the Director; second the Accountant. There is no office space and no secretarial staff. The Director's salary should be paid whether he has worked on anything or not. His job is expected not to drum up business. If nothing else, copies of bills should be submitted to see what the County should be responsible to pay.

Chairman Cruickshank thanked Ms. Kleint for her participation and asked Cynda again to request clarification on what is requested in billings to VARHA. Further instruction was given to Cynda to work with the VARHA Board to see how to proceed in the future. Chairman Cruickshank also stated that we need to see actual expenses before any money would be approved.

Ralph McKenzie, Solid Waste Supervisor appeared and provided information concerning a proposed schedule for removal of hazardous waste. He provided a quote from H2O Environmental of Boise for consideration, in the amount of \$18,192. It is accommodated in his budget for Solid Waste for additional dumpsters. Commissioner Moore commented that it is a lot of money, given that last year was the first time in our history to have done this. Would it be more appropriate to do this every two to three years?

Eventually, it catches up to Solid Waste by inquiries/complaints from DEQ and the Health Department. The need is there, and there are not grant funds available. It could be done every 2nd or 3rd years, but the price for doing so will be accelerating accordingly. Chairman Cruickshank inquired concerning the availability of grants or if the adjoining counties or cities might help finance? Ralph doesn't know if any grants are available or if the counties and cities will contribute.

The choices are to approve it, deny it, or wait another year. This is a one-day event which would require a few days to prepare for it. Could Adams and Idaho County be involved as well? Yes, Adams County was involved last year, but the people must bring their waste to Valley County. The Board would like a little more information from DEQ, Dept. of Health, and the other Counties.

Everett Arter of Lakeshore Disposal spoke in support for this hazardous cleanup waste. He is concerned that if we do not accommodate the public they will dispose of hazardous waste by improper or unsafe methods.

Chairman Cruickshank opened the discussion with Lakeshore Disposal on their request for a price increase for FY 2012. The Commissioners had reviewed the general ledger supplied by Lakeshore and had questions. Commissioner Moore had run many numbers on the issue and will be asking the questions.

Commissioner Moore discussed a proposed rate increase from Lakeshore with Everett. Such requests are to be made annually, and are to be made before May 1st, and for items beyond their control. First, he sees representations concerning other Counties. These numbers are from the general ledger, which is all inclusive. Idaho and Adams Counties are included because they bring trash to our disposal site. The City of Cascade has mandatory pickup and he is not sure that Cascade is part of Valley County's contract. Adams County trash is only allowed when a truck with Adams County trash has a breakdown. Lakeshore does have a separate contract with Adams County to collect their trash. The Idaho County trash is limited to Riggins and Warren with an agreement with Valley County. Everett agreed that numbers from the other contract holders should be removed from the information used to calculate costs for Valley County.

Commissioner Moore questioned how the depreciation is passed on to the County. Everett claims everything on the list in the depreciation schedule is necessary for Lakeshore to operate in Valley County. Commissioner Moore asked if the change to front load trucks was authorized by Valley County and if it was necessary to collect trash in Valley County. A discussion followed concerning rear load versus front load trucks. Industry-wide, front loaders are replacing the rear loaders for reasons of safety and efficiency. The replacement of rear loader trucks occurred at a time when the trucks were due for replacement. Replacements in 2009 and 2010 were with used trucks, not new, transferred from other districts. Commissioner Moore then repeated his question if this was beyond Lakeshore's control to clarify the rate increase must be out of Lakeshore's control.

A question was raised on the need for a truck wash bay requested to add into the program. The truck wash bay cost is an allocation from Lakeshore's corporate headquarters, not a reflection of the actual costs. It has not been built as yet. Chairman Cruickshank noted that in prior years they were asked to clean up the trucks. He noted that the Valley County's shop in Lake Fork has a truck wash bay constructed at a lesser cost. Lakeshore commented the wash bay has not been approved by corporate headquarters at this point. There are no vendors in the area who are willing to provide this service.

Extra dumpsters and carts were purchased during the boom years and now they appear on the depreciation schedule, however those dumpsters and carts are not being used today. Everette said he has the dumpsters and carts stored in four different locations in the area and that some may have been transferred to other areas. Commissioner Moore questioned if those dumpsters and carts are necessary to keep if not needed.

Commissioner Moore pointed out that the depreciation schedule also reflected the purchase of all of trash collection businesses and contracts in the region, including those outside of Valley County. This is not an expense that was anticipated in the original contract nor is it beyond Lakeshore's control.

The price increase is affected only in a small way by depreciation per Lakeshore. However, Commissioner Moore disagreed as he pointed out that the numbers provided reflect a large increase. A discussion was held concerning rent on property owned by the former owner. It seems that the former owner had provided real property for use in the business of Lakeshore during his tenure as owner. It was not sold or otherwise conveyed when the present ownership acquired Lakeshore. They now must pay rent to the former owner for use of the property. Commissioner Moore then commented that Lakeshore purchased the business and it was not Valley Counties responsibility to pay for their rent as we never paid it to the prior owner. Payments to the prior owner are also shown. Why is this Valley County's responsibility?

Commissioner Moore asked if the overtime paid (20% of overall wages) is within their control, or is there a cheaper way to do it? Mr. Arter thinks it's reasonable in light of the difficulties in scheduling the various segments of his operation. The hiring of additional employees is not a good solution. Chairman Cruickshank asked if Lakeshore gave raises last year as Valley County employees have not received raises in two years. Everette said the labor force received a 2.5% raise last year. Management received no raise. Additional employees would cost more than the overtime paid.

Corporate expenses and corporate overhead were also discussed and if this was or should be a part of a rate increase request.

Objection was taken and accepted for advertisements in areas other than Valley County, as well as donations to schools and other charities. Included with this was a Christmas party, gift cards from Cabela's, lodging for administration and meals charged at a known bar, which questions if alcohol was purchased. All begging the question is this necessary to run the operations of collecting trash.

Entertainment items and a Penalty from the State Tax Commission were also mentioned as items that were not necessary.

Commissioner Moore requested Lakeshore to clean the request by removing all the items not related to the Valley County Contract and bring it back for review. Chairman Cruickshank asked Lakeshore to communicate with Commissioner Moore to make sure we received sufficient information before it was brought back to the Board. No time was set for a future review.

Recess for Lunch at 12:05 pm

Reconvene at 12:55 pm

Terry Campbell, Collection Bureau of Idaho, appeared and discussed the services her firm offers. After discussion, Valley County Prosecutor Matt Williams was asked to contact Prosecutors from Counties who employ CBI as a collection agency, to obtain or confirm the answers to questions he may have concerning using an outside agency to collect. The differences between infractions, misdemeanors and felony violations as far as probation and other matters were discussed. Matt asked for two weeks to work out the details, i.e. June 20th.

Douglas Miller appeared and provided a new agreement for the clinician to assess juveniles concerning mental health or substance treatment. The clinician meets with the juvenile and also meets with the parents to advise them of clinical findings. This is paid directly to the clinician by the Department of Juvenile Corrections, in the amount of \$13,000. Commissioner Moore moved to approve the above described agreement, seconded by Commissioner Winkle and carried.

Closed session for Indigent and Charity at 1:50 p.m.

Case #11-KG050 – Release of Medical Indigent Lien.

Reconvene Regular Session at 1:53 p.m.

Mayor Carter appeared representing the City of Cascade to discuss economic development. City Council member Deb Haskins attended as well. He described the National Championship in Kayaking to be held in Cascade, Channel 7 coverage, and a crowd of 3,000 expected. He described the problem of a lack of accommodations in Cascade and the need for busing spectators to McCall for motel space.

The protocol for the presentation of awards ceremony in downtown Cascade was explained by Mayor Carter. Traffic through downtown will be stopped for a period of 4 hours. He wants a new City Ordinance to enable promoters to request a waiver of the "no open container" law and make it legal for vendors to sell alcoholic beverages on Main Street between Cascade Auto and Bob Bate Ford. The purses are \$7,500 each for each of the two kayaking winners.

He is also planning an Air Show under the Valley County Convention Bureau. His focus now is getting the tourist dollar into Cascade. Ronda Sandmeyer spoke about the Air Fair, which will be an air show running simultaneously with the Valley County Fair. She also spoke concerning tourism and its impact on the community.

Chairman Cruickshank asked where the city wants to go from here. Mayor Carter discussed what Cascade was doing to enhance our visitor level. The attractive resources are here should help bring people into the area, boating, fishing, rafting, kayaking, hunting, skiing and snowmobiling.

Deb Haskins also spoke on the subject of tourism from the City Council's perspective.

Sheriff Bolen appeared and discussed the record keeping for E-911, and what is reimbursed from the E-911 trust.

She also discussed the comp time issue with deputies attending POST training.

Grant Daniel appeared and discussed the Comm World antenna and other installations at the facility on No Business. He needs a key or other access to the No Business site to service his equipment and keep his customers happy. The Sheriff is agreeable to his having a key, and would like him to document his visits. Also, there is a need for a new contract with Comm World to explain the details more accurately.

Interfaces now on the internet require a lot of band width. His present equipment is inadequate to handle it. He needs new equipment installed to handle this expansion of band-width. He wants to phase the older equipment out and this will involve the antenna tower.

Stephanie Johnson appeared and requested approval for a fuels mitigation grant for \$75,000, monies to be utilized prior August 30, 2011 to be referred to as "Valley County IDL Western States Fire Managers Grant". She plans to use three contractors to accomplish this effort. The necessary agreements are in process and will be tendered to the BOCC for approval as soon as possible.

Commissioner Moore moved and Commissioner Winkle seconded approval for the grant as outlined above, accepting the \$75,000 and authorizing any one of the Commissioners to sign the grant on behalf of the others, as time is of the essence. Motion carried.

Commissioner Moore also moved to allow Stephanie to prepare and submit land owner agreements for signature by any one of the Commissioners who may be available to sign the same, again because of the necessity for timely actions/reactions, second by Commissioner Winkle and carried.

Commissioner Moore moved to approve the agreement with Joseph Kennedy for fire mitigation work utilizing the Valley County IDL Western States Fire Managers Grant, second by Commissioner Winkle and carried.

Commissioner Moore moved to convene an Executive Session as provided in Idaho Code 67-2345(1)(f), concerning pending litigation, second by Commissioner Winkle and carried. Roll call vote, Commissioner Moore, “aye”, Commissioner Winkle “aye” and Chairman Cruickshank, “aye”.

Convened Executive Session at 4:28 p.m.

Reconvened Regular Session at 4:37 p.m.

Commissioner Moore moved to authorize Prosecutor Williams to answer the appeal and file a counter appeal, second by Commissioner Winkle and carried.

Commissioner Winkle left the meeting at 4:56 p.m. and returned at 5:00 p.m.

Commissioner Winkle again left the meeting at 5:27 p.m.

PTO policy changes and corrections were discussed. Tami will report at a future meeting on the issues discussed and provide the changes and corrections in a clean document for possible approval.

Commissioner Moore moved, and Chairman Cruickshank seconded approval of the minutes of May 31st, and June 1st, 2011 and motion carried.

Adjourned at 5:49 p.m.

Gordon L. Cruickshank, Chairman

Attest:

Archie N. Banbury, Clerk