

Valley County Board of County Commissioners

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**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
November 19, 2018**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
BILL WILLEY (COMMISSIONER)
ELTING HASBROUCK (COMMISSIONER)
DOUGLAS MILLER (CLERK)**

Meeting called to order by Chairman Cruickshank at 9:00 a.m.

Commissioner, Bill Willey led the Pledge of Allegiance.

Chairman Cruickshank presented the commissioners' agenda for November 19, 2018. Commissioner Hasbrouck made a motion to approve the commissioners' agenda for November 19, 2018. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioners' agenda for November 19, 2018.

Chairman Cruickshank presented the commissioner meeting minutes from November 13, 2018. Commissioner Willey made a motion to approve the commissioner meeting minutes from November 13, 2018. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioner meeting minutes from November 13, 2018.

Chairman Cruickshank presented the Area Agency on Aging Joint Powers Agreement for District III Valley County. Commissioner Willey made a motion to accept the Area Agency on Aging Joint Powers Agreement for District III Valley County. Commissioner Hasbrouck

seconded the motion. No further discussion, all in favor. Motion passed to accept the Area Agency on Aging Joint Powers Agreement for District III Valley County.

Chairman Cruickshank presented the letter of support for the LHTAC Grant Children Pedestrian Safety Program for the City of Cascade. Commissioner Hasbrouck made a motion to approve the letter of support for the LHTAC Grant for the Children Pedestrian Safety program for the City of Cascade. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the letter of support for the LHTAC Grant for the Children Pedestrian Safety program for the City of Cascade.

Chairman Cruickshank presented the 2019 Annual Operating Plan Boise National Forest 18-CS-11040204-002-Snowmobile Trail Grooming Program. Commissioner Hasbrouck made a motion to approve the 2019 Annual Operating Plan for the Boise National Forest 18-CS-11040204-002-Snowmobile Trail Grooming Program. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the 2019 Annual Operating Plan for the Boise National Forest 18-CS-11040204-002-Snowmobile Trail Grooming Program.

Chairman Cruickshank presented the 2018 Annual Juvenile Justice Report. Commissioner Hasbrouck made a motion to accept the 2018 Annual Juvenile Justice Report. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept and approve the 2018 Annual Juvenile Justice Report.

Chairman Cruickshank opened the sealed bid for the Tax Deed Property. It should be noted that there was only one sealed bid received. Chairman Cruickshank opened the bid from Ms. Maria Outhet and the bid was for \$700.00. Commissioner Hasbrouck made a motion to accept the \$700.00 sealed bid from Ms. Maria Outhet for Parcel# RPM00000085743. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept the \$700.00 sealed bid from Ms. Maria Outhet for Parcel# RPM00000085743.

Human Resource Director, Pat Duncan presented to the commissioners regarding the Valley County Employee Recognition Program. She was proposing that employees who have been with Valley County for 10, 15, 20, 25 years will be recognized at the fourth Board of County Commissioners meeting in the month of the employees' service anniversary. She requested that the employees will be presented with an Award of Excellence during the meeting and awards will vary based upon years of service. She presented on potential awards that would be presented to employees who have 15 years through 30 years of service with Valley County. Pat proposed that the expenditures would be expended out of the Human Resource Employee Recognition Expense Line. Commissioner Willey made a motion to accept the Employee Recognition Program as presented by Human Resource Director, Pat Duncan. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to accept the Employee Recognition Program as presented by Human Resource Director, Pat Duncan.

IT Director, David Crawford presented a list of tablets for the commissioners to consider donating to the Homedale Police Department. There were three tablets that were no longer used by the Valley County Sheriff's Department and he was recommending that commissioners donate the tablets to Homedale Police Department. David advised that the tablets would be cleared of all information. Commissioner Hasbrouck made a motion to allow

IT Director, David Crawford the ability to donate the surplus tablets to the Homedale Police Department. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to allow IT Director, David Crawford the ability to donate the surplus tablets to the Homedale Police Department.

Commissioner Hasbrouck made a motion to go into Executive Session per Idaho Code 74-206 (b)-Personnel. Commissioner Willey seconded the motion. No further discussion, by roll call vote all commissioners voted "aye". Commissioners went into Executive Session per Idaho Code 74-206 (b)-Personnel at 10:30 a.m.

Chairman Cruickshank brought the commissioners out of Executive Session per Idaho Code 74-206 (b)-Personnel at 10:57 a.m. No decision was made after Executive Session per Idaho Code 74-206 (b)-Personnel.

Commissioner Hasbrouck made a motion to go into Executive Session per Idaho Code 74-206 1 (d)-Indigent & Charity. Commissioner Willey seconded the motion. No further discussion, by roll call vote all commissioners voted "aye". Commissioners went into Executive Session per Idaho code 74-206 1 (d)-Indigent & Charity at 10:58 a.m.

Chairman Cruickshank brought the commissioners out of Executive Session per Idaho Code 74-206 1(d)-Indigent & Charity at 11:07 a.m.

Decision after Executive Session per Idaho Code 74-206 1 (d)-Indigent & Charity

19-AA089 Amended Request for Denial

19-JE083 Request for County Indigent Lien / New Non-Medical Application

Boise National Forest District Ranger, Jake Strohmeyer presented that the French Creek Project would be moving forward at this time. He informed the commissioners about the prescribed burns that had been done during the fall of 2018. He thanked the commissioners for the work that had been done at the Warm Lake Transfer Site. He presented on job openings within the Boise National Forest which might allow two openings at the office in Cascade. He explained that the Boise National Forest would be looking at new priorities of work to be conducted including forest restoration work. He advised that down to base staff at they would begin accepting applications for seasonal work for the summer of 2019. Mr. Strohmeyer presented on projects involving the Boise National Forest Emmett District and he reported on hazard fuel reduction project in the Lowman District.

The commissioners recessed for lunch at 11:58 a.m.

The commissioners returned from lunch at 1:00 p.m.

Chairman Cruickshank began the workshop for the proposed Waterways Ordinance between the Waterways Committee and the Payette Protective League. Chairman Cruickshank introduced those in attendance for the Waterways Committee including Mr. Al Wonenburg, Ms. Jackie Wonenburg, Mr. Harvey Iverson, Mr. Douglas Roe, Deputy, Kevin Turner and

Undersheriff, Jason Speer. Chairman Cruickshank introduced members of the Payette Protective League, Ms. Susan Bechdel and Mr. Cutler Umbach.

Chairman Cruickshank began reviewing the proposed ordinance that was prepared by the Waterways Committee. Chairman Cruickshank went line by line of the proposed ordinance and it was disclosed that there was no agreement regarding age requirements which fell under **4-5-6-2: AGE FOR OPERATING A VESSEL**. There were also questions on **4-5-7-4: NORTH FORK of PAYETTE RIVER, North of Cascade Lake NO MOTOR DRIVEN VESSEL AREA**; and **4-5-7-5: PAYETTE LAKE, NO WAKE ZONE** and **4-5-7-7: BOULDER CREEK ARM, LAKE CASCADE, NO WAKE ZONE**.

Ms. Susan Bechdel with Payette Protective League provided an overview of the preparation that they had done when preparing the Ordinance that was prepared in 2008. She explained the additional work that had been conducted by the Payette Protective League and to incorporate the work that was done by the Waterways Committee.

Chairman Cruickshank began reviewing the draft ordinance that was prepared by the Payette Protective League. In reviewing the draft ordinance prepared by the Payette Protective League the group wanted to review the **4-5-1**; **4-5-2: PURPOSE AND COVERAGE TITLE**, **4-5-4: DEFINITIONS**, **4-5-5: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY**, **4-5-6: ADDITIONAL OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR CERTAIN PUBLIC WATERWAYS IN VALLEY COUNTY**, **4-5-7. SUMMARY OF RULES AND REGULATIONS**, **4-5-9. ENFORCEMENT** and **4-5-8: VIOLATIONS AND PENALTIES**.

Chairman Cruickshank began the discussion related to 4-5-1: Title and it was discussed that the Title be changed to Valley County Safe Boating Ordinance.

Chairman Cruickshank began the discussion related to **4-5-2: PURPOSE AND COVERAGE**. The discussion was related to number 3 through number 6. There was no final decision if the Payette Protective League or the Waterways Committee 4-5-2: Purpose and Coverage would be used in the final proposed ordinance.

Chairman Cruickshank began the discussion related to **4-5-4: DEFINITIONS** and the section that states EXCESSIVE, DANGEROUS OR DAMAGING WAKE: A wave of water or track of turbulence resulting from the passage of a vessel through the water that, by its size, height, speed, intensity, repetition or duration, is observed to, or could reasonably be expected to cause within the no wake safe water zone or in designated swimming areas: property damage; shoreline erosion; damage to or dispersal of aquatic plants or navigational or safety hazard signage; or harassment or endangerment of other boaters, swimmers or other water users. It was agreed that the wording would be taken out but there needed to be more discussion regarding damaging wake.

Chairman Cruickshank began the discussion related to age restrictions. Specifically ADULT SUPERVISION: Having a person age eighteen (18) years of age or over on or in a vessel. They will postpone until there is a discussion related to age limits.

There was discussion related to PAYETTE LAKE/UPPER PAYETTE LAKE RESTRICTED VESSEL SPEED MAP: A geographical representation of the speed limits allowed on those waters. The Payette Protective League believed that the Valley County GIS could create these types of maps for the general public. There was a discussion to create a No Wake Map instead of a Speed Map to be created for all the bodies of water. It was determined that the matter did not need to be placed into the ordinance.

Undersheriff, Jason Speer wanted to make sure that the definition of wake was the same wording that was used in Idaho State Code.

The next discussion related to OVERNIGHTING: Spending more than six (6) hours between sunset and sunrise.

The next item to be discussed was WATERWAYS WITH VESSEL RESTRICTED AREAS: Personal watercraft operational zone, where personal watercraft may be regulated as to no wake zones, exclusive use, no use, or distance of use from shoreline; and a diver protection area where activities in the vicinity of a diver are regulated. It was suggested that this portion be put on hold for further discussion.

Chairman Cruickshank began the discussion related to **4-5-5: OPERATIONAL RULES, REGULATIONS AND BEHAVIORAL STANDARDS FOR ALL PUBLIC WATERWAYS IN VALLEY COUNTY** of the Payette Protective League proposed ordinance. There was concern that there was additional language C. **BASIC OPERATIONAL STANDARD:** It shall be unlawful and considered as negligent behavior for any person to operate any type of vessel on the public waters of Valley County in such a manner as to not pay proper attention to the actual and potential hazards then existing; to operate at a rate of speed greater than stated herein as permissible; or to operate in a manner that, given the exercise of reasonable care, will prevent being able to stop said vessel within the assured clear distance ahead. Specifically prohibited and deemed negligent behavior is engaging any vessel in wake jumping or having it become fully airborne; weaving at a speed greater than no wake through congested traffic; or using a vessel to willfully harass another vessel, a swimmer, a diver or any wildlife. It was discussed that under C it needs to be written exactly as it is in Idaho Code. This was agreed by Waterways Committee and Payette Protective League.

Chairman Cruickshank began the discussion related to age restrictions. **D. AGE FOR OPERATION OF A VESSEL OF CERTAIN TYPE OR HORSEPOWER:**

1. It shall be unlawful to operate, or to allow someone to operate, a motor driven vessel of 15 horsepower or less if the operator is a person under the age of twelve (12) years, unless the operator is under direct adult supervision.
2. It shall be unlawful to operate, or to allow someone to operate, a motor driven vessel of greater than fifteen (15) horsepower that is not a personal watercraft unless:
 - a. The operator is at least sixteen (16) years of age; or
 - b. The operator is fifteen (15) years of age, has completed an Idaho Safe Boating Course and has proof of completion on their person; or
 - c. The operator is at least 14 years of age and under direct adult supervision.

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3. It shall be unlawful to operate, or to allow someone to operate, a personal watercraft unless the operator is at least sixteen (16) years of age.

There was much discussion regarding age limit restrictions in an attempt to create a compromise and the discussion continued regarding the possibility of creating a permit for those individuals have educational programs. There was discussion about requiring a boating safety course and test to have a license issued. The compromise was that PWC could be operated 16 and above. Kids under 15 must have adult aboard the Personal Water Craft. All other vessels would require boater education through Valley County and the state of Idaho. Next discussion was regarding special permits to be issued by the Sheriff's Office for special programs to include certain camps and schools.

There was a presentation by a regarding the no wake zone at the Boulder Creek Arm. There were concerns about that area not allowing motorboats. The commissioners indicated that they would review the existing conditions and take the matter under advisement.

The workshop for proposed Waterways Ordinance was scheduled for December 17th, at 1:00pm.

The commissioners adjourned at 4:13 p.m.


Chairman, Gordon Cruickshank

Attest:

Douglas Miller, Clerk

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VALLEY COUNTY COMMISSIONERS MEETING AGENDA Monday, November 19, 2018

PROPOSED AGENDA Note: Any item(s) in need of a motion will be described in the agenda under the appropriate section.

- 9:00 Call to Order – Pledge of Allegiance – Approve Agenda
- 9:05 Commissioner Discussion (Correspondence)
Action Items: Meeting Minutes of Tuesday November 13, 2018
Area Agency on Aging Joint Powers Agreement
Letter of Support LHTAC Children Pedestrian Safety Program
2019 Annual Operating Plan Boise National Forest 18-CS-11040204-002- Snowmobile Trail Grooming Program
2018 Annual Juvenile Justice Report
- 9:15 **Action Item:** Sealed Bid opening for Tax Deed Property
- 9:45 **Action Item:** Employee Recognition Program-Human Resource, Director, Pat Duncan
- 10:00 **Action Item:** Donation of Surplus IT Equipment-IT Director, David Crawford
- 10:30 Executive Session per Idaho Code 74-206 1(b)-Personnel
- 11:00 Executive Session per Idaho 74-206 1(d)-Indigent & Charity
- 11:30 Boise National Forest Presentation-District Ranger, Jake Strohmeyer
- 12:00 Recess for Lunch
- 1:00 Workshop for proposed Waterways Ordinance-Waterways Committee and Payette Protective League

Adjourn

COMMISSIONER'S FUTURE MEETING DATE
Monday, November 26, 2018