

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
January 26, 2015**

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

Meeting called to order by Chairman Cruickshank at 9:04 a.m.

Nathan Hess led the Pledge of Allegiance.

Chairman Cruickshank requested that the Forest Service Law Enforcement Renewal Agreement needed to be added to the Commissioner's agenda. Commissioner Hasbrouck made a motion to approve the agenda with the addition of the Forest Service Law Enforcement Renewal Agreement. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the Commissioner's agenda for January 26, 2015, with the addition of the Forest Service Law Enforcement Renewal Agreement.

Valley County Deputy Auditor, Katie Bomberger presented the Commissioners with Claims and Board Order Claims totaling \$154,953.34 and one Junior College Tuition request from Ms. Katherine Hunter. Commissioner Willey made a motion to approve Board Order Claims and Claims and Junior College Tuition as presented. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve Board Order Claims and Claims totaling \$154,953.34 and the Junior College Tuition for Ms. Katherine Hunter.

Valley County Assessor, June Fullmer presented to the Commissioners that Ms. Mary Abernathy last day of employment would be on January 30, 2015. She explained that she would be conducting interviews for the position on January 29, 2015. June presented that Charles Pickens would be attending the Auction Sale of lease Idaho Department of Lands properties in Boise, Idaho on January 31, 2015. She discussed the auction for the property

including land and structures that were previous leased by the State of Idaho and provided an explanation of the process.

Valley County Clerk, Douglas Miller informed the Commissioners about the retirement of District Court Judge, Thomas Neville and explained to them the selection process. Clerk Miller also informed the Commissioners that Julie Perkins has resigned as Deputy Auditor and he would be requested that the position be posted internally.

Lieutenant, Dan Smith of the Valley County Sheriff's Office presented to the Commissioners the Forest Service Law Enforcement Renewal Agreement for the Commissioners to review. Commissioner Hasbrouck made a motion to have the Chairman sign the Forest Service Law Enforcement Renewal Agreement. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to have the Chairman sign the Forest Service Law Enforcement Renewal Agreement for 2015.

Valley County Treasurer, Glenna Young advised the Commissioners that she was scheduled later on the agenda to discuss distribution of Tax Deed Sale Excess funds.

Valley County Coroner, Nathan Hess informed the Commissioners that he has been working with Human Resource Director, Ken Arment for posting a Deputy Coroner position when he is unavailable. Ken Arment explained that he has worked on a job description for the position. The Commissioners decided that the Deputy Coroner position could be posted as an on-call position.

Anne Guarino with the Building Department provided the end of the year permit report for 2014. A copy of the report will be appended to the Commissioner meeting minutes. She advised that the office has also been working closely with Planning & Zoning for permit requirements for the structures standing idle since the bankruptcy at Tamarack Resort.

University of Idaho Educator, Melissa Hamilton advised that over the weekend there were three U of I programs that took place. She brought in outside expertise and support in order to provide programs to both Valley and Adams County. She reported that Lori Higgins, the Community Development Specialist from the U of I campus in Moscow presented a Ripple Mapping Session to New Meadows. In past efforts Lori has lead a Ripple Mapping session in Cascade and presented the results to the Horizons' Lifestyle and Education Team this weekend. Melissa also brought in the Nez Perce County Extension Educator to conduct the Building Individual and Community Resources Workshop at the Ashley Inn. There were twelve individuals who attended the workshop. She also commented on the Victory Garden Series and reported that the first of six classes was held at the Cascade Food Pantry over the weekend. She explained that she had forty participants for this program. Melissa advised that she was currently working with her staff in order to identify which location would best fit the needs of the extension office. She has developed to tool in order to help guide the staff during this process in order to help keep the decision making objective. She explained that the office is reviewing the options and will be doing a site visit to the Valley County building in Lake Fork. Commissioner Hasbrouck informed Melissa that there might be another option of the old Boise Cascade building which is owned by Mr. Mark Picard. Melissa advised that she was aware of that option and exploring all possibilities. She also explained that she is eager to remove equipment out of the existing building and would like to have a formal discussion with

the Commissioners to determine a process. The Commissioners advised that it would be discussed with Ralph McKenzie at 2:00 p.m.

Court Services Director, Skip Clapp discussed that there has been a conversation with Valley County Prosecuting Attorney, Jay Kiiha and Judge Lamont Berecz related to the notification of juveniles for Court. He explained that there is going to be a different process implemented to guarantee the appearance of those individuals scheduled for Court. He also informed the Commissioners that he would be having a meeting with local Law Enforcement regarding the detainment of juveniles. Skip reported that there were three juveniles housed at the Juvenile Detention Center over the weekend. He reported that Adult Misdemeanor Probation Officers, Officer Jacques Lafay and Officer Molly Wilson attended the American Probation and Parole Association Conference. Skip reported that the annual Juvenile Detention Inspection would be scheduled in the upcoming months. He also informed the Commissioners that they have been invited to attend Juvenile Detention Inspections across the State of Idaho.

Human Resource Director, Ken Arment informed the Commissioners of all the job openings within Valley County. Ken asked for some direction with the required background checks for specific positions including the Juvenile Probation Officer and the Deputy Coroner position. The Commissioners suggested talking with the Sheriff's Office to determine if those positions could have a background check through National Crime Information Center. Ken asked for clarification related to the storing of Human Resource files and he believed that it is at a critical point to determine where these files would be stored. The Commissioners suggested Ken Arment write a proposal for the Commissioners to review regarding the housing of human resource files and present at the next Commissioner meeting.

IT Administrator, David Crawford presented to the Commissioners the Open DNS Contract Renewal for the Commissioners to approve. He explained that the agreement is for the MTD units for the Sheriff's Office. Commissioner Willey made a motion to approve the Open DNS Contract Renewal. Commissioner Hasbrouck asked about extending the program and requesting a cost reimbursement? David advised that there is a cost reimbursement that is received by other agencies for licensing cost. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the Open DNS Contract Renewal Agreement.

Valley County Planning & Zoning Administrator, Cynda Herrick reported that FEMA does not have the funds to pay for the Flood Insurance Maps. She explained that her office is just operating off of the old maps. She reported that Mr. Nichols would be in the office tomorrow to review the Potlatch Roads. Cynda advised that she would be attending the Economic Development meeting scheduled for January 29, 2015. She further reported that she would be attending the Payette Water Basin meeting on February 4, 2015. She also advised that she would be working on the McCall Impact Area Agreement.

Larry Laxson, Valley County Recreation Director was informed by Chairman Cruickshank about the deadline for the Brush Creek Grant on January 30, 2015. Larry advised that Meadow Valley Days Snow Jamboree has been scheduled for February 14 & February 15, 2015. A copy of the events will be appended to the Commissioners minutes. He reported that all trails are groomed but East Mountain has not been groomed because there is lack of snow. Larry stated

that there are eight facilities for the Recreation Department that are maintained, including snow removal of roofs.

Lynnae Kreager with WICAP provided an overview of the programs that are currently offered. She explained that energy assistance is the program that they have been focusing on. She reported that they have partnered with the Chamber of Commerce in Cascade and the University of Idaho Extension Office for different programs. Chairman Cruickshank asked Lynnae to discuss with the Executive Office the financial report that was to be submitted to the Commissioners. Valley County Road Superintendent, Curtis Bennett reported that the Road Department has firewood if WICAP is in need for distribution. Lynnae advised about an opening on the WICAP Board that they will be voting on to fill because of an opening vacated by Ms. Robbie Winkle. She reported that there will be a luncheon for Ms. Winkle potentially on January 28, 2015.

Chairman Cruickshank advised that the Commissioners would be going into closed hearing for Indigent/Charity at 10:50 a.m.

Chairman Cruickshank brought the Commissioners out of Indigent/Charity at 11:10 a.m.

Decision after Indigent/Charity

15-DS015 Request for Approval-Burial

15-MM068 Denial for County Assistance

14-GM081 Denial for County Assistance

15-JC076-4 Request for County Indigent Lien/New Application

Cascade School District Superintendent, Mr. Pal Sartori presented on the Cascade School District Supplemental Levy that is on the ballot for March 10, 2015. He explained that the amount of the levy would be \$500,000 for two years. He reported that the levy that is currently in existence is not enough and if the levy was passed, it would assist with the current costs and they would not have to make any cuts. He gave a breakdown of the existing levies. The Cascade School District would like to add one more position for a fulltime Art Teacher. Commissioner Willey asked if the vote is a majority vote? Superintendent Sartori acknowledged that it is a majority required vote. Chairman Cruickshank discussed the possibility of the loss of the Secure Rural School funding and the impact that it would have.

Theresa Perry with Idaho Department of Parks and Recreation requested that the Commissioners approve the Waterways Improvement Grant Support Letter. Commissioner Willey made a motion to approve the Chairman to sign the Grant letter of Support for the Waterways Improvement through IDPR. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to have the Chairman sign the Waterways Improvement Grant Support Letter which will be applied through Idaho Department of Parks and Recreation.

Chairman Cruickshank presented the Commissioner meeting minutes from January 20, 2015. Commissioner Willey made a motion to approve the Commissioner meeting minutes from

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January 20, 2015. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the Commissioner meeting minutes from January 20, 2015.

Chairman Cruickshank presented Resolution 15-6 Transfer Funds from Solid Waste to General Fund. Commissioner Willey made a motion to approve Resolution 15-6 Transfer Funds from Solid Waste to General Fund. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve Resolution 15-6 Transfer Funds from Solid Waste to General Fund.

Clerk, Douglas Miller brought up the discussion related to the meal tip policy. After the discussion it was decided that the Elected Officials would create a proposal and submit to the Commissioners for review.

Commissioners adjourned for lunch at 12:00 p.m.

Commissioners returned from lunch at 1:00 p.m.

Chairman Cruickshank opened the meeting to hear an appeal of the McCall Area Planning & Zoning Commission Decision. Mr. Steve Millemann who represented the appellant, McCall Campground Holdings, LLC began his presentation. Mr. Millemann advised that he submitted a memorandum which outlines his position. A copy of the memorandum will be appended to the Commissioner meeting minutes. Mr. Millemann provided an overview of the memorandum that was presented to the Valley County Commissioners. He advised that he cannot justify the outcome of the decision made by the McCall Area Planning & Zoning Commission and that is why he is in attendance to present his appeal. He is challenging the decision and the requirements that are required under a planned use development. He would contend that the mixed use reference is there simply as a guide. He requested that the Commissioners review the code related to spatial expansion of the appellant's residence. Mr. Millemann was also concerned that a design review would need to be required and referred to Chapter 16 of the McCall City Code. He does not believe there is anything in the code that requires the structure to obtain a design review. He does not believe that is necessary under the existing code and believed that the Commissioners can grant the appeal. He referred to the cases that were presented by the City of McCall attorney. He advised that historically that property has been R.V. Park/Campgrounds.

City of McCall Planner, Delta James began her presentation to the Valley County Commissioners. She explained that when the property plan came in, she identified it as a mixed use property. The code requires that Commercial R.V. Park/Campgrounds that have a residence are identified as a mixed used property. It was considered as an existing use which is allowed to continue but the use shall not expand without the permitting process. The proposed garage was submitted as 1200 square feet. She referred to a staff report that will be appended to the Commissioner minutes. She provided an explanation of the requirements of the permits. She explained that design review is required because it is a new structure and because it is on Community/Commercial property. She advised that there is a \$300 fee to go through design review. She believed that the property owner was fully aware of the requirements because he had met with her previously. She asking the Commissioners to uphold the decision made by the McCall Area Planning and Zoning Commission. Chairman Cruickshank asked how was it determined as a mixed use property? Delta James provided a definition of a home occupation

area compared to a commercial business. She reported that the reason the property is considered mixed use is because it has a residence and a commercial operation. Chairman Cruickshank explained that he has never seen a site map to show the location of the proposed garage. Delta advised that she has not seen a site plan either.

Mr. Jay Kiiha provided his opinion that there is a limit amount of information that has been provided to the Commissioners. Mr. Kiiha believed that the Commissioners have to consider all of the facts as the Board. If the facts are too minimal he believed that the Commissioners would have to deny the appeal. He requested that the Commissioners take the matter under advisement until a written decision could be made.

Mr. Milleman provided a rebuttal to the Valley County Commissioners. He would look forward to the deliberations of Commissioners and Mr. Kiiha. He was troubled that it is a possibility that the applicant would need to go through the plan unit development process. He requested that the Commissioners review the requirement of design review under the McCall City Code. Commissioner Willey asked if the owner was aware of the issues prior to purchasing the property? Mr. Milleman claimed that the owner was aware if there was an expansion of the park facilities there was a need to go through the plan unit development process but he was unaware if there was a need for the process if a garage was erected.

Delta James referred to the modification of Commercial zone code requirement that was done a few years ago.

Chairman Cruickshank advised that the Commissioners would take the request under advisement and review the appeal with the Valley County Prosecuting Attorney, Mr. Jay Kiiha.

Treasurer, Glenna Young explained that it is the Commissioners determination to disburse excess funds with tax deed sales. She presented three properties and began with the Cascade Enhancement property. A copy of the presentation related to the property will be appended to the Commissioner meeting minutes. Mr. Kiiha provided an explanation of Idaho Code. Treasurer Young advised that the bank Cascade Enhancement LLC did not make claim to the property and the previous owner Mr. Douglas Hitt has made claim. Commissioner Willey made a motion to disperse excess of tax deed funds for RPC0031027002A in the amount of \$31,573.33 to Mr. Douglas Hitt and retain the \$11,559.55 to be held by the Valley County Treasurer according to Idaho Code 31-808 (11). Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to disperse excess of tax deed funds for RPC0031027002A in the amount of \$31,573.33 to Mr. Douglas Hitt and retain the \$11,559.55 to be held by the Valley County Treasurer per Idaho Code 31-808 (11).

Treasurer Young presented the next property Parcel Number RPC00310260022A to review in order to disburse excess funds related to tax deed sales. Commissioner Hasbrouck made a motion to disperse the excess of the tax deed funds to Mr. William Rice in the amount of \$41,344.31 for Parcel Number RPC00310260022A. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to disperse the excess of the tax deed funds to Mr. William Rice in the amount of \$41,344.31 which represents total funds for Parcel Number RPC00310260022A.

Treasurer Young presented Parcel Number RP005150140350 to review in order to disburse excess funds related to tax deed sales. Treasurer Young advised the Commissioners that a claim was made on behalf of the Home Owners Association, Tamarack Municipal Association. Mr. Jay Kiiha advised that a lien was placed on the property by the Home Owners Association in 2010 but the lien is only valid for one year. Treasurer Young explained that a request was made to the Home Owners Association requesting account documents regarding the lien, but no documentation was received. Mr. Kiiha advised that the HOA lien became invalid in 2011 when the HOA failed to file an extension under 45-810(3). Mr. Kiiha also referred to 31-808 Subsection 11. Commissioner Hasbrouck made a motion to hold the excess funds in the amount of \$22,921.76 related to the tax deed sales for Parcel Number RP005150140350 in the Treasurer's Trust for a period of three years. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to hold the excess funds related to the tax deed sales for Parcel Number RP005150140350.

Mr. Jesse Stidham who resides in Round Valley, Idaho was present to discuss the possibility of snow removal for Packsaddle & Stirrup Road. Mr. Stidham advised that he is in attendance to request that the Valley County Road Department make one pass down Packsaddle and Stirrup Roads. He reported that the Sixty Lane intersection with Highway 55 is sloped and often icy which makes it difficult to make the turn. He and his wife primarily use the other route for safety reasons. He understands the lack of funding but is respectfully asking to keep the road passable when the conditions get bad. Chairman Cruickshank advised that the Road Department probably could not plow the road every time that it snows but could consider plowing on occasion. Road Superintendent, Curtis Bennett was in attendance to hear the concerns.

Road Superintendent, Curtis Bennett discussed the Schultz Drive Right of Way. He advised that it was platted in 1973. Chairman Cruickshank reported that Jeff McFadden, Curtis and he conducted a site visit to determine the drainage issue. Curtis advised that it was discovered that the Road Department is lacking a part of the Right of Way. He has worked with Planning & Zoning Administrator, Cynda Herrick and it was determined that the lots should be resurveyed. The area is for Mountain Meadows Subdivision No. 3. Cynda Herrick advised that the majority of the lots are individually owned. Curtis explained that drainage is an issue and the area does not have the 35 feet required Right of Way. It was recommended that the property owners should be notified and it should be requested that a surveyor should be hired to reset the pins.

Curtis advised that in the 2015 Motor Pool budget there was enough funds budgeted for two vehicles and the Waterway Department would have 50% funds for another vehicle. Chairman Cruickshank suggested that a request for proposal be sent out for three vehicles with it being made clear that the Commissioners have the right to refuse any or all requests for proposal in the best interest of Valley County.

Curtis explained that he does have one employee who has gone on Family Medical Leave Act and his snow plowing route has been distributed amongst the other drivers.

Solid Waste & Building/Grounds Supervisor, Ralph McKenzie discussed that he still has not received the cleanup bid from CTR for the University of Idaho Extension Building. He did receive another bid from Disaster Response. University of Idaho Educator, Melissa Hamilton advised the Commissioners that a list of the items to be saved has been provided to Ralph for

cleaning. It was agreed that the Building & Grounds employees would access the building to remove the needed items for cleaning on January 29, 2015.

Ralph advised that MTI conducted some mold test for the North Side of the Courthouse Building on January 26, 2015, and he is awaiting the results of the tests.

Ralph discussed that transfer of his Solid Waste Supervisor position and duties to Mr. Dale Eskridge who is the current full time employee at the Transfer Site. The job description was presented for the Solid Waste Supervisor position to the Commissioners with the proposed salary of \$30,636. The discussion continued and it was recommended that Ms. Cynthia Forgy who is the part time employee at the Transfer Site, be hired as the full time employee with the proposed salary of \$23,800. Chairman Cruickshank made a motion to approve the hiring of Mr. Dale Eskridge for the Solid Waste Supervisor position with a salary of \$30,636 and the hiring of Ms. Cynthia Forgy for the full time position of Solid Waste Deputy with a salary of \$23,800. Commissioner Willey seconded the motion. No further discussion, all in favor. Motions passed.

Commissioners adjourned meeting at 3:52 p.m.

Gordon Cruickshank, Chairman

Attest:

Douglas A. Miller, Clerk