

# Valley County Board of County Commissioners

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**DOUGLAS A. MILLER**  
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## IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS CASCADE, IDAHO FEBRUARY 22, 2022

**PRESENT:**                   **ELTING HASBROUCK (CHAIRMAN)**  
                                  **DAVE BINGAMAN (COMMISSIONER)**  
                                  **DOUGLAS MILLER (CLERK)**

**Appeared Virtually:**   **SHERRY MAUPIN (COMMISSIONER)**

Commissioner, Dave Bingaman led the Pledge of Allegiance.

Chairman Elting Hasbrouck presented the commissioners' agenda for February 22, 2022. Commissioner Bingaman made a motion to approve commissioners' agenda for February 22, 2022, as presented. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioners' agenda for February 22, 2022.

Chairman Hasbrouck presented the commissioner meeting minutes from February 14, 2022. Commissioner Maupin made a motion to approve the commissioner meeting minutes from February 14, 2022. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to approve the commissioner meeting minutes from February 14, 2022.

Chairman Hasbrouck presented the EdPro Reimbursement request 2<sup>nd</sup> half payment & final payment from Idaho Department of Commerce. Commissioner Bingaman made a motion to approve the EdPro Reimbursement request 2<sup>nd</sup> half payment & final payment from Idaho Department of Commerce for Fiscal Year 2022. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the EdPro Reimbursement request 2<sup>nd</sup> half payment & final payment from Idaho Department of Commerce for Fiscal Year 2022.

Chairman Hasbrouck presented the Federal Financial Assistance Award of Domestic Grant 22-DG-11041200-001 Snowmobile Trail Grooming Drag. Commissioner Bingaman made a motion to approve the Federal Financial Assistance Award of Domestic Grant 22-DG-11041200-001 Snowmobile Trail Grooming Drag. Chairman Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the Federal Financial Assistance Award of Domestic Grant 22-DG-11041200-001 Snowmobile Trail Grooming Drag.

Chairman Hasbrouck began the workshop to discuss recreation parking in Valley County. Recreation Director, Larry Laxson presented on potential areas for recreational parking and areas that has a significant congestion. Road Director, Jeff McFadden also provided comments to the commissioners. The commissioners discussed potential areas to consider improvement of Stone Breaker, Boulder Creek, Anderson Creek, Lick Creek, Big Sage Campground, Paddy Flat, Clear Creek, Turkey Track, Sugar Loaf, areas on Old State Highway South, areas on Warren Wagon Road, Francie Wallace, and Brush Creek areas. Chairman Hasbrouck and Commissioner Bingaman believed that the Sheriff's Office should be more involved during major events to assist with traffic congestion. The commissioners discussed creating a recreation law enforcement officer position and described the function of the position. Recreation Director, Larry Laxson discussed the amount of recreationalist that come to the area for ice fishing activities and events. Captain, David Stambaugh provided insight to the commissioners regarding the current conditions and recommendations regarding specific sites to include Francie Wallace. He also commented on the possibility of creating two recreational law enforcement patrol positions.

Chairman Hasbrouck began the workshop to discuss American Rescue Plan funding that was received by Valley County and the commissioners discussed areas that would meet the funding eligibility requirements. Commissioner Maupin provided a word document that provided possibilities and priorities. Commissioner Bingaman discussed funding kiosk and bathroom facilities on existing recreation areas. Commissioner Maupin advised that Public Relations, McKenzie Kraemer would work on creating a survey for the public to be able to participate on their ideas. Chairman Hasbrouck asked for additional information related to broadband expansion and the use of ARPA funding for broadband. Commissioner Maupin discussed the Broadband Task Force that was currently meeting and provided a brief update of the work that was being done. She opined that Valley County would need to set aside funding for grant match and recommended using ARPA funding. Commissioner Maupin also discussed crowd sourcing software that would be available. She also provided other suggestions to the commissioners regarding expenditure of ARPA funding. Chairman Hasbrouck felt that University of Idaho Extension Office relocation needed to be priority and considered when the commissioners are determining how to expend ARPA funding. The commissioners continued to discuss potential options related to the expenditure of ARPA funding and felt that the next procedure would be to create a survey for the public to be able to comment. Commissioner Maupin also discussed the possibility of updating the existing Valley County Comprehensive Plan Study.

Chairman Hasbrouck presented the approval of the Emergency Services Manager Agreement with Juan Bonilla. Chief Deputy Prosecuting Attorney, Brian Oakey informed the commissioners about the modifications that had been made. Commissioner Maupin made a motion to approve the Emergency Services Manager Agreement. Commissioner Bingaman

seconded the motion. No further discussion, all in favor. Motion passed to approve the Emergency Services Manager Agreement with Juan Bonilla.

Members of the Valley Soil & Water Conservation District including Durena Farr, John Lillehaug and presented to the commissioners the proposed grant that they were applying for and requested Valley County provide a letter of support for the USBR WaterSmart Cooperative Watershed Management Program Grant. The commissioners had the ability to ask questions to Valley Soil & Water Conservation District and they responded accordingly. Chairman Hasbrouck made a motion to approve the letter of support for the USBR WaterSmart Cooperative Watershed Management Program grant. Commissioner Bingaman seconded the motion. No further discussion, all in favor. Motion passed to approve the letter of support for the USBR WaterSmart Cooperative Watershed Management Program grant.

Planning & Zoning Director, Cynda Herrick presented on the request to remove records of surveys that are stored at the Planning & Zoning Office and explained the current process which the documents are scanned. She advised that the records of survey that are stored in the Planning & Zoning Office are just copies. Commissioner Bingaman made a motion to allow the Planning & Zoning Office to remove the records of surveys stored in the office and the container. Chairman Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to allow the Planning & Zoning Office to remove the records of surveys stored in the office and the container as the original records of surveys are kept in the Clerk's Office.

Treasurer, Johanna Defoort presented the 2021 Homeowner Exemption Tax Cancellation Request and explained the change in the law that allows the homeowner exemption to apply for exemption mid-year. She informed the commissioners that the legislators have heard about the concerns from taxing districts. Commissioner Bingaman made a motion to approve the 2021 Homeowner Exemption Tax Cancellations Request as presented by Treasurer, Johanna Defoort. Commissioner Maupin seconded the motion. No further discussion, all in favor. Motion passed to approve the 2021 Homeowner Exemption Tax Cancellation Request as presented by Treasurer, Johanna Defoort.

Chairman Hasbrouck began the discussion related to broadband in Valley County. Commissioner Maupin informed the commissioners about the work that was being done by the Broadband Committee and advised that she would have members of the committee conduct a presentation to the commissioners on an upcoming agenda.

Commissioner Bingaman made a motion to go into Executive Session per Idaho Code 74-206 1(f)-"To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement."-Litigation Commissioner Maupin seconded the motion. No further discussion, by roll call vote all commissioners voted "aye". The commissioners went into Executive session per Idaho Code 74-206 1(f)-Litigation at 11:25 a.m.

Chairman Hasbrouck brought the commissioners out of Executive Session per Idaho Code 74-206 1(f)-Litigation at 11:46 a.m. No decision was made after the Executive Session.

The commissioners recessed for lunch at 11:48 a.m.

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

Chairman Hasbrouck opened the continued public hearing for Ordinance 2022-02 Title 10 Subdivision Regulations at 1:00 p.m. Clerk, Douglas Miller read into the record the motion that was made on January 18, 2022, scheduling another Public Hearing for Ordinance 2022-02 Title 10 Subdivision Regulations for February 22, 2022. Chairman Hasbrouck asked the commissioners if there was any conflict of interest or ex-parte communication. All commissioners advised that there was no conflict of interest or ex-parte communication. Planning & Zoning Director, Cynda Herrick provided a new staff report to the commissioners and recapped the reason for the continued Public Hearing scheduled. The commissioners had the opportunity to ask questions to Planning & Zoning Director, Cynda Herrick and she answered accordingly. Chairman Hasbrouck opened the public hearing for testimony, and he asked for those who are opposed to present first.

Ms. Connie Baker who resides in High Valley presented to the commissioners as an opponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Mr. Dwight Jividen who resides in Cascade, Idaho, presented to the commissioners as an opponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Mr. Scott Carlton who resides in McCall, Idaho, presented to the commissioners as an opponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Mr. Joshua Leonard who represents DF Development presented to the commissioners as an opponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Chairman Hasbrouck asked to hear from those individuals who are undecided.

Mr. Jim Niell who resides in Garden City and has property in Valley County presented to the commissioners as an individual who was undecided.

Chairman Hasbrouck asked to hear from those individuals who are proponents.

Mr. Joey Pietri who resides in McCall, Idaho, presented to the commissioners as a proponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Ms. Lynn Lewinski who resides in McCall, Idaho, presented to the commissioners as a proponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

Mr. David O'Brien who resides in Cascade, Idaho presented to the commissioners as an opponent to the proposed Ordinance 2022-02 Title 10 Subdivision Regulations.

The commissioners asked for additional comments from Planning & Zoning Director, Cynda Herrick.

Valley County Treasurer, Johanna Defoort presented to the commissioners.

Chairman Hasbrouck closed the Public Hearing for Ordinance 2022-02 at 2:21 p.m. and brought the matter back to the commissioners for deliberation. Commissioner Maupin provided her opinion during the deliberation process. Commissioner Bingaman also provided his opinion during the deliberation process. Chairman Hasbrouck provided his opinion during the deliberation process. Planning & Zoning Director, Cynda Herrick provided further information to the commissioners. Commissioner Maupin made a motion to adopt Ordinance 2022-02 Title 10 Subdivision Regulations, remove Exception Number 5 from the Zoning Ordinance and move forward with reviewing all land splits through the Planning & Zoning Commission and direct the Planning & Zoning Commission to craft simplified process for division of land. Commissioner Bingaman seconded the motion. Chairman Hasbrouck provided further discussion. The matter went to vote with Commissioner Bingaman and Commissioner Maupin voting in favor and Chairman Hasbrouck voting against. The motion passed with a 2-1 vote.

Chairman Hasbrouck began the workshop with the Valley County Road Department to discuss development agreements. Road Director, Jeff McFadden provided his input. Chief Deputy Prosecuting Attorney, Brian Oakey provided his input to the commissioners and informed the commissioners when Road Development Agreements can be added and indicated since Valley County is a single zoned area, Valley County could not implement Road Development Agreements under the current statute. He felt that a longer discussion/workshop needed to take place for him to research the requirements for development agreements. Planning & Zoning Director, Cynda Herrick provided her input and explained that she had communicated with Representative, Terry Gestrin. The commissioners requested that Chairman, Let Hasbrouck ask Representative, Terry Gestrin if he would be willing to sponsor a bill to address development agreements. The commissioners concluded the workshop.

Chairman Hasbrouck began the workshop related to the open meeting requirements and explained why he asked for the workshop to be placed on the commissioners' agenda. Chief Deputy Prosecuting Attorney, Brian Oakey provided his legal opinion to the matter related to open meeting requirements and explained that the Prosecuting Attorney's Office was required to investigate open meeting complaints. He provided an in-depth overview of open meeting requirements. The commissioners had the opportunity to ask questions to Chief Deputy Prosecuting Attorney, Brian Oakey and he responded accordingly.

Commissioner Bingaman made a motion to go into Executive Session per Idaho Code 74-206 1(b)-Personnel. Commissioner Maupin seconded the motion. No further discussion, by roll call vote all commissioners voted "aye". The commissioners went into Executive Session per Idaho Code 74-206 1(b)-Personnel at 3:15 p.m.

Chairman Hasbrouck brought the commissioners out of Executive Session per Idaho Code 74-206 1(b)-Personnel at 3:45 p.m. No decision was made as the Executive Session was for evaluation purposes.

The commissioners adjourned at 3:46 p.m.

Elting H. Hasbrouck  
Chairman, Elting Hasbrouck

Attest:  
Douglas Miller  
Douglas Miller, Clerk

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## VALLEY COUNTY COMMISSIONERS MEETING AGENDA Tuesday February 22, 2022

**Valley County adheres to ADA requirements. If anyone requires an accommodation, please contact the County Clerk, Douglas Miller prior to the meeting.**

**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
  - Action Items:** Meeting Minutes of February 14, 2022
  - EdPro Reimbursement Request 2<sup>nd</sup> Half Payment & Final
  - Federal Financial Assistance Award of Domestic Grant 22-DG-11041200-001 Snowmobile Trail Grooming Drag
- 9:15 Workshop to Discuss Recreation Parking in Valley County
- 10:00 American Rescue Plan Act Workshop
- 10:30 **Action Item:** Approval of Emergency Services Manager Agreement
- 10:45 **Action Item:** Presentation from Valley Soil & Water Conservation District
  - Letter of Support for USBR WaterSMART Cooperative Watershed Management Program Grant
- 11:00 **Action Item:** Discussion/Decision Removal of Records of Surveys from Planning & Zoning Office
- 11:15 **Action Item:** 2021 Homeowner Exemption Tax Cancellation Request – Treasurer, Johanna Defoort
- 11:20 Discussion on Broadband

11:35 **Action Item:** Executive Session per Idaho Code 1(f)-“To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.”- Litigation

12:00 Recess for Lunch

1:00 **Action Item:** Continued Public Hearing for Ordinance 2022-02 Title 10 Subdivision Regulations – Modification of Exceptions to Subdivision Ordinance

1:30 Workshop with Valley County Road Department to Discuss Development Agreements

2:00 Workshop with Prosecuting Attorney’s Office Relate to Open Meeting Requirements

2:30 **Action Item:** Executive Session per Idaho Code 74-206 1(b) “To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student”-Personnel

Opportunity for General Public to Present to Commissioners

Adjourn

COMMISSIONER’S FUTURE MEETING DATE

Monday February 28, 2022