

**BOISE COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL , 2009
OFFICIAL MINUTES**

Chairperson Linda W Zimmer called the meeting to order at 9:00 A.M. The Pledge of Allegiance was recited.

PRESENT: Chairperson Linda W Zimmer, Commissioners Terry C Day and Jamie Anderson and Clerk Constance Swearingen.

OTHERS PRESENT: Assessor Brent Adamson, Treasurer Barbara Balding, Prosecutor RJ Twilegar, Deputy Prosecutor Jay Rosenthal and Deputy Clerk Dee Woodstrom

AMENDMENTS TO THE AGENDA: Commissioner Terry C Day stated that he wanted to discuss the Idaho City Clean-up day, an EBCA issue and to delete the 10:45 am portion of the agenda.

Commissioner Jamie Anderson stated that she wanted to discuss the copiers from De Lage Landen.

Clerk Swearingen stated she wanted to discuss the summer jobs program, Sheriff's Department retention grant and to have an executive session for personnel. Chairperson Linda W Zimmer made a MOTION to approve the amendments. Commissioner Terry C Day SECONDED. All ayes, motion carried.

MINUTES: Clerk Swearingen presented the meeting minutes for April , 2009. Commissioner Jamie Anderson made a MOTION to approve the April minutes with the correction stated. Commissioner Terry C Day SECONDED. All ayes, motion carried.

TREASURER/ASSESSOR ISSUES: Assessor Brent Adamson presented one request for tax cancellation which arose from a Board of Tax Appeals' decision. Commissioner Terry C Day made a MOTION to accept the tax cancellation request. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.

Treasurer Barbara Balding presented the quarterly Joint Treasurer/Auditor Report for January through March 2009. Commissioner Jamie Anderson made a MOTION to approve the report. Commissioner Terry C Day SECONDED. All ayes, motion carried.

COMMITTEE REPORTS: Commissioner Terry C Day stated he had attended the Mores Creek Recreational Foundation meeting and that they had elected officers, finished the articles of incorporation and would have the bylaws ready next week.

Commissioner Day stated he and Commissioner Jamie Anderson had attended the Woody Biomass meeting in Cascade. He further stated that the CROP (Coordinated Resource Offering Protocol) study should be done by June.

Commissioner Jamie Anderson spoke about the Woody Biomass CROP study and stated that the chip bins were too large to turn onto the logging roads. She stated that they would need articulated bins which would be easier to maneuver.

Commissioner Anderson also stated she had attended the RAC meeting and that the Twin Bridges culvert project would no longer be funded by RAC because the NEPA process had not been followed. Commissioner Anderson stated that Noxious Weeds Superintendent Mike Bottoms' project had been approved.

ISSUE TRACKING: Nothing.

CONTRACTS/AGREEMENTS/GRANTS: Clerk Swearingen presented the 700 MHZ Memorandum of Understanding with Canyon County. Gordon Ravenscroft, coordinator for Emergency Management Services, answered questions about the MOU and stated that he did not know if the Prosecutor had reviewed the contract. The Board tabled this issue until April so that the Prosecutor could review it.

DEMAND WARRANTS: Clerk Swearingen presented demand warrants to pay De Lage Landen (\$6,152.36 & \$502.02). Commissioner Terry C Day made a MOTION to pay the demand warrants. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried. Commissioner Terry C Day made a MOTION to ship back the old copiers to De Lage Landen. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

INDIGENT: Chairperson Linda W Zimmer made a MOTION to go into executive session per I.C. 67-2345(1)(d). Commissioner Terry C Day SECONDED. All ayes, motion carried. Chairperson Linda W Zimmer made a MOTION to come out of executive session. Commissioner Terry C Day SECONDED. All ayes, motion carried. Chairperson Linda W Zimmer made a MOTION to deny case 09-04-A. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

MISCELLANEOUS & CORRESPONDENCE:

- Mass Gathering permit applications for Boise Ridgeriders and Sunset Racing Events. Keith Hughes from Sunset Racing Events spoke to the Board about the events to be held in the Garden Valley area. Both applications were tabled, for further discussion, by the Board until April .
- Idaho Transportation Department upcoming projects – Warm Springs Bridge, King Road to Boise Basin Park in Idaho City and Five Mile Creek Culvert.
- House of Representatives letter concerning animal license plates.
- West Central Highlands sponsor dues - \$300 is requested. Commissioner Terry C Day made a MOTION to pay the dues. Chairperson Linda W Zimmer SECONDED. All ayes, motion carried.
- Ground Water Protection Workshop on May in Caldwell.
- Clerk Swearingen presented Proclamation 2009-02 Dreissenid Mussell Invasive Species. Prosecutor Twilegar asked to review the information so this resolution was tabled until next week's meeting.
- Prosecutor Twilegar gave an update on the old copier issue. He stated that two proposals had been received from De Lage Landen and that three months of payments had been taken off the total due. Mr. Twilegar stated that Boise County could either keep the old copiers to sell out-right or send them back to De Lage Landen, both for approximately the same dollar amount.
- Commissioner Terry C Day spoke about the painting of the county buildings during the Idaho City clean-up day.
- Clerk Swearingen spoke about the summer jobs program available through the Idaho Department of Labor. Chairperson Linda W Zimmer stated she would like each commissioner to work with the city(s) in their district on this program.

- Clerk Swearingen spoke about the Sheriff's retention grant and stated she had concerns with the grant. She stated that the County could not afford to raise any salaries at this time.
- Commissioner Terry C Day requested approval to write a letter to the president of the Idaho City Ambulance to have her counsel one of their volunteers to stop using emergency vehicles for personal use. Approval was given.

COMMUNITY JUSTICE: Juvenile Probation Officer, Kevin Burke, presented the monthly probation report.

GUIDELINES FOR BUDGET ITEMS: This item was stricken from the agenda.

PROPANE, FUEL & MAG CHLORIDE BID AWARDS: The Board awarded the bid for propane to Amerigas; for fuel to Tom's Service, Idaho City area and Webb Oil, Garden Valley, Gardena and Horseshoe Bend areas; for Magnesium Chloride to AG Express. Chairperson Linda W Zimmer made a MOTION to approve the bids as stated. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

PA ISSUES: Prosecutor RJ Twilegar gave the Board information concerning active county ordinances and whether there are enforcements attached to the ordinance or not. The Board asked what would have to be done to repeal ordinances. Deputy Prosecutor Jay Rosenthal stated that a committee should be formed to review any ordinances that the Board may want to repeal and then discuss the process.

Prosecutor Twilegar spoke about the Middlefork Road right-of-way issue and also stated he would have an update on the Southfork Landing signage issues.

Prosecutor Twilegar spoke about an issue brought up in a previous meeting about the EBCA possibly changing from an advisory board to a governing board. Prosecutor Twilegar stated that the law prohibited EBCA from changing to a governing board.

Chairperson Linda W Zimmer made a MOTION to go into executive session per I.C. 67-2345(1)(b) personnel and (f) pending litigation. Commissioner Jamie Anderson SECONDED. All ayes, motion carried. Commissioner Terry Day made a MOTION to come out of executive session. Commissioner Linda Zimmer SECONDED. All ayes, motion carried.

FUTURE AGENDA TOPICS REVIEW: Commissioner Terry C Day stated that he wanted the Request for Proposals for the Placerville Ambulance building on the April agenda.

Chairperson Linda W Zimmer stated that she wanted Fred Lawson on the April agenda to give an update on Central District Health.

Chairperson Linda Zimmer made a MOTION to go into executive session per Idaho Code 67-2345(1)(b), Personnel and Idaho Code 67-2345(1)(f), Pending Litigation. Commissioner Jamie Anderson SECONDED. All ayes, motion carried. Commissioner Jamie Anderson made a MOTION to come out of executive session. Chairperson Linda Zimmer SECONDED. All ayes, motion passed.

Chairperson Linda Zimmer recessed the meeting until that evening where it was reconvened at 6:00 PM in Garden Valley at the Senior Center. Chairperson Linda Zimmer opened the regular meeting of the Board of County Commissioners to address the last two items on the agenda: the Brian Hodge vacation public hearing and constituent input.

Chairperson Zimmer closed the regular meeting and opened the Public Hearing on the Brian Hodge vacation.

BRIAN HODGE VACATION HEARING: Chairperson Linda Zimmer accepted testimony from members of the audience who had previously indicated they were present for this matter:

Jake Bogus, Garden Valley resident, who was listed first and "for" the vacation, stated he had nothing to say at the time.

Chris Brevick, Garden Valley resident, spoke in favor of the vacation. He stated that he had worked with Mr. Hodge, P&Z Administrator Patti Burke and Tyler Fortunati (CDH) to learn all the regulations as they applied to this matter. He stated that the water system in the Summer Homesites Subdivision had been developed in 1970 and was incapable of handling the demands of the homeowners in the Subdivision. He stated that he believed that the County needed to vacate the land so that homeowners could drill a well, have room for a new drain field and install a septic system. He also spoke about a letter from Mr. Fortunati stating that Central District Health Department would grant their approval if, after the vacation, Mr. Hodge's parcel was at least one acre in size. Mr. Brevick further stated that this vacation, if granted, would help current and future landowners in the Summer Homesites Subdivision to address the water problem that exists.

The next person on the list was Carol Brevick who deferred to her husband and the testimony he had just given. She was also in favor of the vacation.

Jerry Hodge, a Boise City resident and the applicant's father, also spoke in favor of the vacation. He stated that CDH had placed sanitary restrictions on the Summer Homesites Subdivision because of the water system, which had stopped further development. He stated that since this subdivision had been in place for 30+ years that a compromise should be able to be reached. He said that most of the lots were very small and larger lots needed to be made in order to allow home building. He further stated that by granting the vacation and increasing the lot size to one acre, CDH would grant their approval. Mr. Hodge said that the County should grant approval if the parcel met the requirements of CDH. He ended stating that granting the vacation and the subsequent development that would or could take place would be good for Garden Valley, Boise County and the tax base.

Brian Hodge, a Boise City resident and the Applicant, spoke next. He stated that he was trying to resolve the land issue to secure a building permit. He stated that P&Z Administrator Burke had referred him to CDH. Mr. Hodge stated that CDH had created a standard for the Summer Homesites Subdivision requiring a minimum of one-acre lots on which to place an independent well and septic system. He further stated that CDH had indicated that this requirement would be the standard for the entire Subdivision not just his property in order to allow for future development and lift the sanitary restriction. Mr. Hodge stated that he was requesting the vacation from the Subdivision in order to combine three lots to make one acre. He also stated that other landowners' water rights would be protected by approving his request to vacate from the Summer Homesites Subdivision.

Mr. Hodge said that the current community water system within the Subdivision had problems. He stated that he had purchased five lots and had previously combined them, but had now sold two of the five lots in order to combine the remaining three to meet the one-acre requirement to build. Mr. Hodge also referred to the letter from Mr. Fortunati from CDH about the one-acre minimum. Mr. Hodge stated that although Mr. Fortunati stated that Boise County should require the two-acre minimum on new subdivisions being created, he stated that CDH would

accept one acre parcels for the Summer Homesites Subdivision. He stated that his only other option, if not approved, was to install cement slabs for RVs.

Commissioner Jamie Anderson asked if Mr. Hodge had tried to work out the problems with the existing water system. Mr. Hodge stated that he and his realtor had tried to form a homeowner's association to address this issue and no one was interested. Commissioner Anderson asked Mr. Hodge what the affect would be of a single well on the community water system. He stated that there were other wells already in the Subdivision which were drilled before the County subdivision ordinance. Mr. Hodge stated that he was trying to do all the things being required of him in order to secure a building permit, meeting both the County's and CDH's requirements.

Patrick Greeson, Garden Valley, spoke next. Mr. Greeson was opposed to the vacation. He stated that there was a secondary well site 300 feet from Mr. Hodge's lots set aside for the community water system. He stated that it was unknown what the effects would be of drilling another well and that it could negatively affect available, future water for the community water system. He further stated that he had tried to develop the land years ago and had not been able to do so. He stated that he liked having no neighbors and did not want more people and laws.

Frank Barnes, Horseshoe Bend resident, was the next speaker. Mr. Barnes was in favor of the vacation. He stated that he had a lot of history on the Summer Homesites Subdivision and that he had previously owned land in it and had built three, log homes. Mr. Barnes went on to say that approving Mr. Hodge's vacation would be a good compromise towards solving the problems in this subdivision to allow for future development and growth.

Jake Bogus, Garden Valley resident, spoke next. Mr. Bogus stated that he was in favor of the vacation after reading the CDH letter. Jerry Hodge stated that the Boise County subdivision ordinance was enacted after the subdivision was developed and allowing one acre as the minimum requirement for building would be a good compromise.

P&Z Administrator Patti Burke presented a late exhibit, Exhibit #5, which was a letter from Zachary Taylor of Alameda, California. Commissioner Terry Day read it into the record.

Mr. Taylor wrote in favor of Mr. Hodge's vacation; however, he requested that two conditions be placed on the approval and be addressed before going forward. Mr. Taylor stated that Mr. Hodge needed to determine where the lot lines were located because there had been issues on boundaries in the past. He also wrote that Mr. Hodge should be prohibited from using the Summer Homesites' roads in the future.

The Hodge vacation public hearing was closed at 6:40 PM, and the regular Board of County Commissioners' meeting was re-opened.

CONSTITUENT INPUT: Dino Hugon, Garden Valley and Boise County Road Department employee, spoke first. He stated that he had been a County employee for 22 years and watched all happenings closely. He made the following allegations:

- Dedicated Road and Bridge funding seems to disappear each year at the end of the budget year;
- Registration fees were being diverted away from the Road and Bridge Department;
- Did not agree with administrative fees that were charged – demanded a ten-year audit;
- Trust fund monies were not managed correctly; and

- Previously sitting Commissioners "stole" his 3% raise money for a building fund. He stated that not receiving at least 3% raise each year had a negative effect on his retirement.

Commissioner Terry Day explained the philosophy of giving the 2%/3% raises the previous year and Chairperson Linda Zimmer explained the building fund. Commissioner Day also explained the matter of the trust funds and stated that there had been money set aside in a trust fund for a drug dog program years ago. He further stated that the Clerk's office had been reviewing trust funds to see if the amounts were still needed for the program or whether it could be routed back into the existing Sheriff's budget.

The next person to speak was Mel Koch, Garden Valley. Ms. Koch complained about special events/mass gatherings at Southfork Landing Subdivision (SFL). She stated that they were not appropriate for a residential setting and that developer Erik Oaas had lied about the type and frequency of the special events planned during development. Ms. Koch advised the Board to disallow future mass gatherings in residential settings stating that the noise, light, people and frequency were not appropriate where people's homes were located.

Jayne Reed, Garden Valley, spoke next. Ms. Reed stated that Phase II of the SFL PUC development was their commercial venture and had been approved but not yet finalized. She further stated that they were operating commercial ventures within the SFL subdivision without the final approvals.

Ms. Reed also presented the Payette River Enterprise (special event in June) of which SFL is one of the sponsors. She stated that a campground was being offered during the special event and questioned whether a CUP had been approved. She further stated that there were events occurring on Thursday, June and that their application had not requested Boise County deputies to work that day. She then inquired why not. She further stated that the three deputies the application had identified, were not adequate for the size and locations of the event.

Ms. Reed went on to say that the event would result in a huge impact on Boise County residents and questioned whether there was adequate emergency management personnel available. Ms. Reed ended by saying that if SFL wanted these events, they should appropriately apply and pay for them.

Betty Clark, Garden Valley resident, was the next speaker. She reiterated what Mel Koch had said, and further stated that she had moved to Garden Valley for peace and quiet and to get away from all the activity being fostered by SFL.

Lee Ward spoke next. He spoke about the fly-in at the Garden Valley Airport. He stated that a back-county pilots fly-in was scheduled the same weekend as that of the Payette River Experience which was also advertising a fly-in. He stated that this was a conflict and that someone could get hurt.

Joe Kusick of Garden Valley spoke next. He also complained about SFL, especially the lights on the tubing hill and the noise created by the special events. He also stated that the SFL developers had lied and not kept promises.

Keith Hughes, Garden Valley resident and Payette River Experience promoter and applicant, spoke next. Mr. Hughes stated that he made his living by organizing these types of special events and that the Payette River Experience was a fund-raiser for the Horseshoe Bend Fire

Department, Crouch Ambulance and Garden Valley Fire Department. He went on to say that the event was not a SFL event. Mr. Hughes stated that he would have a full medical staff on-site and that Cascade Raft held the permit to use the Payette River. He further stated that he had called the ITD, Division of Aeronautics, about the fly-in approximately one and one-half years ago. He stated that it was a public airport and could be used by everyone but that he wanted to be sure all pilots knew about both events.

Mr. Hughes went on to say that he had contracts with the Red Lion and Hampton Inn in Boise during the event and that he would shuttle people back and forth who chose to stay in Boise.

Mr. Hughes asked the Board if there was a law about the \$100,000 bond requirement and further stated that he would pay upfront for actual expenses. When questioned how many people he thought would attend, Mr. Hughes stated that he expected approximately 4-6,000.

Mr. Hughes further told the public about his credentials as an event organizer and stated that meeting all the requirements was his responsibility, not that of SFL. He ended by providing his home phone number to the audience and stating that he wanted to hold a good event for everyone.

Emily Goetsch, Garden Valley resident, read her letter to P&Z Administrator Burke and Code Enforcement Officer Dirk Tenyeck's response into the record. Ms. Goetsch stated that the noise made by the snow-making machine at the SFL tubing hill was very loud and was constant during the winter. She further stated that Mr. Tenyeck's comparison to a noisy vehicle was not adequate since vehicles don't sit and idle all night. Ms. Goetsch stated that SFL had shielded the bright light on the tubing hill and she, in turn, had put up curtains.

Georgiana Goetsch, Garden Valley resident, spoke next. She stated that there should be conditions that SFL had to meet to prevent or limit the noise and light problem. Ms. Goetsch spoke about the following:

- Lower property values to reflect the downward market;
- Requested that permit fees be waived for Garden Valley library;
- Preservation of rural, agricultural compatible use in future planning and development;
- More diligent enforcement of CUPs and building permits;
- Protection of private property rights;
- Questions concerning ATV licensing and operation on County roads.

Ms. Goetsch also spoke about the Alder Creek Bridge and stated that it was only one lane and not improved. She stated that SFL had brought more traffic to the Garden Valley area and that someone was going to get hurt. Ms. Goetsch queried the Board about the status of the nuisance ordinance. She also re-stated the concerns about the noise and safety of the two fly-ins occurring during the Payette River Experience event and the lack of law enforcement and EMTs during that weekend. She also applauded Commissioner Anderson's values and efforts and reminded the Commissioners to ensure that the Garden Valley area remain pristine and beneficial for all.

Ms. Goetsch stated that the residents had been told that the SFL development would stimulate growth; however, she stated that SFL had not paid their property taxes for 2008 and had not paid \$80,000 to the school. She further stated that the SFL PUD had been approved and was quickly becoming a resort without any infrastructure updates.

Richard Goetsch, Garden Valley resident, spoke next. He stated that there were two different types of noise coming from the SFL tubing hill: noise from the groomer and noise from the snow-making machine. He stated that both types were very loud and annoying. Mr. Goetsch re-stated that the lights from the tubing hill were blinding, even from two miles away.

Mr. Goetsch, as Chairman of the Garden Valley Library Board, requested a discount on the county permits they needed to build a new library. He requested a 25% decrease on any future fees they might need to pay. Administrator Patti Burke advised him to put it in writing and the Commissioners would rule on it when they met in Idaho City.

At 8:15 PM and having no further business, Chairperson Linda W Zimmer adjourned the meeting until 9:00 AM, April , 2009.

Approved this day of April, 2009.

LINDA W ZIMMER, Chairperson
Boise County Board of Commissioners

Attest:

Constance Swearingen, Clerk to the Board