

BOISE COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 8<sup>TH</sup>, 2010  
BOISE COUNTY COMMISSIONER'S ROOM  
**OFFICIAL MEETING MINUTES**

Chairman Terry C Day called the meeting to order at 12:00 P.M. The Pledge of Allegiance was recited.

**PRESENT:** Chairman Terry C Day, Commissioners Linda W Zimmer and Jamie A Anderson and Clerk Constance Swearingen

**OTHERS PRESENT:** Assessor Brent Adamson, Treasurer April Hutchings, Deputy Prosecutor Cherese McLain and Chief Deputy Clerk Dee Woodstrom

**AMENDMENTS TO THE AGENDA:** Commissioner Jamie Anderson stated that a response letter to the Environmental Protection Agency (EPA) concerning the small dredge miner's issue was due today and that she would like to address the issue today.

Clerk Swearingen stated that the 6:30 PM agenda item concerning a medical lien had been stricken from the agenda at the property owner's request and requested that the 8:00 PM agenda item be moved to 6:30 PM.

Commissioner Jamie Anderson made a MOTION to amend the agenda to add the approval of the public comment letter to the EPA and to move the 8:00 PM agenda item to the 6:30 PM time slot. Chairman Terry C Day SECONDED. All ayes, motion carried.

**COMMISSIONER DISCUSSION:** Chairman Terry C Day spoke about the EPA letter concerning dredge mining and stated that adequate notice to respond had not been given.

Commissioner Jamie Anderson spoke about the M3 land exchange and stated that she would like to schedule a meeting with Senator Crapo's office on this issue.

Commissioner Jamie Anderson spoke about the Recovery Zone Facility Bonds and stated that she would like to do an article in the newspaper about this issue.

Commissioner Linda W Zimmer spoke about the industrial building in Horseshoe Bend.

Commissioner Anderson spoke about the adult and aging guardianship program. Commissioner Zimmer spoke about the national program called "Safe Place" and stated that it was available in Boise County. Commissioner Linda Zimmer states that she would contact Juvenile Probation Officer Kevin Burke about the program.

Commissioner Anderson asked about getting a County revenue update. Clerk Swearingen stated that her department was working on it and would be available in approximately two weeks.

Commissioner Linda W Zimmer spoke about the information from IAC on the Catastrophic Health claim changes.

Commissioner Zimmer stated that she would be attending the Horseshoe Bend Public Hearing. She also brought up an issue she had received from Mike Bottoms about a Weed Department levy and stated that they were unclear about the details since the County had no such levy.

**FUTURE AGENDA TOPICS REVIEW:** The Board discussed their desire to address the mass gathering ordinance. They also agreed that they should have a budget review very soon. Clerk Swearingen stated she would give the Board a date, for budget review, at the following week's meeting.

Deputy Prosecutor Cherese McLain gave an update on the WUI and Flood Plan ordinances. Ms. McLain stated she would do a final review with Planning & Zoning Administrator Patti Burke and provide the Board with an update at next week's meeting.

**MINUTES:** Clerk Swearingen presented meeting minutes for March 1<sup>st</sup>, 2010. Commissioner Linda W Zimmer made a MOTION to approve the March 1<sup>st</sup> minutes with changes stated. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**TREASURER/ASSESSOR ISSUES:** Treasurer April Hutchings spoke about the meeting with Mountain West Bank concerning investment opportunities. She also stated that the County's day-to-day business needed to remain with Wells Fargo Bank.

Treasurer April Hutchings spoke about Resolution 2010-26, Boise County Investment Policy. The Board and Deputy Prosecutor Cherese McLain reviewed the policy. Commissioner Linda W Zimmer made a MOTION to approve the resolution. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**COMMITTEE REPORTS:** Commissioner Linda W Zimmer stated that she had attended the Water District Board meeting and the WICAP Advisory Board meeting. She also stated that WICAP was considering putting an office in Boise County.

Commissioners Jamie Anderson and Linda Zimmer stated that they would be attending the Horseshoe Bend City Council meeting to advise them on the activities of the Payette River Scenic Byway Committee.

Commissioner Anderson also stated she had attended the Crouch City Council meeting where they had discussed their lack of funding to purchase law enforcement services from the County. She stated that they might be able to pay \$50/hour by the event when security was needed.

Chairman Terry C Day stated he had attended the SAGE Board meeting.

**CONTRACTS/AGREEMENTS/GRANTS:** Sheriff Roeber presented the modification of the SISK agreement for signatures. Chairman Terry C Day made a MOTION to have Commissioner Linda W Zimmer sign the agreement since the original contract had been received with her name as the Chair. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

**DEMAND WARRANTS:** Clerk Swearingen presented demand warrants to pay Boise County Treasurer, Michael Jones (\$1,630.50) and Paramount Supply (\$206.54). Commissioner Jamie Anderson made a MOTION to approve the demand warrants for Michael Jones and Paramount Supply. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried. The demand warrant to the Boise County Treasurer was not approved since it was incorrect.

**INDIGENT - EXECUTIVE SESSION per I.C. 67-2345(1) (d):** Nothing was presented.

**MISCELLANEOUS & CORRESPONDENCE:**

- Resolution 2010-25 Show Cause Hearing Procedures – Deputy Prosecutor Cherese McLain presented the resolution for approval. Commissioner Linda W Zimmer made a MOTION to

approve the resolution. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

- Certificates of Residency – The Board reviewed four requests. Commissioner Jamie Anderson made a MOTION to approve all four certificates of residency. Chairman Terry C Day SECONDED. All ayes, motion carried.
- ARRA HVAC Improvements and Lighting Replacement, at the Miner’s Exchange Building, Evaluation.
- Payroll change request – The Assessor requested a raise in salary for Jim Steffen because he had completed his schooling and had received his Appraiser’s certification. Chairman Terry C Day made a MOTION to approve the request. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- Road Department compensation payout request – Commissioner Jamie Anderson made a MOTION to approve the request. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.
- USDA Grand Mountain Prescribed Fire Project information – This was a project for fuels reduction of 48,000 acres.
- USDA Crooked Bear Thinning Project information.
- USDA Southwest Idaho Resource Advisory Committee letter informing the Board about the new designated federal officer who co-chairs the RAC Committee.
- Horseshoe Bend Public Hearing Notice.
- U.S. Census challenge information.
- EPA letter – Chairman Terry C Day made a MOTION to approve Commissioner Jamie Anderson’s letter to the EPA. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.
- Upper Payette River Economic Development Council letter from the Board.

**SHOW CAUSE HEARINGS:** Deputy Prosecutor Cherese McLain spoke about the Show Cause hearing for Clear Creek Lodge. Mr. Dixon, owner of the Lodge, was not present for the hearing. Clerk Swearingen stated she had not received the certification of mailing, which had been sent to Mr. Dixon informing him of the Show Cause hearing. The Board agreed to reschedule the hearing to March 22<sup>nd</sup> at 1:30 PM. The Board requested that Sheriff Roeber serve the notice to Mr. Dixon advising him of the new hearing date and time. Chairman Terry C Day made a MOTION to have the Sheriff’s Department hand-deliver the notice to Mr. Dixon. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

**CLEAR CREEK FIRE DEPARTMENT:** Sam Bonovich and Craig Hainer spoke about the egress/ingress problems into Elk Meadows for fire-fighting purposes. Mr. Hainer stated that the road had been gated in that area and that it would cause problems if one of the property owners within the subdivision had a fire or medical emergency. Mr. Hainer stated that the developer believed that the road belonged to him. After further discussion, the Board stated that Clear Creek Volunteer Fire Department should go to the Idaho State Fire Marshall to initiate proceedings against the developer to re-open the road.

Mr. Bonovich also spoke about the same developer filing a new subdivision within the original subdivision without going through the County’s Planning & Zoning department.

**PA ISSUES:** Deputy Prosecutor Cherese McLain presented information on the WUI Ordinance.

Ms. McLain spoke about the salary of the new Deputy Prosecutor, Garry Gilman, questioning the appropriate area of the budget from which to pay it. The Board stated that the salary funding needed to be transferred into the Professional Services account item.

Clerk Swearingen presented the Board with a voucher and bill from Prosecutor RJ Twilegar to pay for transcriptions he had had done during his investigation of current and past County officials. Deputy Prosecutor Chereese McLain stated that Prosecutor Twilegar had informed her that the transcriptions had also been used by the special prosecutor during the investigation. The Board requested that the issue be held for another week in order to review the information.

Commissioner Jamie Anderson asked Deputy Prosecutor McLain if the Big Pine Creek Aquatic Project could be closed. Ms. McLain stated that she would prepare the necessary documents.

**HARDSHIP APPLICATION REVIEW:** The applicants, Kimberly Harder and Randy Ransom, were in attendance and spoke about the taxes they owed dating back to 2005. The Board stated that they believed that there were resources available to assist them and that the County would give them the contact information to move forward. Treasurer April Hutchings stated that the Board could waive late fees and interest for the applicants. The Board made the decision to work with the applicants and to set aside the Hardship application. The Board ensured Ms. Harder and Mr. Ransom that their property would not go to tax deed at the current time.

**BILLS:** Clerk Swearingen presented the bills as follows:

General Fund	\$	10,679.96	Revaluation	\$	1,661.58
Justice Fund	\$	13,975.66	District Court	\$	7,248.84
Road & Bridge	\$	72,553.35	EBCA	\$	42,762.91
Emergency 911	\$	3,676.52	Solid Waste	\$	27,235.62
Indigent	\$	11,265.91	Snowmobile IC8-A	\$	1,648.20
Jr. College Fund	\$	743.50	Snowmobile GV8-A	\$	400.00
Tort	\$	46,610.54	Weeds	\$	348.90
Sheriff's Reserve	\$	178.00	Sheriff's Vessel	\$	1,727.98

Commissioner Linda W Zimmer made a MOTION to approve the bills. Chairman Terry C Day SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson made a MOTION to sign the Upper Payette River Economic Development letter at tonight's meeting. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson made a MOTION to recess the meeting until 6:30 PM in Garden Valley.

The meeting reconvened at the Garden Valley High School at 6:30 p.m.

**LIEN CANCELLATION DISCUSSION:** This issue was postponed until a later date.

**GARDEN VALLEY FIRE PROTECTION DISTRICT:** John Delvalle, Garden Valley Volunteer Fire Department Chief, stated that his department had adopted the International Fire Code (IFC), but that they only enforced those portions of the Code that they could effectively manage. He further stated that the three main issues of the Fire Code were those of access, water supply and defensible space and that the Idaho State Senate was now considering a bill to remove the IFC's regulations on five-acre land parcels outside city limits. Mr. Delvalle stated that if this legislation passed, it would be up to the County fire departments to control and enforce the IFC on these three issues.

Mr. Delvalle also stated that the County fire districts were in agreement with the provisions in the WUI ordinance. He stated that both the WUI and the IFC work in concert at the commercial, subdivision and PUD levels but that they still had problems with enforcing fire controls on residential development. Mr. Delvalle stated that the WUI needed to address the defensible space issue, especially on single-home dwellings. The Board requested that Mr. Delvalle provide them with suggested language on defensible space issues for the WUI ordinance. He agreed.

It was discussed that fire regulations needed to be addressed at the building permit phase. Commissioner Anderson brought up the issue that the Garden Valley Volunteer Fire Department had adopted the IFC, that Boise County had only recognized it, and that the County had contracted with the city of Crouch to issue their building permits. Mr. Delvalle stated that both the County and the fire districts, in their interpretations of the IFC, would not experience problems if the WUI was updated to address the defensible space issue.

**CONSTITUENT INPUT:** Jayne Reed, Garden Valley resident, spoke about the discussion earlier about fees being assessed for violators of Boise County ordinances. She stated that there were only two land use ordinances which would need to be changed to implement these fees.

Ms. Reed also made a complaint about the Board allowing Southfork Landing (SFL) developers an extra 45 days to respond to the Show Cause hearing and their alleged violation. She asked the Board if the developers were receiving special treatment. Chairman Day stated that the Board wanted Phases I and II completed by the time of the Show Cause hearing. Ms. Reed stated that the developers knew the full implication of their actions and went ahead anyway. Chairman Day stated that they wanted the official record to reflect that the County had gone "above and beyond" to assist the developers. Commissioner Anderson stated that the SFL developers would have to answer for their violations and rectify them or civil court proceedings would be started.

Dino Hugon, Road and Bridge Department employee and Garden Valley resident, requested an "unofficial" meeting with the Commissioners after they adjourned their regular meeting. The Board informed Mr. Hugon that he could not meet with all three of them "unofficially" because it would be a quorum violation. Mr. Hugon agreed to meet with just one commissioner after the meeting.

**ROAD DISCUSSION:** Jim and Brandon Keller, Keller and Associates, Inc., introduced themselves to the Board. Jim Keller stated that his firm served as both Canyon County and Gem County's engineers. Mr. Keller queried the Board about whether the County had made application for stimulus money for road projects. The Board responded that they had but that none had been funded.

Mr. Keller passed out list of road projects which had been awarded to receive stimulus funding. He also distributed a list of "provisional" road projects and stated that these were projects that had the design completed, gone through LHTAC, but were not yet funded. Mr. Keller went on to say that Boise County could complete the engineering on a project with the hope that it gets selected for federal funding during the second go-around. He further stated that he knew it was a risk but that he thought the County could be successful.

Mr. Keller asked the Board about the engineering fees on the Gardena Bridge project and stated that they were astronomical. He stated that his firm could save the County money. Commissioner Anderson stated that there were many issues to contend with in replacing the Gardena Bridge not the least of which was that it was on the historical register. She further stated that Boise County had not yet sent out or advertised an RFP for engineering services. Mr. Keller stated that he would

like his firm considered for future County projects and distributed information about Keller and Associates, Inc.

**LEADERSHIP TRIP TO JAPAN:** Killian Sampo, a student at Garden Valley High School, spoke about and presented a slide show of his trip to Japan. Mr. Sampo stated that last July he had traveled to Japan and spent a month with a Japanese family. He stated that the opportunity had been made possible through the International 4-H Youth Exchange Association and his fund-raising efforts and urged the Board to continue funding the local 4-H program.

At 8:00 PM, having no further business, Chairman Terry C. Day adjourned the meeting until 9:00 AM, March 15<sup>th</sup>, 2010.

Approved this 5<sup>th</sup> day of April, 2010.

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**TERRY C. DAY**, Chairman  
Boise County Board of Commissioners

**Attest:**

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**Constance Swearingen**, Clerk to the Board