

BOISE COUNTY BOARD OF COMMISSIONERS  
MONDAY, APRIL 12<sup>TH</sup>, 2010  
BOISE COUNTY COMMISSIONERS' 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, Commissioner's Commissioners Linda W Zimmer and Jamie A Anderson and Clerk Constance Swearingen

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

**COMMISSIONER DISCUSSION:** Chairman Terry C Day stated that he would have the antique clock in the Commissioners' room fixed.

Chairman Day also stated that he had been given a flag which had been flown by the Idaho Air Guard in Iraq. He requested that it be displayed in the Commissioners' room.

Commissioner Linda W Zimmer provided a Community Guardians update. Commissioner Jamie Anderson spoke about the idea of having a safe house and to have contact people, outside of law enforcement, which could be called when needed.

Commissioner Linda W Zimmer also informed the Board and staff that Community Justice Coordinator Cheryl Pendergrass was back to work half days after her ankle surgery.

Chairman Terry C Day stated that he would be leaving the meeting today at approximately 11:00 AM.

Commissioner Jamie Anderson spoke about county jobs and the County's hiring practice. Chairman Terry Day stated that County hiring procedures could be addressed at a later meeting. Chairman Terry C Day stated that when doing the application process, if there were several "qualified" applicants, the hiring manager shouldn't have to start the process all over again each time there was a job opening.

**FUTURE AGENDA TOPICS REVIEW:** Commissioner Jamie Anderson stated that she would like to discuss the County's hiring practice, NACO Deferred Compensation Plan, Wildlife Underpass Memorandum of Understanding, Wildlife Urban Interface (WUI) and the International Fire Code during future meetings.

**AMENDMENTS TO THE AGENDA:** Chairman Terry C Day alerted the Board that there could be a Road Department demand warrant to present later today.

Clerk Swearingen stated that she wanted to discuss the Valuations Northwest appraisal information.

Chairman Terry C Day made a MOTION to amend the agenda to include the Road Department demand warrant and the discussion on the Valuations Northwest appraisal. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**MINUTES:** None were presented.

**TREASURER/ASSESSOR ISSUES:** Treasurer April Hutchings presented the Treasurer/Auditor Joint Quarterly Report for the second quarter of 2010.

Treasurer Hutchings spoke about the sale of property acquired through tax deed. She stated that Boise County had two properties that needed to be sold in the near future; however, one of the property owners had paid their taxes so there would only be one parcel that needed to be sold. The question of using Bids-4-Assets for the sale was discussed and it was suggested that the County not use the service for only one sale.

Commissioner Jamie Anderson spoke to Assessor Brent Adamson about the Southfork Landing property that had been improperly split. Assessor Adamson stated that according to the records in his office, the land had not been split.

**COMMITTEE REPORTS:** Chairman Terry C Day spoke about the EBCA Advisory Board meeting during which they had selected a new billing clerk for EBCAD to replace retiring Deputy Clerk Jill Browning. Chairman Day stated that a contract would be presented for their review and signature next week.

Clerk Swearingen stated that she and Chairman Day had learned that the Idaho City Ambulance/Community Justice building might contain asbestos. She stated that Idaho City Ambulance Unit President, Wendy Osborne, was contacting vendors to test the building and the results would be forthcoming.

**CONTRACTS/AGREEMENTS/GRANTS:** Sheriff Ben Roeber presented the Boater Safety Grant for approval and signatures. Commissioner Jamie Anderson made a MOTION to enter into the agreement between the Idaho Department of Parks & Recreation and Boise County for Idaho's available recreation boating safety monies. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

Solid Waste Coordinator Mike Bottoms presented the Western States CAT lease agreement for a new loader. Commissioner Linda W Zimmer made a MOTION to sign the agreement. Chairman Terry C Day SECONDED. All ayes, motion carried. Mr. Bottoms also presented a demand warrant for \$13,762.00 for the first payment on the loader. Chairman Terry C Day made a MOTION to approve the demand warrant. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried. Clerk Swearingen stated that the agreement needed a letter from the County attorney before the lease agreement could be returned to Mountain West Bank.

**DEMAND WARRANTS:** Clerk Swearingen presented three demand warrants to pay Holladay Engineering (\$4,709.88), IAC (\$70) and the Get Motivated Seminar (\$19). Commissioner Linda W Zimmer made a MOTION to approve the demand warrants. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

**INDIGENT - EXECUTIVE SESSION per I.C. 67-2345(1) (d):** Deputy Clerk Vedros presented Indigent case 10-01-A. Chairman Terry C Day made a MOTION to go into executive session. Commissioner Jamie Anderson SECONDED. Roll Call Vote: Chairman Terry C Day – Aye; Commissioner Linda W Zimmer – Aye; Commissioner Jamie Anderson - Aye. Motion carried.

Chairman Terry C Day made a MOTION to come out of executive session. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Chairman Terry C Day made a MOTION to release the extra lien on Indigent case 10-01-A. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

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

General Fund	\$	16,086.98	Sheriff Vessel	\$	992.84
Justice Fund	\$	12,188.76	District Court	\$	6,727.57
Road & Bridge	\$	32,367.52	EBCA	\$	3,710.91
Emergency 911	\$	1,944.40	Solid Waste	\$	16,916.75
Tort	\$	20,156.35	Snowmobile IC8-A	\$	934.37
Indigent	\$	11,780.00	Snowmobile GV8-A	\$	339.29
Revaluation	\$	520.06	Weeds	\$	179.91

Commissioner Linda W Zimmer made a MOTION to approve the bills except the tire payment presented by the Road Department. Chairman Terry C Day SECONDED. All ayes, motion carried.

**ROAD DEPT:** Road Superintendent Bill Jones presented information concerning the Upper Payette River/Gardena Bridge project. He informed the Board that LHTAC had sent them the State/Local Agreement before the federal funding had been authorized. The Board decided to discuss this at a later date, after the federal funding was available. It was agreed that the County would have more time to review the project and pursue a change of access onto State Highway 55 (from the current location).

Trevor Howard, Forsgren Engineering, presented the Alder Creek Scope of Work Agreement for the Board's review. The Board stated that they wanted Deputy Prosecutor McLain to review the agreement.

A demand warrant from Tom Nelson's Gravel (\$8,500) was presented to the Board. Commissioner Linda W Zimmer made a MOTION to approve the demand warrant. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

The Board asked Road Superintendent Jones about the tire voucher that had been included in the payment vouchers. Mr. Jones stated that new tires had to be put on the loader which was being returned to CAT since it had been leased equipment. Commissioner Jamie Anderson made a MOTION to pay the voucher with the regular bills. Chairman Terry C Day SECONDED. All ayes, motion carried.

The Board stated that the Mountain West Bank agreement for the new loader would be discussed at next week's meeting along with the surplus guardrail.

**RBOG GRANT:** Planning & Zoning Administrator Patti Burke spoke about the scope of work and how the grant would help with the County's economic plan. Ms. Burke stated that the deadline for the grant application was April 30th. Chairman Terry C Day made a MOTION for Ms. Burke to move forward with the grant. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

**TAILOR GRAZING ACT FUNDS:** Chief Deputy Clerk Wendy Lee presented a handout on the Boise Basin Grazing District. Ms. Lee stated that the funds had been in a trust fund for over ten years and requested the Board's approval to move the funds into the Noxious Weeds Department for their use. Chairman Terry C Day made a MOTION for Chief Deputy Lee to draft a resolution to move the trust funds into the Noxious Weeds Department budget. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

**WUI AND FLOOD PLAN ORDINANCE REVIEWS:** Emergency Management Services (EMS) Coordinator Gordon Ravenscroft spoke about the Wildlife Urban Interface (WUI) ordinance and stated that he would like to add the 2006 Fire Code to the Ordinance. Garden Valley (GV) Fire Chief, John Delvalle, spoke about the WUI Ordinance and the occupancy permit.

The Board asked Chief Delvalle when the Garden Valley Fire Department would be adopting the 2009 Fire Code. Chief Delvalle stated that it might be considered in January 2011. EMS Coordinator Gordon Ravenscroft stated that he did not want to adopt the 2009 Fire Code.

The Board, EMS Coordinator Ravenscroft and GV Fire Chief Delvalle discussed the different levels of authority between a volunteer fire chief and a regular fire chief as defined in the WUI ordinance.

The Board stated that the WUI and Flood Plan ordinances would be discussed on May 10<sup>th</sup> during the evening portion of the meeting in Idaho City.

The Board tabled the Flood Plan ordinance until May 10<sup>th</sup>.

**MISCELLANEOUS & CORRESPONDENCE:**

- Branch Estates Minor #2 Final Plat Signing – Tabled until next week since the developer had not paid the property taxes.
- Liquor License Transfer - The Sober Moose, LLC/The Silver Moose requested transfer of their liquor license because the owner had changed the name to The Corner Café Bar and Grill, LLC. Commissioner Jamie Anderson made a MOTION to approve the transfer. Chairman Terry C Day SECONDED. All ayes, motion carried.
- Auditor Department Payroll Change Request – Clerk Swearingen presented a payroll change request for Brandon Bettys for successful completion of his six-month probationary period. Chairman Terry C Day made a MOTION to approve the request. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.
- Auditor Department Compensation Payout Request – Clerk Swearingen presented a compensation payout request for Dee Woodstrom. Chairman Terry C Day made a MOTION to approve the request. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- USDA Environmental Assessment for the Emmett Ranger District concerning Bull Creek and Upper Silver Creek Motorized Trail Designation and Rehabilitation Project.
- Scoping Information Package for Pumpkin Brainard Restoration Project – Received information from the Boise District BLM – Four Rivers Field Office.
- City of Horseshoe Bend April 2010 Newsletter.
- Valuations Northwest Proposal – Clerk Swearingen presented information to the Board concerning the upcoming appraisal of County-owned buildings. The Clerk stated that ICRMP had hired Valuations Northwest to appraise all County buildings valued over \$200,000 which would be the Miner’s Exchange, Courthouse and Public Safety buildings. Clerk Swearingen stated that Valuations NW had also sent her a proposal to appraise all County buildings and large equipment, at a cost of \$2,000 to the County, and asked the Board if they would like all County buildings and large equipment appraised. There was concurrence among the Board members that an appraisal of all County buildings and large equipment was unnecessary at the time.

**PA ISSUES:** The Board stated that they would have an executive conference call on April 13<sup>th</sup> at 2:30PM with Attorney Andrew Brassey concerning the Alamar Ranch federal lawsuit.

The Board recessed the meeting until 6:00 PM.

Chairman Terry C Day reconvened the meeting at 6:30 PM in Horseshoe Bend at the Boise County Courthouse. Those present were: Chairman Terry Day, Commissioners Jamie Anderson and Linda Zimmer, Clerk Conni Swearingen, NW/SW Coordinator Mike Bottoms, Community Services' Coordinator Cheryl Pendergrass, Road and Bridge Assistant Superintendent Chuck Morgan and Road and Bridge Administrative Assistant Marilyn Newman.

**GARDENA BRIDGE DISCUSSION:** This issue was discussed in the morning portion of the meeting.

**GARDENA SURPLUS PROPERTY:** Chairman Terry Day provided a recap on the County's actions in relation to the Gardena surplus property issue. Commissioner Linda Zimmer stated that this subject had been discussed at a prior evening meeting late last year in Horseshoe Bend. She provided those in attendance with the history of the parcel since it had been surplus by the Idaho Fish and Game Department. She further stated that she believed that residents of Horseshoe Bend had been interested in acquiring the property and asked for comments from the floor.

Road and Bridge (R&B) Assistant Superintendent Chuck Morgan stated that he and R&B Superintendent had met to do a site visit of the parcel and had looked at a new access to the river for water. He further stated that after this second review and additional access that the R&B Department wanted to purchase the property, divide it for the County and fire departments' access to the river, and sell the rest at public auction. Mr. Morgan stated that the County would only need approximately 1.3 acres of the parcel for theirs and the fire department's easement which would leave approximately 5 acres left to sell. He also stated that the County would keep the worst section and that the remaining property would be riverfront and valuable. Mr. Morgan stated that the R&B Department had cash reserves to purchase the land (+/- \$130,000) and that the County would be able to make additional money from the purchase of the parcel and then selling the unneeded, five (5) acres.

Commissioner Jamie Anderson stated that there could be issues with the Corps of Engineers' requirements for building along railroad tracks and the river. Mr. Morgan stated that the parcel was not in a flood plain or wetland.

Commissioner Anderson stated that many people had already put time and effort into effecting a multi-party transaction and that Chairman Day and Commissioner Zimmer had approved her moving forward to get this done. Gary Biggers, resident of Horseshoe Bend, asked Commissioner Anderson to clarify what a multi-party transaction was. Commissioner Anderson stated that the Idaho Land Board would sell the Gardena property to Boise County through a 501(c)(3) organization called Youth Dynamics and the County and fire departments would have a perpetual easement.

Robin Green, HSB resident, asked if the parcel had to go back to public auction. Commissioner Anderson stated that local units of government, like the County, always had first option to buy surplus state-owned property. She further stated that the County had discussed purchasing the property months earlier and that the Road and Bridge Department had indicated that they did not want to purchase it. Commissioner Anderson stated that the Road Department's refusal had initiated the multi-party transaction.

There was more discussion from the floor. Some of the residents objected to a religious, non-profit entity purchasing the land. Chairman Day stated that he had researched this type of

transaction and had found that it was legal by Idaho law. He further stated that the law allowed for a non-profit organization to act as the "go-between" in a transaction such as this as long as it was for the public good. Commissioner Anderson stated that the Road and Bridge Department had been offered the land previously and had turned it down, which had necessitated this third party arrangement.

Commissioner Jamie Anderson congratulated Chuck Morgan on his successful efforts to change Idaho law and the IDAPA rules to ensure that all Idaho government land which was to be sold had to be first offered to local units of government. She further stated that the R&B purchase was a win-win solution.

Chairman Day stated that the Board could not vote on this issue away from the county seat, which is in Idaho City, but believed that all three commissioners agreed with the proposal to have the Road and Bridge Department purchase the property. He stated that they would vote on it at their next meeting in Idaho City.

Commissioner Jamie Anderson stated that the Idaho Land Board was having a public hearing in Horseshoe Bend on May 13<sup>th</sup> on this issue. She urged local residents to attend and show their support of the County purchasing the land.

**SQUAW CREEK FUNDING FOR 2011:** Chairman Terry Day explained how the County funds its portion of the Squaw Creek Soil Conservation District's budget each year. He stated that the Soil Conservation District had requested a letter of intent from Boise County in the amount of \$2535.50. Chairman Day stated that the County had cut funding to the Soil Conservation District this year because of decreasing revenues but believed that the County could fund their full request for FY2011-12. Commissioners Anderson and Zimmer concurred. Clerk Swearingen stated that she would have a letter ready for their signatures at their next meeting in Idaho City.

**RC&D SURPLUS FUNDS:** Commissioner Linda Zimmer explained what the RC&D was and what function it served. She stated that the RC&D had \$2,000 sitting in an account not being used, and that their auditors had urged the RC&D to return it to those who had donated it. Commissioner Zimmer stated that it had originally been designated to hire a forester for the RC&D years ago; however, due to funding constraints, a forester had never been hired and the RC&D needed to return the funding to the contributing counties. Boise County had donated \$2,000. Commissioner Zimmer asked the other two commissioners how they thought the money should be used, and she said she believed that the \$2,000 should go towards the Woody Biomass Partnership.

Chairman Day spoke about how the Woody Biomass Partnership had been started. He stated that the four co-founding counties (Boise, Adams, Gem and Valley) had all pledged \$6,000 per year for three (3) years. Chairman Day further stated that Boise County had not been able to pay the entire \$6,000 in the third year because of funding shortfalls. He stated that he believed the \$2,000 should be paid to the Woody Biomass Partnership because the group's efforts were aimed towards assisting in the removal of wood waste and facilitating the creation of co-generation heating and power plants.

**CONSTITUENT INPUT:** Mike Bottoms, Boise County Noxious Weeds Coordinator, stated that he had received additional funding for weed eradication from Garden Valley to Idaho City but was unsure how much longer the County would receive this type of funding.

Mr. Bottoms also spoke about "Free Spray Days" and stated that it would occur in Idaho City on June 4<sup>th</sup> and 5<sup>th</sup> and May 21<sup>st</sup> and 22<sup>nd</sup> in Garden Valley. He further stated that the days for Horseshoe Bend had not been determined yet due to funding constraints.

Robin Greene, Horseshoe Bend resident, asked Clerk Swearingen if she still was publishing the Commissioners' meeting minutes in the Idaho World. Ms. Swearingen assured her that she was but stated that she had gotten behind in publishing the condensed minutes.

Chairman Terry Day stated that he appreciated the participation at the Commissioner meetings from the residents of Horseshoe Bend.

Chairman Day also wondered aloud why County departments had to pay other County departments since they were all a part of the County government. Sandi Seibel praised the Road and Bridge Department's work on keeping her parking lot plowed and free of ice in the winter and congratulated Commissioner Linda Zimmer on her hard work as a Commissioner and filling in for the Cheryl Pendergrass, Community Services' Coordinator, while she was recuperating from her accident. Ms. Pendergrass stated that she appreciated Commissioner Zimmer's efforts and said that it was nice that the County "took care" of the County. She also stated that she appreciated the Noxious Weeds' Department's efforts in ridding the County of noxious weeds.

Commissioner Linda Zimmer stated that although she was not running for re-election, she still had nine (9) months left as commissioner and hoped to volunteer after her term of office was finished.

With nothing further to discuss, Chairman Terry Day adjourned the meeting at 7:13 PM until 9:00 AM on Monday, April 19<sup>th</sup>, 2010.

Approved this 14<sup>th</sup> day of June, 2010.

---

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

**Attest:**

---

**Constance Swearingen**, Clerk to the Board