

BOISE COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 19th, 2010
BOISE COUNTY COMMISSIONER'S ROOM
OFFICIAL MEETING MINUTES

Chairman Terry C Day called the meeting to order at 9:00 A.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, Deputy Prosecutor Chereese McLain and Chief Deputy Clerk Dee Woodstrom

COMMISSIONER DISCUSSION: Commissioner Linda W Zimmer spoke about the upcoming meeting on April 23rd with Senator Crapo.

Commissioner Jamie Anderson spoke about the State energy efficiency grant.

Commissioner Jamie Anderson asked if there would be updated revenue information presented soon for the Board to review. Clerk Swearingen stated that there would be an update in a few weeks. The Board discussed the Alamar Ranch litigation costs.

Commissioner Linda W Zimmer stated that the Clerk needed to provide the FY2011 budget information by the first Board meeting in May.

Chairman Terry C Day stated that he had received a telephone call from Ellen Berggren from the Idaho Corps of Engineers concerning a study on possible water storage areas in Boise County. Chairman Day stated that Ms. Berggren had informed him that there would be public meetings in the future on this issue.

FUTURE AGENDA TOPICS REVIEW: Commissioner Jamie Anderson stated that she would like to have Jason Daum from Nationwide Retirement Solutions attend a Board meeting to discuss the 457 deferred compensation plan for employees.

AMENDMENTS TO THE AGENDA: Nothing was amended.

MINUTES: None were presented.

TREASURER/ASSESSOR ISSUES: Nothing was discussed.

COMMITTEE REPORTS: Commissioner Linda W Zimmer stated that she had attended the Children's Mental Health meeting, a meeting concerning Alamar Ranch and a meeting in Horseshoe Bend concerning the food pantry.

Commissioner Linda W Zimmer stated she had attended the IAC Legislative conference.

Commissioner Jamie Anderson stated that she had attended the Executive Land Board meeting and that the Gardena Surplus property had been a part of the discussion.

Commissioner Anderson stated she had attended the City of Crouch Council meeting during which they had discussed studying options for a waste water plant.

She also stated that she had attended the RAC meeting in which they had rejected the wildlife underpass project for RAC funding. Commissioner Anderson stated that she had made a plea for the Committee to reconsider the application, and that they had agreed to reassess the application. Commissioner Anderson stated that although she agreed with the group that the dollar amount requested for the underpass was too high, she stated that some of the other projects the Committee had voted to fund, were questionable. She went on to say that she did not understand the benefit to natural resources on forest lands (objective of RAC funds) in their approval to fund a Sheriff's building in Valley County and a resurfacing project in Gem County. Commissioner Anderson stated that the RAC Committee had agreed to reconsider the Wildlife Underpass project. She further stated that she would be meeting with the Wildlife Underpass Partnership Committee the next day and that they would develop additional strong points for her to use in her presentation with the RAC Committee when they next considered the Underpass project.

Chairman Terry C Day stated that he had attended the Central District Health Board meeting during which they had discussed the annual budget. Chairman Day stated that they had not increased or decreased the budget and that Boise County's allocation should not increase.

ISSUE TRACKING: Chairman Terry C Day spoke about the payroll step & grade issue and asked Clerk Swearingen to contract SAGE to see if they had a model which the County could use.

Commissioner Jamie Anderson gave an update on the Placerville Ambulance building survey. Ms. Anderson stated that J-U-B Engineering was waiting for the Department of Commerce to provide the survey numbers so that they could move forward.

CONTRACTS/AGREEMENTS/GRANTS: Clerk Swearingen presented the Memorandum of Understanding between the Idaho Department of Fish & Game, Idaho Transportation Department, Ada County, Boise County, Ada County Highway District, City of Boise and the Idaho Rocky Mountain Elk Foundation. Commissioner Jamie Anderson made a MOTION to sign the MOU with the Idaho Department of Fish & Game, Idaho Transportation Department, Ada County, Boise County, Ada County Highway District, City of Boise and the Idaho Rocky Mountain Elk Foundation for the purpose of cooperatively working towards obtaining the necessary funding and implementing solutions for the benefit of wildlife and motorist interaction. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

Clerk Swearingen presented the Mountain West Bank loader contract. Deputy Prosecutor Cheresse McLain stated that she was working on the attorney letter to submit with the completed contract. Chairman Terry C Day made a MOTION to sign the contract and demand warrant (\$44,725.66) for the first payment. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried. Deputy Prosecutor McLain provided, later in the day, the attorney letter to attach to the contract.

Clerk Swearingen presented the EBCA Professional Services Contract for the Board's review. The Board asked that it be held for review by Deputy Prosecutor Cheresse McLain. Deputy Prosecutor McLain stated that she had reviewed the contract and that it was legally viable. Wendy Osborne, Idaho City Ambulance Unit, and Betty Meyers, Lowman Ambulance Unit, stated that the EBCA Board had approved it.

Commissioner Linda W Zimmer made a MOTION to approve the EBCA Professional Services Contract with Intermountain Solutions LLC. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Clerk Swearingen presented the Alder Creek Twin Bridges Scope of Work. Chairman Terry C Day made a MOTION to sign the scope of work. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson restated the motion. Commissioner Anderson made an amended MOTION to approve the work order and agreement with Forsgren & Associates with the inclusion of the Forest Service contract language, responsibility for Boise County, and the Boise County invoice and progress report, responsibilities for Boise County, included in the contract. Chairman Terry C Day SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson made a MOTION to enter into an agreement for professional land surveying services with Fox Land Surveyors, FLSI project #102001T. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

DEMAND WARRANTS: Clerk Swearingen presented three demand warrants for payment. Commissioner Linda W Zimmer made a MOTION to approve the demand warrant to Office Depot (\$326.53). Chairman Terry C Day SECONDED. All ayes, motion carried.

Later in the meeting, Commissioner Linda W Zimmer made a MOTION to approve Resolution 3010-31 unanticipated revenue for the Taylor Grazing Range Improvement money (\$2,202.85) to be added to the Noxious Weeds budget. Commissioner Jamie Anderson SECONDED. Motion carried, (*Chairman Terry C Day absent.*)

The demand warrant to pay Computer Arts was held for further research of billing fees.

Commissioner Jamie Anderson stated that a gift certificate for Retired Judge McDevitt would be a nice gesture for preparing the Gardena Surplus property paperwork. Commissioner Linda W Zimmer SECONDED. Motion carried. (*Chairman Terry C Day absent.*)

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

GARDENA SURPLUS PROPERTY DISCUSSION: Interested party, Paul Spence, spoke about the property, presented a petition with signatures and provided letters of reference. Ian Gee, attorney from Garden Valley, spoke about the legal and ethical ramifications to the County of not going forward with their verbal agreement with Paul Spence and his organization, Youth Dynamics to act as the County's intermediary in the purchase of the Gardena Property. He further stated that Mr. Spence had acted in good faith and had understood the County was unable to purchase the property because of declining revenues. Mr. Gee stated that Mr. Spence had now lost his right to bid on the property.

Commissioner Linda W Zimmer made a MOTION to proceed in the decision to allow the Boise County Road Department to purchase the property, to secure the proper easements, and at a later date, auction the remaining portion of the property to the public. Chairman Terry C Day SECONDED. Commissioner Jamie Anderson added to Commissioner Linda W Zimmer's motion, that all costs going forward were to be incurred by the Road Department and that any profit of the sale of the property should be those of the Road Department. Commissioner Anderson NAYED. Motion carried.

COMPREHENSIVE PLAN DISCUSSION: The Board discussed the comment sheet received by email from Mr. Cottingham. The Board stated that they would not add the information to the discussion since it had been received past the submission date.

Planning & Zoning Administrative Assistant Rora Canody spoke about an email that had been sent to the Board concerning the revisions to the comprehensive plan.

The Board discussed the information that they had received since their last review. The Board stated that they would review the plan again on May 3rd.

Chairman Terry C Day left the meeting for the remainder of the day to attend the Welfare Conference in Moscow, Idaho.

DISHION ENTERPRISES: Wade Dishion gave the 2009 4th quarter update on the adult probation program and presented a handout to the Board. Mr. Dishion stated that, in the near future, there would be house arrest monitors available in Boise County for home monitoring.

CONSTITUENT INPUT: Randy Smith, Idaho City Ambulance, spoke about the EBCA Ambulance QRU (Quick Response Unit) in Atlanta and stated that they did not have qualified EMTs to operate an ambulance service. He further stated that they had not been able to get any response from Elmore County for funding an EMT class in Atlanta. Mr. Smith stated that he would like to use the second Idaho City ambulance to teach the EMT class in Atlanta. Mr. Smith stated that he had not spoken with the EBCA Advisory Board yet on this topic. The Board requested that Mr. Smith put together an informational sheet on what the costs would be.

Jayne Reed, Garden Valley, spoke about the comprehensive plan and the email that she had sent to Boise County.

PUBLIC HEARING: Commissioner Jamie Anderson made a MOTION to open the public hearing for the McKay lot line vacation. Commissioner Linda W Zimmer SECONDED. Motion carried.

Planning & Zoning Administrative Assistant Rora Canody read the staff report into the record. Becky McKay, owner of the property, spoke about the lot line vacation.

Ms. Canody reminded the Board about the condition which states that the estimated 2010 property taxes must be paid before the mylar plat is recorded.

Commissioner Jamie Anderson made a MOTION to close the public hearing. Commissioner Linda W Zimmer SECONDED. Motion carried.

Commissioner Linda W Zimmer made a MOTION to approve the McKay lot line vacation case #2010-002 with staff recommendations that the new record of survey mylar must show the new one lot as presented, creation of an 8 1/2" X 11" paper copy of the record of survey, a new deed created with the new legal description for the one lot, certification of the surveyor that all corner pins or markings in the affected area have been removed and that the 2010 taxes had to be paid before it was approved.

Commissioner Jamie Anderson requested that the following be added to the motion: that those conditions be met prior to and that the approval is contingent upon those conditions being satisfied with Planning & Zoning. Commissioner Jamie Anderson SECONDED. Motion carried.

HARDSHIP APPLICATION REVIEW: The Board reviewed the hardship application for property tax on O & D, a partnership (Steve Dobson, owner). Mr. Dobson spoke about the application. Assessor Brent Adamson spoke about the property in the subdivision. Mr. Dobson stated that he had previously had an agricultural exemption on the property but had forgotten to reapply for

FY2009. Since there had been no exemption requested, Assessor Brent Adamson stated that the exemption had been removed and the property had been returned to full market value.

Commissioner Linda W Zimmer stated that she knew the property was currently being farmed. Deputy Prosecutor Cheresse McLain spoke about the qualifications for an agricultural exemption. She also stated that there was a current, ongoing BTA court case concerning a similar matter i.e. late filing of an agricultural exemption, and stated that the circumstances of Mr. Dobson's request closely paralleled those of the Court case. Assessor Brent Adamson spoke about the case and stated that he had filed an appeal in District Court concerning a decision the BTA had made, which he believed was violating Idaho law.

Commissioner Jamie Anderson suggested that the Board wait until they knew the outcome of the Court case before making a decision on Mr. Dobson's request. Commissioner Linda Zimmer concurred. Commissioner Jamie Anderson explained that if the County's appeal was upheld, Mr. Dobson would have to pay the full market value of his property. She further stated that if the Court decided in favor of the BTA and property owner, Mr. Dobson could retain the exemption even though he had not applied for it. Commissioner Anderson stated that the court case could last four to six months. Commissioners Jamie Anderson and Linda W Zimmer tabled this issue until after the completion of the court case.

Commissioner Jamie Anderson made a MOTION that accrual of interest and penalties on Boise County properties RP002330010010 and RP00230405070 would cease as of this date (April 19, 2010) until the current Court case concerning Boise County's appeal of a BTA decision on an agricultural exemption had been resolved. Commissioner Linda W Zimmer SECONDED. Motion carried.

MISCELLANEOUS & CORRESPONDENCE:

- Branch Estates Minor #2 final plat signing – Postponed until after the property taxes are paid.
- Bid for the repair of the north wall of the Transfer Station building in Horseshoe Bend. There were two bids received: Broom Construction (\$2,893) and Gary Secor Construction (\$4,965). Commissioner Linda W Zimmer made a MOTION to award the bid to Broom Construction. Commissioner Jamie Anderson SECONDED. Motion carried.
- Surplus of Road Department guardrail–Surplused used guardrail at \$1.00 per foot for approximately four miles of guardrail. Commissioner Linda W Zimmer made a MOTION to approve the declaration. Commissioner Jamie Anderson SECONDED. Motion carried.
- Certificate of Residency – Commissioner Jamie Anderson made a MOTION to approve the certificate of residency for Abby Wade for fall 2010. Commissioner Linda W Zimmer SECONDED. Motion carried.
- Squaw Creek Soil Conservation Funding 2011/2012 letter of intent – Commissioner Linda W Zimmer made a MOTION to approve and sign the letter of intent of \$2,523.50 for the Soil District's FY2011-2012 budget. Commissioner Jamie Anderson SECONDED. Motion carried.
- Road Department compensation payout request – Commissioner Linda W Zimmer made a MOTION to approve the request for Smokey Huston. Commissioner Jamie Anderson SECONDED. Motion carried.
- ARRA employee hire for three people in the Noxious Weeds Department. Commissioner Jamie Anderson made a MOTION to hire Joshua Waters, Henry Sargent and Jacob Hoyer for \$9.00 per hour, contingent upon the results of their drug tests and background checks, to be paid with ARRA Project funds. Commissioner Linda W Zimmer SECONDED. Motion carried.

- Budget Resolution 2010-32 Noxious Weed Unanticipated BLM ARRA Funding – Commissioner Jamie Anderson made a MOTION to approve the resolution. Commissioner Linda W Zimmer SECONDED. Motion carried.
- Budget Resolution 2010-33 Noxious Weed Unanticipated Additional ARRA Funding – Commissioner Jamie Anderson made a MOTION to approve the resolution. Commissioner Linda W Zimmer SECONDED. Motion carried.

MASS GATHERING APPLICATION REVIEW: The Board reviewed the Esthetic Evolution mass gathering application for the event to be held on June 18th & 19th at the Twin Springs Resort. Function promoters Ryan Dudley and David Hertling were in attendance to answer questions. Boise County Sheriff's Department Lieutenant, John Archer, was in attendance and stated that additional security was not addressed in the application. Mr. Dudley stated that he would send the information to the Sheriff's office. Mr. Dudley also stated that the payment of \$800 would be paid to Boise County Dispatch one month in advance of the event. Mr. Dudley stated that there would be an internet phone on site and an EMT available during the event. The Board requested that the telephone numbers, appropriate contact names and a certificate of liability insurance be sent to the County prior to the event.

Commissioner Linda W Zimmer made a MOTION to approve the Esthetic Evolution mass gathering with the following conditions: Attendees would not park on the roadway, \$800 would be paid 30 days in advance to Boise County Dispatch, \$1200 would be paid to the Boise County Sheriff's Department directly after the event, completion of the contingency plan, certificate of liability insurance in Boise County's name, and prior notice of contact phone numbers and appropriate contact names. Commissioner Jamie Anderson SECONDED. Motion carried.

EMERGENCY MANAGEMENT: EMS Coordinator Gordon Ravenscroft presented the 2009 HSGP Grant award. Commissioner Jamie Anderson made a MOTION to sign the 2009 HSGP Grant. Commissioner Linda W Zimmer SECONDED. Motion carried.

Mr. Ravenscroft spoke about the phone wiring bids for the Public Safety Building that he had received from Black Box and DataTel. Mr. Ravenscroft recommended award of the DataTel bid. Commissioner Linda W Zimmer made a MOTION to approve the DataTel bid (\$7,642). Commissioner Jamie Anderson SECONDED. Motion carried.

Mr. Ravenscroft presented a payroll change request for Brenda Glenn for successful completion of her six-month probationary period. Commissioner Jamie Anderson made a MOTION to approve the payroll request. Commissioner Linda W Zimmer SECONDED. Motion carried.

PA ISSUES: The Board discussed Deputy Prosecutor Garry Gilman's contract. Deputy Prosecutor Cherese McLain provided the Board with two drafts of the contract, one with an arbitration clause and one without. Commissioner Linda W Zimmer made a MOTION to extend the current contract for two weeks so they could review the new contract. Commissioner Jamie Anderson SECONDED. Motion carried.

The Board stated that the verbiage addressing travel expenses needed to be added to the contract.

Deputy Prosecutor Cherese McLain spoke about the M3 meeting on April 21st at Senator Crapo's office and stated that it would only be an informational meeting, and therefore the Board would not have to "agendize" it.

Deputy Prosecutor McLain spoke about the upcoming Show Cause Hearing on May 3rd for Southfork Landing.

Having no further business, Commissioner Jamie Anderson adjourned the meeting until 9:00 AM, April 26th, 2010.

Approved this 14th day of June, 2010.

TERRY C. DAY, Chairman
Boise County Board of Commissioners

Attest:

Constance Swearingen, Clerk to the Board