

BOISE COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 3RD, 2010
BOISE COUNTY COMMISSIONER'S ROOM
OFFICIAL MEETING MINUTES

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

The Board went directly into executive session. Chairman Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(f) in reference to the litigation with Alamar Ranch. Commissioner Linda W Zimmer SECONDED. Roll Call vote: Chairman Terry Day-aye; Commissioner Linda Zimmer-aye; Commissioner Jamie Anderson-aye. Motion carried. Chairman Terry C Day made a MOTION to come out of executive session. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

Chairman Terry C Day called the regular meeting to order at 9:05 A.M. The Pledge of Allegiance was recited.

COMMISSIONER DISCUSSION: Commissioner Linda W Zimmer stated that Solid Waste Supervisor Mike Bottoms had said that there would not be a "free" tire day this year. She further stated that this was because the County would be charged a fee to dispose of the tires and that the Solid Waste Department had not budgeted for this.

Commissioner Linda W Zimmer stated that Cheryl Pendergrass' work hours were not correct and that she would like her time off work reviewed.

Commissioner Jamie Anderson spoke about the Gardena surplus property. She stated that all three commissioners had been in agreement to secure the property through a third-party entity. Commissioner Anderson questioned Chairman Terry C Day and Commissioner Linda W Zimmer about the reasons for changing their minds after the three of them had agreed to go forward through the third-party entity. Commissioner Anderson also stated that the Road and Bridge staff had known that Chairman Day and Commissioner Zimmer were going to change their minds before the meeting in Horseshoe Bend and wanted to know how they had known.

Commissioner Jamie Anderson stated that it was troublesome if a decision had been made outside their meeting when they had already voted unanimously to go forward with purchasing the property through the third-party entity. Chairman Terry Day stated that he had spoken with Deputy Prosecutor Cherese McLain about the third-party land purchase, and although she had assured him that the process was legal, he had still been leery about the land swap. Both Chairman Day and Commissioner Zimmer assured Commissioner Anderson that no decision had been made outside of their official meetings. They urged her to speak with Road & Bridge Superintendent Bill Jones about why he had come forward to purchase the Gardena property after originally turning it down.

FUTURE AGENDA TOPICS REVIEW: It was stated that the Army Corps of Engineers would be at the meeting next week to present information about the proposed dam project in east Boise County. It was also stated that the WUI and Flood Plan Ordinances discussion would be held at next week's meeting.

Commissioner Jamie Anderson stated that she wanted a resolution which would state that elected officials were exempt from the Boise County Personnel Policy.

AMENDMENTS TO THE AGENDA: Chairman Terry C Day made a MOTION to go into executive session for their session earlier in the day in which they talked to legal counsel concerning the Alamar Ranch litigation. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Chairman Terry C Day made a motion to discuss the Army Corps of Engineers issue and to possibly change the location of the May 10th Commissioners' meeting. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Commissioner Jamie Anderson made a MOTION to go into an additional executive session to discuss the show cause hearing if Deputy Prosecutor Cherese McLain so advised. Chairman Terry C Day SECONDED. All ayes, motion carried.

MINUTES: Nothing was approved today.

TREASURER/ASSESSOR ISSUES: Assessor Brent Adamson spoke about the upcoming Board of Equalization hearings. Assessor Adamson stated that most County assessments were lower but that some had risen. He further stated that overall assessments were down 18% but that there were some values which had decreased even more.

Commissioner Jamie Anderson requested that the Assessor's staff have more recent sales data for the hearings.

COMMITTEE REPORTS: Commissioner Linda W Zimmer stated that she had attended the RC&D meeting during which they had discussed idle money in the account that would be returned to Boise County. Clerk Swearingen stated she had drafted a letter to the RC&D which requested they return the \$2,000 and that the Board could sign it today. Commissioner Zimmer stated that the RC&D members had also discussed that Idaho City had received the 319 Grant (storm water grant), Russ Manwaring's contract, the RC&D budget and the success of the CWMA projects.

Commissioner Jamie Anderson stated that she had attended the Boise County Firefighters meeting during which they had discussed the defensible space issue, changes to the WUI Ordinance and the fire simulation coming up in June.

Commissioner Jamie Anderson stated she had also attended the second session of PRIMA and the Clear Creek Volunteer Fire Department meeting.

Chairman Terry C Day spoke about the information he had received from Dirk Tenyek concerning C.A.M.P. (Comprehensive Aquafir Management Plan).

ISSUE TRACKING: Commissioner Jamie Anderson stated she received a bill from J-U-B Engineering for the initial phase work completed.

Chairman Terry C Day stated he would speak to someone at SAGE about the payroll step & grade system to see if they could help in redoing Boise County's employment classification system.

CONTRACTS/AGREEMENTS/GRANTS: Clerk Swearingen presented corrected QWest contracts for the new phone system. Chairman Terry C Day made a MOTION to approve the new

contracts and void the old contracts. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

DEMAND WARRANTS: Clerk Swearingen presented three demands warrant to pay Webb Oil (\$2,772), Atlanta Highway District (\$11,711.90) and Boise County Solid Waste (\$20.24). Commissioner Linda W Zimmer made a MOTION to approve the three demand warrants. Chairman Terry C Day SECONDED. All ayes, motion carried.

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

WILDLIFE CONSERVATION STRATEGY UPDATE: Barbara Levesque, Idaho City Ranger, US Forest Service, introduced Randy Hayman, Forest Planner, and Dave Olson, Public Affairs, from the Idaho Wildlife Conservation Department.

Mr. Hayman spoke about the wildlife restoration strategy and presented handouts to the Board. Commissioner Jamie Anderson asked about the diameter size of trees being cut. Mr. Hayman stated that this issue was not part of the alternatives listed in their plan. They also spoke about SRS funding.

Chairman Terry C Day asked about a timeline for the restoration project. Mr. Hayman stated that the project would begin sometime in June of this year.

ROAD DEPT.: The Board reviewed the fuel bids that were opened last week. Chairman Terry C Day made a MOTION to accept the Amerigas bid on propane through the State contract. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Chairman Terry C Day made a MOTION to accept the fuel bids form Tom's Service in Idaho City and Webb Oil in Garden Valley, Horseshoe Bend and Gardena. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

CENTRAL DISTRICT HEALTH: Director Russ Duke spoke about Central District Health District's (CDHD) proposed 2011 budget and gave the Board copies of the information.

The Board discussed the Central District Health Board's elections.

Commissioner Linda W Zimmer spoke about each community having a grocery-type store that would accept WIC vouchers.

Mr. Duke stated that CDHD was asking for level funding for the 2011 budget. Clerk Swearingen stated, during the review of statistics, that the Boise County numbers seemed low for immunizations, WIC, etc.

CONSTITUENT INPUT: Elizabeth McInally, Garden Valley, spoke about the Road Department purchase of the Gardena surplus property. Ms. McInally asked what the Road Department's usage and access needs were for the area. Chairman Terry C Day stated that Boise County would draft an easement for access and then sell the remainder of the property.

Ms. McInally asked how the Road Department had the money to purchase the Gardena surplus property but did not have the money to perform dust abatement and had restricted snow plowing. Chairman Terry C Day stated that there had been budget reductions made during 2009 and 2010 and that Superintendent Bill Jones had decided to cut dust abatement from the 2010 budget. Chairman Day stated he did not know of any snow plowing restrictions anywhere in the County.

Wayne Wallock, Garden Valley, spoke about an issue he had with Planning & Zoning concerning a road easement and an issue concerning a contractor and building permit. Chairman Terry C Day stated that Mr. Wallock would need to speak with Planning & Zoning Administrator Patti Burke on the issues and then the Board would review the information.

Jayne Reed, Garden Valley, spoke about Mr. Wallock's issue and decisions made by the Planning & Zoning Commission. Ms. Reed stated that appeal costs were prohibitive to local residents who had valid complaints.

PA ISSUES: Deputy Prosecutor Cherese McLain presented the contract for Deputy Prosecutor Garry Gilman. The Board reviewed the document and stated that the contract was to fulfill Mr. Gilman's obligation through September 30, 2010. The Board stated that Mr. Gilman would need to submit the \$30 per week mileage and malpractice paperwork for their approval. Commissioner Linda W Zimmer made a MOTION to approve the Deputy Prosecutor contract, without the arbitration clause, between Boise County and Garry Gilman. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Chairman Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(f) – pending litigation, to discuss the show cause hearing scheduled for today. Commissioner Jamie Anderson SECONDED. Roll Call vote: Chairman Terry Day-aye; Commissioner Linda 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.

SHOW CAUSE HEARING: Those in attendance for the show cause hearing for Southfork Landing were: Planning & Zoning Administrative Assistant Rora Canody; Deputy Prosecutor Cherese McLain; and developers Eric Oaas and Lloyd MaHaffee. Deputy Prosecutor McLain provided the Board with a packet of information and spoke about Resolution 2010-27, Procedures for Conducting Show Cause Hearings, the current County subdivision ordinance, warranty deed transfers, the order to show cause, the final plat approval for Phase #2 of Southfork Landing, easements and general correspondence between the County and the SFL developers.

Ms. McLain spoke about the timeline which had begun in November 2009 concerning the property split involving the Halle property. Ms. McLain stated that the developer needed to finish Phase #2 and apply for a minor subdivision to make it a legal split.

Deputy Prosecutor Cherese McLain asked Mr. Oaas if he had legal counsel with him today for the hearing. Mr. Oaas stated that he had chosen not to be represented by counsel.

Lloyd MaHaffee spoke about the property in question and updated the Board on the FCOs. Commissioner Jamie Anderson stated that all the conditions had NOT been finalized.

Treasurer April Hutchings spoke about the taxes being past due on the subdivision.

Chairman Terry C Day made a MOTION to go into executive session per I.C. 67-2345(1)(f) pending litigation, to discuss FCO condition 2.3 concerning the taxes. Commissioner Jamie Anderson SECONDED. Roll Call vote: Chairman Terry Day-aye; Commissioner Linda Zimmer-aye; Commissioner Jamie Anderson-aye. Motion carried. Commissioner Linda W Zimmer made a MOTION to come out of executive session. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.

Mr. Oaas spoke about not having the final paperwork from the engineer and Central District Health District. Mr. Oaas stated that he had no control over two other entities and did not know when they would get their paperwork done. Commissioner Jamie Anderson spoke about the illegal split of the Southfork Landing property. She also stated that documentation had not been brought forth to finalize Phase #2.

Commissioner Linda W Zimmer spoke about the minor subdivision violation. Deputy Prosecutor McLain summarized the subdivision violation and stated that to rectify it, the developer would need to finish Phase #2 before doing Phase #3. The Board stated that they were not satisfied with the unmet conditions in Phase #2.

Mr. Eric Oaas, SFL developer, asked the Board for a two-week extension to provide the remaining paperwork to Planning & Zoning. Chairman Terry C Day made a MOTION to table the hearing until May 24th at 2:30 PM so that Mr. Oaas could get Southfork Landing Phase #3 filed. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

MISCELLANEOUS & CORRESPONDENCE:

- NACO Deferred Compensation Plan & Resolution 2010-35 – Commissioner Jamie Anderson spoke about the plan, and stated that any employee who was currently on the plan would have to complete new paperwork in order to update their information. Chairman Terry C Day made a MOTION to sign Resolution 2010-35, 457 Deferred Compensation Plan. Commissioner Jamie Anderson SECONDED. All ayes, motion carried.
- Resolution 2010-34 & Personnel Policy – The Board reviewed the policy and stated that worker's compensation information needed to be added to it. The Board stated that the elected official portion of the plan needed to be reviewed. Emergency Management Services Coordinator Gordon Ravenscroft stated that he still had a conflict over the definitions of seasonal and temporary employees and requested that the new policy be worded like the previous policy.
- EBCA Monthly Stats were reviewed.
- University of Idaho 4-H information was reviewed.
- Resolution 2010-36 Surplus of Guardrail – Chairman Terry C Day made a MOTION to approve the resolution. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.
- Ted's Cabin FCOs were signed today after last week's approval.
- Squaw Creek Soil Conservation agenda was reviewed.
- USDA Scriver Creek Integrated Restoration Project information was reviewed.
- Clerk Swearingen presented a letter to RC&D which requested that the RC&D return the \$2,000 which had been identified as belonging to Boise County. Chairman Terry C Day made a MOTION to sign the letter. Commissioner Linda W Zimmer SECONDED. All ayes, motion carried.

COMPREHENSIVE PLAN REVIEW: Planning & Zoning Administrative Assistant Rora Canody spoke about the comprehensive plan and reviewed the changes that had been previously requested. Jack Kane, co-Chair, Comp Plan Re-Write Committee, was in attendance.

Having no further business, Chairman Terry C Day adjourned the meeting until 12:00 PM, May 10th, 2010.

Approved this 14th day of May, 2010.

TERRY C. DAY, Chairman
Boise County Board of Commissioners

Attest:

Constance Swearingen, Clerk to the Board