

**BOARD OF ADA COUNTY COMMISSIONERS  
MINUTES OF THE OPEN BUSINESS MEETING  
TUESDAY, OCTOBER 15, 2013  
9:00 A.M.**

The Board of Ada County Commissioners (Board) met this date in an Open Meeting in the Commissioners' Conference Room of the Ada County Courthouse Complex to act on the following items. Staff members present: Chris Rich, Clerk's Office; Bob McQuade, Assessor's Office; Vicky McIntyre, Treasurer's Office; Dave Logan, Operations; Larry Maneely, Commissioners' Office; Megan Leatherman, Development Services; Darby Weston and Shawn Rayne, EMS; Nancy Werdel, Prosecuting Attorney's Office. Minutes Recorder: Julie F. Burrows.

**I. IN THE MATTER OF CALL TO ORDER:**

Commissioner David L. Case called the meeting of the Ada County Commissioners to order at 9:01 a.m.

**II. IN THE MATTER OF ROLL CALL:**

Commissioners David L. Case, Jim Tibbs and Rick Yzaguirre were present.

**III. CHANGES TO THE AGENDA:**

There were no changes to the agenda.

**IV. UNFINISHED BUSINESS:**

**ACTION: J. TIBBS MOVED TO REMOVE THE UNFINISHED BUSINESS FROM THE TABLE FOR CONSIDERATION. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

1. Agreements (*Authorize the Chairman to Sign the Appropriate Documents*)(*Tabled from 10/8/13*)

- a. Agreement No. 9835-1-13 - Renewal Agreement Between Ada County and BI Incorporated for Exacutrack Services (Sheriff) (FY13-14)
- b. Agreement No. 9836-1-13 - Renewal Agreement Between Ada County and BI Incorporated for Monitoring Services (Sheriff) (FY13-14)

D. Case read the agreements into the record.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE AGREEMENT NOS. 9835-1-13 AND 9836-1-13 AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS. J. TIBBS SECONDED.**

**DISCUSSION: D. CASE EXPLAINED THAT HE HAD REQUESTED THESE AGREEMENTS BE TABLED PENDING THE OUTCOME OF THE MEETING SCHEDULED BETWEEN THE SHERIFF'S OFFICE AND THE JUDGES REGARDING THE PRE-TRIAL PROGRAM. HE STATED THAT HIS UNDERSTANDING IS THAT THE PRE-TRAIL PROGRAM WILL CONTINUE WITH THE THREE POSITIONS CURRENTLY FUNDED THROUGH THE SHERIFF'S OFFICE.**

**ACTION: R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

2. Solid Waste Management (*Tabled from 10/8/13*)

- Landfill Fee Waiver Request, Barbara Aleman

D. Logan explained this is a one-time request. Applicant was requesting the fee be waived for the disposal of the debris from the demolition and clearing of her home, which was destroyed by fire.

**ACTION: J. TIBBS MOVED TO APPROVE THE LANDFILL FEE WAIVER REQUEST FOR BARBARA ALEMAN. R. YZAGUIRRE SECONDED FOR DISCUSSION.**

**DISCUSSION: R. YZAGUIRRE INQUIRED IF THE BOARD HAS WAIVED LANDFILL FEES IN THE PAST. D. LOGAN EXPLAINED THAT REQUESTS HAVE BEEN MADE IN THE PAST AND HAVE BEEN DEALT WITH ON AN INDIVIDUAL BASIS, BASED ON CIRCUMSTANCES. R. YZAGUIRRE ASKED D. LOGAN IF HE HAD FINANCIAL INFORMATION OF THE APPLICANT, OR ANY IDEA HOW MANY TRIPS OR HOW MUCH DEBRIS WOULD BE DISPOSED OF. D. LOGAN RESPONDED HE DID NOT HAVE ANY FINANCIAL INFORMATION, BUT ESTIMATED THERE WOULD MORE THAN LIKELY BE ONE LARGE LOAD OF APPROXIMATELY A DOZEN YARDS.**

**ACTION: J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

3. License (*Public Hearing Closed; Tabled from 10/8/13*)  
 - Hilltop Station LLC for Beer/Wine License for On-Premise Consumption

D. Case stated the public hearing was closed and the matter was tabled from October 8, 2013. R. Yzaguirre explained that this license was unique in that it required 75% written consent of the neighbors. However, there were only two neighbors involved and one neighbor is in favor and one is generally opposed. He said the Board considered the concerns raised at the October 8, 2013, meeting and believes the current code addresses the noise regulations and hours of operation. R. Yzaguirre requested Eric McCullough confirm that the restaurant was the primary operation, selling alcohol to supplement their menu. E. McCullough affirmed that was his intent.

**ACTION: R. YZAGUIRRE MOVED, BASED ON THE EVIDENCE PRESENTED OCTOBER 8, 2013, AND THE TESTIMONY PRESENTED OVER THE PAST COUPLE MONTHS, TO APPROVE THE APPLICATION FOR HILLTOP STATION LLC AND ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN ACCORDANCE WITH THE APPROVAL. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**V. NEW BUSINESS:**

1. Licenses (*Authorize the Chairman to Sign*)  
 a. Peddler/Solicitor License  
 - Kevin McCord, Farm Fresh Foods, Inc – For Sale, Trade and/or Delivery of Beef, Seafood, Chicken and Pork

C. Rich suggested the Peddler/Solicitor License be addressed first, as he did not believe the Applicant met the conditions of the County ordinance.

D. Case recommended denial based on the fact that the Applicant does not meet the conditions of the ordinance.

**ACTION: J. TIBBS MOVED TO DENY THE PEDDLER/SOLICITOR LICENSE AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- b. New Licenses
  - State & Lemp, 2870 W. State, Boise, Beer/Wine
- c. License Transfers (3)
  - 1. RLP Inc., 615 Main St., Boise, Beer/Liquor
  - 2. Robert & Lisa Lumsden, 615 Main St., Boise, Beer/Liquor
  - 3. Flatbread Neapolitan Pizzereia, 615 Main St., Boise, Beer/Liquor

C. Rich stated that the required fees were paid on the remaining licenses and the paperwork was in order and awaiting signature.

**ACTION: J. TIBBS MOVED TO APPROVE THE LICENSES AS LISTED ON THE AGENDA INCLUDING ONE NEW LICENSE AND THREE LICENSE TRANSFERS; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 2. Auditor's Office
  - C. Rich stated that early voting has begun.
- 3. Claims Journal
  - a. October 10, 2013, FY12-13
  - b. October 10, 2013, FY13-14

**ACTION: R. YZAGUIRRE MOVED TO AUTHORIZE PAYMENT OF CLAIMS ON THE CLAIMS JOURNALS DATED OCTOBER 10, 2013, FOR THE FISCAL YEARS 2012-2013 AND 2013-2014. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 4. Personnel Action Forms (4 Conditional Pay Increases; 9 Introductory Period Completion Pay Increases; 4 Leaves with Pay; 1 Longevity Increase/Sheriff's Pay Plan; 1 Miscellaneous; 2 POST Certification Increases; 9 Promotions; and 1 Reclassification)

**ACTION: J. TIBBS MOVED TO APPROVE THE PERSONNEL ACTION FORMS AS LISTED ON THE AGENDA INCLUDING 4 CONDITIONAL PAY INCREASES; 9 INTRODUCTORY PERIOD COMPLETION PAY INCREASES; 4 LEAVES WITH PAY; 1 LONGEVITY INCREASE/SHERIFF'S PAY PLAN; 1 MISCELLANEOUS; 2 POST CERTIFICATION INCREASES; 9 PROMOTIONS; AND 1 RECLASSIFICATION; AND THAT THE SUMMARY SHEET REMAIN ON FILE IN THE COMMISSIONERS' OFFICE. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

- 5. Treasurer's Office
  - V. McIntyre stated that her office is preparing for tax collections.
- 6. Assessor's Office
  - B. McQuade stated his office is working on reappraisals. He advised the Board that Motor Vehicles is experiencing 20-30 second wait time.
- 7. Tax Cancellations (2) (*Authorize the Chairman to Sign*)
  - 2013 Property Roll
    - a. State Board of Education R7777816270
    - b. Idaho Transportation Department R5743000022

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE TWO TAX CANCELLATIONS FOR 2013 AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

8. Chief of Staff

L. Maneely advised the Board he is working with BVEP with regard to hosting the Stakeholders luncheon on Thursday at Barber Park. He stated that Development Services will be featured on this weekend's View Point as part of Community Planning Month.

9. Approval of Minutes (15) (*Authorize the Chairman or Acting Chairman, as Appropriate, to Sign*)

- a. Set Tax Levies, September 9, 2013
- b. Amend Tax Levies, September 11, 2013
- c. Development Services, September 19, 2013
- d. Open Business Meeting, September 23, 2013
- e. Open Business Meeting, October 1, 2013
- f. Open Business Meeting, October 8, 2013
- g. Local Improvement District No. 1101, October 1, 2013
- h. General Session of the Indigent Hearings, September 27, 2013
- i. Executive Session of the Indigent Hearings, September 27, 2013
- j. General Session of the Indigent Hearings, October 2, 2013
- k. Executive Session of the Indigent Hearings, October 2, 2013
- l. General Session of the Indigent Hearings, October 9, 2013
- m. Executive Session of the Indigent Hearings, October 9, 2013
- n. Public Hearing, October 2, 2013
- o. Jail Inspection Report, September 27, 2013

**ACTION: J. TIBBS MOVED TO APPROVE THE 15 SETS OF MINUTES AS LISTED ON THE AGENDA WITH THE PROVISION THAT IN THE CASE THAT ONLY TWO COMMISSIONERS WERE PRESENT AT A MEETING, ONLY THOSE COMMISSIONERS ARE TAKING THE ACTION RELATING TO THE CONTENT OF THOSE MINUTES; AND AUTHORIZE THE CHAIRMAN OR ACTING CHAIRMAN, AS APPROPRIATE, TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

10. Grants (2) (*Authorize the Chairman to Sign the Appropriate Documents AND Authorize the Electronic Submission of the Chairman's Signature*)

- a. Grant No. 1303-B - Award Package for Renewal of Grant Funds Under Office on Violence Against Women Award # 2007-WE-AX-0012 (Seeking \$300,000; No Match)
- b. Grant No. 1310-A - 2013 Homeland Security Grant Program Subgrant Application (\$476,455.75; No Match) (Project Dates: 10/1/13-7/31/15)

D. Case read the grants into the record.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE GRANT NOS. 1303-B AND 1310-A AS LISTED ON THE AGENDA; AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD; AND AUTHORIZE THE ELECTRONIC SUBMISSION OF THE CHAIRMAN'S SIGNATURE. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

11. Weed and Pest (*Authorize the Chairman to Sign*)a. Notices of Lien (6)

1. Darbin Verna Sue	R787750000	\$92.00
2. Kunz Leta	R9294350070	\$7177
3. Rohm Toni D	S1210336520	\$89.45
4. JMM Dry Creek LLC	S0235111100	\$346.98
5. Woodhouse Patricia C	R7332830130	\$50.00
6. Surinrat Narongrat	R8048630300	\$50.00

b. Releases of Lien (5)

1. Hallman Teresa A	113113134	10/8/2013
2. White Clouds Investments LLC	113111963	10/3/2013
3. Ellis Theresa L	113105749	9/18/2013
4. Patterson James Dare	113105753	9/18/2013
5. DMB Investments LLC	113095125	8/20/2013

**ACTION: J. TIBBS MOVED TO APPROVE SIX NOTICES OF LIEN AND FIVES RELEASES OF LIEN FOR WEED & PEST AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

12. Expo Idaho (*Authorize the Chairman to Sign*)- Interim Events (2)

1. Boise Valley Fly Fisherman, Fly Fishing Expo, January 11-12, 2014 (set-up January 9-10)
2. Net Lynx Sports, Gymnastics Meet, February 14-15, 2014

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE TWO INTERIM EVENT AGREEMENTS AS LISTED ON THE AGENDA FOR EXPO IDAHO; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

13. Parks and Waterways (*Authorize the Chairman to Sign*)- Barber Park Education and Event Center (4)

1. Erin Cave, Leadership Boise Grand Finale, May 7, 2014
2. Christina La Celle, Kreusel/La Celle Wedding & Reception, November 30, 2013
3. Dawn O'Hearn, American Red Cross Apheresis Appreciation Dinner, May 1, 2014
4. Tim Bowman, Bowman/Pyle Wedding & Reception, May 10, 2014

**ACTION: J. TIBBS MOVED TO APPROVE THE ONE BARBER PARK EDUCATION AND EVENT CENTER AGREEMENT AS LISTED ON THE AGENDA FOR PARKS AND WATERWAYS; AND AUTHORIZE THE CHAIRMAN TO SIGN THE DOCUMENTS ON BEHALF OF THE BOARD. R. YZAGUIRRE SECONDED.**

**DISCUSSION: D. CASE CORRECTED THE MOTION AND ACKNOWLEDGED FOUR AGREEMENTS.**

**ACTION: J. TIBBS AMENDED HIS MOTION TO APPROVE FOUR BARBER PARK EDUCATION AND EVENT CENTER AGREEMENTS. R. YZAGUIRRE SECONDED. J. TIBBS, AYE, R. YZAGUIRRE, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

14. Agreements (20) (*Authorize the Chairman to Sign the Appropriate Documents*)

- a. Agreement No. 10486 - Settlement Agreement and Release re Shazam Entertainment Corp. Bankruptcy (BK-S-09-14472-BAM) - Parcel Nos. P1BLOBUST02, P1BLOBUST03, P1BLOBUST05, P1BLOBUST06 and P1BLOBUST07
- b. Agreement No. 10489 - Remote Access Agreement Between Ada County and Nampa Meridian Irrigation District for Access to Certain County Computerized Records (FY13-14)
- c. Agreement No. 10490 - Remote Access Agreement Between Ada County and Mountain States Appraisal for Access to Certain County Computerized Records (FY13-14)
- d. Agreement No. 10491 - Agreement Between Ada County and FTN Main Streets Advisors for Investment Advice (FY13-14)
- e. Agreement No. 10492 - Agreement Between Ada County and Idaho State University for Health Screenings (FY13-14)
- f. Agreement No. 10493 - Joint Powers Agreement Between Ada County, the Ada County and the City of Kuna Relating to Prosecution Services (FY13-14)
- g. Agreement No. 10494 - Agreement Between Ada County and Minidoka County for Pathology Services (FY13-14)
- h. Agreement No. 10495 - Agreement Between Ada County and Madison County for Limited Pathology Services (FY13-14)
- i. Agreement No. 10496 - Agreement Between Ada County and Gooding County for Pathology Services (FY13-14)
- j. Agreement No. 10497 - Agreement Between Ada County and Blaine County for Pathology Services (FY13-14)
- k. Agreement No. 10498 - Agreement Between Ada County and Twin Falls County for Pathology Services (FY13-14)
- l. Agreement No. 10499 - Professional Services Agreement Between Ada County and Michael B. Wells, D.O., for Medical Services for Persons in the Custody of the Sheriff (FY13-14)
- m. Agreement No. 10500 - Agreement Between Ada County and Bruce Patterson, Hot Air Balloonist, for Launching and Landing at Lady Bird Park (FY13-14)
- n. Agreement No. 10501 - Agreement Between Ada County and Intermountain Communications of Southern Idaho, Inc. for the Seaman's Gulch Equipment Removal and Reinstallation Project (Substantial Completion by 11/29/13)
- o. Agreement No. 10502 - Participant Agreement Between Ada County and Idaho State Police for Southwest Idaho Wireless Integrated Network (SWIWIN) Services (FY13-14)
- p. Agreement No. 10503 - Agreement Between Ada County and Ada County Highway District for Waiver of Costs and Fees (90 Day Termination Clause)
- q. Agreement No. 7699-5-13 - Renewal Agreement Between Ada County and Radio IP Software, Inc. for Maintenance of 800 MHZ Data Encryption (FY13-14)
- r. Agreement No. 8905-4-13 - Renewal Agreement Between Ada County and Simplifile, LLC for the Receiving and Transmitting of Documents for Recording Transactions (FY13-14)
- s. Agreement No. 8915-5-13- Renewal Addendum to the Memorandum of Agreement Between Ada County and Department of Homeland Security, U.S. Citizenship and Immigration Services for Systematic Alien Verification of Entitlements (SAVE) Program (\$1,000 FY13-14)
- t. Agreement No. 9685-3-13 - Renewal Agreement Between Ada County and Medical Priority Consultants, Inc. dba Priority Dispatch for License and Maintenance Services of the EMD Software Application, ProQA (Used for Medical 911 Calls) (FY13-14)

D. Case read the agreement numbers into the record.

**ACTION: R. YZAGUIRRE MOVED TO APPROVE THE 20 AGREEMENTS AS LISTED ON THE AGENDA; AND AUTHORIZE THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENTS ON BEHALF OF THE BOARD. J. TIBBS SECONDED. R. YZAGUIRRE, AYE, J. TIBBS, AYE, AND D. CASE, AYE. THE MOTION CARRIED UNANIMOUSLY.**

**VI: IN THE MATTER OF RECESS:**

There being no further business to come before the Board at this time, the meeting was recessed at 9:20 a.m.

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David L. Case, Chairman

ATTEST:

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Christopher D. Rich, Ada County Clerk