

**COMMISSIONERS' PROCEEDINGS**  
**Week of January 30, 2012**

Commissioners Jennifer Barrett and David McGraw met in regular session on Monday, January 30, 2012, and Commissioners Jennifer Barrett, Tom S. Stroschein, and David McGraw met again on Tuesday, January 31, 2012, and again on Wednesday, February 1, 2012 and Commissioners Jennifer Barrett and Tom S. Stroschein met again on Friday, February 3, 2012 the following actions were taken:

By Motion and Order, approved the consent calendar items as published on the agenda:

- Approved Commissioners' Proceedings for the week of January 16, 2012.
- Approved Commissioners' Proceedings for the week of January 23, 2012.
- Approved tuition aid for Ruth Lenoir to North Idaho College.
- Filed Notice of Application and Notice of Modified Procedure before the Idaho Public Utilities Commission in the matter of the join application of Avista Corporation and Kootenai Electric Cooperative for approval of a power purchase agreement.
- Filed fully executed Temporary Building Inspection Services Agreement between Latah County and City of Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Silver Saddle Saloon Inc dba Silver Saddle, 509 Pine St., Potlatch.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Lucky 7 Saloon Inc dba Lucky 7 Saloon, 310 Onaway Rd., Onaway.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Smoky Mountain Pizzeria Grill Moscow LLC dba Smoky Mountain Pizzeria Grill, 1838 W Pullman Rd., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Barry Tassler dba Champions Grill & Bar, 302 S Main Street, Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Moscue Inc dba Mingles of Moscow, 102 S Main St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Kevin Satre dba The Perch, 509 University Ave, Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for CSK Corporation dba Tokyo Seoul, 100 W Fourth Street, Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Dianna Lynn Branting dba BD Troy Tavern, 525 S Main St., Troy.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Nicole Tyllas dba Wanderers' Tavern, 205 S Washington St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Vinh Huy Tran dba Old Peking Restaurant, 505 S Main Street, Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Sangria Moscow Inc dba Sangria Grille, 2124 W Pullman Rd., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for James W Sims dba Pastime Bar & Grill, 134 E Walnut, Genesee.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Sarah T. Roberts dba Helmer Store, 5588 Hwy 8, Helmer.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Hillbilly Bar & Grill LLC dba Hillbilly Bar & Grill, 707 E Main, Kendrick.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Stan B. Cornell dba Dog House Saloon, 511 S Main Street, Troy.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Mikey's Inc dba Mikey's Gyros, 527 S Main St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Flying Seal LLC dba Nectar, 105 West 6<sup>th</sup> Street, Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Henry Guy LLC dba Bloom, 403 S Main St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Four Star Supply Inc. dba Grange Supply Co, 120 Highway 6, Potlatch.

By Motion and Order, approved the following Latah County Personnel Policy Handbook changes:

1. Page 3: 1.3 VETERAN'S PREFERENCE. . . *In the event of equal qualifications for an available position, a veteran or family member who qualifies for preference pursuant to Idaho Code 65-503, or its successor will be employed. Under certain circumstances, the widow, widower, spouse, or parent of a veteran may also be entitled to veteran's preference pursuant to Idaho Code 65-503.*
2. Page 26: 7.4.4.5. *Eligibility for paid holiday leave shall not be effected by virtue of an employee being on vacation, sick, sick bank or other paid or unpaid leave unless the employee is absent for the entire pay period*
3. Page 26a: 7.4.5.2.3. . . *the ~~employer~~ County may, but is not obligated to, complete the request form on behalf of the employee. Additionally, the County may retroactively designate leave as FMLA leave by appropriate notice to the employee as long as the failure to provide prior notice does not cause harm or injury to the employee. The County and employee can always mutually agree that leave be retroactively designated as FMLA leave.*
4. Page 27: 7.4.5.4. . . *When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may qualify for FMLA leave, the County must notify the employee of the employee's eligibility within five (5) business days absent extenuating circumstances.*

5. Page 27: 7.4.5.5.1 *Nursing: Employees who are nursing are to be provided with reasonable unpaid break time to express breast milk after the birth of a child as long as providing such break time does not unduly disrupt operations. Latah County will make reasonable efforts to provide a private location. Employees will not be retaliated against for exercising their rights under this policy.*
6. Page 27a: add 7.4.5.7 *The National Defense Authorization Act*  
*On January 28, 2008, the FMLA was amended by the National Defense Authorization Act. This amendment provides an entitlement of up to 26 weeks of unpaid leave during a single 12-month period to an eligible employee who must care for a covered service member—a person who is a spouse, son, daughter, parent or next of kin of the employee and has a serious injury or illness incurred in the line of duty which renders that person unfit to perform his or her duties in the Armed Forces. Latah County may require the request for this type of leave be supported by certification that the service member being cared for by the employee has a serious health condition. The National Defense Authorization Act also provides 12 weeks of FMLA leave to an employee if his or her spouse, son, daughter or parent has been called to active duty with the Armed Forces. No serious medical condition is required for this type of leave. Latah County may require the request for this type of leave be supported by certification that the service member has actually been called to active duty. Latah County employees shall provide prior notice when the need for this type of leave is foreseeable.*
7. a. Page 28-30 7.4.5.7.8 *Certification. renumbering through 7.4.5.12.13.3*  
 b. Page 30: 7.4.5.13.14. *When an employee is off work for FMLA leave, the employee shall not work for another employer without prior approval from his/her elected official or department head. An employee who violates this rule will be subject to disciplinary proceedings up to and including termination from employment*  
 c. *renumbering through 7.4.5.14.15*
8. Page 30a: 7.4.7 . . . *These provisions do not apply to employees on paid leave due to disciplinary actions or investigations. However, the Board of County Commissioners and Auditor shall be given written notification of any such disciplinary leave.*
9. a. Page 30a: add 7.4.8. *Military Leave. Unpaid leave of absence will be granted to participate in ordered and authorized field training. The County's employment policy will comply with the provisions of Idaho Code §§ 46-224, et seq., 46-407 and 409, or their successors, as those Code provisions govern leaves of absence for military service, re-employment and retention rights, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended (USERRA).*  
 b. Page 30a: 7.4.8.9 *renumbering through 7.4.12.13*

Adopted, signed and filed Resolution 2012-03 to request to retain excess funds in Waterway/County Vessel Fund 38-00 in the amount \$30,172.91.

Approved, signed and filed a request from Idaho Association of Counties for a resolution in support of establishing a Community Forest Trust Pilot Program. Auditor to prepare resolution for adoption.

Adopted, signed and filed Resolution 2012-04 to adopt Latah County Americans with Disabilities Act Grievance Procedure and The American with Disabilities Act Complaint

or Request Form.

By Motion and Order, approved the following Latah County Personnel Policy Handbook changes:

1. Change title page date from March 1999 to February 2012 and footer date on all pages to read February 2012.
2. Change APPENDIX B: FLSA EXEMPT EMPLOYEE POSITIONS from DIRECTOR OF YOUTH SERVICES to DIRECTOR OF PROBATION SERVICES.
3. Adopt Resolution 2012-04 to remove paragraph requesting change in Resolution 93-12 to change from Richard Lyon to Steven Hull and to correct mailing and residence address for the Veteran Services Office.
4. Change Appendix G Attachment A: THE AMERICANS WITH DISABILITIES ACT COMPLAINT OR REQUEST FORM to remove the name Steven Hull and retain just the title ADA Coordinator/Veteran Services Officer and correct the residence and mailing address to reflect the change of location for the Veteran Services Office.
5. Amend APPENDICES page to add (*Directive to be developed*) to the title of J. COURTHOUSE SECURITY AND ALARM PROTOCOL to keep it as a holding title and appendix letter for this appendix and suspend the current pages in the handbook at this time.
6. Amend Appendix K: LATAH COUNTY SAFETY POLICY, page 2 to remove names of current Co-Risk Managers and add \* with note: *If you do not know who your Co-Risk Managers are, request this from your Elected Official/Department Head.*
7. Replace Appendix H, page 2 with revised LATAH COUNTY TRAVEL EXPENSE REQUEST form.

Approved, signed and filed a request to fly over congested areas of Latah County in the application of fertilizers and pesticides to agricultural land during the 2012 growing season by Fountain Flying Service.

Approved, signed and filed a Taxpayer's Adjustment on behalf of BODY Art – Bryngelson, Parcel Number PPB094A; cancellation in the amount of \$409.12 as business is closed and owner location is unknown.

Approved, signed and filed a Taxpayer's Adjustment on behalf of University of Idaho – Previously Blue Mountain Railroad, Parcel Number RPM00000180105A; cancellation in the amount of \$5,213.26 for tax years 2010 and 2011 as property was purchased by University of Idaho who is tax exempt.

Reviewed and approved Claims Report.

Approved, signed and filed letter dated January 30, 2012 to City of Moscow regarding a Request to Rescind Letter of Interest for the Moscow Federal Building.

By Motion and Order, pursuant to Idaho Code 67-2343, amended the agenda for this meeting as follows: To consider the renewal of Retail Alcohol Beverage Licenses for Fuzzy's Bar & Grill, Deary and Li's Garden LLC, Moscow. Also, will amend the agenda for Tuesday, January 31, 2012 to consider the renewal of Retail Alcohol Beverage Licenses at 4:30 p.m. as needed for those licenses that are received by the Clerk/Auditor's Office after the meeting today. Said licenses will expire on February 1,

2012 at 1:00 a.m. and therefore are time sensitive.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Fuzzy's Bar & Grill LLC dba Fuzzy's, 115 Main, Deary.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Li's Garden LLC dba Li's Garden, 2010 S Main St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Gerardo & Patricia Alvarez dba Patty's Mexican Kitchen & Catering, 450 W 6<sup>th</sup> St., Moscow.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Garry Collins dba Genesee Food Center, 216 W Chestnut St., Genesee.

Approved, signed and filed the renewal of a Retail Alcohol Beverage License for Garry P Collins dba Troy Market, 339 Main Street, Troy

By Motion and Order, pursuant to Idaho Code 67-2345 (1) (d), convened in executive session at 5:12 p.m. on January 31, 2012, to discuss records that are exempt from public disclosure. Adjourned at 6:15 p.m.

By Motion and Order, pursuant to Idaho Code 67-2345 (1) (d), convened in executive session at 9:04 a.m. on February 1, 2012, to discuss records that are exempt from public disclosure, Indigent. Adjourned at 9:20 a.m.; no cases were approved or denied.

Reviewed and approved Claims Reports.

Adopted, signed and filed Resolution 2012-05 to transfer funds from Current Expense – General Reserve Fund 01-29 Budget line 01-29-0526-0003, Termination Reserve to Current Expense - Planning and Building Fund 01-21 Budget line 01-21-0405-0000, Salary – Full Time in the amount of \$1,771.00.

Adopted, signed and filed Resolution 2012-06 as a declaration to support Community Forest Trust Pilot Project to Compliment Secure Rural Schools and Community Self Determination Act Reauthorization.

Approved, signed and filed a request to hire of Tyler Bollman, Patrol Deputy; Sheriff, Operations; Department 04B, Line 14, effective January 30, 2012.

Signed and filed Amended Personnel Change Request Form for the Separation of Employment for Marshall Comstock, Building Inspector II, Planning and Building, Department 11, Line 08 to correct the effective date to be January 26, 2012.

By Motion and Order, approved and signed an Addendum to Agreement for Maintenance Services between Latah County and Valence, Inc. dba Valence Wireless & Communications to include additional professional services to the agreement executed in March, 2011 as outlined in said Addendum.

By Motion and Order, approved and signed the attached Solid Waste Modification of Rates Section 5, between Latah County and Empire Disposal, Inc. beginning January 1, 2012.

By Motion and Order, approved and signed the attached Solid Waste Collection Agreement Amendment: Appendix G, Schedule of Reimbursement between Latah County and Latah Sanitation, Inc. The amendment reflects the Annual Rate Adjustment beginning January 1, 2012.

By Motion and Order, approved and signed the attached the Solid Waste Bulky Waste Collection Agreement Amendment: Appendix E, Schedule of Reimbursement between Latah County and Latah Sanitation, Inc. The amendment reflects the Annual Rate Adjustment beginning January 1, 2012.

By Motion and Order, pursuant to Idaho Code 67-2343, amended the agenda as follows: To hold an executive session for personnel and consider records that are exempt from public disclosure at 3:30 p.m. today (Wednesday, February 1, 2012) as information that needs to be discussed was not available until yesterday and cannot wait until the next meeting of the Board on February 13. Also, amend the agenda to hold a brief meeting on Friday, February 3, 2012 at 10:30 a.m. to consider the approval of a new retail alcohol beverage license (Blue Brews & BBQ, Moscow) and renewal of alcohol licenses as they are received by the Clerk/Auditor's office. Said renewals are time sensitive for consideration as they expired on February 1, 2012.

By Motion and Order, pursuant to Idaho Code 67-2345 (1) (a)&(b) & (d), convened in executive session at 3:35 p.m. on February 1, 2012, to consider personnel and records exempt from public disclosure. Adjourned at 4:25 p.m.

Approved, signed and filed a Retail Alcohol Beverage License for Blues Brew & BBQ LLC dba Blues Brew & BBQ, 112 W 6<sup>th</sup> St., Moscow.

By Motion and Order, approved and signed the following renewals of Retail Alcohol Beverage Licenses: Moose Lodge #871 LOM Inc. dba Moose Lodge #871, 210 N Main St., Moscow; Geraldine Grenz dba Elk Tavern, 114 Main St., Bovill; Dianne L. Ireland dba Ireland's Kozy Korner, 401 2<sup>nd</sup> Ave., Deary; Moscow Lodge BPOE #249 dba Moscow Elks Golf Club, 3080 Hwy 8 East, Moscow; Sodexho Management Inc. dba Bogey's Grill – University of Idaho, 1215 Nez Perce Dr., Moscow. Said Licenses to be released to the business owner only upon receipt by the Clerk/Auditor's Office of all necessary documentation and payment in full.

Approved, signed and filed Retail Alcohol Beverage License for Moose Lodge #871 LOM Inc. dba Moose Lodge #871, 210 N Main St., Moscow.

Approved, signed and filed Retail Alcohol Beverage License for Dianne L. Ireland dba Ireland's Kozy Korner, 401 2<sup>nd</sup> Ave., Deary.

All documents are available for inspection in the office of the Clerk/Auditor/Recorder. The proceedings may also be viewed at <http://www.latah.id.us/Dept/BOCC/Agenda.htm>.

Susan Petersen  
Clerk/Auditor/Recorder

By: Kara Lichti  
Deputy Clerk for the Board of Latah County Commissioners