

**MINUTES**  
**SPECIAL BOARD MEETING**  
**WESTERN ELMORE COUNTY RECREATION DISTRICT (WECRD)**  
**245 East 6th South, Mountain Home, ID 83647**  
**December 6, 2017 at 6:15PM**

**I. CALL MEETING TO ORDER/ ESTABLISH QUORUM**

Director Kellerman called meeting to order, a quorum was established all three directors present. Director Kellerman made a motion to amend agenda to omit the Treasurer's Report and to add the Engineer section at item number II. The following individuals were in attendance:

President: David Kellerman  
Director: Lee Pierce  
Director: Dan Gillies  
Treasurer: Judy Erwin  
Administrator: Tarl Smith  
Legal: Cheresse McLain

**II. ENGINEER**

Mike Martin stated that the concrete for the Dugout project has been completed and the FEMA floodplain/ floodway study process is moving forward. FEMA is checking through the modeling process and ensuring that the modeling was done accurately. Mike Martin also notified the board that the floodplain and floodway section have most likely shrunk and possibly moved, allowing a larger area to be built upon without additional fill to raise construction out of the floodway/ floodplain.

Director Gillies asked if there was any previous studies that were helpful in this process. Mr. Martin stated that the 1994 FEMA study was used in comparison and was instrumental in the process.

**III. ADMINISTRATOR**

Tarl Smith gave a status update on the fencing for Railroad Park, including two quotes; one he received verbally over the phone and one in writing. He will also be looking at other fencing options, such as galvanized and powder coated chain link fence for comparison. He will keep the board updated on his findings.

**IV. PUBLIC COMMENT**

Karen Bird asked what the new board is thinking of doing, in regards to the appeal of the injunction. Director Kellerman stated that while there is some of the resulting decisions that the board that agrees with, he feels that the WECRD should go ahead with the appeal so as to not tie the hands of Recreation Districts across the state. Lee Pierce stated that he does agree with much of what was in the court decision, but that some of it seems to overstep and measures should be taken to rectify that. Dan Gillies stated that he feels the purpose of the board is to pursue the purpose outlined by Idaho code as it relates to facilities.

Larry Stuckleberg asked who reviewed and approved the motion for reconsideration since the board did not have a quorum after November 7, 2017. Cheresse McLain stated that the motion for reconsideration was filed prior to the November 7th election by the board at that time. The documents filed on November 27, 2017 was part of the live litigation as a legal obligation of the WECRD. Mr. Stuckleberg suggested that the board consider replacing the WECRD attorney. David Kellerman stated that will be something for the board

to consider after he is not a part of the board. Lee Pierce stated that subject will be something that may be considered later on. Mr Stuckleberg also stated that he feels the appeal of the injunction is not a valid pursuit.

Frank Marsh addressed the board and stated that the board needs to familiarize themselves with the Idaho statutes, the Attorney General's decision and the judge's recent decision. He questioned the District's attorney not advising the board concerning spending that was later deemed illegal. He also stated that he feels that the appeal is not a valid or cost-effective pursuit.

Lee Pierce familiarized the attendees about his recent meeting with the Mayor of Mountain Home and opened up the topics discussed to public comment. David Kellerman stated that talks with the mayor are just that, with no decisions being made. He also stated that they have always been positive and that they had discussed leasing the RRP back to the City and possibly building the WECRD building at Carl Miller Park.

Lee Pierce stated that after talking to the Mayor, they may be moving the decision about the Dugout Project lease to Monday, Dec 11, 2017 instead of today, Dec. 6, 2017. They did discuss the possibility of a no-cost lease of Railroad Park to the City, since the City knows the maintenance schedule and would retain much of the same function from the previous arrangement, but without many of the restrictions that were previously in place. He also opened up the floor to public comment concerning the Dugouts Project, stating that C2 construction has already started on the project.

Various attendees stated their objection to the lease agreement and were concerned with the legality of following through with the currently drafted lease agreement. Various members of the public thanked the board for allowing public comment. Larry Steckelberg stated that he did not feel that the board was trying to circumvent or conceal anything and that he felt reassured that the WECRD board is trying to find a legal remedy to the situation.

Director Pierce stated that the other item he discussed with the Mayor was the City Pool and a partnership concerning the pool as part of a WECRD program, project or facility. He stated that the Mountain Home City pool is in the last years of its lifespan and that the city of Mountain Home cannot support two separate pools in different locations. The possibility of working in partnership with the City of Mountain Home on a joint pool facility may be something worth pursuing. Any further discussion or decisions concerning this subject will most likely happen at some point in the term of the current board.

He also stated that the City has some reclaimed asphalt from the airport remodel that may be able to be used to repair the parking lot at Railroad Park.

**V. EXECUTIVE SESSION - in accordance with; Idaho Code § 74-206(1)(c) and (f): Ashcraft, et al v. WECRD and property leases/acquisitions.**

1. Motion/action on property leases/acquisitions

The motion to move to executive session was made by David Kellerman, seconded by Dan Gillies. All directors voted in favor of convening the executive session:

AND THE VOTE TO DO SO BY ROLL CALL:

|                             | YES          | NO            | ABSTAIN       |
|-----------------------------|--------------|---------------|---------------|
| David Kellerman , President | <u>  X  </u> | <u>      </u> | <u>      </u> |
| Lee Pierce, Director        | <u>  X  </u> | <u>      </u> | <u>      </u> |
| Dan Gillies, Director       | <u>  X  </u> | <u>      </u> | <u>      </u> |

2.Executive Session convened at 7:22PM and the meeting reconvened at 8:40PM. The Executive Session was a general discussion concerning litigation and no decision was made.

Director Gillies made a motion to allow Cherese McLain to submit a Notice of Appeal by December 14, 2017. Director Lee Pierce seconded the motion. All directors voted in favor of the motion.

Cherese McLain will send a draft version prior to submittal and a press release will go out explaining the reasoning for the notice. Lee Pierce briefly explained to members of the public that the board was pursuing the notice due to issues of legal standing, the definitions of a ‘joint facility’ and ‘gift’ that seem to contradict themselves. These issues, if allowed to stand will not allow legal partnership with other government entities in the future and could paralyze the WECRD and other districts from conducting normal business, not to mention completing future projects. Director Pierce stated that the board will seek the input of the public on the matter in the future.

**VI. ADJOURN**

1. Director Kellerman made a motion to adjourn the meeting at 8:53PM. Lee Pierce seconded the motion. All board members voted in favor of adjournment. The next board meeting is tentatively scheduled for December 27, 2017 at 6:00PM.

Submitted by:

\_\_\_\_\_  
Tarl Smith, Administrator

\_\_\_\_\_  
Date

APPROVED:                      as written              as amended

\_\_\_\_\_  
David Kellerman, President

\_\_\_\_\_  
Date