



July 24, 2000, Emmett, Idaho

Pursuant to a recess taken on July 17, 2000, the Board of Commissioners of Gem County, Idaho, met in regular session this 24th day of July, 2000, at 8:00 a.m.

Present:	Norvil R. Elliott	Chairman
	Ed Mansfield	Commissioner
	Kathy Skippen	Commissioner
	Susan K. Howard	Clerk

Whereupon the following proceedings were had, to-wit:

**PLEDGE OF ALLEGIANCE WAS SAID.**

**MINUTES READ AND APPROVED:** The minutes of July 17, 2000, were reviewed. A motion was made to approve the minutes of July 17, 2000, as read and corrected. It was seconded and carried.

**COMMISSIONER MATTERS:** There needs to be a contract negotiated between the City of Emmett for dispatch service and teletype use. Sheriff Short stated that he visited with the Emmett Chief of Police who said they were just waiting for the billing to pay their share. The Sheriff will come up with the total expense of running the dispatch and a billing amount will be determined. The Prosecuting Attorney will be asked to come up with a contract for next year.

David Barenburg asked why the County Road going by Cobblestone Park is gated. He was told that it is gated because of an agreement with BOR to gate the road to help prevent vandalism to the park. BOR will close down the park if the road is not gated. Mr. Barenburg is concerned about campers being locked in at night. Chairman Elliott stated that the BOR people are supposed to check that no one is in the area. Mr. Barenburg stated that there is a lot of litter on the road in that area.

**CLAIMS:** The claims presented were reviewed. A motion was made to approve the claims presented. It was seconded and carried.

**INDIGENT APPLICATIONS:** Clerk Susan Howard presented the following indigent applications:

00-062 Application for medical expenses needed a lien signed. It was done so through motion.

00-063 Application for emergency surgery needed a lien signed. It was done so through motion.

00-064 Application for rent for June, July, and August was approved for a one-time payment, through motion.

00-060 Application for further medical expenses was approved through motion.

**EXECUTIVE SESSION:** A motion was made to go into executive session under Idaho Code 67-2345(b) concerning personnel. It was seconded and carried. Those present were Commissioners Elliott, Mansfield, and Skippen and Clerk Howard. No decisions were made. A motion was made to come out of executive session. It was seconded and carried.

**PUBLIC HEARING - SPECIAL USE PERMIT FOR ANN MARIE NEWELL:** This hearing was tape recorded. Chairman Elliott read the notice of public hearing for Ann Marie Newell for an appeal of the P & Z decision to allow a special use permit for operation of a gravel pit. Letters from Virginia Lindsey, Lori and Greg Lindsey, Tom Helzer, and Mary and Neal Shamblin were read as testimony against, and Mike and Gail McDonough in support, of the special use permit. Oral input was asked for.

Mary Shamblin asked about some letters from the Idaho Department of Reclamation to the Newells and wondered who will actually own the pit and who will be running and be responsible for the gravel pit. She stated that they had an unwelcome experience with the Newells when they ate in the Newells' restaurant in the community and she has some concerns about the Newells' attitude.

Harvey Church stated that he has plans to rent the pit from the Newells and would be running the operation and would follow all regulations. He said that it is a small operation that would run probably 60 days a year, and there should be very little dust.

There is a private easement onto the highway from the pit, so no other road or driveway would be involved. He stated that they have the right to take out an unlimited amount from the pit, but his plans are to not take out very much.

Pat Force, who lives about a mile and a half down the highway from the pit, stated that she feels that this gravel pit was there when many of the people bought property near it. She feels it was up to the property buyers to have checked this out before they bought. She feels the pit would be no problem to the neighbors.

Lori Lindsey read a letter from Robert Flowers from the Corp of Engineers concerning problems there have been with compliancy of the pit. She had concerns about the water rights and also how close the gravel pit has the right to dig next to her property line. She also had concerns about the safety of the school bus stop for her children because of a blind corner. She feels the pit would take away the home of wildlife and disturb them if there

was an active gravel pit.

Annie Newell's daughter-in-law stated that the pit was there when the Lindsay's moved there and they should have checked into it further when they bought the property. She stated that they didn't have to come under compliance with the State until they got to be a certain size. They are now at that size and are in the process of coming under compliance. She stated that the Newells own the water rights on their land and there is nothing but natural soil, rock, etc., going into the river. She doesn't feel the wildlife is being affected.

Greg Lindsey voiced some of the same concerns his wife had stated. He also stated that they felt the realtors who told them it was an inactive gravel pit when they sold them the property had told them the truth. He feels that the value of his property will go drastically down if the gravel pit is active.

Charley Newell spoke in support of the special use permit. He stated that there are no safety issues as far as the children are concerned. They have had the State inspectors in and are complying with all of the standards and regulations that are required for a gravel pit.

Neil Shamblin stated that the pit is ruining the view of the property.

Gail McDonough stated that the entrance to the gravel pit is a separate road from the private road on the Lindseys' property. She stated that the pit has been in operation for a long time and it is now going to be in operation under State regulations.

Sharon Pratt, bus driver, stated that the children will not be picked up at the same place they were picked up last year.

The meeting was closed to public input. Chairman Elliott stated that the regulations required by the Corps of Engineers are not under the jurisdiction of the County. Commissioner Skippen asked the Lindseys if the Newells ever stated that the existing pits would never be used again. The Lindseys could not remember a time when this was actually stated by any of the Newell family.

A motion was made to visit the site and take the decision under advisement and make a decision at a later time. It was seconded and carried.

**BID OPENING - 911 EQUIPMENT:** Bids were opened for the enhanced 911 equipment.

CML Emergency Services, Inc., and Mountain West Communications, Inc. bid included a 5% bid bond. The amount of their bid was \$359,987.32.

Qwest (formerly US West) submitted a bid of \$323,795.75, which included a bid bond of 5%.

A motion was made to submit the bids to the enhanced 911 review committee to check out the specs and report to the

Commissioners on August 7, 2000. It was seconded and carried.

**JERRY ERICKSON - TRANSFER ALCOHOLIC BEVERAGE LICENSE:** A motion was made to approve the transfer of an alcoholic beverage license from VFW 4900 Hall to the Gem County Fairgrounds VFW Booth. It was seconded and carried.

**GLORIA DILLON - MEDICAL INSURANCE:** Gloria Dillon and Insurance Agent Pete Clemons met with the Commissioners with concerns about the County's medical insurance policy with Primary Health. She feels they are hard to work with and the list of doctors on the plan is constantly changing. Pete will work on some proposals for medical insurance and get back with the Commissioners.

**MARTIN JOYCE - BEES AT THE LANDFILL:** Martin Joyce, Landfill Supervisor, met to complain about all of the bees at the landfill. Martin will call John Ploeger to see if he has any answers.

**THE BOARD RECESSED FOR LUNCH AT 12:15 P.M. AND RECONVENED AT 1:15 P.M.**

**LARRY COATES - MOBILE HOME:** Larry Coates met concerning permission to move a mobile home onto the property they want to run a convenience store on in Montour. The Commissioners stated that ownership needs to be shown before permission can be granted. Mike Williams, P & Z Administrator, stated that there is no building permit left for that piece of property. It would need to be attached to the building (store) already there. Larry will meet again with proof that he is acquiring ownership.

**LARRY NIGRO - OPTIMIST FOOTBALL:** Larry Nigro met to discuss football field space on the Island. A football field will fit inside a soccer field, but he feels there would be scheduling problems. He feels a better option would be to put a football field in the outfield area of the baseball fields. This will be considered.

**P & Z - ADMIN SPLITS FILING FEE:** Mike Williams, P & Z Administrator, met to discuss the filing fee for administrative property splits. There is a lot of work and research that goes into the application when there is a split involved. A motion was made to make a resolution to charge \$150 for the filing fee for administrative splits. It was seconded and carried, with Commissioner Skippen voting nay.

**BRIAN MURPHY - HOPKINS MTG FUND - 7<sup>TH</sup> ST. PROPERTY:** Randy Hopkins,

from Hopkins Mortgage Fund, met concerning property on 7<sup>th</sup> Street.

The mortgage company foreclosed on this property. They spent money to fix up the property and are now trying to sell them. They have discovered that the property was part of an illegal split. They are requesting a lot line adjustment so they would have two parcels that would meet the requirements for residences, septic system, and water from the County and Southwest District Health. They will come back with a survey and specific lot lines in two weeks.

**RUSS MANWARING - TRI-COUNTY ECONOMIC BUDGET:** Russ Manwaring from RC&D met on several things. Emmett Irrigation has been asked in the past to bury the lateral irrigation ditch along (3400 feet of 15" pipe) E. Idaho Blvd. so the road could be widened. There may be some funds available through Bureau of Reclamation. Emmett Irrigation may pay \$15,000 for installation. BOR may have \$15,000. The County would have to pay \$19,000. There would be some right-of-way issues to address, also. This could possibly be budgeted in the 2002 budget.

When land use changes occur, there needs to be some management of drainage water. There needs to be an inventory of the County so when subdivisions are built, the drainage water can be addressed. There was a suggestion to have the a Soil Conservation District employee work with P & Z. There is a River Network grant that could be applied for that would help with the cost. Irrigation is another component to this situation. The grant would need a match of 50/50 for a \$10,000 to \$30,000 grant. The County's share could be from \$5,000 to \$15,000.

The tri-county economic study may be run through EDA. Adams County and Washington County still want to see a study done. Russ hasn't been able to meet with anyone about it yet. A meeting will be set up with Phil Choate from Ida-Ore Planning.

**COMMISSIONER COMPUTER:** Proposals were received from Dynamic Computers, Computer Source, and Computer Arts for a computer for the Commissioner's Room. A motion was made to accept the lowest bid of \$1,424, which came from Computer Source. It was seconded and carried.

**JESUS FELIX - ALERT CELLULAR SERVICE:** Jesus Felix and Michael Brown from Alert Cellular were 45 minutes late for their appointment with the Board, so they obtained some facts and figures from the Clerk's office and made another appointment with the Commissioners for a later date.

**PROSECUTING ATTORNEY MATTERS:** Doug Varie, Prosecuting Attorney,

met with the Board on various matters.

The County is allowed to help fund a Fire District's expense.

Commissioner Mansfield will attend the appeal hearing on the Sanders' appeal.

Employee benefit packages are at the discretion of the employer, except for paying PERSI.

Employees can be asked to not come in to work to compensate for overtime hours.

**The Board recessed at 5:00pm to get to Sweet by 7:00pm.**

**SWEET MATTERS:** The Board met in Sweet on various matters.

A guardrail was asked for on Butte Road above Klingbacks' where there have been several accidents.

The railroad crossing on the Montour Road is really bad. It has spikes sticking up.

The lower speed limit on Montour Road is appreciated, but there are a lot of big trucks that are not following it, usually around dinnertime and early in the morning. They have already talked to the Sheriff who said he would look into it.

It was asked if the flood maps have been completed. They were told they are available with Water Resources and Mike Williams, P & Z Administrator, stated there could be some available in the P & Z office. The Citizens need them to prove that they are not in the flood plane so they don't have to carry flood insurance on their homes.

Commissioner Mansfield reported on his meeting with Idaho Transportation Department. He stated that ITD needs to be convinced that the problems on Freezeout Hill need to be taken care of on a more expedited time schedule than they are planning on. He offered a form to everyone that they could fill out and put their comments on concerning the timing of putting some passing lanes and other improvements on Freezeout Hill and also Highway 52. He had a list of all persons on the ITD Board and he is sending a letter out to each of them tomorrow. There will also be a big problem if they put a signal light at Highway 16 and Substation Road before they get a passing lane on Freezeout Hill, which is in their plans to do in that order. Another priority would be a slower speed on Highway 16 from the bottom of Freezeout Hill to Washington Ave.

Montour Road will be repaired where it was broken down when the developer improved and widened only half the road where a subdivision is being put in.

It was asked that "men working" signs be put out on the roads far enough so people might have a choice to take that road or not.

The Commissioners felt that was a good suggestion and will look into it.

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It was reported that only one more signature is needed on the petition for the road and alleyway openings, closures, etc., and will be ready to present to the Commissioners in the next couple of weeks. There will be a special meeting scheduled in Sweet when the petition is ready.

Mike Williams asked what the people of Sweet would like to see happen as far as planning and zoning matters. They seemed to like it pretty much the same as it is. The new amendment to the zoning ordinances concerning the split on 40 acres in the 40-acre zones was discussed. It was stated that all of Sweet is zoned A-5, Northern Agriculture, allowing only 5-acre parcels. It would take a special use permit or a rezone to open a business in Sweet.

**On motion the Board recessed to August 7, 2000, at 8:00am.**

Approved: \_\_\_\_\_

Chairman

Attest: \_\_\_\_\_

Clerk