



November 20 & 21, 2000, Emmett, Idaho

Pursuant to a recess taken on November 14, 2000, the Board of Commissioners of Gem County, Idaho, met in regular session this 20th and 21st day of November, 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:

November 20, 2000

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of November 13 & 14, 2000, were reviewed. A motion was made to approve the minutes of November 13 & 14, 2000, as read and corrected. It was seconded and carried.

SPEED CHANGE ON S. BOISE AVE.: A motion was made to post a speed limit of 35mph on S. Boise Avenue from Hwy 52 to Sales Yard Road. It was seconded and carried.

NEWTON HAWLEY - MANUFACTURED HOME FEES: Building Inspector Newton Hawley met to have the Board consider the fees for building permits for manufactured homes. There is now a big difference in cost for building permits for manufactured homes and stick-built homes. He thinks that manufactured homes need to be required to be on permanent foundations. He feels the fee should be figured on cost to build rather than square footage. The Commissioners will look over his proposal and get back to him.

EXECUTIVE SESSION: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel issues. Those present in the meeting were Commissioners Elliott, Mansfield, and Skippen, Commissioner-elect Sharon Pratt, and Clerk Howard. No decisions were made. A motion was made, seconded, and carried to come out of executive session.

ALCOHOLIC BEVERAGE LICENSES AND CATERING PERMIT: Through motion, an alcoholic beverage license was approved for Jerry and Connie

Ridley dba Ridley's Food Corp. for bottled or canned beer not to be consumed on premises and retail wine, and a liquor catering permit for the Rocky Mountain Elks by the Round-Up, which was approved on November 14, 2000, by Commissioners Mansfield and Skippen and signed by Commissioner Skippen, was issued.

A motion was made to approve an alcoholic beverage license for M & BG, Inc., dba Shamrock Market/Cloverleaf Restaurant for bottled or canned beer not to be consumed on premises, retail wine, and wine by the drink. It was seconded and carried.

INDIGENT APPLICATIONS: Deputy Clerk Sue Spencer presented the following indigent applications:

99-040 A CAT assignment of 56.9% was approved through motion.

99-051 A CAT assignment of 56% was approved through motion.

99-005 An amended CAT assignment of 59.7% was approved through motion.

00-014 A previously approved lien release was signed.

00-071 Application is being appealed by hospital, but there is still not much information. The Deputy Prosecuting Attorney will be asked about the case.

00-075 Application was previously denied because of no cooperation and is now being appealed by the hospital.

01-004 Application for medical expenses was presented for information only.

01-005 Application for medical expenses was presented for information only.

The Board recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

JEFF FOSS - BOISE NATL FOREST PLAN REVISION: Jeff Foss, Morris Huffman, and two others from the U.S. Forest Service met and went over the Southwest Idaho Ecogroup draft of their Land and Resource Management Plan and Environmental Impact Statement. There are six alternatives and they prefer Alternative 3, the Aggressive Watershed and Vegetation Restoration, which were from 195 letters from the public during the comment period in 1998. There are meetings for public input throughout the State, but none planned for Emmett. Mr. Foss told the Commissioners they would schedule one for Emmett.

PUBLIC HEARING - JOHANNESSEN REZONE: This hearing was tape-recorded. Chairman Elliott read the Notice of Public Hearing for a request by Erling Johannesen to rezone approximately 16.5 acres from A-1(Prime Agriculture) to A-3(Residential Agriculture) to create three parcels. The property is located 3½ miles northwest

of Emmett off U.A. Avenue, at the end of U.A. Avenue to the east side. A letter was read from Erling Johannesen citing the reasons he would like to rezone his property. Agency letters were read, with no objections to the rezone, with various restrictions. A letter from neighbors, Mike and Kitty Carol, opposing the rezone was read. The Findings of Facts of the P & Z Commission were read, recommending approval of the rezone, with the stipulations that the road to the parcels be up to standards and irrigation pumps be installed on each parcel.

Elden Ethington, neighbor, stated that he is not against the rezone if there is a condition through a CC & R (Codes, Covenants & Restrictions), that no mobile homes or trailers be allowed on the parcels. He stated that his property adjoining the Johannesen property has those restrictions.

Erling Johannesen stated that he doubted that anyone would want to put a mobile home nor a trailer on the land and hates to have those restrictions on the land.

Mike Williams, P & Z Administrator, stated that all Mr. Johannesen wants to do is to rezone his property in order to make three splits. At this time, it may not be legal to restrict mobile homes to be placed on the property. CC & R's can only be put into place in a subdivision situation.

The public hearing was closed for public testimony. The decision was taken under advisement from the Prosecuting Attorney.

The Board recessed to November 21, 2000, AT 8:00AM.

November 21, 2000

Commissioner Skippen was at other meetings until 1:00pm.

Pledge of Allegiance was said.

BID OPENING - ROAD CHIPS: Chairman Elliott read the Notice of Bid.

There was one bid received for Road Chips and it was from City Transfer Redi-Mix for \$7.50/yard (\$7.80/yard if loaded by City Transfer), for a total of \$45,000, with weight slips provided. There was a bid bond in place. A motion was made to accept the bid, as stated, from City Transfer Redi-Mix for road chips. It was seconded and carried.

BID OPENING - ROAD MIX: Chairman Elliott read the Notice of Bid.

There was one bid received for road mix and it was from City Transfer Redi-Mix for \$4.00/yard (\$4.30/yard if loaded by City Transfer), for a total of \$80,000. A bid bond was in place. A motion was made to accept the bid, as stated, from City Transfer Redi-Mix for road chips. It was seconded and carried.

BID OPENING - COUNTY FUEL: Chairman Elliott read the Notice of Bid. There was one bid received for fuel and it was from B & W Fuels for a bidder margin of \$.055/gallon above rack price for both gasoline and diesel, with a freight charge for gasoline of \$.01667/gallon and for diesel of \$.01888/gallon. A motion was made to accept the fuel bid, as stated, from B & W Fuels. It was seconded and carried.

The Board recessed at 12:00pm for lunch and reconvened at 1:00pm.

BRUCE REUCK - ENGERGY CONFERENCE REPORT: Maintenance Supervisor Bruce Reuck met to report on an energy conference he attended. He stated that he learned that the Nation is in an energy crunch right now, from environmental restrictions and lack of investor interest. To help overcome the problem now, there will probably be some power shutdowns sometime during the next year. Idaho is probably in worse shape than California because of the growth in Idaho. There needs to be more conservation and efficiency. Performance contracting could help.

EXECUTIVE SESSION: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(1)(f) concerning pending litigation. Those present in the meeting were Commissioners Elliott, Mansfield, and Skippen, Prosecuting Attorney Doug Varie, Sheriff Clint Short, and Clerk Howard. No decisions were made. A motion was made, seconded, and carried to come out of executive session.

PROSECUTING ATTORNEY MATTERS: The question was asked of PA Varie, if a Commissioner should be in attendance at the Planning and Zoning meetings because of their quasi-judicial powers in P & Z matters. In his opinion, the problem is no more difficult with a Commissioner attending the meeting or not. He stated that probably the only reason for a Commissioner to attend would be as a liaison between the Board of Commissioners and the P & Z Board. This may be accomplished in another way. Other boards, such as Hospital Board where the Commissioner's don't have to set as judges, there is no problem.

PA Varie will check to see if the P & Z Administrator is an exempt employee.

PA Varie is working on getting Davis Medical to pay their drug-testing bill to Walter Knox Memorial Hospital.

An indigent's wages may be garnished if a judgment is brought against an unpaid promissory note to the County.

RESOLUTION 2001-01: A motion was made to adopt Resolution No. 2001-01 to make the adjustments in the FY2001 budget which were approved during a public hearing on November 13, 2000. It was seconded and carried.

PROPOSAL FOR RV DUMP SITE WORK: Two proposals were presented for the work to be done on the dumpsite at the County RV Park. One was for \$3,735.00 from TB Construction and another for \$3696.54 from City Transfer Redi-Mix, Inc. A motion was made accept the proposal from City Transfer Redi-Mix, Inc., because of the lower cost. It was seconded and carried.

ALCOHOLIC BEVERAGE LICENSE: A motion was made to approve a retail alcoholic beverage license for S & R Leasing/Chris Satchwell, dba Swing Scene, for bottled or canned beer to be consumed on premises and wine by the drink. It was seconded and carried.

On motion the Board recessed to November 27, 2000, at 8:00am.

Approved: _____
Chairman

Attest: _____
Clerk