



November 27 & 28, 2000, Emmett, Idaho

Pursuant to a recess taken on November 21, 2000, the Board of Commissioners of Gem County, Idaho, met in regular session this 27th and 28th day of November, 2000, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

November 27, 2000

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of November 20 & 21, 2000, were reviewed. A motion was made to approve the minutes of November 20 & 21, 2000, as read and corrected. It was seconded and carried.

FINDINGS OF FACTS - LEDBETTER REZONE: A motion was made to sign the Findings of Facts and Conclusions of Law for the rezone for Bruce and Sandy Ledbetter. It was seconded and carried.

FIRE DISTRICT II: The Fire District II would like Gem County's old ambulance and form a QRU (Quick Response Unit) in the Sweet/Ola area. There may be some liability there as a County. The Fire District would have to get medically licensed. The sale of the ambulance and the extrication vehicle are in the Ambulance budget to help with the purchase of the new vehicles. The Board will check to see if it would be feasible to give either vehicle to the Fire District II.

NEWTON HAWLEY - UNIFORM FIRE CODE & BUILDING PERMIT FEES: Newton Hawley, Building Inspector, met to discuss whether the County should adopt the Uniform Fire Code. This is usually done through the Fire District, but the Fire District I has not adopted it, probably due to having a part-time/volunteer fire department.

There was further discussion on raising the permits and inspection fees for manufactured homes. It is now \$80 for a manufactured home permit and then if it is put on a foundation,

there is a building permit fee for the cost of the foundation, which requires inspections. Newt is asking for a \$50 driveway permit fee and \$40 for a final inspection fee. The alternative would be to charge a building permit for a manufactured home comparable to a stick-built home.

Newton will come back to the Board with a proposed fee structure.

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

PHIL CHOATES IDA-ORE - CONFERENCE CALL: The Commissioners voiced support for option III of the proposed plan which includes University of Idaho doing an economic study and Ida-Ore designing an implementation plan.

TOM HOPPELL - BIDS ON ISLAND BID: A motion was made to accept the bid awarded to Roberts and Son Fence in the amount of \$36,514.00 for the fencing for 2 small and 2 large ball fields on the Gem Island Sports Complex. It was seconded and carried. A motion was made to accept the bid from Universal Construction for their bid #1 in the amount of \$31,492 for building the base for the walking/bike trail around the Gem Island Sports Complex. It was seconded and carried.

ALCOHOLIC BEVERAGE LICENSES: Through motion, alcoholic beverage licenses were approved for the following: Richard M. Walth dba Main Street Beverage & Deli for bottled or canned beer not to be consumed on premises and retail wine; Maverick County Stores, Inc., dba Maverick Country Store #212 for bottled or canned beer not to be consumed on premises; Emmett Post #4900 VFW dba Veterans of Foreign Wars #4900 for bottled or canned beer to be consumed on premises; B & W Fuels dba Wild Willy's for bottled or canned beer not to be consumed on premises and retail wine; Jeannette E. Novak dba Westside Market for bottled or canned beer not to be consumed on premises and retail wine.

The Board traveled to Sweet Service in Sweet.

SWEET ROAD CLOSURES: The Board met with Diane Lowrey and Art Beal from Sweet to present a compromise from Paul Shay concerning road closures in Sweet. Diane Lowrey refused the proposal and Art Beal is considering it.

The Board traveled to Ola.

OLA MATTERS: The Board met with the citizens of Ola at the Ola

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Community Hall. Several matters of concern were discussed.

There is a culvert on High Valley Road that keeps having problems. The Road Department will check it out. Maybe the road needs to be raised in that area.

It was asked if there will be any more road paving done in the Ola area this next year. The Commissioners said they didn't think so, although the final decisions haven't been made yet. It was asked if the road that was paved a couple of years ago will get chip-sealed this next year. It has quite a few cracks in it. The Commissioners will check with the Road & Bridge Department.

The jail problem was brought up. The Commissioners stated that the County is considering purchasing a modular jail unit that will hold 12 inmates. Bonner County has one for sale.

The fire station is at a standstill because the money ran out. There is a framed building, but no insulation yet. There is still a \$5,000 grant they might get. The Ola Community Hall is adding restrooms with a no-match grant they received.

The bleachers at the fairgrounds were discussed. There is a lot of money put into them each year and some day, they will be in too bad of shape to put any more money into. The racehorse people seem to have a conflict with the use of the arena sometimes.

It was asked if sand could be purchased from Butch Biggers who has a pit in the Ola area. It would be much closer than hauling it from Emmett.

Martin Joyce, the Landfill Supervisor, is working on some numbers as far as how many Valley County citizens are bringing trash down to Ola. As soon as the numbers are in, the Commissioners will give Valley County a report and a bill.

The Kennedy Creek Program was discussed. The Forest Service has put a group of people together to come up with some ideas on how everyone can get what they want out of the forest. There is a real diversified group of people from logging people, forest service people, elk people, bear people, ATV people, etc. They are charged with coming up with a consensus as to what needs to be done.

The meeting about the Land and Resource Management Plan from the Forest Service and their six alternatives to the situation was discussed. There will be some public input meetings coming up and an effort needs to be made to attend the meetings, make phone calls, write letters, and send e-mail. The Commissioners also discussed fiscal impact if the roadless plan was initiated.

The Board recessed to November 28, 2000, AT 8:00AM.

November 28, 2000

Pledge of Allegiance was said.

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

ERVIN CARSCADEN: Ervin Carscaden met concerning the closure of roads in Sweet. He is requesting that 2nd Street be opened and if it does not happen he is filing a lawsuit. He is asking that a special prosecuting attorney be assigned in place of the County Prosecutor.

DAR OLBERDING - EMMETT IRRIGATION: Dar Olberding from Emmett Irrigation met with concerns that it was stated during the Erling Johannesen rezone hearing that Emmett Irrigation requires each of the three lots in the rezone have an individual pump in the canal for irrigation purposes. He stated that the Irrigations District is not ready to allow any more accesses from the canal. Mike Williams, P & Z Administrator, stated that it was the P & Z Board's recommendation that there be three separate pumps and that the Irrigation District stated that there just needs to be irrigation water delivered to each lot. The P & Z office and the Irrigation District are trying to work together to remedy situations with irrigation water in the County.

COUNTY PROPERTY - HWY 52 NEAR STAR LANE: Noel McKeen and Don Jones met on concerns with the County filling in a waste water ditch that went across the County property on Hwy 52 near Star Lane. The waste water off of the Lamb property will be backed up if the ditch stays filled in. Dennis Pulley, Road & Bridge Supervisor, will check the property to see if there is a way to re-route the water. He may talk to the ASCS office to see if they could advise the County the best way to handle it.

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 Mansfield and Skippen, Assessor Greg Himes and Clerk Howard. No decisions were made. A motion was made, seconded, and carried to come out of executive session.

EXECUTIVE SESSION: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel. Those present in the meeting were Commissioners

Elliott, Mansfield, and Skippen, Noxious Weed Supervisor Quinn Nuffer, and Clerk Howard. No decisions were made. A motion was made, seconded, and carried to come out of executive session.

ALCOHOLIC BEVERAGE LICENSE: Through motion, alcoholic beverage licenses were approved for Judy K. Jordan dba Jordan's Cherry Bowl, Inc., for bottled or canned beer to be consumed on premises, and for Cheryl Rapp Lee dba Sweet Service for bottled or canned beer to be consumed on premises and wine by the drink.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Doug Varie and Deputy Prosecuting Attorney Dick Linville met to discuss various legal matters.

The County has a choice whether or not to build a road when a right-of-way is there. If a road is built or changed, the damage to adjoining property is the County's responsibility.

If the County gives their old ambulance to the Fire District II, there is no liability to the County, and no precedent is set.

"Open to the public" during regular Commissioner meetings means the public is welcome to listen, but not necessarily to speak. A public walk-in and input time will be added to the agenda.

The Prosecutor was asked if the County can set a base price to lease a piece of property in case there is only one bidder, to insure that the County gets a fair deal. He stated that this would be possible. There could possibly be a "percentage of the profits" type contract made if a business was being run on County property instead of an actual lease. There are not many restrictions as far as leasing County property except to get the highest and best return for tax payers dollar on it.

There is a no-charge bid change for some work on the Gem Island Sports Complex. It is legal as long as there is not a change in the amount of money. There was only one valid bid on the project anyway, so there is no problem.

If a waste water ditch is filled in, whether there is a real easement or an implied easement, the ditch has to be replaced either where it was or someplace else.

In the consent decree to update the jail, it is not clear as to how often a jail bond needs to be run. Doug will check into it further.

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

CERTIFICATE OF RESIDENCY: A request for a certificate of residency for Ann Christina Fehrer to attend the College of

Southern Idaho was denied because of non-residency.

ORDINANCE NO. 2001-02: A motion was made, passed, and seconded to approve Ordinance No. 2001-02 which is an amendment to the Gem County Traffic Control Ordinance No. 90-1. It changes the speed limits on E. Central Rd., Bishop Rd., Butte Rd., Spring Creek Rd., and W. Central Rd.

On motion the Board recessed to December 4, 2000, at 8:00am.

Approved: _____
Chairman

Attest: _____
Clerk