



December 18 & 19, 2000, Emmett, Idaho

Pursuant to a recess taken on December 12, 2000, the Board of Commissioners of Gem County, Idaho, met in regular session this 18<sup>th</sup> and 19<sup>th</sup> day of December, 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:

December 18, 2000

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of December 11 & 12, 2000, were reviewed. A motion was made to approve the minutes of December 11 & 12, 2000, as read and corrected. It was seconded and carried.

NEWTON HAWLEY - BUILDING INSPECTOR: Newton Hawley, Building Inspector in Planning and Zoning, presented a fee schedule to increase building permits and fees for manufactured homes, and guidelines for temporary housing and temporary hardship fees. A decision was tabled for further discussion.

There is a federal standard set for building fees and Gem County is quite a bit below that standard. Some day, Newton thinks that the County should adopt that standard. There are adjustments for individual states, depending on the economy of the state.

STEVE BUCK - PUBLIC: Steve Buck met to request that Dick Cornett be allowed to attend the Advanced Public Information Officers training in Emmettsburg, Maryland. The cost of the plane ticket would be reimbursed by the Federal government. The County would pay for a \$72.50 meal ticket. A motion was made to authorize Dick Cornett to go to this training. It was seconded and carried.

There is a 100%, no-match grant available to train the community on how to handle terrorism. Steve has applied for the grant. Gem County is the only county in this region that is applying for the grant. The grant will pay up to \$1500, with no cost to the County.

**PLANNING & ZONING ADMINISTRATOR VEHICLE:** A motion was made to approve the purchase of a 1998 Oldsmobile Intrigue with 900 miles on it for \$14,500 from Lot-O-Cars for the Planning and Zoning Administrator. Three proposals will be obtained for the financing of \$4,000 down and the balance to be paid in January of 2002. It was seconded and carried.

**QUINN NUFFER - NOXIOUS WEED DEPARTMENT MATTERS:** Quinn Nuffer, Noxious Weed Supervisor reported that CPR and First Aid class will be Friday, December 22, 2000. This will certify all of the Weed Department employees, including their summer help. He is still trying to find replacements for the Weed Advisory Board. He is trying to keep his whereabouts on his answering machine. He has some cost share forms for the Lower Payette Weed Group to be signed by the Commissioners. He will bring them in this afternoon.

Quinn was told that the Commissioners made the decision that it would be County policy that no animals be allowed to stay with any County employee while they are working on County time, unless needed for the job. Weed Department employee Brenda Stienbach, guide dog trainer, defended her reasons for taking a guide dog in training to work with her. After listening to Brenda and other public input the Commissioners decided to revisit their decision on a County employee being allowed to train a guide dog while working on County time.

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

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

99-007 Family of deceased applicant is asking to pay \$12,500 to close the account. Advise from the Prosecuting Attorney will be asked for.

01-004 Application for medical expenses was approved through motion.

01-009 Application for medical expenses for a mental disorder was presented for information only.

01-010 Application for help \$500 rent for December was approved, through motion on contingency of the signing of a promissory note.

**INDIGENT HEARING:** An indigent hearing for #00-071 was held. The hearing was tape-recorded. Those present were Commissioners Elliott, Mansfield, and Skippen, Clerk Howard, Prosecuting Attorney Doug Varie, Deputy Clerk Sue Spencer, James Sanders, and

Attorney for St. Luke's Hospital. No decisions were made.

**The Board recessed to December 19, 2000, AT 8:00AM.**

**December 19, 2000**

**Pledge of Allegiance was said.**

**JUVENILE RISK ASSESSMENT CONTRACT SIGNED:** A motion was made to sign the contract with Kathleen Wolfe for the Juvenile Risk Assessment. It was seconded and carried.

**DAVE FARNSWORTH - SECOND CHANCE PROGRAM:** Dave Farnsworth met, along with Phil Kearns, Development Coordinators, to thank Gem County and ask for further support of the Second Chance Program. Phil Kearns discussed the program and shared some success stories. The Second Chance Program is asking for financial support from the County. The Commissioners will discuss the matter and make a decision.

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

**PUBLIC HEARING - MADSEN SPECIAL USE PERMIT:** This hearing was tape-recorded. Chairman Elliott read the notice of public hearing. He then read the Planning & Zoning decision which was to deny the special use permit asked for by Travis Madsen, dba Liberty Canyon Boys Ranch, to use a home on Brownlee Road for living quarters for the boys in the Liberty Canyon Boys Ranch because of concerns of citizens in the surrounding community.

The names of people who wrote letters(16) against the special use permit were read and there were 63 names on petitions against the permit. The names of people who wrote letters(34) in favor of the special use permit were read and there were 126 names on petitions in favor of the permit. Oral testimony was then asked for.

Marilyn Cunningham testified against the special use permit. She stated that Zoning Board decisions should stand.

Heather Shively supports the permit. She feels there should be support for programs that are working to better people's lives and she feels safe in the community with the program run at the Boys Ranch.

Dave Eney(?) is opposed because of it being detrimental and hazardous for the neighbors. He thinks it is not fair because of it being a "for-profit business" and should be treated as such.

Dennise Todd is not opposed to the Boys Ranch, but is not in favor of the special use permit because of the loss in value of her property if the Boys Ranch moves closer. She feels the expansion should be at the existing site of the Boys Home.

Belinda Hersh is in favor of the permit, even though she lives in a direct line between the original home and the proposed addition. She doesn't feel the value of the property will be affected. She feels the program is run so well that there is no problem.

EllaMae Johns is in favor because of good job being done.

Diane Streeby feels the Boys Ranch is a good thing, but on a business situation, businesses need to consider all of the residents around the business being run. He is expanding the business in a residential area. She stated that she is not in fear of the boys, but her four girls are.

Rex Hanby feels there is a potential of having people there who may end up in jail at some time, and there is no room in the jail for more inmates. He is concerned for the safety of his son and grandchildren. There was some trouble in the past.

Mike McCusky lives above the Boys Ranch and has to drive past them every day and doesn't even notice they are there. In the last year and a half he has had no trouble. His property value from 1999 has increased.

Myrtle Butler lives about three miles from the boys ranch. She wishes that her grandson, in prison, had a place like the Boys Ranch before he got into so much trouble.

Bob Bowen has worked his whole life with young people, but he is opposing the increase of the Boys Ranch because of lack of fire and police protection and if there is an increase, there will be an increase of taxes. He is concerned about the liability of the community without the adequate protection.

Lori Lanham has lived on Brownley Road all her life. She says she is against the permit because of the bad response time of the police and fire department.

Brian Harm is totally against the expansion. He states that he is running a juvenile detention center, not a nice home for boys. He feels the burden of proof needs to be on Travis Madsen to guarantee that no one will be affected by the expansion of his profit making business. All Travis wants is monetary gain at their expense. He asked that the petitions be looked at to make sure all of the signatures are from people of the community.

Ron Thomas, the person who sold the addition to Travis Madsen, stated that he was totally against the Boys Ranch when it was first started years ago, but he has changed his mind after

checking into the running of it now--he has had a change of heart and is in favor of it.

Bert Wilfong is against the special use permit and would like the Board to give a lot of consideration to the decision of the Planning and Zoning, which was a five to one vote against. He feels there are two issues--one to expand his business and one to relocate part of his business. They should be treated as two requests.

Melvin Hale stated that the ranch speaks for itself and he is in favor of the permit and the expansion will help the economy of the area.

Mel Bromgard stated that he feels that the record of the ranch since Travis Madsen has run it is proof enough that it is a good thing. He stated that everyone's property values continue to go up.

Bill Hale stated that he used to work at the Boys Ranch and now works at the State Prison in Ontario and says that there is a lot less cost in taking care of these boys than the ones where he works. This would be only a mile and a half move and an addition of six boys, so there shouldn't be any more trouble after the addition than there is now. It provides 17 jobs for people in the community. The boys provide much community service. There have been no run-a-ways in the last three years. There are more troublesome youth driving past all of their homes to go to the mountains to shoot, drink, etc.

Max Hymas testified that the community needs more people in their community like the ones in the Boys Ranch. They are always ready to give any help in the community and their record stands for itself.

Shauna Madsen stated that their staff at the Boys Ranch needs a lot of the credit of the success and record of the Ranch. She stated that at the beginning, she was totally against her husband opening the Boys Ranch. She then decided to support him. She was against moving to the Sweet community later, but agreed to do so. They have four daughters and they all interact with the boys, while still teaching them to be cautious with some of them.

Meg Long, the clinical supervisor at the Boys Ranch, stated that it is a very needed service provided by the Ranch. She stated that she is only 28 years old and was cautioned to not work there by friends and family because of her safety. She stated that she has never been shown more respect than shown by the boys.

She stated that they are out-growing their facility and need more room and facilities.

Ryan Barr lives in Emmett and works at the Boys Ranch. He stated that the boys at the Ranch behave so much better than other juvenile facilities he has worked in. There is a water problem, especially in the summer, with their well. They run out of water

and the water turns brown sometimes. The caring staff really turn the boys around once they get to know them. The record of the ranch in the past is no reflection on the record of the current ranch.

Alise Hale stated that she does not feel a threat to herself or her seven children. The boys have PE in the field next to her home and she has never felt at all threatened when they have been there.

Katherine Hampshire, from Boise, works as a drug and alcohol councilor at the Boys Ranch. She stated that the help, counseling, and education the boys are getting is far better than the normal facilities she has worked at.

Alvin Moses stated that he feels no danger from the boys at the Boys Ranch. He does feel danger from other unsupervised boys who go up to Dry Buck with their pistols and alcohol.

Nanette Edmondson stated that the boys being helped are the most important consideration—more so than property value, business profit, personal feelings, etc. She feels that they have this to offer in the community of Sweet and that would be a shame to not expand. She feels the community should be proud.

Chris Bryson stated she is opposed to the permit because of the area they are wanting to move to. The house is built kind of over a hill and if there was an earthquake it would be hazardous to the boys. The wells are so shallow that there wouldn't be enough water to fight a fire. There are a lot of rocks and hills for the boys to hide out in and should not be a place for troubled boys to be housed. She feels that land value is a big thing and feels this would cause hers to go down. She has a real fear of the boys.

Janis Cook lives in Boise and is a mother of one of the boys at the Boys Ranch. She is so thankful for the help her son is getting there. She would have been afraid of living near a facility of this kind until she visited it so many times because of her son. She feels the supervised boys at the Ranch are much less risk to the neighbors than other unsupervised boys in the community. She feels they are not part of the problem of the community—they are part of the solution.

Ryan Hale, employee at Liberty Canyon, stated that if he felt there was any undue threat in the community, he would not be in favor of the expansion, because he also lives with his family in the community. He has never seen any threat.

Louis Johns, who is in favor of the permit stated that he has a public swimming pool and the boys are way more respectful of his facility than many of the public groups that use it.

Ervin Carskaddon stated that property values have continually gone up. Previously, there were problems with the Ranch, but he has never seen any problems since Travis Madsen has taken over the

Ranch.

Gail MacDonald, employee at the Ranch and neighbor, stated that she feels the list of people responding should be gone over and the actual people affected should be separated. She stated that out of the jobs provided to the community, there are two employees from Emmett, three from Sweet, and the rest from outside the community. She stated that there is always risk from the kinds of boys housed at the Ranch. Travis owns 30 acres and would only gain 2100 square feet in the new facility. For the cost of one payment for the new facility, they could dig a new well. She feels they should stay and expand their program where they are.

Phyllis Hanby stated that she is for the facility, but wants it to stay where it is at.

Clarence Link stated that he is not for detention homes built so close to people. He doesn't feel the new property is suitable for the boys and that is why there are zoning laws. He feels there needs to be more room and with less rocks so the boys could have more room for baseball diamonds, etc. He feels the house is not made for scuffling boys because of the balconies, etc.

Brandi Palmer stated that she is fearful of the boys. She feels like buying the big house is not the way to go. She feels that it doesn't need to get any bigger and needs to be expanded where it is.

Georgia Hale stated that she is in favor of the Ranch. She said that she has had gas stolen by neighbor boys, cattle killed by neighbor boys and is more afraid of unsupervised neighbor boys than by supervised boys from the Ranch.

Trent Waltman, Staff Supervisor of the Ranch, stated that he is not from the community. He stated that they have had as many as seven community people working at the Ranch. He stated that his biggest responsibility has been the safety of the staff, the boys, and the community. He stated that if they have boys that they feel would not be safe to take into the community, they don't let them go out into the community. He feels that any risks involved with the Ranch would be no more at the new facility than there is at the old one.

Teresa Hykis is against the Ranch expanding. She feels that there are feelings from those who are for it that others don't care about the boys there. She feels the risk will not be the same when they are at two facilities rather than one. And, boys who have been in trouble, even up to murdering his father, are going to be of more risk than neighborhood kids.

Anna Pratt, stated that she is in favor of the expansion. She feels more safe now than she ever was before Travis Madsen took over the Ranch. She is the seconded closest neighbor and doesn't really know what the problem is with the expansion. The boys have been a big help in the community.

Kevin Bernatz, Administrator at Liberty Canyon, stated that for fiscal reasons, he wasn't really behind the decision to expand, at first. But, as the days have gone by, he has changed his mind. He feels that they need to review the reasons that P & Z turned down the special permit and see if they really exist. He feels that the "crusades" that people are on should not overshadow the real facts. The Ranch has to adhere to very strict restrictions and standards as to which boys they take in and how the facility is run.

Marlene Brown opposes the expansion because of the risk of the boys.

Michael Pease has concerns about the age of the boys at the Ranch—they are young men, not mere boys. He is concerned about the fire and police safety. He feels the young men are in jeopardy, and also the community.

Harvey Church stated that he is not against the expansion. His property is surrounded by the proposed expansion property.

Travis Madsen, owner of the Liberty Canyon Boys Ranch stated that his is a for-profit business, but he also cares about boys. He is concerned about the community. He stated the State Fire Marshall has given his okay for the expansion. He knows that there is always a chance that one of the boys could run and get in trouble. He read some comparisons of police offenses with the County and the Boys Ranch. There are 69 youth on probation in the County. The State can only help so many kids and programs like theirs are there to help some of them. He feels there is no greater risk from his facility than there is going on in our community today. He feels that if the permit goes through, there should be a community board created to make some of the decisions for the Ranch.

Public testimony was closed. Chairman Elliott read the letter from the Gem County Sheriff's Department in support of the Ranch, as long as strict monitoring policies are enforced.

State Department of Insurance letter stated all of the provisions that the proposed new facility would have to abide by in order to be used for the Boys Ranch. There would be regular inspections.

Ron Thomas stated that when he built the place, there were enough wells drilled for a large water reserve.

Bert Wilfong has concerns about what liability the Ranch has and if the Ranch would cover any damage the boys would do.

Travis Madsen said the law would shut the place down without enough liability. They have a \$1,000,000 per incident.

Christine Bryson stated that there was a fire in the Community and the ambulance had a hard time finding the area.

Gail MacDonald, stated that the liability is a limited liability and the night shift is being planned to go to a 16 hour

shift.

Travis Madsen refuted both statements.

The public hearing was closed and the decision was tabled for further discussion.

**DECISION ON DOG IN WEED DEPARTMENT UPHELD:** After revisiting the decision made earlier concerning allowing a Guide Dog for the Blind to be trained by a County employee during working hours, the original decision of not allowing it was upheld. Some of the reasons were: liability to the County; receiving full-production hours from County employees being paid with taxpayer dollars; avoiding possible animal/public or employee conflicts (fear, allergies, etc.), and setting a precedent for other (although worthwhile and admirable) employee voluntary projects using County time for other activities.

**PUBLIC WALK-IN AND INPUT:** Cathy Smith met to discuss the meeting with the Gem County Recreation District Board. She extended them an invitation to meet with the School District on January 25, 2001, at 7:00pm. The Commissioners are also invited. A school board member and a City representative will also be invited. They discussed some partnerships for after school programs and the Recreation District was very receptive. She handed out a 40-assessment questionnaire (concerning children) to the Recreation District Board that could be filled out by the youth in the community to find out what they feel their needs are.

Dennis Pulley, Road & Bridge Supervisor, met to go over an over-all County traffic ordinance.

Evin Carskaddon met concerning a fence he was court-ordered to take down. He also discussed his land being landlocked if an alleyway is vacated.

**PROSECUTING ATTORNEY MATTERS:** If a modular jail is put in, the consent decree would need to be modified. It should be checked into whether there would need to be additional staffing required.

Indigent reimbursement could be part of a voluntary work program set up similar to the SILD program.

Doug will go forward with setting up a section in the personnel policy handbook not allowing animals in the workplace unless there is a specific need for the animal to be there, as the Board retained their decision on not allowing a Weed Department employee to train guide dogs while on County time.

Mike Williams, P & Z Administrator was asked by the Board to visit Ervin Carskaddon's property and make an assessment as to whether any of his property is landlocked.

**EXECUTIVE SESSION:** A motion was made, seconded, and carried to go

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

**CERTIFICATE OF RESIDENCY**: A motion was made to approve the certificates of residency for Vanessa Miller, Sean Cook, Shayla Hammer, and Crystal Wilfong to attend the 2001 Spring semester at the College of Southern Idaho in Twin Falls, Idaho. It was seconded and carried.

**ALCOHOLIC BEVERAGE LICENSE**: A motion was made to approve the alcoholic beverage license for Don Eddy dba Champion Oil Co. for bottled or canned beer not to be consumed on premises. It was seconded and carried.

**On motion the Board recessed to December 26, 2000, at 8:00am.**

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

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