



April 16 & 17, 2001, Emmett, Idaho

Pursuant to a recess taken on April 10, 2001, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th & 17th day of April, 2001, at 8:00 a.m.

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| Present: | Ed Mansfield | Chairman |
| | Kathy Skippen | Commissioner |
| | Sharon Pratt | Commissioner |
| | Susan Howard | Clerk |

Whereupon the following proceedings were had, to-wit:

April 16, 2001

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of April 10, 2001, were reviewed. A motion was made to approve the minutes of April 10, 2000, as read and corrected. It was seconded and carried.

LIQUOR SALES ON SUNDAY DISCUSSED: More discussion was had on whether or not there should be liquor sold on Sunday in Gem County. It was discussed that there are four liquor licenses, with only two active, and only one of the owners has been in to ask for the ordinance to be made. Even though the decision is a County decision, the Board will invite Ron Morgan, Emmett Mayor, to the Commissioner's meeting to discuss the matter.

Mayor Morgan met with the Board and stated that the matter of Sunday liquor sales would have to be taken up with the City Council and the City would have to change their ordinance if the Commissioners made an ordinance to sell liquor on Sundays. He thinks the City Police department would be opposed to the decision.

The Mayor discussed some plans they had talked about in the City Council meetings concerning the disturbances that may happen because of unemployment in the County this summer. They are discussing having a minister near the scene of any domestic violence. They are monitoring the time frames that this is happening now, and it seems to be happening more frequently in the morning hours. He feels that serving liquor on Sunday would only compound the situation.

BID LET FOR ASPHALT CONCRETE PAVING: A piggy-back bid from Idaho Sand and Gravel will not be available because they could not guarantee the same price as the previous bid. A bid will be put out for the paving of sections of Mill Road, Salesyard Road, and the RV Park, with the bid opening to be held on June 4, 2001.

INDIGENT APPLICATIONS: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

01-022 Application for medical expenses but there was lack of cooperation and the application was incomplete.

01-024 Application for medical expenses, but no emergency existed. There was a failure to cooperate, and the application was incomplete.

01-025 Application for emergency medical expenses for a proposed surgery.

01-033 Application for medical expenses needed a lien signed.

A motion was made, seconded, and carried to come out of executive session.

A motion was made to deny 01-022 because of lack of cooperation and an incomplete application, to deny 01-024 because no emergency existed and failure to cooperate, to approve 01-025, and to sign a lien for 01-033. The motion was seconded and carried unanimously.

EUGENE GUNDERSON & LEON HANSEN - SWDH BUDGET: Some representatives from Southwest District Health met with the Commissioners to go over their FY2002 budget. Eugene Gunderson went through the agenda of the Budget Hearing that will be held on May 22, 2001, and some current year accomplishments in their yearly report. The budget was proposed for the six Counties who fund SWDH. Gem County's requested portion is \$72,685, which is a \$113 increase from last year. The per/capita cost is \$4.78. Each line item for Gem County was gone over and explained by Leon Hansen. The request will be considered in the FY2002 Gem County budget.

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

BOARD OF EQUALIZATION: There were no cases brought before the Board of Equalization.

COUNTY BOARDS UPDATED: A motion was made to reappoint Sandy Sanders to the Orchard Review Board, with his term ending June, 2002, and to appoint Lori Bork to complete the term of Marge

Kuchynka on the Hospital Board, ending January, 2003. It was seconded and carried unanimously.

ZONING ORDINANCE AMENDMENTS DISCUSSION: Mike Williams and Pam Garrison from the Planning & Zoning Department met to discuss the proposed Zoning Ordinance Amendments. The amendments discussed were zone use classifications, use chart, official height and area regulations, set-back requirements, siting of manufactured homes in residential areas, emergency vehicle access and turnarounds for private drives, private roads, mixed use development zone, signs, and rezone along Hwy 16 & 52 corridor from mixed use development (M-1) to commercial (C-2) zone. A public hearing will be held April 25, 2001, at 6:30pm at the Courthouse.

NEWELL GRAVEL PIT COMPLIANCE: Mike Williams, P & Z Administrator, reported on his findings of the Newell Gravel Pit compliance. He found that all permits for the pit are in place. He found that there is a 40 foot easement on the neighboring land belonging to the Lindseys, which allows access to Annie Newell's home and can be improved by the Newells. Mike found that the gravel pit needs to be fenced along the east side, along the driveway on the Lindsey property. Newells will put up a five-strand barbed-wire fence along that area. In order to fence the area, there is a dirt berm that needs to be addressed. The berm will be removed from the Newell property by extending it along the Lindsey property. Within thirty days, the fence is to be in. The pit is allowed to run the rock crusher 5 days a week, from 8:00 to 6:00. Hauling out of the pit can happen at any time, except on Sunday. The banks on the gravel pit are sloped. The pit manager agrees to minimal use on the easement road, but as long as that road is not used for ingress/egress for the pit, it can be used as an access to Annie Newell's home, no matter what is being driven. If dust becomes an issue, it will be addressed through the P & Z office.

IDAHO LIQUOR CATERING PERMIT: A motion was made to approve Idaho Liquor Catering Permits to Tik's Tavern for the Gem County Fair Board for the dates of April 21 & 22 and April 28 & 29, 2001, to serve beer only. It was seconded and carried unanimously, with the approval of Sheriff Clint Short.

The Board recessed to April 17, 2001, AT 8:00AM.

April 17, 2001

Pledge of Allegiance was said.

QUARTERLY REPORT APPROVED FOR PUBLICATION: The second quarter Treasurer/Auditor Joint Quarterly Report was approved and will be published in the Messenger Index on April 25, 2001.

PUBLIC HEARING - DRAPER ENTERPRISE LLC REZONE: This hearing was tape-recorded. Chairman Mansfield read the notice of hearing for the rezone request from Draper Enterprise LLC to rezone approximately 9 acres from A-3 (Residential Agriculture), and M-1 (Mixed Use Development) to C-2 (Commercial), to be able to market the property for commercial use. Mike Williams, P & Z Administrator, went through the findings of facts from the P & Z Commission, which resulted in a unanimous recommended approval of the rezone request. He explained that by the rezoning of this property, it would be easier for new business to come into the community in that area because they would not have to go through a special use permit procedure. This property is located along the corridor set aside for this use. Mike also stated that the Transportation Department had no objections, but did note that there is only one way in and out onto the highway. Southwest District Health stated in a letter that the ground water problem would be addressed in the building permit process.

A motion was made to approve the rezone request from Draper Enterprise LLC to rezone approximately 9 acres from A-3 and M-1 to C-2. The reasons of the approval being because it conforms to the comprehensive plan, it won't adversely affect the neighbors, and there would not be a need for a special use permit for industry and this will help the community attract new businesses. The motion was seconded and carried unanimously. The public hearing was closed.

PUBLIC HEARING - RALPH GURNEY REZONE: This hearing was tape-recorded. Chairman Mansfield read the notice of hearing for the rezone request from Ralph Gurney to rezone approximately 7 acres from A-3 (Residential Agriculture) to B-1 (Residential) to be able to divide the land into four (4) parcels. Mike Williams, P & Z Administrator, went through the findings of facts of the P & Z Commission, which lead to a recommendation of approval from that Commission with a four to two vote. Southwest District Health had no objections. Emmett Irrigation stated in a letter that they would require that there be irrigation water made available on each new parcel. Ralph Gurney stated that he had a concrete ditch that would provide irrigation water to each parcel. He would see that each parcel would maintain irrigation water rights and control their own drain water. Mike Williams asked that a stipulation be put on the approval that a system be in place for irrigation water and the drainage water from it before the splits are approved. The aerial photo was viewed. Mike also requested

that there be shown on the surveys, a 40 foot East and a 30 foot North County road right-of-way when the lots are split off.

A motion was made to approve Ralph Gurney's rezone application from A-3 to B-1 for the reasons that it is in compliance with comprehensive plan, it does not adversely affect the neighbors, and it is in an area of development. A stipulation would be added that an irrigation and drain water system be in place as each lot is developed and that a County road right-of-way of 40ft on U.A Avenue and 30ft on Central Road be put on the surveys. The motion was seconded and carried unanimously.

WADE DISHION - ADULT PROBATION: Wade Dishion from Comprehensive Solutions Service met to present his quarterly report for adult probation. He reported there were 35 total cases for the quarter.

There were 30 case closures for the quarter, with 28 successful and 2 unsuccessful. There were 23 cases assigned to do SILD, with 5 unsuccessful. For those owing fees, there is \$28,418.30 due, with \$21,479.80 paid and a balance of \$6,938.50. There were 32 ordered to do treatment plans, with 24 completed and 4 unsuccessful. There were 15 drug tested for the County, which is low. Four were positive. There were two probation violations. Total absconded cases for November, 1998, thru March 1, 2001, is 24 out of 345 people assigned. One is in custody and 23 are still absconded. Currently, there are 168 cases active in Gem County.

The Commissioners asked about the reincorporating from CSS to Dishion Enterprises, Inc., because of the disillusionment of the partnership of CSS. Wade stated that the Commissioners could give a 30-day notice to CSS and contract with Dishion Enterprises, Inc.

After visiting with Judge Petrie and getting his recommendation to give the 30-day notice to CSS and contract with Dishion Enterprises, Inc., the decision was made to do so.

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

CLAIM APPROVED: A claim from Larry Atkinson of \$1,471.76 to transport the modular jail from Sandpoint, Idaho, to Emmett was approved. It was more money than originally bid because of excess expense incurred because of an extra permit for Oregon and extra miles for the trip through Washington and Oregon because of the length of the unit.

PUBLIC WALK-IN AND INPUT: Bill Blanton from VFW met to discuss planting a Dwight D. Eisenhower Green Ash tree honoring Veterans of Foreign Wars to commemorate the veterans of World War II. The trees come from Dwight D. Eisenhower's birthplace. There would be a ceremony to go along with the planting. They would like to plant the tree near the World War II tank on the Courthouse grounds. They would be available to do that the week of Memorial

Day.

OLD TAX NOTICES TO BE DESTROYED: Marilyn Frasier met to ask that she be allowed to destroy the tax notices that are older than ten years. A motion was made to destroy 1986-1989 Tax Notices. It was seconded and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Tim Fleming, Deputy Prosecuting Attorney, met with the Board and went over some updates on several things he is working on.

On motion the Board recessed to April 23, 2001, at 8:00am.

Approved: _____
Chairman

Attest: _____
Clerk