



April 23, 24 & 25, 2001, Emmett, Idaho

Pursuant to a recess taken on April 17, 2001, the Board of Commissioners of Gem County, Idaho, met in regular session this 23rd & 24th day of April, 2001, at 8:00 a.m. and a public hearing on the 25th day of April, 2001, at 6:30 p.m.

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

Whereupon the following proceedings were had, to-wit:

April 23, 2001

Pledge of Allegiance was said.

The Commissioners left to attend the dedication of the new U.S. Post Office in Emmett.

MINUTES READ AND APPROVED: The minutes of April 16 & 17, 2001, were reviewed. A motion was made to approve the minutes of April 16 & 17, 2001, as read and corrected. It was seconded and carried unanimously.

RESOLUTION 2001-03: A motion was made to sign Resolution 2001-03 adopting the schedule of zoning permit fees for manufactured homes. It was seconded and carried unanimously.

ECONOMIC DEVELOPMENT: Economic development was discussed at length. A conference call was had with Boise County Commissioners and a meeting was set up with Gem, Boise, Adams, Valley, Payette, and Washington County Commissioners, along with Cliff Long from the Idaho Department of Commerce for further discussion. The discussion will be concerning the approach these counties will take in order to go after a couple of the Economic Development Specialist positions funded by the Idaho Department of Commerce. There will be ten positions for twenty-nine counties.

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:

- 01-031 Application for medical expenses.
- 01-034 Application needed a lien signed
- 01-035 Application for medical expenses.
- 01-036 Application for an indigent cremation.

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

A motion was made to deny 01-031 because of lack of cooperation, to sign a lien for 01-034, to deny 01-035 because of an untimely and incomplete application, and to approve 01-036. The motion was seconded and carried unanimously.

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

Commissioner Mansfield attended a WICAP Meeting.

BARBARA PULTZ - BOARD OF COMMUNITY GUARDIANS: Barbara Pultz met to report on the work of the Board of Community Guardians. She has posted a notice for their meetings in three places in the community. At this time, they have only two wards. They addressed three referrals, but none of them qualified for help through the Board of Community Guardians. There are only six members on the Board and they need at least seven.

Barbara presented their annual report. They have \$617.47 in their account. Their goal is to recruit new board members and better educate the public through brochures, public service announcements, Q & A forums, presentations, etc. The Board is asking for no funding for the next budget year.

Commissioner Mansfield returned to Commissioners' meeting.

WILKIE MYERS - FREEZEOUT HILL CLIMB: Wilkie Myers from Bogus Basin Hill Climb Association met to ask for the use of Old Freezeout Road for their organization's hill climb race. A motion was made to allow Bogus Basin Hill Climb Association to hold their 35th annual Freezeout Hill Climb on June 23 and 24, 2001, with the organization to get in touch with the Road & Bridge Supervisor for his help. The motion was seconded and carried unanimously.

INDIGENT HEARING: A hearing was had for Case No. 00-016. The hearing was tape recorded. Those present in the meeting were Commissioners Mansfield, Skippen, and Pratt, Clerk Howard, Prosecuting Attorney Dick Linville, and a representative from St. Alphonsus Hospital. The hospital had no attorney present, so PA Linville advised the Commissioners to take the hospital's reports into the record, but to allow no verbal testimony. He advised that the hospital needs to contact the Board if they would like a

continuance of the appeal. The hearing was closed.

NANCY CALLAHAN - PUBLIC DEFENDER REVIEW: Nancy Callahan, Public Defender, met to give a 6-month report of her office. They did 170 total cases in the 6 months. The total expenses were \$53,749, which is a deficit of \$8,077 of the contract with the County.

Nancy stated that the caseload has been pretty consistent over the past years. They have spent \$4,300 out of \$6,000 received for conflicts. They will all visit later concerning Nancy's FY2002 contract.

The Board recessed at 5:00pm to reconvene at 7:00pm.

EMMETT MATTERS: The Commissioners held an open forum for any public comment.

Roberta Ushman asked if a decision had been made concerning the selling of alcohol on Sunday. She was told that the Mayor was visited with and the issue would be taken up by the business owner with the City of Emmett. Roberta asked how much the license plates cost for the P & Z automobiles. The Commissioners did not know the answer. She asked if the City & County could get together earlier concerning the dispatch budget. She also asked about the heating in the Courthouse, stating that it felt like the heat was still working in the building. Clerk Howard stated that the heat had not been on in her office or in the Courts on the third floor for several weeks.

Mike Ushman stated that the Courthouse, inside and outside needs to have some housekeeping done. He was told that it is being worked on. Mike remarked that the State Constitution states that the elected officials are elected to serve the people, including Prosecuting Attorney Dick Linville. He stated that Roberta was told by P.A. Linville that that his job is to serve the Commissioners and County offices—not the public.

The Board recessed to April 24, 2001, at 8:00am.

April 24, 2001

Pledge of Allegiance was said.

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

DAVE BALBAS - EXPENSE RECOVERY GROUP PROPOSAL: Dave Balbas and Matt Compton from The Expense Recovery Group met to discuss a

proposal to analyze the County's telecommunication bills. If they find errors, their Company takes 50% of the recovery. If they find ways of saving money and the County decides to take their advice, they get 50% of the savings for 18 months. An average audit takes about 30-60 days, but could take longer, depending on what they find. There would be a deposit required that is usually 5% of a year's telephone service. The Commissioners will take the decision under advisement.

MIKE WILLIAMS - P & Z MATTERS: Mike Williams, P & Z Administrator, met with some concerns of the Commissioners. Mike's office will, in the future, supply a master copy and three additional copies of files where there is a P & Z hearing set for the Commissioners.

DISHION ENTERPRISES, INC., CONTRACT PROPOSALS: Wade Dishion reported that for the quarter, three random drug tests were done on County employees who have DOT drivers licenses, and all tests were negative. No pre-employment or post-accident tests were done. He went over the report for January 1, 2001, through March 31, 2001. There are 15 people on his database for Gem County random drug testing.

Wade presented the Board with contracts with his new business name, which was approved on May 17, 2001. The contracts are identical with the previous contracts with Comprehensive Solutions Systems, except for the name change. May 17, 2001, is the beginning date of the new contracts and the contracts have no ending dates. A motion was made to sign the contracts with Dishion Enterprises, Inc., for the misdemeanor probation and for random drug testing for Gem County. It was seconded and carried unanimously.

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

Commissioner Skippen was not present in the meeting the rest of the day because she attended an UMP meeting in Boise.

FINDINGS OF FACTS - MASLIN rezone: A motion was made to enter the Findings of Facts and Conclusions of Law into the Holbrook Maslin rezone record. It was seconded and carried unanimously with affirmative votes from Commissioners Mansfield and Pratt.

ORDINANCE NO 2001-07: A motion was made to approve Ordinance No. 2001-07 repealing the existing Gem County Traffic Control Ordinance; adoption of State Law, Title 49; establishing procedure for the determination of speed limits for the County Roads; establishing passage by resolution of speed limits for the County

roads; providing for placement of speed limit signs, stop & yield signs; establishing penalties for violation of this ordinance; providing an effective date; and providing for severability. The motion was seconded and carried unanimously.

RESOLUTION NO. 2001-04: A motion was made to adopt Resolution No. 2001-04, adopting a schedule of speed limits for Gem County in accordance with the Gem county Traffic ordinance. It was seconded and carried unanimously.

PUBLIC WALK-IN AND INPUT: Don Dewey met to talk about some zoning issues. He owns some property west of little Freezeout Hill. He needs an easement through some BLM land in order for a cell phone tower to be built on his property, but BLM is not agreeable. A possibility would be to have a bridge built across the canal. He would need to talk to the Irrigation District about that. He would like the zoning left the same in his area so that he can keep his status of allowing a cell tower to be built on his land. The Commissioners will talk to the P & Z Administrator.

Joan & Kevin Moen met to discuss their feelings on the proposed driveway ordinance amendment. They presented a packet of their opinion to be added to the public hearing which will be held tomorrow evening. He wonders why the County is adopting a Fire District law when not everyone in the County is covered by a fire district. The Commissioners stated that they would take their opinions into consideration and they may discuss it at the public hearing.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Dick Linville met concerning records check requests to the Sheriff's Office from the Prosecutor's Office. A discussion needs to be had with the Sheriff to see how these requests need to be handled.

The Board recessed to April 25, 2001, at 6:30pm.

April 25, 2001

PUBLIC HEARING - ZONING ORDINANCE AMENDMENTS: This public hearing was tape recorded. Chairman Mansfield opened the public hearing.

Besides public, those in attendance were Commissioners Ed Mansfield, Kathy Skippen, and Sharon Pratt, Clerk Susan Howard, Mike Williams and Pam Garrison from Planning and Zoning, and Bill Lee and Bob Kaskell from Fire District #1. There were approximately 26 other citizens in attendance.

Chairman Mansfield read the Notice of Public Hearing, which described amendments concerning the Sign Ordinance, Official Height and Area Regulations and Set-Back Requirements, Private Drives, Private Roads, Zone Uses, Zone Use Chart, Siting of

Manufactured Homes in Residential Areas, Mixed Use Development Zones, and a Rezone of Certain Sections of Highway 16 and Highway 52.

Sign Ordinance: Tina Turner, Evans Realty, asked if there was an exception put in for realtors, which Mike Williams answered in the affirmative. Brook Fox stated that the change would be hard to enforce because of County rights-of-way. He feels that it needs to be worded differently so that it wouldn't have to be redone in a few years. Clayton Wynn asked why the sign amendment came about. Mike Williams stated that the ordinance was very vague and they wanted to make it more user friendly.

Private Drives: Lee Rigdon asked if all private drives would have to have a certain width. Barbara Huff stated that the only place in her neighborhood for the fire trucks to turn around is in her driveway because the Commissioners did not put in a cul-de-sac. She wondered if this new amendment would affect that situation. Commissioner Mansfield stated that that was a whole new consideration which included several roads in Letha and would be considered at another time. Butch Biggers asked what the width is on a driveway. Mike Williams stated it was 20 feet. Rich Jackson asked about building a new construction on an existing private road. Would the whole road be included if the driveway had to be 20 feet? Mike Williams stated that it would be considered a previous private road, and would not be included. Kevin Moen stated that he did some research and found that the Fire District never had a public hearing when they adopted the law. He feels that 20 feet is much too wide. He stated that the County has a choice in whether or not it enforces an ordinance of the Fire District and he doesn't understand why, politically, the County is doing this. Mike Williams stated that his research was very informative. He stated that the Fire District in Gem County does not have the staff to enforce the Emergency Vehicle Access found in their Uniform Fire Code. Before someone can get a building permit and have a Certificate of Occupancy to move into the home, they need an okay from the Fire Department. Because the Fire Department has given P & Z the authority to sign off, these are inspected by the County Building Inspector. Bill Lee, Fire District #1, went over the provision in the Uniform Fire Code. A member of the fire department stated that they run into problems if there is a fire and they can't get in, nor turn around with their fire vehicles. Joyce Biggers stated that she thinks the 20 foot driveway is too excessive for a private individual. Butch Biggers agreed, because some of the County roads are not even that wide. Mike Randall spoke in favor of the amendment because he stated there is no way to predict how a private drive will develop over the years. He feels it is prudent to lay a good roadway as soon as you can. He also agrees with the concept of two vehicles

having to pass on the drive. Bob Kaskel from Fire District #1 stated that sometimes in rural communities, the water tanker has to go back and forth, with fire equipment already on the driveway, and he feels that 20 feet is not in excess. They are required to adopt the Uniform Fire Code. Clayton Wynn stated that he feels it is critical to have a turn-around, but when the main road is not 20 feet, why does his driveway have to be 20 feet. Joan Moen, stated that she doesn't object to turnarounds, just the 20 feet driveway when the driveway is 150 feet long. She read a law that states the Fire Districts have the discretion to make exceptions. She feels fairness has to be addressed as well as reasonableness. Tina Turner stated that she supports the turn-a-rounds, but objects to the width of 20 feet and 30 feet because it is unreasonable. She would like to see a 16-foot width. Kevin Moen re-iterated that his issue is that when there is only one home on a driveway, the width is in excess. He would like to see turnouts instead. He feels that the intent of the Fire Code is not meant to be so final.

Private Road Ordinance Amendment: Tina Turner stated she feels existing private roads should be left the same if it doesn't have a turn-a-round. She stated that the cost of building roads is very expensive and disagrees that roads need to have a road engineered before and after it is built. It adds outrageously to the cost of building private roads. She stated that if these roads need to be pavement-ready, the County needs to accept these roads as County Roads and pave them. Brook Fox said he shares Tina's concern about the cost unless he can see a justification for the requirement. He feels the drainage concern can be addressed with culverts, etc. Mike Randall stated he would like to support the amendment concerning type B roads, but would like to see a change to the phrasing to "any resident who intends to add a residence to a road." And that it must have a road association agreement with the residents. Rich Jackson stated he has a real problem because these are standards that exceed many County roads and that private people shouldn't be expected to do more. Mike Williams described previous history of some problems with some private roads in the past. He also told of some problems with some private roads that had not been engineered. He stated that engineering needs to be done to address drainage problems. Tina Turner stated that she feels that the people building the roads are experienced enough to handle the drainage. Joyce Biggers stated that it seems to her that this mostly addresses multi-resident roads and shouldn't be for single residents. Mike Williams stated that it doesn't require this of single-resident roads.

Amend Zone Use Classification: Tina Turner is in support of the amendment.

Amend the Siting of Manufactured Homes in Residential Areas: Tina Turner is opposed to cancel out single-wide mobile homes from residential areas. She feels it is discriminatory.

Amend Mixed Use Development Zones: Ken Goodwin is concerned with an area along Main St. and Substation Rd. that has a lot of residential properties and 47 properties would be split into two zones, and shouldn't be commercial. He is concerned about a possibility of 39 businesses needing sewer and water service. Bill Lange doesn't agree with the mixed use on Idaho Blvd. He thinks the mixed use needs to be kept on the main highways on the south side of the Payette River where they can get water and sewer easier. Kevin Moen stated he would like to see more pockets of commercial rather than sprawl. David Butler stated that he is against the strip development, which ends up being urban sprawl. Lee Rigdon, from Letha stated that commercial in Letha would jeopardize their children and an 8 foot wall is a bad idea. Barbara Huff stated that to rezone the 150 feet on Petersburg in Letha to commercial use is a bad idea. At this time, one side is residential and the other is going to be a bird sanctuary. She thinks the 8 foot masonry fence is ridiculous. Tina Tuner stated that the mixed use was put in to allow small home businesses, and should probably stop there. She feels that the mixed use on Idaho Blvd is not compatible to a 40-acre zone area. She disagrees with the 8 foot masonry fence. Susan Jensen disagrees with a mixed use zone with special use on some things in the Letha area. The 8-foot fence is ridiculous. Stephanie Oxley stated that they moved to Letha to be in a rural area and would like to see it stay as such. No more sewer hook-ups are available. She went through some things that had happened and had been proposed for the Letha area. She questions the legality of the way the proposed rezoning has happened. She presented the Commissioners with documents. Mike Williams stated that property assessments are based on use, not on zoning.

Amend Zone Use Chart: Tina Turner stated that after a public hearing in January, many changes were made without having another public hearing and feels those changes needed to be taken back to a public hearing. Mike Williams stated that there were a lot of changes, and most of them are more lenient. Most of the changes were made to require special use permits. David Butler stated that there are approximately 142 permitted used for heavy industrial. With the new proposed changes, there are only 37 allowed uses. He felt that things need to be left where they are for the next five years and look at it again at that time.

Amend Official Height and Area Regulations and Setback Requirements: Tina Turner noted a typing error.

Rezone those portions of unincorporated Gem County now designated as Mixed Use Development Zone along Highway 16 from the

intersection of Substation Road to the W. Highway 52 and Boise Ave intersection; 1000 feet from the centerline of the State Highway on both sides of the highway to a C-2(Commercial) Zone: Ken Goodwin asked if this proposed amendment would allow residential along Highway 16. Mike Williams stated that it would. Tina Turner totally opposed the amendment because requiring a special use permit makes it very hard to put in a commercial business. Brook Fox stated that the North side of Highway 16 needs to be zoned commercial and then leave the South side mixed use. Cathy Smith, P & Z Commissioner, stated that there is an issue of annexation that has to be addressed because of services.

Chairman Mansfield said all testimony would be taken under advisement. He then thanked everyone for coming and closed the public hearing.

The Board recessed to May 1, 2001.

Approved: _____
Chairman

Attest: _____
Clerk