



September 24 & 25, 2001, Emmett, Idaho

Pursuant to a recess taken on September 18, 2001, the Board of Commissioners of Gem County, Idaho, met in regular session this 24th & 25th day of September, 2001, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

September 24, 2001

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of September 17 & 18, 2001, were reviewed. A motion was made to approve the minutes September 17 & 18, 2001, as read and corrected. It was seconded and carried.

ROCK CRUSHING CONTRACT CONTINUED WITH SEUBERT EXCAVATORS, INC.: A motion was made to accept the continuance (piggyback) of the rock crushing contract with Seubert Excavators, Inc., for 15,000 cubic yards of ITD ¾" Minus Road Mix Rock at \$4.66 per cubic yard. It was seconded and carried unanimously.

FINDINGS OF FACT - JOHANNESSEN REZONE: A motion was made to sign the Findings of Fact and Conclusions of Law to deny the Erling Johannesen rezone of 2.75 acres. It was seconded and carried.

P & Z MIXED USE & PRIVATE ROAD AMENDMENTS: Mike Williams, Planning & Zoning Administrator, met with some P & Z Ordinance amendments concerning mixed use and concerning private roads. A motion was made, seconded, and carried to approve the Mixed Use Development Zone amendment.

JARED ZWYGART, AUDITOR - 2002 BUDGET: Jared Zwygart, auditor from Bailey & Company, met to go over the options available to the County to solve the problem of the jail being closed down. He suggested several options that would be open to the County. Once

the levies have been set, they are almost impossible to change. He agreed to support the County if the Commissioners choose to run an election for a jail bond and include the out-of-County expenses during the time of construction.

CERTIFICATE OF RESIDENCY: A motion was made to approve Certificate of Residencies for Shayla D. Hammer and for Maggie J. Sisler for partial tuition fees for them to attend the College of Southern Idaho.

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:

01-054 Application for medical expenses.

01-055 Application for help of \$234.70 for phone, power, gas, and trash.

01-062 Application for \$165 for the balance of September rent.

01-063 Application for \$400 September rent and application needs a statutory lien signed.

01-064 Application for Idaho Power bill of \$272.95 and application needed statutory lien signed.

01-065 Application for \$475 for September rent and the application needed a statutory lien signed.

01-066 Application for \$550 for September rent and the application needed a statutory lien signed.

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

A motion was made to deny 01-054 because of available resources, to approve 01-055 for one month only of \$234.70 until stipulations have been met, to approve 01-062, to approve 01-063 for a one-time only payment and sign a statutory lien, to deny 01-064 because of available assets, to approve 01-065 on a one-time basis and to sign a statutory lien, to approve 01-066 on a one-time basis and to sign a statutory lien. The motion was seconded and carried.

The Board recessed for lunch at 12:30pm and reconvened at 1:30pm.

FY2002 BUDGET APPROVED: A motion was made to approve the FY 2002 budget as presented at the public hearing on September 4, 2001. It was seconded and carried unanimously.

RESOLUTION NO. 2001-11: A motion was made to adopt Resolution No. 2001-11 approving the FY2002 budget. It was seconded and carried unanimously.

2001 LEVIES CERTIFIED: A motion was made to certify and approve the 2001 tax levies based on each \$1.00 of market valuation. It was seconded and carried.

FINDINGS OF FACT - STEPHENS REZONE: A motion was made to sign the Findings of Fact and Conclusions of Law to approve the Jim and Tammy Stephens rezone. It was seconded and carried.

FINDINGS OF FACT - AIZPITARTE REZONE: A motion was made to sign the Findings of Fact and Conclusions of Law to approve the Miguel and Janice Aizpitarte rezone. It was seconded and carried.

FINDINGS OF FACT - WATTS REZONE: A motion was made to sign the Findings of Fact and Conclusions of Law to deny the James and Nissa Watts rezone. It was seconded and carried.

ORDINANCE NO. 2001-014 AND ORDINANCE NO. 2001-015: A motion was made to adopt Ordinance No. 2001-014 for the Jim and Tammy Stephens rezone and Ordinance 2001-015 for the Aizpitarte rezone. It was seconded and carried.

PUBLIC HEARING - BRYCE WALKER REZONE: The public hearing was tape recorded. Chairman Mansfield read the public hearing notice for the application from Bryce Walker to rezone approximately 5.23 acres from A-2(Rural Transitional Agriculture) to R(Residential). He read into the record, a letter in opposition from Melinda and Michael Abrao. He then asked for comment from Mike Williams, P & Z Administrator, and then comments from the public.

Mike Williams went over the findings and facts from the P & Z Board. They recommended approval with a three to four vote.

Bryce Walker stated that he proposes four 1-acre parcels that would be within the residential impact zone. It would border a County road that is designated as a collector road. He would put in a community well. The Southwest District health has given their approval for standard septic systems. He stated that the economy for apples is not likely to get better and the character of the area is already residential. He presented a traffic study that was done.

Robert Hembree asked about the kind of covenants he would have in this subdivision. He asked that if he wanted to do the same thing with his adjoining property, could he do it. It was stated that he would have to purchase a right-of-way into his property to replace the easement he already has.

Keith Johnson, neighbor, said he had spoken to some of the other neighbors and there was a consensus of opposition to the rezone because of the impact the rezone would have on the rural

nature of the area. He had concerns with the ground water and septic, and also with the traffic problems.

Mike Williams read a letter from Southwest District Health approving the well and septic plans for the rezone. If the rezone is approved and the land becomes a subdivision, the ground will have to be engineered for the well and septic systems. He stated that the rezone does comply with the comprehensive plan.

No decision was made and the hearing was closed.

PUBLIC HEARING - MICHELLE LANIER REZONE: The hearing was tape recorded. Chairman Ed Mansfield read the notice of public hearing for a rezone application from Michelle Lanier to rezone approximately .75 acres from A-2(Rural Transitional Agriculture) to R(Residential).

Mike Williams reviewed the findings of facts from the P & Z Board, which recommended approval.

Michelle Lanier stated she has a duplex home and requested a rezone to separate her home for her business.

A motion was made to approve the rezone request by Michelle Lanier, with the same recommendations of the P & Z Board and also changing the recommendation to include that City sewer and water hook-up will be required when available from the City of Emmett.

The hearing was closed.

PUBLIC HEARING - FY2001 BUDGET ADJUSTMENT: The hearing was tape recorded. Chairman Ed Mansfield read the notice of public hearing for the purpose of adjusting the FY2001 Budget in the following funds: Justice Fund to add to the Prosecutor's Office \$682 from an unanticipated grant for training of the Deputy Prosecuting Attorney and \$8,000 from a grant to fund a victim witness coordinator, and to add to the Sheriff's Department \$2500 from a BLM Grant and \$5,000 for Enhanced 911 from the Enhanced 911 Trust Fund; to open a new department in the Current Expense Fund entitled Economic Development Specialist created with funds from the Idaho State Department of Commerce, Boise County, and GEDA in the amount of \$6,000.

No public was present. Chairman Mansfield closed the hearing.

RESOLUTION NO. 2001-12: A motion was made to adopt Resolution No. 2001-12 to adjust the FY 2001 budget in the Justice Fund and the Current Expense Fund. It was seconded and carried unanimously.

The Board recessed to 7:00pm for an open forum at Shadow Butte School.

OPEN FORUM: Commissioners Skippen and Pratt and P & Z Administrator Mike Williams met at Shadow Butte School in an open forum. Only one member of the public was in attendance. The meeting lasted for about 30 minutes and discussion was had concerning railroad crossings and weeds at the old Letha school grounds.

The Board recessed to September 25, 2001, AT 8:00AM.

September 25, 2001

Pledge of Allegiance was said.

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

DAVE WOOD, BIG SKY TELECOM - CELL PHONES: Dave Wood reported on his conversations with the Sheriff concerning having the Sheriff's Department being part of the possible new cell phone program. Some of the deputies in the Sheriff's department are still in the middle of their cell phone contracts, so it would not be feasible for them at this time.

Dave also stated that there would be roaming charges north of the dam.

No decision was made.

BILL MESSER, STATE BUILDING INSPECTOR: Bill Messer, the State Building Inspector, met with a safety concern on the Gem Island Sports Complex. The skateboard park has some problems with the concrete ramps that need some backfill behind them. He was told that this was in the plans to do, but had not been done yet.

KARL AUGUSTINE, SAGE COMMUNITY RESOURCES - FIRE DISTRICT #2

BUILDING: Karl Augustine from Sage Community Resources and members of the Fire District #2 Board met to go over some of the paperwork needed to help get funding for building a new fire station in Ola.

A motion was made to sign a letter to the Department of Commerce in support of Fire District #2 eligible match for a new fire station in Ola. The motion was seconded and carried.

Sage Community, with help from the Fire District #2 Board, will be doing an income survey within the District, which is required by the Department of Commerce.

WILL COOK, COUNTY AGENT - U of I PROGRAM: Will Cook, County Agent, introduced Patrick Momont as the representative for Gem County from the University of Idaho.

The Gem County 4-H director (employed by U of I), reported that the 4-H numbers are up by five from last year. There are more leaders and more clubs, but not as many in each club. She gave a report on enrollment by projects. Further discussion was had concerning the 4-H program.

Ag Economics at the U of I may be a good resource for studies and surveys that may be of help to Morris Huffman, the Economic Development Specialist in Gem/Boise County.

PUBLIC WALK-IN AND INPUT: James Olson presented a plan to install a flag at the scenic overlook on Freezeout Hill to memorialize all the people killed and injured in the September 11, 2001, terrorist attack in New York and Washington, D.C. The land belongs to BLM and the cost would be approximately \$10,690. He would ask for sponsors throughout the community with their names being placed on a plaque. He would ask support from the Commissioners in asking for a State permit, help from the Road Department in installation, and a commitment for the County to be the agency who will assume responsibility for the flag long term. The Commissioners agreed to sponsor the permit to the State to get the project going.

Bill Blanton from V.F.W asked if they were funded in the FY2002 budget. They were told that they were funded.

Roberta Ushman asked several questions: why other than public were allowed to meet during the public walk-in time, why it took two weeks to get the outside auditor on board for help with budget decisions concerning the jail, why it is taking so long for the modular jail to be put in compliance in order to be used again, and what the costs were for repairing the jail. Her questions were answered.

Nate Helm from Senator Craig's Office met to introduce himself. He is the Natural Resources Field Coordinator and his biggest responsibility in his office is the Outreach Program and agriculture issues. He is not handling any cases concerning natural resources in Gem County. He is aware of some of the monies that have come in because of the Boise Cascade mill closure. He has been working with the stewardship group through the Forest Service in Gem County. The increase in the PILT money was discussed. Commissioner Skippen asked if there would be any relief for indigency in the County if directly related to the closure of the Boise Cascade saw mill. No answer was determined.

JOE CONRAD, CONRAD LOMBARD - JAIL REPAIR PROPOSAL: Joe Conrad from Conrad Lombard met to go over the costs of repairing the Gem County Jail to meet the State Fire Marshal's demands and other minimum code requirements for jails.

The cost of their part of the repairs needed to meet the fire marshal's requirements would be approximately \$71,000, which may

not include getting the water from the main water line.

None of the repairs would make the jail ADA approved.

There are plumbing problems and heating and cooling problems.

Those repairs would cost approximately \$46,000. Asbestos may also be a problem.

There was \$20,500 for a fire alarm system and \$64,200 recommended for electrical repairs which included lighting, back-up generator, security intercom, and a closed circuit television system to work with the security issue. These costs do not include any asbestos concerns or ADA requirements. It does not include any "soft" costs, which would increase all costs approximately 15%. That would make their proposal approximately \$231,955.

The time element involved to make these repairs would be three to four months, and maybe as long as six months.

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

HIGHWAY 16 STUDY: Andy Powell and Roger Sorenson from URS met to discuss the State Project for Freezeout Hill. ITD has decided that the Highway 16 study should not be done in fragments, so URS is putting out a proposal to do the full study on Highway 16 from State Street in Ada County to Washington Avenue in Emmett. URS is already doing the two-mile section study on Freezeout Hill, so they are interested in getting the entire project. Therefore, they are talking to those who have an interest in the project to see what they would like to have happen. The Commissioners let him know that they would like to see a four-lane highway with some discussion about signal lights, direct access to the freeway, and an Indian Valley cut-off.

SHILO AUTOMATIC SPRINKLER AWARDED MODULAR JAIL PROPOSAL: A motion was made to accept the proposal from Shilo Automatic Sprinkler of \$7,935 for a fire alarm system in the modular jail. It was seconded and carried unanimously. This expense was in addition to a previous motion to approve a proposal for a sprinkler system in the modular.

FINDINGS OF FACT SIGNED FOR DRAPER REZONE: A motion was made to sign the Findings of Fact and Conclusions of Law approving the Draper rezone application. It was seconded and carried unanimously.

RESOLUTION NO. 2001-16 ADOPTED: A motion was made to adopt Resolution 2001-16 for the Draper Enterprises, LLC, rezone application. It was seconded and carried unanimously.

EXPANET CONTRACT SIGNED: A motion was made to approve the proposed contract with Expanets for a service protection plan for the County telephone equipment in the Courthouse for \$296.00 per year. It was seconded and carried.

JAIL BOND ELECTION TO BE HELD: A motion was made to hold an election on November 6, 2001, for a jail bond to include the cost of building a new law enforcement facility plus the cost for inmate out-of-county expenses for the time it will take to construct the building. It was seconded and carried unanimously.

The Board recessed at 5:00pm to October 1, 2001, at 8:00am.

Approved: _____
Chairman

Attest: _____
Clerk