



January 7,8,& 10, 2002, Emmett, Idaho

Commissioners of Gem County, Idaho, met in regular session this 7th, 8th, & 10th day of January, 2002, 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:

January 7, 2002

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of December 27, 2001, were reviewed. A motion was made to approve the minutes of January 27, 2001, as read. It was seconded and carried.

ALCOHOLIC BEVERAGE LICENSE: Approval was given on Friday, December 28, 2001, for an alcoholic beverage license for Scott Desind doing business as Timbers Restaurant for draught and bottled or canned beer and wine by the drink.

IDAHO LIQUOR CATERING PERMIT: A motion was made to approve an Idaho Liquor Catering Permit, approved by Sheriff Clint Short, for Tik's Tavern to cater for Black Canyon Bow Hunters at the Gem County Fairgrounds on January 19, 2002. It was seconded and carried.

DEPARTMENT HEADS: Dennis Pulley, Road & Bridge Supervisor, reported they have been plowing snow and sanding. Beavers are plugging culverts around the valley. The men are working on the fence along E. Idaho Blvd. They got their two replacement road graders in. There is a problem with a slope on a corner of Brownley Road in Sweet. There was an accident there and the citizens would like the road sloped differently. Citizen Gary Biggers offered to provide the gravel, but Dennis wasn't sure it was the best gravel to use.

Mike Williams, Planning & Zoning Administrator, reported a total of \$23,935.50 collected in permits and fees. They will be looking at their fee schedule to evaluate if fees need to be raised. The P & Z ordinances are now on the web site. They are

working on a subdivision ordinance.

Janelle Schnieder, Juvenile Probation Officer, reported they had 82 juveniles on their caseload. They received 5 new petitions and had no probation violations. She attended the Children's Mental Health meeting and several other meetings the past month.

Martin Joyce, Landfill Supervisor, reported they received 536 ton of trash from 1381 people. They will be doing all servicing of County small vehicles from now on. Discussion was had on a firebreak being put around the landfill. Martin stated that all of the requirements concerning water drainage have been met at the landfill.

Mark Rekow, Ambulance Director, reported \$9,872.42 in collections. They had 52 patient transports with 14 non-transports for the month, and 646 transports year-to-date.

Morris Huffman, Economic Development Specialist, reported things have been a little slow because of the holidays. He is hoping that some interested employers visit the County this month.

Dennis Thayer, Maintenance Supervisor, was told that the County should rent a carpet cleaner as opposed to buying one. The cost of laminating two County maps will be \$60. He was told to hold off on it for a while.

Will Cook, Extension Agent, reported that there are a lot of informational and training meetings scheduled during the winter months for farmers and interested people. He brought up that there is a WAG meeting and a Lower Payette Weed meeting scheduled on the same night, an hour apart, with several people on both boards.

Jake Wyant, Noxious Weed Acting Supervisor, reported he has been doing the paperwork on the weed cooperatives. There will be an audit meeting tomorrow morning at 8:30am. Chairman Mansfield will attend the meeting with him. Jake has been working on equipment repairs.

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

ELECTED OFFICIALS: Greg Himes, Assessor, reported that they usually average about \$4,500 in the Motor Vehicle Office each day. The last week in December, they took in \$26,000 in two days. The Assessor's Office is busy assessing. They have a computer going down. Their software license is due.

Marilyn Frasier, Treasurer, reported \$3,078,649.91 property taxes collected for the month. There were 37 unpaid 1998 property taxes. April will be the tax deed hearing date for any 1998

property taxes not paid by that time.

Clint Short, Sheriff, reported \$16,300 paid to other jails for out-of-County expenses. There were 10 out-of-county at that time and one in the modular. Cattle that are impounded by the Sheriff's office because they are habitual violators, are a problem as to where to put them. The sales yard is now refusing to take them. They are now taking them to Caldwell. Clint asked if they could be held at the Fairgrounds until they can be taken to Caldwell. The problem of getting the front door opened for citizen's meetings in the Courthouse in the evenings was discussed.

Susan Howard, Clerk, went over some of the new election precinct boundaries and the new Commissioner District boundaries.

Commissioners discussed some jail issues. They went over the work project forms for the Maintenance Supervisor that need to be used for all major projects done by Dennis Thayer.

HOLLADAY ENGINEERING - TRANSPORTATION PLAN: Jennifer Willer from Holladay Engineering presented the contract from IDT to approve the Transportation Plan between Gem County and the City of Emmett to be done by Holladay Engineering. It will be given to the Prosecuting Attorney to review.

RESOLUTION NO. 2002-06: A motion was made to adopt Resolution No. 2002-06 to adjust the Gem County election precinct boundaries. It was seconded and carried.

RESOLUTION NO. 2002-07: A motion was made to adopt Resolution No. 2002-07 to adjust the Gem County Commissioner District boundaries. It was seconded and carried.

RESOLUTION NO. 2002-08: A motion was made to adopt Resolution No. 2002-08 to hold a public auction to sell excess County property, which included a 1982 Chevrolet ¾ ton utility truck and a 1985 350 Ford ambulance, on January 22, 2002. It was seconded and carried.

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:

02-011 Application for medical expenses.

02-017 Application to reconsider previous denial.

02-019 Application for help with medications for two months.

02-023 Application for medical assistance needed a statutory lien signed.

02-024 Application for medical assistance.

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

A motion was made to re-open and proceed with the prior approval of 02-011, to uphold the denial of 02-017 because no emergency existed, to approve 02-019 for two months of medication and ask for proof that applicant has applied for disability, to sign the statutory lien for 02-023, and to approve and ask for information from applicant concerning spouse's insurance policy. It was seconded and carried.

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

JANET MONTE - JAIL ISSUES: Janet Monte from the Messenger Index met to ask about what plans are being made as far as the jail issues are concerned. The Commissioners stated that there will be a jail bond election in the primary election in May, 2002. There is a jail committee in the process of being formed. Other ideas were discussed.

PUBLIC HEARING - MERICOM SPECIAL USE PERMIT: The hearing was tape recorded. Chairman Mansfield read the notice for a public hearing for an appeal by Terry Sheldon, Jerry Radandt, Rodette Schreiber, Dr. Everett Hill, Bonnie Hill, Stuart Adam Wolfer, and Lee Ann Wolfer on the approval of Special Use Permit #398 for Mericom Corporation to allow placement of a telecommunications tower on property owned by Roma Trout.

Chairman Mansfield read a letter from Shriver Executive Services, Inc., in opposition to the permit, into the record. He then opened the meeting to the petitioners and then to P & Z Administrator Mike Williams and Mericom Corporation.

Commissioner Pratt stated, on the record, that LeAnn Wolfer was her second cousin, and that the Prosecuting Attorney had advised that there was no conflict of interest.

Ron Vaughn, Mosquito Abatement Supervisor, stated that the Mosquito Abatement Board is not opposed to the tower.

Jerry Radant, developer, stated that he was concerned about selling his lots if a tower goes in.

Stuart Wolfer, one of the appellants, stated that they are offering four alternate sites for the tower—three of them being on the appellants' property. These sites are behind the residential areas. He feels there are other views and sites available. He stated that the pictures from Mericom to the P & Z Commission inserted a tower, but deleted the homes in the area.

Lee Wolfer stated that there was a requirement stipulated by the P & Z Commission that the tower needed to be harmonious with the surrounding area. She feels it could be better situated in a

less obtrusive area.

Dr. Everett Hill stated that his concerns had already been discussed. He feels there is a better site in the neighborhood for the cell tower.

Stuart Wolfer stated he was troubled about the need for the tower—his cell phone works well in that area. He wonders why the tower needs to be there. He feels the towers already in the valley may be utilized before more towers are built.

Cameron McFadden, representative from Mericom, the owner and construction party in the case, stated that the tower would be in an A-2 zone area. He stated that after construction, there would be little traffic to and from the tower—probably one car/month/carrier on the tower. Landscaping, including 25 trees, is being planned for the site. A wood fence will be put up and painted a color to blend in with the surrounding area. They would follow all FCC and FAA regulations and all local construction requirements. He stated that there is no evidence that supports property values go down with the building of a cell tower.

A letter from Eddy Heath, realtor, was read into the record, stating his personal and professional opinion was that the towers do not hinder the surrounding property value.

Cameron McFadden stated that towers are located on two criteria's—coverage and capacity. He stated that the coverage and capacity of this new tower is needed in the Emmett valley. He stated that through an engineering study, the site chosen is the most optimal site. He stated that the height of the tower is the most optimal for the area, according the engineering study. He stated that the accusation of fraud because of the photographs was not intended and he didn't feel the photographs were inaccurate. The issue of obstruction of the northern views of the homes in the area has been dealt with. The antenna areas will be much smaller, and even though the tower can be seen from somewhere on the property of all of the appellants, it does not block any of their views. Legally, no one in Idaho owns the view. They are willing to mitigate the visual impacts as much as possible. He stated that alternate sites have been pursued. Besides the expense of going further up the hill, the coverage would not be as thorough. He feels that the introduction of the irrigated landscaping will do nothing but improve the corner.

Roma Troutt stated that, as a landowner, she would like to use her land for the benefit of her financial future and wants to use it the way she would like.

Mike Williams went over the P & Z Commission's decision to allow the tower on the selected site. He went over the 16 stipulations set by the P & Z Commission.

More discussion was had back and forth between the appellants and Cameron McFadden. The second site choice of the Mericom

Corporation was to put the tower in the middle of a hay field to the west of Roma Troutt's home. Because of the installation costs and the choice of Roma, the decision had been made to use the current site.

The Commissioners asked the appellants and Cameron McFadden several questions concerning the statements on the appeal and comments made.

The hearing was closed and the decision was taken under advisement.

PUBLIC HEARING - DALTON REZONE: The hearing was tape recorded. Chairman Mansfield read the notice for public hearing for a rezone request by Edwin W. Dalton, Jr., to rezone approximately 2.024 acres from A-2(Rural Transitional Agriculture) to R-2(Residential Transitional), located at 1075 N. Plaza Road. It is an allowed use by special use permit in that area.

Ed Dalton stated that the two acres around his house is nothing but a weed patch. The properties on both sides are one-acre parcels. He would like to split his property so another home can be built on it.

Mike Williams, P & Z Administrator, went over the findings of the P & Z Commission. It is within the area of impact. It was a unanimous decision to recommend approval of the rezone by the P & Z Commission. There was some concern by the Commissioners that there needed to be a deeded strip providing access to the back lot if one of the lots were sold.

A motion was made to approve the rezone with the stipulations of the P & Z Commission and also the stipulation that there be a 40 foot deeded strip to the back lot providing access if one of the lots were sold. It was seconded and carried unanimously.

SWEET ROAD VACATIONS DISCUSSION: Art and Bonnie Beal and Diane Lowry met to discuss Hays Street in Sweet. The decision was made to angle the northeast and northwest corners of Hays Street, narrow the easement of Hayes from the south side, to 25 feet wide, to quitclaim deed the remaining north side of Hays Street easement to Art Beal, to quitclaim deed the section of Lincoln between Shay's and Lowry's property to Lowry. The cost of widening the northeast corner and the northwest corner of Hays Street will be at County expense.

CONTRACT SIGNED WITH BHC INTERMOUNTAIN HOSPITAL, INC.: A motion was made to sign the contract with BHC Intermountain Hospital, Inc., for mental holds for the County. It was seconded and carried.

The Board recessed to January 8, 2002, at 8:00am.

January 8, 2002

Pledge of Allegiance was said.

Chairman Mansfield left for a meeting to audit the Lower Payette Cooperative Weed Management Area at the RC&D Office and returned after lunch.

INDIGENT APPLICATIONS: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(1)(d). The denial for indigent case no. 02-017 was reconsidered because of new information. A motion was made to come out of executive session.

A motion was made to approve 02-017 for \$500 for January rent. It was seconded and carried.

HOSPITAL BOARD INTERVIEWS: Interviews were had with Carolyn Patrick and with Carlos Bilboa for an opening on the Hospital Board. The interviews were conducted in executive session. No decisions were made.

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

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Dick Linville met with the Board to address several legal issues. A credit card account in Quinn Nuffer's name, previous Noxious Weed Supervisor, has a previous balance that matched no invoice. It was suggested that the credit card be cancelled and to continue trying to find invoices to match the overdue amount.

Impounded animals are the Sheriff's responsibility if he impounds them. Prosecutor Linville will visit with the Sheriff about the situation if the Sheriff contacts him.

Public hearings can be kept open to request more information to be entered into the record.

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

HOSPITAL BOARD INTERVIEW: Tom Chelston interviewed, in executive session, for an opening on the Hospital Board. No decisions were made.

The Board recessed at 5:00pm to January 10, 2002, at 1:30pm.

January 10, 2002

JAIL ISSUES: An informal meeting was had with department heads and elected officials to discuss the problems with the jail being closed and to brainstorm about a solution.

Bert Brown, jailer, gave some numbers that showed that since October 1, 2002, the County has spent around \$100,000 in expenses to transport and house out-of-county prisoners. Brainstorming was had on various jail issues.

The Commissioners worked on names for a Citizen's Jail Committee.

The Board recessed at 4:30pm to January 14, 2002, at 8:00am.

CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN December 1 – December 31, 2001

CURRENT EXPENSE FUND	\$ 131,302.55
ROAD & BRIDGE FUND	174,747.23
CIGARETTE TAX/BLOCK GRANT	9,282.16
DISTRICT COURT FUND	11,661.71
COUNTY FAIR FUND	1,939.73
COUNTY JUSTICE FUND	130,199.97
FAIR, GROUNDS & BUILDINGS FUND	2,400.18
III HEALTH DISTRICT FUND	8,631.00
CHARITIES & PENSIONS FUND	12,332.76
REVALUATION FUND	11,450.68
SOLID WASTE FUND	21,383.15
NOXIOUS WEED FUND	7,878.88
INSURANCE POOL	5,318.95
AMBULANCE FUND	<u>13,073.42</u>
TOTAL	\$ 541,602.37

Approved: _____
Chairman

Attest: _____
Clerk

