



July 1 & 2, 2002, Emmett, Idaho

Pursuant to a recess taken on June 18, 2002, the Board of Commissioners of Gem County, Idaho, met in regular session this 1<sup>st</sup> and 2<sup>nd</sup> of July, 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:

July 1, 2002

**Pledge of Allegiance was said.**

**JAIL UPDATE:** Russ Campbell met with an update on the jail. Next Monday, July 8, 2002, the bonds will go on sale. He stated that there may be a couple of individuals willing to put up the money to buy the old Circle K building and then sell it back to the County as an ambulance building. The architects have asked that the building plan for the new jail be rotated 90 degrees so that the utilities will not have to be torn up and removed. It will be taken to the City of Emmett planning & zoning. The irrigation leak will be taken care of at the time of the construction of the jail. Russ has gotten a bid of \$800 to take the trees out for the jail construction. He has gotten bids for the Project Manager. If everything goes on schedule, the building could start by the third week in July.

**MINUTES READ AND APPROVED:** The minutes of June 17 & 18, 2002, were reviewed. A motion was made to approve the minutes of June 17 & 18, 2002, as read and corrected. It was seconded and carried.

**COUNTY EMPLOYEES GIVEN JULY 5 AS PAID HOLIDAY:** A motion was made to give County employees Friday, July 5, 2002, as a paid holiday. It was seconded and carried with aye votes from Commissioners Mansfield and Pratt and a nay vote from Commissioner Skippen.

**CAROLE SULLIVAN APPOINTED TO BOARD OF COMMUNITY GUARDIANS:** A motion was made to appoint Carole Sullivan to the Board of Community Guardians with her term ending August 1, 2004.

It was seconded and carried.

**DEPARTMENT HEADS:** Kim Reed, Acting Road & Bridge Supervisor, reported they have been preparing the roads for seal coating. They have been using the City of Emmett's water truck for their grading. The County water truck should be repaired soon. A new well needs to be put in at Ola, for an estimated cost of about \$4,000, plus a pump.

Pam Garrison, Acting Planning & Zoning Administrator, reported about the two Comprehensive Plan amendment changes tonight at a joint hearing of the P & Z meeting. The County property on Highway 52 will probably be going to hearing sometime in September. They have no public hearing scheduled for July, so a workshop will be held instead to work on subdivision amendments. Pam stated that they are short-handed because of no Administrator, and that there may be some complaints from the public that their requests take a little longer to research.

Newton Hawley, Building Official, reported a total of \$40,903.50 for the year in permits and fees, which was up from this time last year.

Martin Joyce, Landfill Supervisor, reported they have been busy doing the maintenance on County vehicles. He will be purchasing a good shop vacuum. There have been 2,220 vehicles using the landfill, which is down a little for the year, with 1,152.12 ton of waste. There was 132 ton taken to Clay Peak in June. Martin is in the process of hiring a new employee

Morris Huffman, Economic Development Specialist, reported lots of things going on, but nothing near completion. There is training on July 9 & 10, 2002, for all the new Economic Development Specialists. There will be training on how to organize a development corporation, at which the Gem County Shadow Butte Corporation will be doing some of the training. A Comprehensive Plan hearing with both the County and the City of Emmett will be tonight.

**DEAN CHARTERS, LAST CHANCE DITCH:** Last Chance Ditch Company would like to get sand out of the same pit the County uses on Old Freezeout Hill to put on their roads. Kim Reed stated that the County is always contending with regulations from BLM and problems with Brad Little concerning the sand. They seem to be scrambling for sand most of the time for the County Roads. Dean will check with BLM to see how much sand they would be willing to give from the pit.

**ELECTED OFFICIALS**: Greg Himes, Assessor, reported that Board of Equalization hearings start tomorrow. He went over all of the appeals. They appraised 3500 properties during the year and only have 12 appeals.

Clint Short, Sheriff, reported \$23,120 spent in out-of-County costs. There were currently 21 out-of-County inmates and 4 inmates in the modular. Some of the parties at the armory that are being issued alcoholic catering permits are getting out of hand. There needs to be some private security provided.

**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:

02-008 Application needed a release of lien because the account was paid off.

02-041 Application denial is being appealed by the hospital and a Notice of Hearing needed to be signed.

02-052 Application needed a notice of hearing signed.

02-054 West Valley Medical Center sent a Notice of Hearing Cancellation to be signed, and a release of lien needed to be signed.

02-059 Application denial is being appealed by the hospital and a Notice of Hearing needed to be signed.

02-062 Application for assistance with rent of \$170, which included the deposit.

02-064 Application for medical expenses needed a statutory lien signed.

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

A motion was made to sign a release of lien for 02-008, sign a Notice of Hearing for 02-041 and 02-052, to sign a Notice of Hearing Cancellation and release of lien for 02-054, to sign the Notice of Hearing for 02-059, to approve 02-062, and to sign a statutory lien for 02-064. It was seconded and carried.

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

**TERRI BARRUS - STONE CREEK SUBDIVISION**: Terri Barrus met to discuss some problems with the improvements required in the Stone Creek Subdivision, in which they are building a new home. Darwin Hillman, the developer, has not followed through on some of the improvements. There is a

developer's bond in place that she is asking to be used to make the required improvements. One of the improvements needed is the electrical line to the well, which is currently connected to the Barrus' meter in such a way that is not up to code. A fire suppression tank is required, and also piped irrigation water to each lot. She is asking the Commissioners to start the bond execution immediately and to allow them a Certificate of Occupancy when their house is finished, even if the improvements are not yet finished. The decision was made by the Commissioners to look into the execution of the bond to finish the improvements in the subdivision. They agreed to the Certificate of Occupancy if all of the codes are met and a statement of liability is signed by the Barrus' to protect the County from any problems concerning the required improvements. Any future building permits would be withheld for the other lots until improvements are completed and paid for.

**PUBLIC HEARING - LEON AND STELLA HEMBREE REZONE:** A public hearing, which was tape recorded, was held for the purpose of a rezone request by Leon and Stella Hembree to rezone approximately 15 acres from A2 zone to R-3 zone.

A letter from Kristina Smith in opposition to the rezone was read by Commissioner Mansfield. She felt it would add more traffic and would change their quality of living.

Stella Hembree, owner of the property, stated they pulled up all of the trees that were in orchard in 1991. They would now like to subdivide.

Duane Hodgins stated that he sold the property to the Hembrees in 1965. He feels that orchards are not very viable in the valley any more. He stated that their ability to break up the acreage into three five-acre parcels is not a feasible idea. He stated they would like to break it up into 3 2-acre parcels and leave the rest. He feels that the property would be better taken care of as 2-acres parcels. That would only be one more home that they can build than they are allowed now with no zone change.

Pam Garrison read the recommendation of approval from the Planning & Zoning Commission that included the stipulation that a road maintenance agreement be made. The access road has been brought up to private road standards.

Duane Hodgins stated that there is no legal way to force the current property owners to sign a road maintenance agreement because it was not in place when the easement was given. Pam Garrison stated that it is part of

the private road ordinance that there has to be a maintenance agreement before it can be addressed, but there is no way to force the neighbors to be part of the agreement.

Commissioner Skippen asked that a sentence be added to the stipulations that the irrigation system that is put in not interfere with water to be delivered to surrounding properties.

A motion was made to approve the rezone with the change to the P & Z stipulation that the road maintenance agreement must be signed by all purchasers of any newly created lots using the road access and proof of contact with all current landowners using the road to request they sign the agreement, and an additional sentence that irrigation water delivery cannot be hindered to any of the other surrounding properties. It was seconded and carried.

**RAYMOND OWEN - SPEED LIMIT & SIGNS, S. JOHNS AVE.:** Raymond Owen and neighbors met with the Commissioners to present a petition from neighbors with concerns about S. Johns Ave. between South Slope Rd. and the canal road. Their proposal was to have a 25mph speed limit sign installed and/or a stop sign on the corner of S. Johns Ave. and South Slope Rd. going southbound, or put speed bumps on S. Johns Ave. between South Slope and the canal road. The Commissioners will have the Road Department take a look at it.

**Commissioner Pratt left the meeting for the rest of the day to attend a Dispatch Committee meeting in the District Courtroom.**

**PUBLIC HEARING - FY2002 BUDGET ADJUSTMENT:** A public hearing was held and tape-recorded for the purpose of adjusting the FY2002 budget for unanticipated revenue: Justice Fund to add to the Sheriff's Department an additional \$6,200 from Idaho Department of Transportation for seat belt awareness; to add to the Waterways Fund an amount of \$3,444.92 from Parks and Recreation; to add to the Road & Bridge Fund amounts of \$25,088.33 from Idaho Transportation Department and \$717.99 from the City of Emmett to develop a Transportation Plan. Adjusting the above named Funds would not result in any increase in property tax for FY2002, but would allow for expenditure of funds from unanticipated revenue. A motion was made to do so. It was seconded and carried.

**The Board recessed to July 2, 2002, at 8:00am.**

July 2, 2002

Commissioner Skippen was at a meeting with the Governor's office, Payette County Commissioners, and Washington County Commissioners on concerns with the Commission on Aging.

Pledge of Allegiance was said.

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

**MARTIN JOYCE - SATURDAY LANDFILL EMPLOYEE:** Martin Joyce, Landfill Supervisor, met to discuss the hiring of an employee to replace the Saturday office employee who is retiring. He is asking for an additional part-time employee in next year's budget. He stated that if he could hire a full-time person, that would cover the Saturday person and also the part-time person he is asking for. The Commissioners will make the decision as they look at the budget.

**PUBLIC WALK-IN AND INPUT:** Robert Adams met with concerns about mosquitoes at his residence on Highway 52. Commissioner Mansfield told him that mosquitoes will not be aerial sprayed in the County until a plan is set for those who do not want their property aerial sprayed.

**PROSECUTING ATTORNEY MATTERS:** Assistant Prosecuting Attorney Tim Fleming met to go over several legal matters. Tim will get a letter ready for the Mosquito Abatement Board. He will also work on an agreement if a private individual buys the Circle K Building and then will sell it to the County at a later date.

Discussion was had on the Stone Creek Estate subdivision and how money spent by the County for improvements above and beyond the amount of the bond, can be recouped. If the new property owners are allowed to move into their home before the improvements are done, does the County have any liability?

The Hembree Rezone decision was given to Tim to do the Findings of Fact and Conclusions of Law.

Discussion was had on the Comprehensive Plan amendments. The City of Emmett and the County P & Z Boards met jointly on two issues. Should the governing boards (County Commissioners and City Council) have a joint

hearing, and what happens if one approves and one denies?  
Tim will work on it.

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

**Commissioner Skippen came back into the meeting.**

**BOARD OF EQUALIZATION:** A motion was made, seconded and carried to suspend as Board of County Commissioners and to go into a Board of Equalization. A notice of appeal was heard from Albert and Shirley Ratcliff for Parcel No. RP00462303, which was 8.8 acres assessed at a value of \$58,380. Ratcliffs stated that the land is dry land and is of no use other than grazing stock. It is not irrigateable or cannot be used for buildings. Some years the ground can be pastured a couple of months. They feel that 7 of the 8.8 acres should not be assessed at more than \$1,000/acre.

Shirley Ratcliff stated that at one time, their acreage was assessed as dry range land.

The Assessor's office stated that this is rural residential land, with a 10% discount for topography (being on a hill and not irrigateable.) They gave examples of other land sales that were comparable with the Ratcliff's land value. They stated that in order for the land to qualify for an agriculture exemption as dry grazing, the Ratcliff's would have to prove that they have a business of raising cattle, goats, etc., and file the appropriate forms with their income tax.

Commissioner Pratt stated that, knowing the property, she has a hard time valuing it at the assessed value, but, compared to comparable sales of property, it is right.

Commissioner Skippen agreed and thinks there is now an opportunity for the Ratcliffs to change it for next year.

A motion was made to support the Assessor's assessment for this year. It was seconded and carried. A motion was made to come out of Board of Equalization and reconvene as Board of County Commissioners.

**NOXIOUS WEED DEPARTMENT REPORT:** Jake Wyant, acting Noxious Weed Supervisor met to give his department report. He gave the Commissioners a written report of the work his department has done the last two months.

**RESOLUTION NO. 2002-15:** A motion was made to adopt Resolution No. 2002-15 adjusting the FY2002 Budget. It was seconded and carried.

The Board recessed at 5:00pm to July 8, 2002, at 8:00am.

**CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN June 1 – June 30, 2002**

CURRENT EXPENSE FUND .....	\$ 131,554.88
ROAD & BRIDGE FUND .....	80,496.86
CIGARETTE TAX/BLOCK GRANT .....	5,943.81
DISTRICT COURT FUND .....	45,054.28
COUNTY FAIR FUND .....	1,913.44
COUNTY JUSTICE FUND .....	96,240.12
FAIR, GROUNDS & BUILDINGS FUND .....	2,206.99
CHARITIES & PENSIONS FUND .....	23,042.46
REVALUATION FUND .....	11,678.62
SOLID WASTE FUND .....	15,804.96
NOXIOUS WEED FUND .....	7,710.93
WATERWAYS FUND .....	4,822.19
INSURANCE POOL .....	753.34
AMBULANCE FUND .....	<u>10,001.64</u>
TOTAL	\$ 442,224.52

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

Chairman

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