



February 9 & 10, 2004, Emmett, Idaho

Pursuant to a recess taken on February 2, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 9<sup>th</sup> & 10<sup>th</sup> day of February, 2004, at 8:00 a.m.

Present:	Ed Mansfield	Chairman
	Sharon Pratt	Commissioner
	Michele Sherrer	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

February 9, 2004

**Pledge of Allegiance was said.**

**TYLER TRAILER PARK:** Discussion was had on the water and sewer conditions of the Tyler Trailer Park. There are open sewer lines and broken water pipes throughout the Park. Water and other necessities are being taken in to the residents. There have been portable toilets set up. The matter has been turned over to Southwest District Health, DEQ, and the State Plumbing Department. There will be a meeting with them and Prosecuting Attorney Richard Linville to determine what legal action needs to be taken.

**CERTIFICATES OF RESIDENCY:** A motion was made by Commissioner Sherrer to approve Certificates of Residency for tuition aid for John Brinkerhoff, Jeanne Wilfong, Cody Burlile, and Cory Butler to attend the Spring term at College of Southern Idaho. It was seconded by Commissioner Pratt and carried unanimously.

**PAYROLL CLAIMS APPROVAL:** A motion was made by Commissioner Sherrer to approve the Payroll Claims for the month of January, 2004. It was seconded by Commissioner Pratt and carried unanimously.

**GEM SOIL DISTRICT LETTER OF INTENT:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to send a letter of intent to Gem Soil District for \$5,100 in the FY2005 budget.

**QUARTERLY REPORT:** A motion was made by Commissioner Sherrer to approve the FY2004 1<sup>st</sup> Quarterly Report. It was seconded by

Commissioner Pratt and carried unanimously.

**RICHARD REX - PROPERTY MATTER:** Richard Rex met to discuss changing the property boundary along the current Sweet/Ola Highway to be the current fence line. A survey and maps need to be done and gotten to the Commissioners to get a better understanding of their request.

**CONTRACT CANCELLATION:** A motion was made by Commissioner Pratt to approve the cancellation of the elevator maintenance service agreement with Kone, Inc., effective February 13, 2004. It was seconded by Commissioner Sherrer and carried unanimously.

**GREG HIMES - COUNTY SERVER:** Greg Himes, Assessor, visited with the Commissioners about the back-up for the County server for the computer system. It needs to be replaced, at a cost of \$6,000-\$8,000, or at the least, a \$2,000 back-up needs to be purchased. The old server is only able to backup every other day. A decision was made to go with the \$2,000 back-up this year and budget for the new server next budget year.

**WALTER KNOX MEMORIAL HOSPITAL - HAZMAT GRANT:** Michael Cornell, Director of Community & Employee Relations and Emergency Planning, from Walter Knox Memorial Hospital, presented a program they have come up with to handle an event that may have mass casualties. It is a program that includes other areas in Southwest Idaho. It is called the CBRNE team (chemical, biological, radiological, nuclear, explosive) or "All Hazards Event" team. They are not a hazmat team. They take care of medical treatment and not cleanup. This program is financed almost 100% with grant dollars.

Michael gave a power-point presentation of their program. On May 22, 2004, there will be an eight-County emergency drill exercise.

**ENTERPRISE DITCH - STAR LANE BRIDGE:** The Enterprise Ditch Company met concerning the Star Lane bridge. They stated that it is sitting 18 inches higher than the State Highway bridge and there is a problem of standing water that backs up into the drain ditch. Dennis Pulley, Gem County Road & Bridge Supervisor, stated the problem is that the ditch has been cleaned out too deeply in front of the bridge. He stated that the State bridge was put in after the County Bridge.

There is a section of Enterprise Ditch that goes through phase III of the Shadow Butte Industrial Park. They are concerned about industrial waste going into the ditch.

They are planning on cleaning the ditch from Dewey Road to

County Line Road. The ditch follows County Line Road and concern is had about an area of about 1/8 mile that the side of the road may slough off into the ditch with the cleaning process. They were told that when they clean, the material coming out of the ditch needs to be put on the other side of the ditch, or hauled off. The drainage from the roads cannot be restricted.

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

04-042 Application for medical expenses needed a statutory lien signed.

04-022 Application that was denied has been appealed.

A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to sign a statutory lien for 04-042. It was seconded by Commissioner Pratt and carried unanimously.

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

**ECONOMIC DEVELOPMENT UPDATE:** Morris Huffman, Economic Development Specialist met to update the Commissioners. Gem County could join Boise Metro Economic Development Council for \$1,000. Boise Metro Economic Development is an economic development part of Boise City Chamber of Commerce. They would like to get on the Commissioners' agenda in the near future. The City of Emmett has joined, with the Mayor having a vote on the Board. If the County joins, one of the Commissioners would have a vote. There could be one more person representing the businesses in the City/County to have a vote on the Board. It would be feasible for Morris to be the contact person.

He asked if the Commissioners would be interested in the airport being a City/County airport or a County airport. He stated that this idea has come from a private individual—not the City of Emmett.

**MINUTES READ AND APPROVED:** The minutes of January 5 & 6, 12 & 13, and 20, 2004, were reviewed. A motion was made by Commissioner Pratt to approve the minutes of January 5 & 6, 12 & 13, and 20, 2004, as read and corrected. It was seconded by Commissioner Sherrer and carried unanimously.

**BRIAN THIES - BUILDING PERMIT:** Brian Thies met to ask about splitting off an acre from his mom's 40-acre parcel to build a home, using an administrative split. Debra Lish, Planning & Zoning Administrator, stated that the administrative split is in the middle of a pending decision, so those permits are not being given out from her office. Legal advice will be asked for from the Prosecuting Attorney's Office.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on February 10, 2004.**

**RACINO PUBLIC MEETING:** On Monday, February 09, 2004, from 3:30 p.m. to 7:30 p.m., the Commissioners held a public meeting at the Fairgrounds for input on the VLT gaming issue.

Ellen Klipp made remarks against gambling, citing experiences from her family.

Dale Parker talked about the impact the horseracing industry has had in the community. He was supporting racinos, and cited examples of successful horseracing with better purses.

Hi Lorensen, representing about 80 people, spoke against the initiative. He stated that it is illegal in Idaho. He stated that if the initiative passes, there could be VLTs everywhere in the state. He said that the law has to pass through the entire state and approved as being legal through the Attorney General's office and the Supreme Court.

Clare Walker spoke of being against gambling because of related costs from transportation, health, and crime.

Patty Anderson has run horses in Gem County since 1979 and stated that the racinos may be an avenue to open up revenue and to increase property value. It would help the schools. She would like to see some increase in horsemen purses.

Clayton Russell spoke in favor of racinos. He feels we are in dire need of funds in the county and he thinks this would be a way for the County to receive this revenue. He stated there is a big impact on Gem County whether the horseracing stays here. He reported that the original Fairgrounds was purchased in 1950 in the shape to fit horseracing.

William Smith spoke for himself and seven neighbors stating he was speaking against the racino. He feels that the Commissioners should not keep their opinions to themselves. They should state how they feel about the issue. He thinks the Commissioners should be decisive in their opinion and let people know how they feel.

Larry Kinley, pastor of Life Fellowship Church, spoke for

15 churches as opposing the racino.

Noella Pegram spoke in favor of the racino because it would bring in more jobs.

Gary Shipley spoke for the project and stated that there always seems to be a group that "stomps on choice." He stated that almost anyone has the opportunity to gamble in our community and in our own homes. He is tired of seeing all the money going into other communities. Money just flows out of Emmett—none comes in. He stated he would not want to be personally responsible for keeping someone on welfare because there is no available job. He told the Commissioners they could build jobs or jails.

Randy Anderson has lived in Emmett for 20 years and is a horseman. There is no work here and he cannot afford to keep driving over the hill. There is already gambling in the County. We need to put more money in the schools, get people off of welfare, and keep more money in Gem County.

Dennette Olson, a 4-H leader, said she thinks there will be parents coming and letting their kids roam the fairgrounds while the parents gamble. She thinks more businesses like WalMart need to come in.

Annie Romey is against the racino. She doesn't want to raise her grandchildren in a gambling community.

Lawrence Romey, a short time resident, said gambling does no one any good. He cited an article in *News Week* concerning gambling in the military. He said it wrecks families and ruins lives.

Teri Nyce doesn't want to see the community go downhill and is against gambling. The jobs need to be different type jobs—not minimum wage jobs, and in a place where they will gamble their money away. The people using the facility will be bused in and bused out—they will not spend time in the community. Most of the money made will be going out of our community.

Lori Coniglio is opposed, stating this should be looked at neither as a moral issue nor as an economical issue—it is just not good. She doesn't want a local government supported by gambling money. She doesn't want to see Emmett with a racino image.

Barbara Smith stated she is opposed to the racino. Emmett is too good of a town to turn it over to gambling. She cited examples of gambling in New Mexico, where they lived.

Rocky Smith also cited experiences with gambling while living in New Mexico. He stated that they have to put taxpayer's money into organizations like "gambling anonymous" to help their citizens to not gamble. He is opposed to the way the situation is being handled.

Don Way, owner of By-Rite, stated about 90% of the people coming into his store are excited about the possibility of new jobs coming into the valley. He thinks the racino, even though it may hurt his business, will bring more businesses into the community, with more jobs. He doesn't gamble, but thinks the jobs coming with it would be worth it. Don is really kind of confused about whether he should be for or against the issue.

Maria Salazar stated that she is involved in a lot of areas in the community. A lot of things are happening that are aimed at building up our community and bringing jobs into the community. She feels we are better than having to bank on the gambling industry. She thinks we can do better. She is opposed to the racinos.

Gary Bauer, Idaho State Representative, stated he is in opposition of the racino. He thinks that it will take more money out of the community than it brings in.

Bryce Walker stated that he opposed the racino. He is not very wild about Emmett becoming a little Reno or Winnemucca.

Michael Kirk, originally from back east, lived here for five years, and is against gambling because of crime issues. It might bring in jobs, but we should look for more stable jobs. There are already enough problems like drugs and alcohol. He doesn't see where the lottery has given a lot to the schools.

Homer Nesbitt stated that he is against the project. He hasn't seen any advantages and it will be a detriment to the County. It will add to the welfare roles of the County.

Chris Erlebach stated she is adamantly opposed to the racino. She stated that any kind of gambling will suck the resources from the community. She stated that she doesn't feel that the company that spoke will be good on the promises they made. They are here to make money.

Nissa Watts wanted to know how often the racetrack is used and why is the license not revoked if it does not make money. From the Internet, she does not see a lot of positive things concerning racinos. She is concerned about the criminal charges made against the people presenting the program. She wondered what the community will be like in ten years if gambling is allowed.

Linda Jackson, representing the Gem County Chamber of Commerce, stated they conducted a poll of their 190 members. Twenty percent of their members responded. There were only 5 in favor. If it passes we would want to have a very strict contract. The rest of the members were not in favor. This is a family oriented community and they felt that gambling is not the way to go. They didn't feel it would increase spending in Emmett. There were a list of questions read.

Mike Carroll said he saw the growth and the casinos while living in Phoenix and thinks this is not an appropriate business to bring into our community and he encouraged the County Commissioners to vote against it.

Carlos Bilbao stated that these hearings are being held to determine if the Commissioners are going to support the initiative. He stated that the issue is illegal and that if the Commissioners sign a letter of support at this time, they will be signing a letter of support for an illegal operation and certainly hopes that doesn't happen.

Heidi Hidy is very opposed to the racino. She feels it would be a very negative influence in the community. She has found all of her research to be negative. She says that in her research there is usually a 50-mile radius of regular casino users, and that would be money not spent in other businesses. She is concerned about serving alcohol and drinking and driving.

Don Sulgrove stated he is against the racino.

Jay Jensen reported he is against gambling. He related that while living in Nevada, he felt the transit people using and working in the casinos were unstable. They would come to town, get in trouble, and then leave town. He saw lots of lives ruined because of gambling—it is hard to get rid of. He stated the crime was higher. He managed a store and it was continually broken into. His house was also broken into. He feels there will be an element in our town that we won't like. He feels it will be compounded with alcohol. He gave examples. He stated that he would guarantee that our quiet little town would change.

Janet Sulgrove stated that she didn't believe what the promoters promised and didn't believe anything they said. She did her own research and believes that organized crime is behind the gambling. She said she is against any kind of gambling.

Tammy Stevens thinks that it needs to be examined to see if the gambling would deter other businesses wanting to move in. She thinks it would be a deterrent. She and her husband would not want to start their business in this environment. She gave examples of towns that developed by using their natural resources and the people already there. There are better things to do than resorting to an industry that is destructive.

Jamie Watts stated he has been involved with the P & Z in Gem County and has seen a lot of neat things that are coming and the racino kind of puts a stab in the back to some of those things. He thinks the first thing that would happen would be we would have to build a new jail. He feels we can do so much

better in this beautiful valley. He would consider moving his floor covering business out of the valley if a racino comes in. The highway would also have to be widened. He is totally against it and hopes the elected County Commissioners vote against it for the hard-working citizens.

Jim Stevens stated that he has an excavation company. They moved from Boise, even though most of their business is over the hill. He is excited about the new industrial park going in, in which he has put a down payment on 2 acres in the park. His wife has a candle factory coming in. If the racino happens, they will not follow through in building their businesses here. He said there are negatives like drinking and driving. He gave examples of short-term fixes of towns in California in the same situation that they had learned about.

David Stevens works full time with his Dad's excavation business. He is a Christian and is against the racino because it would be a very destructive thing in our town. He said there would be more drinking and driving, sexual immorality, and gambling, which he feels are very dark things. It would generate money, but the bad would outweigh the good. He is planning on building a house within a year or so and will not build it in Emmett if there is a racino there.

George VanLeuvan stated he is against a racino coming in. He has researched it on the Internet and has found that there is more crime and more people on welfare. He feels that he would be tempted to sell his home and move out of the community if it comes. He encouraged the Commissioners to also research the issue.

Marvin Rowley stated that his wife and nine children moved here from Phoenix and found this beautiful valley. He feels gambling would destroy that. He, too, would look for a better place to live and finish raising his family if gambling came.

Sam Stevenson, representing the horsemen, stated he is absolutely for the program and stated that the Commissioners could solve some of the problems. They could say there would be no alcohol. He stated that the Commissioners have a tough job. He stated that he doesn't agree with the percentage of the money that will stay in the area. He hates to see Gem County destroyed by this and doesn't think it will be. He has visited the casinos and hasn't seen all of the crime. He said that in the Indian casinos in Northern Idaho, there are jobs there for anyone who wants one. He doesn't know how much they pay. He stated that the idea needs to be looked at and the Commissioners need to keep all of the controls that can be kept.

Lan Smith stated that this is one of the times that the Commissioners don't have to make a decision. They can let the

vote of the people make the decision in the election. He feels the company that came is just using the Commissioners. He feels that the disposable income in the County will all be used for gambling and will be lost for the other businesses.

Peter Dill asked the Commissioners to tell of their reflections after they have heard from people during the last few weeks.

Commissioner Mansfield stated he is in the process of just listening to the opinions of the people and will go from there.

Commissioner Sherrer stated that she just got a copy of the final initiative and she has a lot of calculations to do before she makes her mind up. She stated that there are a lot of changes made to the initiative document that she needs to digest.

Commissioner Pratt stated that the County is in the process of redoing the Comprehensive Plan and it has made her aware of thinking about where the community wants our valley to go. She will give pause and great reflection on following the people's decision.

Peter Dill asked if the character of the people proposing putting a racino in Gem County will affect the decision the Commissioners make. He was told that the topic is addressed in the initiative and the decision of the integrity of the business will be made by the Lottery Commission and the Horseracing Commission. Peter then made the comment that the people who least can afford to spend the money on gambling will be the ones who spend the most.

Jordon Watts stated that she is against the casino because her parents will leave the town if it comes. She said it will bring more drugs and alcohol and more people will have to go to prison. She has horses here and it is her home. Moving away would break her heart. It would destroy her family business and her family does not want to have it here.

Jacob Sherrer stated he is against the racino because he thinks young kids like his brother who is 7 will think that gambling is okay. They might also think that they can drink and drive. Others may lose their house because of gambling. He just wants to state he is opposed.

**February 10, 2004**

**Pledge of Allegiance was said.**

**STEVE BUCK - FUNDING:** Steve Buck, Disaster Services Coordinator, reported that he is having trouble getting people reimbursed for the items being purchased through the Disaster Services grant. Southwest District Health is planning an 8-

county disaster drill.

He stated that he is so busy that if he doesn't get a break, his health is going to be affected. He said that the County needs to have a full-blown Disaster Department with a full-time coordinator to handle all of the programs and paperwork.

**PUBLIC WALK-IN AND INPUT:** Heidi Hidy asked Commissioner Mansfield about a comment he made at the public meeting concerning racinos. It was the statement that "he only knows as much information as she does about the racino." She wanted it on record that she expected the Commissioners to be researching and should know more.

Mark John met concerning a curve on Kirkpatrick Road where people keep running off the road and into his fence. After reporting these instances, the Road Department put up some reflectors. Yesterday, the Road Department pulled up all of the reflectors by "order of Commissioner Pratt." Commissioner Pratt adamantly denied telling anyone to pull up the reflectors. Mark was told that there will be chevron signs put up on that corner. They are on order.

Vicki Tikala, owner of Tik's Tavern, stated that they have been involved in a contest called "Battle of the Bars' Karaoke Contest." They do this contest with several other bars in the area and because Emmett won, in March it will be Emmett's turn to have the contest. The contest is held on a Sunday. There is an ordinance prohibiting the sale of liquor in Gem County on Sundays. She asked if there could be a special allowance made for this particular day for allowing for the sale of liquor. There could be about 200 people come for the contest. The Commissioners will discuss it and make a decision.

Cheryl Conrad, from Shadow Butte Industrial Park, met to update the Commissioners. There are still businesses coming forward to pay earnest money for property in the Park and there is interest from others. Discussion was had on possible names of the streets, the sewer route, and other matters. There will be a presentation of the \$2,000,000 grant from the U.S. Department of Commerce to Gem County and Shadow Butte Development Corporation for the Shadow Butte Industrial Park. It will be held on the front steps of the Gem County Courthouse on February 19, 2004, at 2:30 p.m.

**PROSECUTING ATTORNEY MATTERS:** Richard Linville, Prosecuting Attorney, met with the Commissioners concerning legal matters.

PA Linville gave a report on the Tyler Trailer Park sewer and water problems. He had met with other entities to come up with solutions and actions to be taken.

Planning & Zoning cannot deny a filing of an application

even if the ordinance is in the hearing process, unless a moratorium has been passed.

**The Board recessed at 12:00 p.m. for lunch (Commissioners Mansfield and Sherrer attended a funeral) to reconvene at 3:00 p.m.**

**EXECUTIVE SESSION:** A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel. Those governing bodies present in the meeting were Commissioners Mansfield, Pratt, and Sherrer. A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to come out of executive session. No decisions were made.

**RV PARK HOST:** A motion was made by Commissioner Sherrer to approve Tobbie and Peggy Eaton as the RV Park hosts from January 1, 2004, until Ray Franklin returns from vacation in April or May of 2004. It was seconded by Commissioner Pratt and carried unanimously.

**MINUTES READ AND APPROVED:** The minutes of February 9 & 10, 2004, were reviewed. A motion was made to approve the minutes of February 9 & 10, 2004, as read and corrected. It was seconded and carried.

**CLAIMS:** The claims presented were reviewed. A motion was made by Commissioner Sherrer to pay the claims as approved. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on February 17, 2004.**

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

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