



July 12 & 13, 2004, Emmett, Idaho

Pursuant to a recess taken on July 6, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 12 & 13 day of July, 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:

July 12, 2004

**Pledge of Allegiance was said.**

DEPARTMENT HEADS: Dennis Pulley, Road & Bridge Supervisor, reported they are in the process of chip sealing about 38 miles of road. He hopes to be done with it by the end of the month. He will be doing an overlay on 2½ miles of South Slope Road next summer.

Debra Lish, Planning & Zoning Administrator, asked whether the Commissioners want verbatim transcriptions for all Planning & Zoning meetings. The Commissioners will discuss it with Debra later. Debra has a \$1,700 proposal for minor remodeling of their office to accommodate the Building Official and provide extra shelving and also a half-door. They are working on getting their records on an EXCEL reporting format. Debra will be attending a meeting in Missoula in August and another meeting in September in Twin Falls.

Martin Joyce, Landfill Supervisor, reported they had 109 people per day last month, with a yearly total of 2,833 people. There were 306 people on free tire & trash day bringing 87.06 ton. There were 1,723 tires. Martin is working on some compliance issues for DEQ.

Mark Rekow, Ambulance Director, reported collecting \$9,936.74 in June. They had 61 transports, with 320 year-to-date. Things are settling down from the building project. He is working on some grant funding for communications, HAZMAT, and mass casualty. The grant would be coordinated with the other emergency groups in the County, such as the Hospital and the Fire Districts.

Jake Wyant, Noxious Weed Supervisor, reported they are

treating County roads and several areas in the County. They did Eurasion Milfoil treatments in Sawyer's Pond. They will be going to Canyon County to collect bugs for Gem County weed control. They will be working with the Forest Service on some weed eradication. They are still short-handed one seasonal worker.

Morris Huffman, Economic Development Specialist, reported he has quite a few meetings this week. He will be attending a meeting all next week. Discussion was had on the airport.

Chuck Shambaugh, Maintenance Supervisor, reported problems with the air conditioners in the District Courtroom and in the Clerk's Office. He is doing some painting on the railings and containers outside the Courthouse. He is working on getting water next to the Courthouse so flowers can be planted.

Jeff Chapman, Building Inspector, reported they issued 33 build permits, 4 manufactured home permits, and 4 applications, with a total fee collection of \$15,167.72 for the month of June. Several problem permits were discussed.

**ELECTED OFFICIALS:** Greg Himes, Assessor, reported they collected \$119,064.73 in auto license fees. Today is the last day of BOE (Board of Equalization.) Greg stated that his appraisers have done a good job and they are all caught up with residential appraisals. One of his appraisers is in training for commercial properties. The appraisers will be at training the last week of the month.

Clint Short, Sheriff, reported they have 50 inmates in custody, with 12 State inmates and 3 inmates from Boise County. There is \$2,920 due from Boise County for June and \$6,880 due from the State. Inmate phone revenues were \$945.52. Clint stated that the City Chief of Police Blaine Hyde told him the City of Emmett is considering only paying the County \$15,000 for dispatch fees in FY2005. Clint said he told him that was not acceptable. Discussion was had on the matter. Clint advised the City that his civil staff will no longer be doing office tasks for their officers concerning inquiries—they will be sent to the City.

Marilyn Knighton, Treasurer, reported they collected \$2,327,426.41 in property taxes in June, not including the circuit breaker apportionment. There is 6% of the 2003 property taxes not paid. They have sent reminder notices out. There were about 25 warrants of distraint. The Treasurer's Conference is next month. District III meeting is July 23, 2004, in Owyhee County. Marilyn opened a new investment with Morgan Stanley. The pool rate is down below

2%. She has some invested in some Government bonds.

Susan Howard, Clerk, reported the budget process is progressing and a proposed copy should be ready next week. The change over to Computer Arts imaging system should be concluded by Wednesday. The Magistrate Courtroom is having the ceiling lowered. A proposal was received for wired microphones in the District Courtroom. The cost and continual checking of batteries for the wireless microphones is a problem.

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:

04-051 Application for medical assistance needs a decision.

04-058 Application needed a notice of hearing signed.

04-068 Application for medical assistance.

04-069 Application for medical assistance.

04-072 Application for medical assistance.

04-073 Application for medical assistance.

04-083 Application for medical assistance.

04-084 Application for rent assistance.

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

A motion was made by Commissioner Sherrer to approve 04-051, to sign a notice of hearing for 04-058, to deny 04-068 because of pending CHIPS, to deny 04-069 because of lack of cooperation, to deny 04-072 because not medically indigent, to deny 04-073 because of pending Social Security, to approve and sign a statutory lien and a UCC lien for 04-083, and to approve and sign a statutory lien and a UCC lien for 04-084. 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.**

BOARD OF EQUALIZATION: Through motion, the Board of Commissioners recessed and they went into a Board of Equalization. Being tape-recorded, Commissioner Mansfield read the Notice of Appeal by William and Linda Holstein for parcel RP00407602-A. The Holsteins think that 30% increase in market value in one year is too much for an unimproved parcel.

William Holstein explained how he came in position of the property and presented some examples of asking prices of residential rural property in Gem County. He stated that his neighbor's similar property has a lower value than his.

Greg Himes, Gem County Assessor, gave explanations as to the differences in Mr. Holstein's property and his neighbors' property. He went over the map of the area. He explained that the Holstein property is riverfront property and that adds to the value. It is also adjacent to a similar property that sold for the same price.

Mr. Holstein disputed the fact that even though he paid \$55,000 for his property, he thinks it is not really worth that. He said that his neighbor's property probably had at least electricity on it when his neighbor paid the same price as Mr. Holstein.

More back and forth discussion between Mr. Holstein and Assessor Himes was had. Commissioner Pratt asked if any concession had been made because of most of the parcel being in the flood plain. Assessor Himes stated there had not been, but there also had not been an increase because of it being riverfront property.

A motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Pratt and carried unanimously.

**BOARD OF EQUALIZATION:** While still being in Board of Equalization and tape-recorded, Commissioner Mansfield read the Notice of Appeal for parcel RP00352900 owned by Margaret Barber. She wrote that her purchase price was less than the appraised value and the house was in poor condition. She provided a bank appraisal of the property, but was not in attendance at the hearing.

Greg Himes, Gem County Assessor, stated that after re-appraising the property, the value was dropped to just over the bank appraisal. Mrs. Barber seemed happy with the reappraisal and said she was going to cancel the appeal. The Clerk's Office never got notice of a cancellation of the appeal.

Commissioner Pratt made a motion to sustain the Assessor's amended value of parcel RP00352900. It was seconded by Commissioner Sherrer and carried unanimously.

Through motion, the Commissioners came out of Board of Equalization and reconvened as Board of County Commissioners.

**STORM WATER GRANT RFQ OPENING:** The Requests for Qualified Consultants for the development of a Gem County-wide

Stormwater Management Plan were opened. Only one request was received. It was from Ecovista in Pullman, WA. No decisions were made.

**BOE DECISIONS**: After going back into Board of Equalization, a motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to sustain the Assessor in the Board of Equalization appeals on parcel RP00361600 owned by William & Joyce Baird, parcel RP00246706 through RP00246764 owned by Presland Development Corporation, and parcel RP00407602A owned by William and Linda Holstein. The Board of Equalization was adjourned and the Board of County Commissioners reconvened.

**RECREATION DISTRICT - GEM ISLAND MATTERS**: Roseanne Daily, Tom Hoppell, and Roger Bennie, from the Recreation Board met to discuss the Gem Island Sports Complex. They went over the budget amount for maintaining the Island.

Discussion was had about increasing the fee for players when leagues sign up to use the Island. Fees were discussed. Problems with a Hispanic league playing on the Island on Sundays who have alcoholic beverages, who re-marked the fields, and who have put graffiti on the lawn, were discussed. Discussion was also had on getting a bin from the JAG Landfill and then having them empty it on a regular basis.

Tom Hoppell stated that if two more baseball fields are put in to make a four-plex, it will limit the other activities that are happening, such as soccer, kite flying, etc. There could be some backstops put in, without fences.

No decisions were made.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on July 13, 2004.**

**July 13, 2004**

**Pledge of Allegiance was said.**

**RICK WALTH - SUNDAY LIQUOR SALES**: Rick Walth, owner of Main Street Beverage, which is also the State liquor contract store, met to ask that the Commissioners look at approving the sale of liquor by the bottle on Sunday in Gem County. He presented statistics showing the benefits of Sunday sales. He also had a list of questions and answers and impacts of Sunday sales of distilled Spirits.

No decision was made. The Commissioners will get back

with him soon.

**BLACK CANYON PARTNERSHIP - MOSQUITO DISTRICT PETITION:** Pam Garrison, Shawn Charters, and Tom Blessinger from Black Canyon Partners and Terri Quenzer and Quinn Nuffer from the Mosquito Abatement District met with the Commissioners. They wanted to know the possibility of petitioning the Black Canyon Partnership's planned community development into the mosquito abatement district. None of the landowners of Black Canyon Partnership land are residents of Gem County. About 90 acres of the land is already in the Mosquito Abatement District, which leaves about 2700 acres not in the District.

Terri Quenzer went over the estimated revenue generated by the first part of development of the land. She stated that the amount collected would pay for the expense of servicing the property. Assessor Greg Himes stated that it would be at least two years before any increase in taxes would be seen. The land is currently assessed as agriculture land and will not change in the residential area until the lots are sold.

The Partnership asked that the Commissioners accept the petition and allow them to be annexed into the Gem County Mosquito Abatement District. The Commissioners took the petition and will take action on accepting it or not after they review it with legal counsel.

**PUBLIC WALK-IN AND INPUT:** Janet Monti, representing the Emmett Community Arts Commission, reported they are still working on getting a contract to use the Main Street and Washington Avenue corner property. They are building their funds from commitments for donations of \$7,000 to \$8,000 for the project. They will have an overall plan soon, hoping to have it done by Fall. They are planning an outdoor music program at Fourth Street Gardens. The Arts Commission made over \$900 from the fashion show. Next year they are planning a "Wedding Dresses Through the Ages" show. Black Canyon Partners is letting them use their lobby area as an art display.

Robert and Linda Kaufman met to ask if the Commissioners have found out anything about their plugged ditches. Commissioner Mansfield told them that after testing, there seems to be no mosquitoes breeding in the ditch. The Kaufmans stated that their concern is the plugged ditch. They said the ditch was filled in when a driveway was put in. The Payette Irrigation Company has stated that they can go in and clear the ditch, but they

need the homeowner's permission, whom they have not been able to contact. Commissioner Mansfield contacted Jerry Radandt said he would take care of it.

Earl Lilley met to update the Commissioners on the Senior Center. It has been a year since a reorganization. They were \$43,000 in debt a year ago. Currently, they are \$17,800 in debt, so they are doing well. They now fly an American flag, with a night-light so they can keep it up 24 hours a day. They are in the process of designing a senior flag that they want to fly with the American flag. When the flag is designed, they will show it to the Commissioners. Earl reminded the Commissioners that the Senior Center had previously been given permission to put up a directional/informational sign for the Senior Center. He was asking again to put a sign on the corner of the County Property on Johns Avenue and the State Highway 16. The Art Commission will be in on the design of the flag and the sign. The sign plan will be presented to the Commissioners before they build it and place it. Commissioner Pratt suggested that they check with the Planning & Zoning because there is a sign ordinance.

**PROSECUTING ATTORNEY MATTERS:** Prosecuting Attorney Richard Linville and Dan Luker met concerning legal matters.

There are two ways to pass laws in Gem County. One is for the Commissioners to pass an ordinance and the other is a Citizens' Initiative, which is very complicated. There could be an advisory vote by the public, which has no binding effect on the decision the Commissioners make.

PA Linville has started the process to put out proposals for the Public Defender contract.

Board of Equalization decisions, if they are not made during the hearing, do not have to be tape-recorded.

The County Ordinance states the hours that Gem Island Sports Complex will be open and to change that would require an ordinance change.

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

**The Board recessed at 12:00 p.m. for lunch to reconvene at 1:00 p.m.**

**SEWER AGREEMENT SIGNED:** A motion was made by Commissioner Sherrer to sign the Sanitary Sewer Service Agreement

between the City of Emmett and Gem County for sewer hookup and service for Shadow Butte Industrial Park. It was seconded by Commissioner Pratt and carried unanimously.

**BUTTE ROAD BRIDGE:** Tim Grimm from Holladay Engineering called a conference call with the Commissioners concerning the Butte Road bridge project. There is one landowner, Karen Shay, who is resisting signing a right-of-way to be able to put riprap along the bank of Squaw Creek. A meeting may be set up to visit with the Shays, the Commissioners, and Holladay Engineering. If all else fails, there may need to be a taking.

**STIPP REZONE DECISION:** A motion was made to accept the recommendation of the P & Z Commission's findings of fact, for approval of the Barbara Stipp rezone request, adding the stipulations that they comply with Last Chance Ditch Company's recommendation for irrigation and allow one access to Substation Road for the newly created parcels. It was seconded by Commissioner Sherrer and carried unanimously.

**MINUTES READ AND APPROVED:** The minutes of June 1, 2004, were reviewed. A motion was made by Commissioner Pratt to approve the minutes of June 1, 2004, as read and corrected. It was seconded by Commissioner Mansfield and carried unanimously. Commissioner Sherrer abstained from the vote because of not being in attendance at the meeting.

**MINUTES READ AND APPROVED:** The minutes of June 21 & 22, 2004, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of June 21 & 22, 2004, as read and corrected. It was seconded by Commissioner Mansfield and carried unanimously. Commissioner Pratt abstained from the vote because of not being in attendance at the meeting.

**MINUTES READ AND APPROVED:** The minutes of June 28, 2004, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of June 1, 2004, as read and corrected. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on July 19, 2004.**

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

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