



July 19 & 20, 2004, Emmett, Idaho

Pursuant to a recess taken on July 13, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th & 20th 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 19, 2004

Pledge of Allegiance was said.

Ed left the meeting to attend a meeting at ITD concerning the Butte Road bridge, to return after lunch.

Commissioners Pratt and Sherrer went on a road trip to check out a drain ditch problem in Letha.

PLANNING AND ZONING CURRENT BUDGET: Debra Lish, Planning & Zoning Administrator, met with proposals for some minor remodels in her office. The lowest proposal for the work needed was \$1800. The Commissioners told her to move forward with it. Discussion was had on the 319 Stormwater Plan steering committee.

PUBLIC HEARING - FY2004 BUDGET ADJUSTMENT: Acting Commission Chairman Sharon Pratt opened the hearing, which was tape-recorded, and read the Notice of Hearing for the purpose of increasing the Professional Services/Conflict line item in the District Court Fund by \$10,000 from unencumbered funds; to increase the HAVA line item in Elections in the General Fund by \$2,679 from unanticipated revenue; to increase the Process Server Contract line item in the Sheriff's Department in the Justice Fund by \$6,000 from unanticipated revenue; to increase the Self Medical line item in the Insurance Pool Fund by \$25,000 from unanticipated revenue and unencumbered cash; to increase the Grants/Ambulance Building line item in the Ambulance Fund by \$8,575 from grant monies unaccounted for; to increase the Capital/Other line item in the Ambulance Fund

by \$4,500 from unencumbered cash; to increase the Expense/Excess State Vessel Fund in the Waterways Fund by \$10,329 from excess FY2003 State Vessel Fund money; and to increase Refunds & Reimbursement line item in Juvenile Probation Department in the District Court Fund by \$3,010 from unspent grant money. Adjusting these Funds will not result in any increase in property tax for FY2004, but will allow for payment of unanticipated expenses.

Commissioner Pratt asked for any input, and seeing no public present and hearing comments from neither public nor Commission, she closed the hearing.

A motion was made by Commissioner Sherrer to approve the said adjustments. It was seconded by Commissioner Pratt and carried unanimously.

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:

04-062 Application needed an appeal hearing set.

04-069 Application needed an appeal hearing set.

04-076 Application for medical expenses.

04-084 Application for medical expenses.

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 notices of hearing for 04-062 and for 04-069, to approve 04-076, and to sign a statutory lien and 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.

STEVE BUCK - FINALIZE BUDGET: Steve Buck, Disaster Coordinator, met to discuss the Disaster Services budget. He stated that the State allocation from the FY2005 budget is \$1000 more than FY2004, which comes to \$6,907.13. The State will match the County budget at 50%, which would allow a budget of \$13,814.26. The allocated amount can be used in any part of the budget.

DON PIERCE - BIG BROTHERS/BIG SISTERS: Don Pierce, Michelle Montoya, and Brett Schnebly from Big Brothers/Big Sisters, met with the Commissioners. They have been doing a

mentoring program in two elementary schools in Emmett for the past two years, with financial help from Gem County. They gave some of the statistical results from the program, which were very positive. They served 40 elementary students matched with the same number of high school students last school year. They then shared the story of one of the matches.

Their juvenile justice grant has expired, and they are trying to find funding for the program next year. Approximately \$7500 came from the County in the Juvenile Justice grant. The schools are funding nothing for the program. There would be 15 matches carried over for the next school year. The City of Emmett has never been approached for funding, although both schools involved are within the City limits. No decisions were made.

PUBLIC HEARING - MATRIX CHART AMENDMENT: The public hearing was tape recorded and was opened by Commissioner Mansfield. The hearing was for an amendment to the Gem County Zoning Ordinance by Teena Turner and the Emmett Valley Association of Realtors to change the Matrix Chart to allow plants, trees and animals on pasture for private use in the R-2 Residential Transitional and R-3 Rural Residential zones, to allow by special use permit plants, trees and animals on pasture for private use in the R-1 Residential zone, and to allow by Special Use Permit poultry-fur for private use in the R-1 Residential, R-2 Residential Transitional and R-3 Rural Residential zones. Commissioner Mansfield then asked for public input.

Jane Schroeder asked that all of the original zoning in her area be reinstated, rather than changing the new zones. She stated that all changes should be stopped until the comprehensive plan is finished.

Teena Turner stated, when the change was made it eliminated all animals on pasture land in the R-1, R-2, and R-3 zones, which require special use permits for animals. She hopes that a band-aid will be put on the situation until the comprehensive plan is finished.

Creighton Belman stated that he bought pasture in order to be able to put animals on it. He is in favor of the change. He feels it is taking away privileges and rights of people who were here first.

Terri Barrus said that it came as quite a surprise when the R-1 and R-2 zones didn't allow large animals. The CC&R's in her subdivision allow large animals on one-acre lots, but the zone does not allow it, no matter what the size of the lot is. Creighton Bellman agreed.

Toni Judy stated she agrees with Terri Barrus, and her main concern is that a lot of elderly people raise beef on their property to supplement their income. She hates to see that taken away from the elderly. Creighton Bellman agreed.

Cathy Smith asked how many animals are permitted before special use permits are required. Debra Lish, P & Z Administrator responded that it is 1,000. Cathy stated that there needs to be a more manageable limit allowed.

Teena Turner stated that they researched the size of lots and the limited number of animals. The change asked for is not because that was a problem because of the zone change. The main concern was where to draw the line. They just want to get the animals back in the pastures.

Debra Lish stated that she doesn't know where and how the matrix chart was changed. She was just recently made aware of the situation that doesn't allow animals in those zones.

Toni Judy stated that she is in a mixed-use zone, so it doesn't affect her. She stated that the number of animals is not an issue if they are managed right.

A motion was made by Commissioner Sherrer to take the decision under advisement. The motion died for lack of a second.

Questions were asked by Commissioner Pratt and she received answers. Commissioner Pratt stated that the elderly who are currently raising animals would be grandfathered in. She stated that she thinks the animal issue was just missed when the zones were changed.

A motion was made by Commissioner Sherrer to approve the amendment to change the matrix chart in the R-1, R-2, and R-3 zones. It was seconded by Commissioner Pratt and carried unanimously.

PUBLIC HEARING - ADMINISTRATIVE SPLIT AMENDMENT: The public hearing was tape-recorded and was open by Commissioner Mansfield for an amendment to the Gem County Zoning Ordinance, Chapter 4, Section 4-1-A and Chapter 4, Section 4-1-B repealing provisions allowing for single family dwellings on lots less than 40 acres in the A-1 Prime Agriculture zone by approval of an administrative split. He then asked for public comment.

Debra Lish, Planning & Zoning Administrator, stated that the P & Z Commission is asking that the administrative split allowance be removed.

Teena Turner stated that her concern is that this same application was brought before the County Commissioners

last fall and was not approved. She was surprised that it came back with no further evidence. She stated that there was no reference that repealing the administrative split may be against Idaho Code. She feels that it needs to be revamped instead of being repealed.

Debra Lish stated that the strong opinion is that the administrative split is a violation against the local planning act when it is supposed to protect agriculture land. The reason it was brought forth again is to get an opinion from the County Commissioners as to why they did not approve it last time it was brought forward.

Cathy Smith stated she was a member of the P & Z Commission at the time the administrative split was made. She stated it was to allow the farmer to sell a portion of their land in order to have the funds to continue their family farming.

Teena Turner stated that she feels the allowance needs to be revamped to be for sub-standard lots.

Commissioner Pratt asked several questions. Debra Lish explained some of the views of the P & Z Commission as to why they would like to do away with the administrative split. Debra also explained what the administrative split entails. She then voiced her opinion on how the splits should be given. She feels that it is currently inequitable.

After discussion with Commissioner Mansfield concerning the ability for farmers to retire, she stated that the County is required to protect the agricultural land, not necessarily to ensure the financial stability of the farmer.

Commissioner Pratt read a letter from the Gem County Farm Bureau who is in favor of the amendment to do away with the administrative split.

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

MARK REKOW - EMS PLANNING: Mark Rekow, Ambulance Director, met with the Commissioners concerning a time-line as to getting Gem County up to a paramedic level of emergency care. He suggested forming an ambulance district and gave the facts and figures of possibly doing that. He then went over how a district would be formed and how it would be run.

After visiting with Dr. Barrie Smith, the County Medical Director, he and Mark feel that there should be a paramedic level of emergency care in Gem County within the

next three to five years. The Commissioners told him to come back with a time-line written out.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on July 20, 2004.

July 20, 2004

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Pledge of Allegiance was said.

GERALD ERICKSON - VETERANS OFFICE UPDATE: Gerald Erickson, Gem County Veterans Service Officer, met to give the Commissioners an update on his position. He said they have an outreach program come from Boise each month for all veterans in the County. He has been called to help with funeral services for Gem County veterans, with internments all around the area. On July 31, 2004, the new Veterans Memorial Cemetery will be dedicated in Boise. Mr. Erickson has attended Service Officers School. He has been transporting veterans to doctor and dentist appointments. He stated that he stays pretty busy in his position—usually working several days a week. There are usually around five veterans who go to the outreach program each month.

INDIGENT HEARING: Tape-recorded, and during executive session, an appeal hearing was held for Indigent Case 04-050. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, Deputy Clerk Sue Spencer, Prosecuting Attorney Richard Linville, the Indigent, representative from Health & Welfare and a representative from Mercy Medical Hospital.

After coming out of executive session, a motion was made by Commissioner Sherrer to uphold the previous denial because of new information brought forth during the hearing on available resources. It was seconded by Commissioner Pratt and carried unanimously.

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PUBLIC WALK-IN AND INPUT: Robert Kaufman met with continuing complaints about a drain ditch in front of his property that is still not draining. He stated that the neighbor filled in the ditch with a driveway. He was told that Commissioners Pratt and Sherrer accompanied the Road & Bridge Supervisor out to the site. Mr. Kaufman was told that it was a civil matter and he needed to talk to his attorney. The Commissioners will continue to research if permits were given for the changes that were made on the property.

Bruce Wall, Chairman of the Planning & Zoning Commission, met with the Commissioners. Discussion was had concerning members who have resigned from the P & Z Board. He was told that beginning next month, the County will have a Deputy Prosecuting Attorney attend each Planning & Zoning meeting and there can be open conversation between him and the Board members outside of the meeting time.

Jim Weaver met with a complaint with the Planning and Zoning Board. He presented a sketch map for a minor subdivision to them during a public meeting. Besides being unhappy with the decision and the manner in which he was treated, stated he was appalled at their decision-making process. Only two out of the six Board members had made site visits of his property and he had ex-parte conversation with one of them before the meeting. Through their statements, two of the Board members had not even reviewed the package for the meeting. They all agreed that he had met all of the requirements, but they didn't seem to like the concept, so his request was denied. Mr. Weaver thought that it seemed that their personal feelings were used for the decision—not County Ordinances.

Don Ditmer reported that August 4, 2004, at the USDA Building there will be an All Risk Hazard Plan meeting. He has sent out questionnaires.

Ron Montgomery met to give a short presentation of their "Mosquitopalooza" they had in Hermiston, Umatilla County, Oregon. They had over 200 people show up, not including friends and family. They are going to encourage other communities to do a similar program. It helps to educate the public on mosquito issues. Ron will be coming back to help Quinn Nuffer and the Mosquito Board with a full program to present to the Commissioners and public to educate them on the mosquito abatement program. The Gem Island Sports Complex mosquito issues were discussed. A lot was learned about the Island this year so they will be better prepared to fight the problem next year. Other abatement situations were discussed with Ron and Quinn.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Richard Linville and Assistant Prosecuting Attorney Tim Fleming met to discuss legal matters.

PA Linville is concerned about the amount being taken out of his budget for legal fees. He went over the amount needed to get him through the rest of the year. The Commissioners stated that there will be no more legal fees taken out of his budget.

A new contract between Carol Duncan and the County was

discussed. The amounts and conditions will be kept the same.

If a parking ordinance is adopted for the State BOR parks, the State needs to be advised of the ordinance. The proposed animals-at-large ordinance was discussed. The Gem Sports Island Complex, BOR Parks, and the Fairgrounds need to be added.

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)(f) concerning pending litigation. Those governing bodies present in the meeting were Commissioners Mansfield, Pratt, and Sherrer. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to come out of executive session.

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

BUDGET WORKSHOP: The Commissioners continued to discuss the proposed budget.

Commissioner Mansfield left the meeting to go to a 319 Stormwater Grant Steering Committee Meeting.

The Board recessed at 5:00 p.m. to 8:00 a.m. on July 26, 2004.

Approved: _____
Chairman

Attest: _____
Clerk