



July 26 & 27, 2004, Emmett, Idaho

Pursuant to a recess taken on July 20, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 26<sup>th</sup> & 27<sup>th</sup> 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:

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**Pledge of Allegiance was said.**

**STORMWATER 319 SUBGRANT AGREEMENT:** A motion was made by Commissioner Pratt to sign a DEQ 319 NPS Subgrant Agreement (#S110) between Gem County and the Idaho Department of Environmental Quality for implementation of the Stormwater Management Plan and demonstration Project. It was seconded by Commissioner Sherrer and carried unanimously.

**STATE HOMELAND SECURITY PROGRAM AWARD:** A motion was made by Commissioner Sherrer to sign the Award Form, Articles and Conditions, and a Memorandum of Agreement for the 2004 State Homeland Security Program award of \$306,127.05. It was seconded by Commissioner Pratt and carried unanimously.

**CHUCK SHAMBAUGH, MAINTENANCE SUPERVISOR 6-MONTH REVIEW:** In executive session, the Commissioners had a 6-month review for Maintenance Supervisor Chuck Shambaugh.

**TONY HACKETT - BUILDING PERMIT ISSUES:** Tony Hackett visited with the Commissioners concerning some problems he has had getting permits from the Building Official and the Planning & Zoning Office. He stated that he has made appointments that have not been followed through by the Building Official. The Commissioners will look into the situation.

**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. 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.

**ECONOMIC DEVELOPMENT UPDATE:** Morris Huffman, Economic Development Specialist reported on training he attended last week. He stated that he needed at least an hour and a half to give a full report. EDGE matters were discussed.

**ORDINANCE 2004-03 - PARKING ORDINANCE:** A motion was made by Commissioner Pratt to adopt Ordinance 2004-03, Parking Ordinance. It was seconded by Commissioner Sherrer 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:

04-050 Application needed a denial and a release of statutory lien signed.

04-062 Application needed postponement of hearing signed.

04-063 Application needed a notice of hearing signed.

04-066 Application needed a notice of hearing signed.

04-068 Application needed a notice of hearing signed.

04-072 Application needed a notice of hearing signed.

04-073 Application needed a notice of hearing signed.

04-074 Application for medical assistance.

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 denial and a release of statutory lien for 04-050, to sign a postponement of hearing for 04-062, to sign notices of hearing for 04-063, 04-066, 04-068, 04-072, and 04-073, and to approve 04-074. 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.**

**JUVENILE PROBATION REPORT:** Gem County Juvenile Probation Officer Janelle Schnieder and Shelly McCoshum from the Idaho State Department of Juvenile Corrections met to report on the juvenile probation statistics for the State's 3<sup>rd</sup> quarter (January 1 - March 31). Gem County was down 20% for the number of juveniles in custody.

**INDUSTRIAL PARK GRANT MATTERS:** Leslie Toombs from Sage Community Resources met to propose a draft letter to EDA from the Commissioners for approval of the engineering services from Holladay Engineering for Shadow Butte Industrial Park. Leslie will follow through to make sure the plat is reviewed by an engineer. Timelines were discussed.

Leslie proposed an addendum to the Engineer's Contract for Shadow Butte Industrial Park. All items in the addendum would protect the County. The addendum was a requirement from EDA. A motion was made by Commissioner Pratt to approve Addendum Number 1, Assurances, to the Professional Services Contract between Gem

County and Holladay Engineering to develop the Gem County Industrial Park including water system, wastewater system, roadways, highway improvements and landscaping. It was seconded by Commissioner Sherrer and carried unanimously.

The City of Emmett is putting in for a Gem Community Grant to help with water and septic at their airport. They are asking the County to adopt, in support of the project, an Implementation Resolution. A motion was made by Commissioner Pratt to adopt Resolution No. 2004-07, Gem Community Implementation Grant. It was seconded by Commissioner Sherrer and carried unanimously.

**GORDON RAVENSCROFT/BOISE COUNTY - MUTUAL AID:** Gordon Ravenscroft from Boise County met to propose a replacement of a mutual aid agreement with Gem County to provide EMS services to Boise County. A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt and carried unanimously to sign the Boise, Gem and Valley Counties, Mutual Assistance Agreement.

**INTERMOUNTAIN HOSPITAL - PENDING CASE:** During executive session, Jeff Morrel from Intermountain Hospital met concerning an indigent case. No decisions were made.

**ORCHARD REVIEW BOARD APPOINTMENT:** A motion was made by Commissioner Pratt to reappoint Norvil Elliott and appoint Robert Markley to the Orchard Review Board. It was seconded by Commissioner Sherrer and carried unanimously.

**HOSPITAL BOARD INTERVIEW:** In executive session, the Commissioners had an interview for an opening on the Hospital Board. No decisions were made.

**LUDWICK PAWLICK - DITCH CONCERNS:** Ludwick Pawlick met with the Commissioners with problems he has had with the Last Chance Ditch Company. He said he has lived on the property for nine years and has never used any irrigation water from Last Chance Ditch. When he recently went to refinance his house, he discovered there is a lien on his property by Last Chance Ditch Company for over \$500. He was told that until he legally terminates the water rights on his property, he was responsible to pay the yearly irrigation assessment. If he doesn't pay the assessment, the ditch company probably has the authority to put a lien on his property. He was advised to talk with an attorney.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on July 27, 2004.**

**OLA OPEN FORUM:** An open forum was held at the Ola Community Center beginning at 7:00 p.m. on Monday, July 13, 2004. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer and seven members of the public. Topics of discussion were roads, current lawsuits, and cattle guards.

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Commissioner Mansfield attended a Southwest District Health meeting and did not come into the Commissioners' meeting until after lunch.

Pledge of Allegiance was said.

**INDIGENT HEARING:** An indigent hearing was tape-recorded and held in executive session for Case No. 04-053. Those in attendance were Commissioners Sherrer and Pratt, Clerk Howard, Deputy Clerk Sue Spencer, Prosecuting Attorney Richard Linville, Daniel Luker from the Prosecutor's Office, and Jeff Morrel from Intermountain Hospital. No decisions were made during the executive session.

A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to continue the hearing, per the request by Mr. Morrel, in order that more information can be brought forward.

**EXECUTIVE SESSION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, 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 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.

**PUBLIC WALK-IN AND INPUT:** Robert Adams, Bill Bade, and Doug Straub from the BOR Parks met to discuss several ordinances concerning parking, dogs, and alcohol in the BOR Parks in Gem County. The parking ordinance has been adopted and the dog and the alcohol ordinances are in the works. Mr. Adams reported that the Bureau of Recreation is paying money to the County to help pay for law enforcement in the parks. He presented an agreement with the County Sheriff's Office that goes from 2001 through 2007.

Larry Droppers from Walter Knox Memorial Hospital met with an update on the remodeling of the Hospital. Most projects are between 60% to 90% finished.

Kathy Skippen, representing Shadow Butte Industrial Corporation, met with a proposal that a working meeting with the Commissioners be held every other week concerning Shadow Butte Industrial Park. The Commissioners decided it would be a good idea and Tuesday afternoons would be a good time. The first meeting was set for August 10, 2004, at 4:00 p.m.

Pam Garrison from Black Canyon Partners met to discuss the steps needed to annex their planned community development into the Mosquito Abatement District. The Commissioners gave her a copy of a letter from the Prosecutor's Office giving the steps the District would need to follow.

**PROSECUTING ATTORNEY MATTERS:** Prosecuting Attorney Richard

Linville and Daniel Luker met with the Commissioners on legal matters. They presented a resolution to allow the sale of liquor by the State liquor facility in Gem County on Sundays.

The Commissioners have no legal say in any annexation by the City of Emmett. Their individual opinion may be voiced at a public hearing.

**EXECUTIVE SESSION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, 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 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.**

**LIFE INSURANCE DISCONTINUED—LIFE FLIGHT STARTED:** Commissioner Pratt made a motion to discontinue the premium payment for the life insurance policy with LifeWise for County employees because of there being a life insurance benefit included in the Gem Plan, which is the health insurance that is now being provided for County Employees. In doing so, the County will pay the premium for all County employees for Life Flight membership through St. Alphonsus Hospital. It was seconded by Commissioner Sherrer and carried unanimously.

**RESOLUTION NO. 2004-09 - SUNDAY ALCOHOLIC LIQUOR SALES:** A motion was made by Commissioner Pratt to adopt Resolution No. 2004-09 to allow for Sunday sale or delivery of alcoholic liquor from State distributing sites. It was seconded by Commissioner Sherrer and carried unanimously.

**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.

**RESOLUTION 2004-08 - FY2004 BUDGET ADJUSTMENT:** A motion was made by Commissioner Sherrer to adopt Resolution No. 2004-08 to make adjustments to FY2004 budget: increase 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

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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. It was seconded by Commissioner Pratt and carried unanimously.

**MINUTES READ AND APPROVED:** The minutes of July 6 and July 12 & 13, 2004, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of July 6 and July 12 & 13, 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 August 2, 2004.**

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

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