



September 7, 2004, Emmett, Idaho

Pursuant to a recess taken on August 24, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 7<sup>th</sup> day of September, 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.

**VICKI TIKALA - SUNDAY LIQUOR SALES:** Vicki Tikala, owner of Tik's Tavern, met with the Commissioners to discuss the selling of liquor by the drink on Sunday in Gem County. There are three businesses that sell liquor by the drink. Vicki stated that she has visited with the other two businesses and they would also like to be able to sell liquor by the drink on Sunday. She stated that she has many requests by her customers and it will help their business.

The Commissioners stated that they would like to visit with the Emmett City Council because the sales would be in their jurisdiction. They would also like to look into the matter a little more. Vicki will work on obtaining petitions of support.

**MARY YOUNG - HOLLADAY ENGINEERING - SOLID WASTE:** Mary Young from Holladay Engineering met to get new signatures on the Operation Plans because of a typing error. Site Plans and the Design Plans are also being worked on. She went over the requirements. When all of these plans are approved, it will make JAG site and design certified. DEQ will receive all of the plans, there will be time for public comment, and then DEQ will have comment time before everything is final.

**PUBLIC WALK-IN AND INPUT:** Roberta Ushman met to ask if written testimony may be read into the record during the public hearing for the County budget. She was told that it could be.

Karl Kellar from Fire District No. 2 met to discuss an area that is between Fire District No. 2 and Fire District No. 1. They approved in their minutes to add the 338 acres to Fire District No. 2. He presented a copy of the minutes to the Commissioners.

**MOU SIGNED:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to sign the Memorandum of Understanding with the State of Idaho for the Economic Development grant.

**CERTIFICATES OF RESIDENCY:** Certificates of Residency were

approved for tuition aid for the fall, 2004 term, for Jeremy Reukauf, Mandy Wilson, Jeanne Wilfong, Barbara Morris, Ivy Snow, and Tina Hansford to attend College of Southern Idaho and for LeAnn States to attend North Idaho College.

**LIQUOR CATERING PERMIT APPROVED:** A motion was made by Commissioner Sherrer to approve an Idaho Catering Permit for Tik's Tavern to cater for the Daniel Munger wedding reception at the 4-H Building on September 25, 2004. It was seconded by Commissioner Pratt and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Prosecuting Attorney Richard Linville and Deputy Prosecutor David Hargraves met to discuss legal matters. Discussion was had on Black Canyon Partners annexation into a Fire District and also annexation into the Mosquito Abatement District.

There are several items in the contract proposed to Carol Duncan for a renewal lease of County property that Carol is concerned with. More discussion will be had before it is signed.

Discussion was had on the verbiage of Resolution 2004-12. Mr. Hargraves will redo some of the wording. The proposed MOU for the Recreation District managing Gem Island Sports Complex was also discussed and reviewed.

The Commissioners will review the Public Defender job applications to be ready when the decisions come from the reviewing committee appointed by the Administrative Judge.

**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 and 67-2345(1)(f) concerning 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 Pratt, seconded by Commissioner Sherrer, and carried unanimously to come out of executive session.

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

**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:

04-094 Application for help with a power bill.

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 Pratt to deny 04-094 because no emergency exists. It was seconded by Commissioner Sherrer and carried unanimously.

**PAYROLL CLAIMS APPROVAL:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to approve the Payroll Claims Approval for payroll warrants dated

September 7, 2004.

**ENHANCED 911 FEES APPROVED:** After reviewing the emergency 911 communications fee, a motion was made by Commissioner Sherrer to do no modification of the current \$1.00/phone line fee. It was seconded by Commissioner Pratt and carried unanimously.

**PERSONNEL MATTERS:** Tony Villanueva, acting Mayor of Emmett, presented a proposal for a combined Building Inspector for both the City of Emmett and for Gem County. The proposal has not yet gone before the Emmett City Council.

**RECREATION DISTRICT FEES:** A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously to approve the Recreation District fee increase to \$32.03 per household/business and to allow it to be put on the tax rolls.

**LANDFILL FEES:** A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously for the landfill fees to be kept at the same rate and approved to be put on the tax rolls.

**MINUTES READ AND APPROVED:** The minutes of August 16 & 17 and August 23 & 24, 2004, were reviewed. A motion was made by Commissioner Pratt to approve the minutes of August 16 & 17 and August 23 & 24, 2004, as read and corrected. It was seconded by Commissioner Sherrer and carried unanimously.

**DECISION ON ADMINISTRATIVE SPLITS:** A motion was made by Commissioner Sherrer to uphold the 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, on the condition that the Planning & Zoning Commission come back by the end of the year with a draft alternative. She believes it is not equitable across the County. It was seconded by Commissioner Pratt and carried with aye votes from Commissioners Sherrer and Pratt and a nay vote from Commissioner Mansfield.

**RESOLUTION NO. 2004-12:** A motion was made by Commissioner Sherrer to adopt Resolution No. 2004-12 transferring the cash balance of the Jail Facilities Building Fund to the Jail Bond Redemption Fund and closing the Jail Facilities Building Fund. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:30 p.m. to reconvene at a Budget Hearing at 7:00 p.m.**

**FY2005 BUDGET HEARING:** A FY2005 Budget Hearing, being tape-recorded, was held. There were at least 18 people in attendance, including elected officials, department heads, and members of the general public. The Commissioners went through the FY2005 budget, department by department, answering all questions asked.

After reviewing the budget, a motion was made by

Commissioner Sherrer to approve the proposed FY2005 budget with one change, which was to reduce the line item, Capital-Vehicle, in the Ambulance Fund from \$10,000 to \$4,000. The motion was seconded by Commissioner Pratt and carried unanimously. The hearing was then closed.

The Board recessed at 8:00 p.m. to 8:00 a.m. on September 13, 2004.

**CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN August 1 through August 31, 2004:**

CURRENT EXPENSE FUND .....	\$ 135,356.65
ROAD & BRIDGE FUND .....	183,597.89
CIGARETTE TAX/BLOCK GRANT .....	6,216.13
DISTRICT COURT FUND .....	10,053.44
COUNTY FAIR FUND .....	2,237.02
COUNTY JUSTICE FUND .....	127,428.98
FAIR, GROUNDS & BUILDINGS FUND .....	8,473.05
III HEALTH DISTRICT FUND .....	5,922.17
INDIGENT .....	26,133.81
ENHANCED 911 .....	1,533.62
REVALUATION FUND .....	13,166.94
SOLID WASTE FUND .....	32,651.17
TORT .....	67.50
NOXIOUS WEED FUND .....	11,007.15
WATERWAYS .....	8,949.85
INSURANCE POOL .....	4,064.02
AMBULANCE FUND .....	<u>30,854.55</u>
TOTAL	\$ 607,713.94

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

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