



September 27 & 28, 2004, Emmett, Idaho

Pursuant to a recess taken on September 14, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 27<sup>th</sup> and 28<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:

September 27, 2004

Pledge of Allegiance was said.

UNIVERSITY OF IDAHO - EXTENSION OFFICE AGREEMENT: County Extension Agent Will Cook presented the County Extension Agreement and the County Extension Budget for the University of Idaho College of Agriculture Cooperative Extension System for FY 2005. A motion was made by Commissioner Pratt, seconded by Commission Sherrer and carried unanimously to approve the budget.

ELECTED OFFICIALS: Greg Himes, Assessor, reported they collected \$86,663.27 in auto license. They are busy with their re-appraisal cycle. There will be substantial value increases in a few areas that have not been appraised for five years. He will be going to a Pro Val conference next month in Portland. Roseanne Daily will be leaving as Project Director of the Title V grant for Starfish Promise Coalition. The new Project Director will now be Marilyn Knighton. There is almost \$190,000 in the Motor Vehicle building fund. There needs to be a plan as to how, when, and where the money needs to be spent.

Clint Short, Sheriff, reported prison board of \$3,702 due from Boise County and \$13,440 from the State of Idaho. There was \$2,010 received from workout fees \$1,033.03 from inmate phone charges. Currently there are 47 total inmates, which included 15 out-of-County. Discussion was had on collecting for prisoner reimbursement. They are having mechanical problems with one of the vans.

Marilyn Knighton, Treasurer, reported \$51,389.97 in property tax collections. All warrants of distraint are collected. They are starting the process to lien against 2001 taxes that have not paid. They are getting ready for the 2004 property tax drive. There may be legislation introduced to cause the State to be public administrators instead of the county treasurers. Last month's minutes of August 9, 2004, were discussed. Marilyn clarified that in the last Elected Officials' meeting on August 9, 2004, she did not say "she would like to see the Commissioners adopt resolutions when there is a transfer of cash from fund to fund," but that "Idaho Code requires a resolution when cash is transferred from fund to fund." Marilyn received her Certified

Financial Professional certification.

Susan Howard, Clerk, reported that Gem County is a test/pilot county for the new State voter registration system. It may go live for the General Election in November. Over 30 military absentee ballots were sent out two weeks ago. It will probably be a record absentee election. She reported that there was a Grand Jury called last week, which came up with an indictment that will possibly result in a murder trial. The Alliance One collections program should be in effect in the Courts in the next week.

Commissioners reported there are still positions open for a Building Inspector and a Planning and Zoning Administrator. The IAC Natural Litigation Fund committed to continue supporting the County on the Clean Water Act and mosquito abatement issue. They also reported that there was a stay put on the lawsuit against the County concerning violation of the Clean Water Act and mosquito abatement. The Sanders lawsuit was resolved. The Commissioners have proposed a leave request form that they have asked Department Heads to use for employees. It is available for elected officials to use. The personnel policy needs to be updated and the Commissioners would like input from other elected officials.

**MAYOR MARILYN LORENZEN - PLANNING & ZONING UPDATE:** City of Emmett Mayor Marilyn Lorenzen, members of the Emmett City County, City Attorney Ron Bjorkman, and Deputy Prosecutor David Hargraves met to discuss a City/County Building Inspector. Councilman Tony Villanueva stated that the Emmett City Council is favorable and he went over a list of possible concerns and the numbers on the salary and benefits. The City suggested a trial period of three months. If the trial period works, the City would like to enter into a year agreement.

The current Emmett City Building Inspector, Brian Sullivan, stated that he feels the plan would work well for him. He does his own scheduling for the City and he would work with the County Planning & Zoning staff with their scheduling.

Mr. Bjorkman stated that there may be conflicts between the City and County Planning & Zoning, which would require the offices to be kept separate.

Other logistics were discussed. Brian is one of three firemen for the City of Emmett. After discussion, there seemed to be coverage for him in that area.

A motion was made by Commissioner Sherrer to jointly work together to have a contract with the City of Emmett for a combined Building Inspector, with the legalities worked out between the legal advisors from both entities, having a three-month trial period. It was seconded by Commissioner Pratt and carried unanimously.

**ECONOMIC DEVELOPMENT UPDATE:** Morris Huffman, reported that last week was very busy, with interest shown in several areas in the County. He had several meetings, one with the proposed co-generation plant in Emmett. He attended training in Pocatello, which he reported on.

Earnest money on two more lots at the Industrial Park was

received. It is nearing the time to talk about phase two of the Industrial Park. Morris feels that it is time to seriously encourage broadband communications to be brought into the County. He doesn't think that it will happen unless the Commissioners get behind it. Maybe including the Black Canyon Partners in the plan would help.

**INDIGENT APPLICATIONS:** 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)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

04-053 Application needed a continuance of hearing signed.

04-056 Application needed a release of statutory lien signed.

04-068 Application needed a continuance of hearing signed.

04-083 Application for medical assistance needed an approval signed for additional medical.

04-084 Application needed a release of statutory lien signed.

04-046 Application needed a Catastrophic Fund assignment of 88.3% signed.

04-086 Application for medical expenses.

04-087 Application for medical expenses.

04-090 Application for medical expenses.

04-095 Application needed a statutory lien signed.

04-096 Application needed a statutory lien signed.

04-097 Application needed a statutory lien signed.

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 Pratt to sign a continuance of hearing for 04-053, sign a release of statutory lien for 04-056, to sign a continuance of hearing for 04-068, to sign the approval for additional medical for 04-083, to sign a release of statutory lien for 04-084, to sign a Catastrophic Fund assignment of 88.3% for 04-046, to deny 04-086 because of non-indigency and lack of cooperation, to deny 04-087 because of lack of cooperation and inability to determine residency, to deny 04-090 because of non-indigency and available resources, and to sign statutory liens and UCC liens for 04-095, 04-096, and 04-097. It was seconded by Commissioner Sherrer and carried unanimously.

**HOLLADAY ENGINEERING - 404 PERMIT:** A motion was made by Commissioner Pratt to sign the 404 permit application with the Army Corp of Engineers for the Butte Road Bridge. It was seconded by Commissioner Sherrer and carried unanimously.

**COMPUTER ARTS CONTRACT:** A motion was made by Commissioner Pratt to approve the agreement with Computer Arts for the FY2005 Software Service and for Personal Computer & Network Agreement of 51 hours. It was seconded by Commissioner Sherrer and carried unanimously.

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

**ROAD TOUR - BUTTE ROAD:** The Commissioners went on a road tour of

Butte Road, Shalerock Road, and South Slope Road.

**PLANNING & ZONING OPENING**: During closed session, an interview was held for a possible candidate for a Planning and Zoning Administrator.

**PROSECUTING ATTORNEY MATTERS**: Prosecuting Attorney Richard Linville and Deputy Prosecutor Tim Fleming met concerning the hiring of a public defender for a murder case. A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer and carried unanimously to go into executive session under Idaho Code 67-2345(f) concerning probable litigation. No decisions were made.

**JAIL INSPECTION**: The Commissioners did a quarterly jail inspection. There were no problems noted.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on September 28, 2004.**

**OPEN FORUM**: An open forum was held at the fire station in Letha on September 27, 2004, at 7:00 p.m. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, and 7 members of the public. Topics of discussion were the old Letha School, Letha Sewer District, drainage ditches, law enforcement in the Letha area, the Comprehensive Plan and committees, County Building Official position, administrative splits, development of the foothills, Shadow Butte Industrial Park, feed lot on the end of Petersburg, and the changing of the Letha and Hanna election polling place to the Letha LDS church.

**September 28, 2004**

**Pledge of Allegiance was said.**

**Commissioner Sharon Pratt left to attend a Southwest District Health meeting and returned at 1:00 p.m.**

**INDIGENT HEARING**: During executive session, an appeal hearing was held for Indigent Case #04-057. Those present in the hearing were Commissioners Mansfield and Sherrer, Clerk Howard, Deputy Clerk Sue Spencer, Deputy Civil Attorney David Hargraves, and Anne Bates from West Valley Medical Center.

After coming out of executive session, a motion was made by Commissioner Sherrer to continue the hearing, which was requested by West Valley Medical Center, to make sure that Medicaid pays. It was seconded by Commissioner Mansfield and carried unanimously.

**SNAKE RIVER ALLIANCE - DOWNWINDER COMPENSATION**: Jeremy Maxand, the executive director of Snake River Alliance, a non-profit organization that works through research, education, and community advocacy for peace and justice, the end to nuclear weapons production activities, and responsible solutions to nuclear waste and contamination. They are concerned about the

"downwinder" situation and the nuclear fallout that affected Gem County. But, their biggest issue is keeping nuclear weapons from being made and tested in the country. They are urging the Senate Appropriations Committee of the U. S. Congress, to cut the fiscal year 2005 budget for dangerous and proliferation-provocative nuclear weapons programs and fully fund environmental cleanup. Mr. Maxand went over their request in detail.

Mr. Maxand asked if the Commissioners would be responsive to making a resolution against nuclear weapons testing. He stated that his intent was not to convince the Commission to do so, but to get a feel as to how they feel about it.

The Commissioners stated that they are not now in a position to make a decision on a resolution. They are concentrating on the current situation of the "downwinders" in Gem County and a meeting on November 6, 2004. After the compensation issue gets resolved, there could be a possibility of considering the resolution on nuclear testing. The Snake River Alliance will keep in touch with the Commission and not take any steps in having a public meeting until the Commissioners deem it appropriate.

**PUBLIC WALK-IN AND INPUT:** Roberta Ushman asked about the new central voter registration program. It was explained to her that it was fulfilling a requirement for HAVA. She also asked if contracting with Brian Sullivan as Building Official was a conflict of interest for Commissioner Sharon Pratt because she is his aunt. She was told that Brian is an employee of the City of Emmett and will only contract with the County for the position of Building Official, thus there is no conflict.

Larry Droppers presented an update on the Walter Knox Memorial Hospital remodel. They are about 75% completed.

Jerry Radant met to ask if a decision had been made on his rezone request. He was told that the decision had not been made yet.

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

**Commissioner Sharon Pratt came back into the meeting.**

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor David Hargraves met concerning legal matters. He was asked to determine if Commissioner Pratt's service on a steering committee for the Comprehensive Plan is a conflict.

The Recreation District is okay with the MOU presented by the County for Gem Island Sports Complex. Now the Commissioners need to review it again before it is signed.

The proposed Qwest and the proposed Intermountain Hospital contracts were discussed. They are being worked on.

Dave reported on a conference he attended concerning planning and zoning. Code enforcement and planned communities were two topics he thought were very good.

**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)(d) concerning

indigent cases 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.

**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 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.

**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 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.

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Leslie Toombs from Sage Community Resources, Shawn Charters, Kathy Skippen, and Cheryl Conrad from Shadow Butte Development Corporation met with the Commissioners to update them on Shadow Butte Industrial Park. The action items were gone over. The Corps of Engineers' determination and also the engineering final design for water and sewer to IDEQ and EDA for approval have not yet been received. The engineering final design for highway improvements has been received. Time is getting short for beginning construction this fall. The releases of title for the easements need to be done.

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

**PROPERTY TAX LEVIES RE-APPROVED:** After re-configuring the property tax levies from the corrected utility property valuations sent by the Idaho State Tax Commission, a motion was made by Commissioner Sherrer to approve the re-configured property tax levies for the Gem County Taxing Districts. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on October 4, 2004.**

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

Commissioner Minutes 09-27,28-04

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