



October 4 & 5, 2004, Emmett, Idaho

Pursuant to a recess taken on September 28, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 4th & 5th day of October, 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:

October 4, 2004

Pledge of Allegiance was said.

PRECINCTS SET: Pursuant to Idaho Code 67-202, a motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously to set the Gem County Polling precincts as follows:

<u>PRECINCT</u>	<u>POLLING PLACE</u>
01 Central	Catholic Hall
02 North Emmett	American Legion Hall
03 Butteview	Emmett City Library
04 South Emmett	Lutheran Church
05 West Emmett	4-H Building/County Fairgrounds
06 Emerson	4-H Building/County Fairgrounds
07 Lincoln	Armory
08 Letha	Letha LDS Church
09 Hanna	Letha LDS Church
10 Brick	Nazarene Church
11 Bench	Nazarene Church
12 Sweet/Montour	Syringa Hall
13 Ola	Ola Community Hall
14 Absentee	Gem County Courthouse

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

MONTHLY DEPARTMENT REPORTS: Chuck Shambaugh, Maintenance Supervisor, reported he sent an MSDS memo to employees giving them information and letting them know where the OSHA MSDS book is kept.

Jake Wyant, Noxious Weed Supervisor, reported they are working in Montour on the fall campaign for Canadian Thistle. He

had a meeting with Upper Payette CWMA. The second quarter CWMA report is done. He had questions on the herbicide being used on the grass on the Gem Island Sports Complex.

Martin Joyce, Landfill Supervisor, reported that he hired a new employee. They turned in their cardboard and will turn in their metal. It has slowed down a little because of the people having to separate their trash. They had 14 out-of-County people, with a total of 2,581. There were 773 tons of trash brought to the landfill. They are working with the Ambulance Department to plan the Christmas party with a December 10 as a tentative date.

Janelle Schnieder, Juvenile Probation Officer, reported there were six new juvenile petitions with nine juvenile arraignments. There were five juvenile final dispositions. There were currently three juveniles in detention. Janelle went over the training and meetings they have gone to.

Dennis Pulley, Road & Bridge Supervisor, reported they are now back to 8-hour shifts. They are still working on the widening of South Slope Road, and he hasn't heard back from the Prosecutor's Office concerning a brick wall on property in line with the widening. When he is fully staffed with employees back from vacation, he will start maintenance work on brush and a culvert on Butte Road.

Mark Rekow, Ambulance Director, reported they received \$16,432.25 in collections. They had 53 transports, with 21 non-transports. That made 499 transports year-to-date, which was down from last year. They completed a diving class and are making plans for an advanced diving class. They have an auto extrication class this week.

Morris Huffman, Economic Development Specialist, reported there were not many changes in economic development the past week. The Commissioners let Morris know that there is a wetlands situation on the land for Shadow Butte Industrial Park.

Will Cook, County Extension Agent, reported they had over 140 in attendance at the 4-H Recognition night. Discussion was had about Starfish and whether 4-H should get involved in their program. There is not a clear understanding about the Starfish program. Will plans to find out more about it. There will be a meeting tonight on a problem for the Orchard Review Board.

BAILEY & CO. TO BE OUTSIDE AUDITOR: A motion was made by Commissioner Sherrer to approve the contract with Bailey and Co. to do the County's outside audit for FY2004, in the amount of \$14,700. It was seconded by Commissioner Pratt and carried unanimously.

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:

04-057 Application needed a continuance of appeal hearing signed.

04-068 Application needed a postponement of an appeal hearing.

04-082 Application needed a release of statutory lien.

04-086 Application needed a notice of appeal hearing signed.

04-089 Application for medical assistance.

Commissioner Minutes 10-04,05-04

04-091 Application for medical assistance.
04-092 Application for medical assistance.
04-093 Application for medical assistance.
04-097 Application for medical assistance that needs a statutory lien signed.
04-098 Application needed a statutory lien signed.
04-099 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 Sherrer to sign a continuance of appeal hearing for 04-057, to sign a postponement of appeal hearing signed for 04-068, to sign a release of statutory lien for 04-082, to sign a notice of appeal hearing for 04-086, to approve 04-089, to deny 04-091 and 04-092 because of lack of cooperation, inability to determine residency, and an incomplete application, to approve 04-093, to approve and sign statutory lien and UCC lien for 04-097, to sign statutory liens and UCC liens for 04-098 and 04-099. 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.

TOM HOPPELL - GEM ISLAND SPORTS COMPLEX BRIDGE: Tom Hoppell presented a proposed option for putting in a floating pedestrian dock bridge to the south side of Gem Island Sports Complex. It could be made part of a permanent walking bridge when one is put in. He explained the design. He stated that he has found the needed funds to do the project. There would be an Eagle Scout project involved in part of the construction. It could be unhooked in the middle and put on the bank during high water or debris issues. No Water Resources or Corps of Engineers permits are needed if no part of the floating bridge is anchored to the bottom of the river.

A decision was made to allow Tom to go forward with the plan to put in the bridge.

INDIGENT APPEAL HEARING: During executive session and tape-recorded, a continuance of an appeal hearing was held for Indigent Case #04-053. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, Deputy Sue Spencer, Deputy Prosecuting Attorney David Hargraves, Jeff Morrell from Intermountain Hospital, and the indigent's spouse.

After coming out of executive session, a motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Pratt and carried unanimously.

COMPREHENSIVE PLAN UPDATE: Lan Smith and Rick Weekly met to update the Commissioners on the revising of the Joint Comprehensive Plan. All of the Committees have been organized and are meeting on a regular basis. The Steering Committee is working well. A picnic was held for all of the committee members. There was a Committee chairmen meeting to bring everyone together. There will be a roster with member information that

will be sent out.

There is always room for more members on all of the committees. The process will continue to be ongoing--at the least, it will continue as a review process. The High School government teacher, Bob Hyde, will find at least one high school student to serve on a committee. Any high school student will be welcome. They are also looking for community feedback.

The committees work on a zero budget, with everything being voluntary. There are 11 chapters in the Table of Contents. There are 7 chapters assigned to committees and the Steering Committee kept 4 of them (Table of Contents, Mission Statement, etc.) The Steering Committee will come up with the review process. There will be a pre-review process that would take place before any changes in the Plan. The review process of the approved plan would be a continual process.

As the committees meet and review the current plan, several topics keep coming up--duplication of services, accountability and implementation (what if we do all of this and nothing happens) and funding. These are topics that can be resolved.

INDIGENT CASE #04-053 DECISION MADE: A motion was made by Commissioner Pratt to approve the medical expense for Indigent Case #04-053 for April 12, 13, and 14, 2004, based on the additional information presented in the appeal hearings. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT APPEAL HEARING: During executive session, an appeal hearing was held for Indigent Case #04-072. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, Deputy Clerk Sue Spencer, Deputy Prosecuting Attorney David Hargraves, Anne Bates from West Valley Medical Center, and the indigent, who had an interpreter.

After coming out of executive session, a motion was made by Commissioner Sherrer to take the matter under advisement until the new information is reviewed. It was seconded by Commissioner Pratt and carried unanimously.

DEWEY ROAD EXTENSION: Representative Kathy Skippen, Senator Brad Little, Canyon County Commissioner Matt Beebe, Byron Keely from LHTAC, Shawn Charters from Sage Community Resources, Economic Development Specialist Morris Huffman, Tom Blessenger from Black Canyon Partners, Tracy Walton from Gem County Farm Bureau, Payette County Commissioner Mark Shigeta, and Elwin Butler from Holladay Engineering met to discuss the proposed Dewey Road extension to I-84.

Byron Keely talked about the funding sources. He stated that there are two sources. One is the Local Rural Highway Investment Program, which comes from the State. It is available for either traffic signs, etc up to \$30,000, \$50,000 or a transportation study, and up to \$100,000 for construction. The earliest funding would be October, 2005. There is Federal aid money available. The Federal aid money, with applications available in November, 2004, will have funds available possibly in October, 2006. He explained what kind of a study could be done with \$50,000. Bureau of Land Management may require a more

extensive study that would require Federal funds instead of the Investment Program. It is good that there are many entities who are in favor of the project because that could help in getting the Federal funding.

Commissioner Mark Shigeta stated that it would be a "sale" to his citizens, but he would be willing to promote it.

It was suggested that maybe building permits could be postponed on the proposed route where private land was involved. This could happen through the Planning & Zoning process. LHTAC may require that to happen if the funding goes through.

Protecting corridors is a huge issue in Canyon County. Commissioner Matt Beebe stated that would be the interest they would have in the project. It would affect their entire valley corridor. It may supply some relief on Highway 16. This project would fit very well in the Communities in Motion Program, which is a study developed to determine where people live, work, and play.

The next step would be to work with BLM and then pull together at least an area planning group, if not a regional planning group. A timetable needs to be made. A meeting will be set up with BLM and other groups.

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

October 5, 2004

Pledge of Allegiance was said.

BLACK CANYON PARTNERS - FIRE DISTRICT #2 DE-ANNEXATION PETITION: Black Canyon Partners presented a petition to withdraw from Fire District No. 2, which would be about 3,000 acres. They received a letter from Prosecuting Attorney Richard Linville stating that Fire District #2 funding did not allow them to give Black Canyon Partnership property sufficient protection coverage. Because of that, the Partnership went to Fire District No. 1 and will be asking for annexation into their District.

INDIGENT APPEAL HEARING: During executive session and being tape-recorded, an appeal hearing was held for Indigent Cases #04-062 and #04-069. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, Deputy Clerk Sue Spencer, Deputy Prosecutor David Hargraves, and (by telephone) Anne Bates at West Valley Medical Center.

After coming out of executive session, a motion was made by Commissioner Sherrer to uphold the previous denial because no additional information was given. It was seconded by Commissioner Pratt and carried unanimously.

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 Sherrer, seconded

by Commissioner Pratt, and carried unanimously to come out of executive session.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters.

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

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

319 STORMWATER GRANT: Kathy Skippen met with the Commissioners concerning the 319 Stormwater grant. EcoVista submitted the only bid for the contract. The Committee voted to accept the bid. The Commissioners approved the bid. DEQ needs some items added to the contract. Payment needs to be made as each phase or benchmark of the project is finished. We are already behind the time schedule, but not drastically. The time frame could be extended past the December 2005 deadline, with an extension request. A sample contract was sent by DEQ. EcoVista will not be required to provide a best practice manual because there is already one available which was put together by DEQ. In place of that, EcoVista could make a detailed map showing soil composition, etc. There will be a meeting with DEQ and others.

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PAYROLL CLAIMS REPORT: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to approve the September, 2004, payroll claims report.

MINUTES READ AND APPROVED: The minutes of September 7, 13 & 14, and 27 & 28, 2004, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of September 7, 13 & 14, and 27 & 28, 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 October 12, 2004.

Approved: _____
Chairman

Attest: _____

Clerk