



October 25 & 26, 2004, Emmett, Idaho

Pursuant to a recess taken on October 19, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 25th & 26th day of October, 2004, at 8:00 a.m.

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| Present: | Ed Mansfield | Chairman |
| | Sharon Pratt | Commissioner |
| | Michele Sherrer | Commissioner |
| | Susan Howard | Clerk |

Whereupon the following proceedings were had, to-wit:

October 25, 2004

Pledge of Allegiance was said.

RON KAY APPOINTED TO FAIR BOARD: A motion was made by Commissioner Sherrer to appoint Ron Kay to the Fair Board to a term ending January 1, 2008. It was seconded by Commissioner Pratt and carried unanimously.

PLANNING & ZONING UPDATE: Debra Smith, Planning and Zoning Administrator, met with the Commissioners to update them on Planning and Zoning issues. Several matters were discussed. They are working on the Black Canyon Partners project. They will be doing several workshops on it because this is the first time they have had a Planned Community Based District.

They are posting a job opening internally before they post it to the public.

ECONOMIC DEVELOPMENT UPDATE: Morris Huffman, Economic Development Specialist, reported that two more lots in Shadow Butte Industrial Park were sold last week. He spent a lot of last week in Idaho City. He has visited with several businesses in the County to see if they have expansion plans.

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:

04-096 Application for medical expenses.

05-002 Application for medical expenses 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 approve 04-096 and to sign a statutory lien and UCC lien for 05-002. 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.

DEPARTMENT OF AGRICULTURE - BLACK FLY ISSUE: Ben Simko from the Department of Agriculture met to discuss the black fly issue. He would like feedback from the Commissioners as to the impact of the black flies on Gem County and what the Commissioners would like to see happen in the future. He was told that it was not a big issue in Gem County. There were reports only from the southwestern edge of the County, but they seemed not to be a big problem. Discussion was had on where the mosquito issue stands in Gem County concerning the Clean Water Act lawsuit. General discussion was had on the black fly problem.

RON SHURTLIFF - LETHA DRAINAGE PROBLEM: Ron Shurtliff, Water Master of the Payette River Basin, Dennis Pulley and Kim Reed from the Gem County Road and Bridge, and Gem County Deputy Prosecutor David Hargraves met to discuss a drainage problem in Letha. The Idaho Department of Water Resources asked Mr. Shurtliff to help with the complaint from the Kaufmans from Letha, concerning the drain ditch that floods into their yard. Mr. Shurtliff stated that there may have been a natural drainage that has been changed and is now not working well. Another Letha resident, Kaisers, called with complaints in September and Mr. Shurtliff checked it out. After looking into the problem, he decided that if the drain ditches were cleaned well, the drainage system would work. He told the residents that they need to get together and get the ditches cleaned. Mr. Shurtliff wanted to check with the County to make sure there was not responsibility on the County's part or that they would not be trespassing or cause problems with the County road right-of-way. He was told there are easements within County road rights-of-way to allow property owners to clean the ditches.

Deputy PA Hargraves is working at determining the steps the landowners need to take and what part the County should play in the situation. Mr. Shurtliff suggested that it may help if the County could provide a truck and a place for the spoils to be hauled to. Someone from the Natural Resources Conservation Service (NRCS) may be able to give some advice.

Mr. Shurtliff will try to get the property owners to join together to solve the problem and determine where there may be funding to help.

MARVIN ROWLEY REZONE DECISION: A motion was made by Commissioner Pratt to accept the recommendation of the Planning & Zoning Commission to deny the rezone request of Marvin Rowley, and adopt the findings of facts of the Planning & Zoning Commission as their own. It was seconded by Commissioner Sherrer and carried unanimously.

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

OPEN FORUM: An open forum was held at 7:00 p.m. at the Syringa Hall in Sweet. Those in attendance were two members of the public, Commissioners Mansfield, Pratt, and Sherrer, and Clerk Howard. Topics of discussion were the Joint Comprehensive Plan,

the elections, and other general visiting.

October 26, 2004

Pledge of Allegiance was said.

INDIGENT HEARING: An indigent appeal hearing was tape recorded and held in executive session for indigent case No. 04-057. Those present in the hearing were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, and Deputy Clerk Sue Spencer. After coming out of executive session, a motion was made by Commissioner Sherrer to uphold the previous decision of denial because of the county not being the last resort because Medicaid was approved and no new evidence was presented.

CLAIMS: The FY2005 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.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Pratt to pay the FY2004 claims as presented and noted in the Claims Report Form, with the exception to hold the Sheriff's claims. It was seconded by Commissioner Sherrer and carried unanimously.

SHADOW BUTTE INDUSTRIAL PARK EDA OVERVIEW: Idaho EDA representative Rick Tremblay, Attorney Karen Borell from the EDA office in Seattle, Kathy Skippen, Cheryl Conrad, and Pam Garrison from Shadow Butte Development Corporation, John Blom from Holladay Engineering, and Leslie Toombs and Shawn Charters from Sage Community Resources met with the Commissioners to give an update on Shadow Butte Industrial Park. There are only three lots left on Phase I to sell and a 22-acre lot on Phase II has been sold. Several of the businesses were discussed. A tour was taken of the Park.

PROSECUTING ATTORNEY MATTERS: Prosecutor Richard Linville and Deputy Prosecutor David Hargraves met to discuss legal matters. The drainage situation in Letha was discussed.

The Prosecutor's Office was asked to research several matters.

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 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.

Commissioner Pratt was not in attendance the rest of the meeting.

BLACK CANYON PARTNERS - FIRE DISTRICT DE-ANNEXATION: The hearing was tape recorded. A public meeting was held for the hearing of a petition for withdrawal from Fire District No. 2, approximately 3,232 acres owned by Black Canyon Partners, located on Shaleroak Road, Gem County, Idaho, on the grounds that Fire District No. 2, as presently funded, equipped and staffed, cannot serve the property and therefore will not be benefited by remaining with such District.

Susan Wildwood, attorney on behalf of Black Canyon Partners, stated that by way of I.C. 31-1427, Fire District No. 2 cannot provide fire protection for the property owned by Black Canyon Partners. She stated this is supported by the results of a conditional use permit public hearing where Fire District No. 2 indicated that their response time to the property would be approximately 11 minutes, and later, members of the Fire District No. 2 indicated that the response time would be longer than that. A letter was then written by PA Linville stating that using current resources, response time would be from 20 to 30 minutes. The District would also require the Partners to build a \$580,000 building. Attorney Wildwood stated that Fire District No. 1 said their response time would be approximately 12 to 18 minutes and they would partnership in the building of a satellite fire station on property provided by Black Canyon. Black Canyon Partners would like to be de-annexed from Fire District No. 2 and asked for annexation into Fire District No. 1.

Attorney Wildwood presented an analysis of the tax base once the project is finished. PA Linville, through a letter, indicated that the reserve until then would not be enough to build up Fire District No. 2 enough to provide the necessary fire protection.

Jim Buffington, Fire Chief of Fire District No. 2, stated that when he made the comment that they could respond in 11 minutes, it had not been researched. The \$580,000 cost of a building would be a building that also includes EMS and police services. He feels there are corrections that should be made in PA Linville's letter.

Dennis Robbins, Asst. Fire Chief for Fire District No. 2, stated their response time they stated is from when the call is received to the time they arrive at the fire. He stated that Fire District No. 1 had broken down their time in a different way. Fire District No. 2 has mutual aid agreements with other fire districts that would allow them to handle any fire in the Black Canyon Partners development.

Colby Buffington, Captain and Fire Marshall of Fire District No. 2, provided a report that he stated proves they are the best fire protection available for the Black Canyon Partnership development. He went through the report, most of which was taken out of the Gem County WUI Wildfire Mitigation Plan, to make his points. He stated they have more firefighters, more fire apparatus, the closest fire station, faster response time, the development is already in their district, fire apparatus that is already earmarked for the development, and they are confident that they can provide adequate fire protection.

Dennis Robbins stated that the firehouse and other things were involved in on-going negotiations.

Jim Buffington stated their main station in Sweet is the closest station to the development, with their Montour station being 2 miles closer. Their 1986 fire apparatus has only 35,000 miles on it. If developments are allowed to come in and change the district boundaries, it causes problems with plans and growth of the Fire District.

Bob Bowen, Sweet resident, stated the purpose of fire districts is to fight fires collectively. The project will help upgrade Fire District 2, which will help the County as a whole. Some time ago, as the development was talked about, the Fire District started meeting and planning on how they would handle the fire protection, knowing it was in their district. They have had good training and are as well trained, if not more specialized, than any fire district in the County. He feels these men are capable of fighting any fire that may occur in their district. He feels that pulling the tax base from Fire District 2 will inhibit them from being able to do their job. He thinks the de-annexation would create very bad feelings.

Teresa Heikes, Sweet resident, asked about the proposal from Fire District 1 on the fire station. She feels that any proposal could be worked out with Fire District 2.

Attorney Susan Wildwood reminded the Commissioners that Idaho Code stated "whether or not the property will be benefited by the change," not whether or not the District will be benefited. She stated that Fire District No. 2 was asked to give a "bare-bones" estimate for just a fire station. She also stated that most of the Fire District 2 fire equipment is a lot older than the equipment of Fire District 1 and they are the type of fire equipment used to handle wildfire incidences—not urban fires. She disputed several other statements. The tax revenues are a "cash cow" and would generate a large increase to the amount for the Fire Districts. They need to look at who can serve them and provide fire service to them today.

A motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Mansfield and carried unanimously. The hearing was closed.

The Board recessed at 5:00 p.m. to 8:00 a.m. on November 1, 2004.

Approved: _____
Chairman

Attest: _____
Clerk