



November 8 & 9, 2004, Emmett, Idaho

Pursuant to a recess taken on November 1, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 8th & 9th day of November, 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:

November 8, 2004

Commissioner Mansfield was not in the meeting on November 8, 2004.

Pledge of Allegiance was said.

ELECTED OFFICIALS: Greg Himes, Assessor, reported there is an Idaho State Tax Board appeal on December 2, 2004, and they will be using the Commissioners' Office. The new server will be installed this month. Greg's Assessors Conference in Portland was very good.

Marilyn Knighton, Treasurer, reported there was \$115,175.80 in tax collections for October. There were some homeowners' exemptions that have dropped off and need to be cancelled on the taxes. She went over the Qwest and the Idaho Power situation with the Court order lowering their valuation. The County will be paying the refund by writing warrants to Gem County from each Taxing District's account and applying it to Idaho Power and Qwest tax bills. The entire Idaho Power refund is \$1,088.82 with the County portion about \$450. The Qwest refund, without interest, is \$38,170.99, with about \$15,000 of that amount due from the County. The County will levy on the 2005 property taxes to make up the difference. Marilyn sold a public administrator's property. She has two new public administrator cases.

Susan Howard, Clerk, discussed the successful election. It went smoothly, for the most part.

Commissioners discussed employee dental insurance—whether the County should go with Delta Dental or Gem Plan.

PLANNING & ZONING ADMINISTRATOR REPORT: Debra Smith, Planning & Zoning Administrator, reported that they are busy. They will have a workshop for Black Canyon Partnership tonight. She went over several applications they have received. The fees for Black Canyon Partnership are still being worked on by the Prosecutor's Office. Debra has been going to and will be going to a lot of meetings last month and this month.

ECONOMIC DEVELOPMENT UPDATE: Morris Huffman, Economic Development

Specialist, met with the Commissioners. He presented the October activity report he will be turning in to EDGE. Several business opportunities were discussed.

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:

04-046 Application for additional medical expenses.

04-088 Application for additional medical expenses.

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 Sherrer to approve 04-046 and to approve 04-088. 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.

CANVASS OF NOVEMBER 2, 2004, GENERAL ELECTION: After going into Board of Canvassers through motion by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, the Commissioners reviewed the statistics of the November 2, 2004, General election. A motion was made by Commissioner Sherrer to certify the Abstract of Votes for the November 2, 2004, General election and to reconvene as Board of County Commissioners. It was seconded by Commissioner Pratt and carried unanimously.

QUARTERLY REPORT: A motion was made by Commissioner Pratt to approve the FY2004 fourth quarter Treasurer/Auditor Joint Quarterly Report. 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 November 9, 2004.

CITY/COUNTY MEETING: A meeting was held at the City Hall with Elected Officials and others of the County and the City of Emmett at 7:00 pm on Monday, November 8, 2004. Those in attendance were Commissioners Pratt and Sherrer, Clerk Howard, Assessor Greg Himes, Treasurer Marilyn Knighton, Mayor Marilyn Lorenzen, Councilpersons Tony Villanueva, Dennis White, John Rogers, Connie Goins, Kathy Agenbroad, and Tito Gonzalez, and City Clerk Marge Lawrence. Topics of discussion were compression brakes, City/County contract for building inspector, fill dirt for Island bridge, Insurance, Life Flight, Qwest and Idaho Power reduction in value, communication and coordination of projects, City property taxes, and broadband service. The next meeting was scheduled for January 10, 2005, at 6:00 p.m. at the City Hall.

November 9, 2004

Pledge of Allegiance was said.

PUBLIC WALK-IN AND INPUT: Roberta Robertson met with the

Commissioners concerning barking dogs in her neighborhood on Lower Bluff Road. Commissioner Sherrer has asked the Sheriff's Department to check into the County Nuisance Ordinance to see if it pertains. Ms. Robertson was advised to make complaints to the Sheriff's Office to have a history of the situation.

Todd Taylor met to see if a decision had been made concerning a strip of land the County owns that goes through his property in Montour. He has asked that the County quitclaim the property over to him. The property seems to be a road easement. He will submit a proposal with a type of storage area he would provide for the County on the property. He will speak to the Road & Bridge Supervisor concerning a storage area. Todd was told that the County probably has to go through an excess property auction to dispose of County property. There could maybe be an exchange agreement.

LOIS VAN HOOVER - RS 2477: Lois VanHoover met with the Commissioners to update her proposal to put together an RS2477 Map and Assertion for historic rights-of-way. She would like to work with a committee comprised of individuals who might have expertise in the back roads of the County. The maps have to be done by July, 2005. The Commissioners will help with names for the committee.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves presented the Qwest contract in which he made several changes.

Deputy PA Hargraves presented the Planning and Zoning fees to be charged Black Canyon Partners development.

The draft of the Storm Water plan was presented to the Commissioners.

Other legal matters were discussed.

QWEST CONTRACT: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to sign the Qwest contract for telephone services, as changed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW - STIPP REZONE: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to approve the Findings of Fact and Conclusions of Law for the approval of the Barbara Stipp rezone.

ORDINANCE 2004-06 - STIPP REZONE: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to adopt Ordinance 2004-06, rezoning the Barbara Stipp property.

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)(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.

CATERING PERMIT: Through a motion by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously, an Idaho Liquor Catering Permit was approved for Tik's Tavern to cater for Black Canyon Bow Hunters. It was also approved by Sheriff Clint Short.

MISDEMEANOR PROBATION QUARTER REPORT: Wade Dishion met to give the Commissioners a third quarter report for misdemeanor probation. There were 42 cases assigned. They closed out 32 cases, 24 successful. There were 24 in treatment programs, with 20 completed. Fine payments were \$16,144.37 ordered to be paid and \$11,806.68 collected. There were 14 required to do SILD work. They did 23 drug tests with 4 testing positive. County probation violations were at 11. As of Sept 30 there have been 62 absconded cases out of a total of 773 assigned.

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.

PUBLIC DEFENDER MATTERS: Public Defender Nancy Callahan met, at the Commissioners' request, to answer to a claim she presented to be paid. The claim had dates from FY2003, FY2004, and FY2005. The claim also had a wrong case number on it. Nancy stated that her secretary didn't realize during the last two years that she should be billing the County for the amount. She stated the case number was a typing error. Later, Nancy stated that she decided to bill the County the amount she did, extra from her contract, because of not being compensated enough for her public defender work in the County. There were different interpretations between Nancy and Prosecutor Richard Linville of Nancy's contract concerning the opt-out for post conviction cases. Prosecutor Linville stated he would change the contract to be more clear and send it to Nancy for review. As agreed by Nancy, the claim presented will not be paid.

RESOLUTION No. 2004-16 - P & Z FEES: A motion was made by Commissioner Sherrer to adopt Resolution No. 2004-16 clarifying the Planning & Zoning fees that were approved on September 22, 2003. It was seconded by Commissioner Pratt and carried unanimously.

SHADOW BUTTE INDUSTRIAL PARK UPDATE: Members of Shadow Butte Industrial Park, Sage Community Resources, Holladay Engineering, Economic Development Specialist Morris Huffman, Dennis Mengel from CH2MHill and Gem County Planning & Zoning Administrator Debra Smith met with the Commissioners for an update on Shadow Butte Industrial Park. The bulk of the meeting was to discuss the draft of the Wetland Delineation Report. The main issue will be the irrigation and the canal. It really is not a wetland habitat

issue, but a water quality issue. The unknown is what the Corps of Engineers is going to require concerning the drain ditch that goes through the property. With a change of one line on the proposed map, the Commissioners gave approval for it to be submitted.

The final engineering design has been submitted and they are just waiting on DEQ. The right-of-way is still pending. January, 2005, is the target date for advertisement of bids.

The final plat is still going through the process because of some changes in the legal description of the lots. The County attorneys are looking at a possible process to abandon the drainage right-of-way on the 14-acre parcel.

Construction is still scheduled to begin on March 8, 2005, with a completion date of June, 2005. There are 16 businesses scheduled for 17 lots.

All of the earnest money agreements need to be signed by the Commissioners. There needs to be three estimates for a new sign for the Industrial Park if it is paid for by the grant. It should be around \$250. The estimates are not needed if the County pays for the sign. It was decided that the County would pay for the sign in the necessity of time.

The Board recessed at 5:00 p.m. to 8:00 a.m. on November 15, 2004.

Approved: _____
Chairman

Attest: _____
Clerk