



January 10 & 11, 2005, Emmett, Idaho

Pursuant to a recess taken on January 4, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 10<sup>th</sup> & 11<sup>th</sup> day of January, 2005, at 8:00 a.m.

|          |                 |              |
|----------|-----------------|--------------|
| Present: | Sharon Pratt    | Chairman     |
|          | Michele Sherrer | Commissioner |
|          | Lan Smith       | Commissioner |
|          | Susan Howard    | Clerk        |

Whereupon the following proceedings were had, to-wit:

January 10, 2005

**Pledge of Allegiance was said.**

**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 Pratt, Sherrer, and Smith. 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.

**NEWLY ELECTED OFFICIAL OATHS:** Newly elected officials District III Commissioner Michele Sherrer, District II Commissioner Lan Smith, Sheriff Clint "Shorty" Short, and Prosecuting Attorney Timothy Fleming were given the Official Oath of Office by Clerk Susan Howard.

**CHAIRMAN ELECTED:** A motion was made by Commissioner Smith to appoint Commissioner Sharon Pratt as Chairman of the Gem County Commission. It was seconded by Commissioner Sherrer and carried unanimously.

**EXECUTIVE SESSION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, 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 Pratt, Sherrer, and Smith. 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.

**ELECTED OFFICIALS:** Marilyn Knighton, Treasurer, reported they received \$3,275,433.46 in property tax collections during the month of December. They will be sending out 188 new tax bills this week from the sub-roll. Personal property notices have been sent out for those who have not paid. There are 33 properties

with 2001 property taxes not paid. Of those 33, two are in bankruptcy, three are public administrator cases, and one is a tax-deeded property. The tax deed hearing will be scheduled in April. Marilyn has one new public administrator case. She has a legislative meeting in Boise on Wednesday.

Susan Howard, Clerk, reported they went "live" with the new HAVA required state-wide voter registration system. Gem County is the first to do so and the Clerk's Office is busy working out the bugs so it will be clean when it goes to other counties. There will be an election on February 1, 2005 for the proposed Emmett Valley Library District. It will need to be canvassed by the Commissioners.

Greg Himes, Assessor, reported there was \$148,792 collected in the auto license office for December. Part of his office went to training last week. He reported on information concerning some new software out there for the appraisal/property tax system. The Assessor's Office is now operating with two separate systems. The battery back-up system went down for the internet server and a new one needs to be purchased. When a special use permit is given for a private residence, the permit information goes directly from the Planning and Zoning Office to the Assessor's Office. If it is a change of category that would raise the value, it is added as new value to the County total. They have sent out letters to those property owners who may be eligible for a circuit breaker exemption.

The Commissioners reported that they would be going back to the original schedule for Department Heads and Elected Officials meetings.

**PLANNING & ZONING UPDATE:** Debra Smith, Planning and Zoning Administrator, met to update the Commissioners on matters in her office. She presented an updated Comp Plan map and three binders with information on the Black Canyon Partners, LLC, project. There is a meeting tonight concerning a variance for Shadow Butte Industrial Park.

**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:

05-005 Application needed a notice of hearing signed.

05-007 Application for medical expenses.

05-016 Application for medical expenses.

05-018 Application for medical expenses needed a statutory lien signed.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to sign a notice of hearing for 05-005, to deny 05-007 because the County is not the last resort, to approve 05-016, and to sign a statutory lien for 05-018. It was seconded by Commissioner Smith and carried unanimously.

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

**p.m.**

**NEZ PERCE WATER AGREEMENT DISCUSSION:** Dar Olberding presented Ron Shurtleff from the Payette River Water Users and Water District #65. Ron explained the basics of the Nez Perce water agreement settlement in which the Nez Perce Indian tribe made claim on over 3,000 water rights on the Snake River. The case was ordered into mediation and a postponement of the case was put off until May, 2005. There has been a proposed settlement agreement that will protect the Payette Water Users' water rights with a payoff to the Nez Perce tribe, with certain requirements. There is opposition to the settlement by the Farm Bureau. Ron thinks the Farm Bureau is misinformed and doesn't fully understand the agreement. He presented the Commissioners with their rebuttal to the Farm Bureau claims. He is asking for support from the Gem County Commission.

**EXECUTIVE SESSION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code and 67-2345(1)(f) concerning litigation. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. 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.

**SNOWMOBILE BOARD APPOINTMENT:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to re-appoint Kim Webb to the Snowmobile Board for a three-year term ending January 1, 2008.

**PAYROLL CLAIMS APPROVAL:** A motion was made by Commissioner Sherrer to sign the Payroll Claims Approval for the January 7, 2005 payroll. It was seconded by Commissioner Smith and carried unanimously.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on January 11, 2005.**

**January 11, 2005**

**Pledge of Allegiance was said.**

**NORTHWEST MANAGEMENT - ALL HAZARD MITIGATION PLAN:** Toby Brown from Northwest Management met with the Commissioners, Sheriff Clint Short, and Disaster Services Coordinator Steve Buck to go over the finished All Hazard Mitigation Plan. He presented copies of maps and several copies of the Plan. The terrorism section is classified as "restricted use" because of the information included in the Plan. He went over the report in detail. The Commissioners, Clint, and Steve will meet to go over any changes that need to be made. The City will be invited to the discussion.

**ECOVISTA - 319 GRANT UPDATE:** Representatives from Ecovista met to

go over the Gem County Storm Water Management Plan. They went over the scope of work, which had three tasks listed. Task one was the resource inventory, which included a map system. Task two was database development that will contain information on the main irrigation and drainage networks in Gem County. Task three will be a Best Management Practices (BMP) Guidebook identifying the conditions of different areas of land in Gem County. The draft Gem County Storm Water Resource and Guidebook was examined and discussed.

**PUBLIC WALK-IN AND INPUT:** Ed Klinker met to complain about a "junkyard" next to his property on Fuller Road. He presented a complaint that he filed and nothing has been done. He stated there is a mobile home that was put on the property without a building permit. The Commissioners stated they will follow up on the complaint with the Planning & Zoning Office. Ed has some concerns about the traffic that will be on Frozen Dog Road from the Black Canyon Partner project. He was told to submit those concerns in writing or in person at a public hearing that will be scheduled for the project.

Steve Ethington, representing the Planning & Zoning Commission, met to share the discussion concerning administrative splits from a workshop held by the Commission. He had three areas of concern. One was the legacy that they would like to see left in the Valley as an agriculture area. Another issue was that by allowing only one zone to have the split, a select group of people are being singled out and enriched. The third issue was that the administrative split does not meet the Comprehensive Plan, where he cited G1.1, G1.5, G9.1, and G9.8 of the Plan. The Commissioners will be invited to the next workshop.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. He will have findings of facts this afternoon for the Black Canyon Partners de-annexation request from Fire District #2. He will have the findings of fact from the Shadow Butte Industrial Park variance application for the Commissioners this week.

**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 Sherrer, seconded by Commissioner Smith, 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 Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

**NORTHWEST POWER SYSTEMS CONTRACT:** A motion was made by Commissioner Sherrer to sign the contract with Northwest Power Systems for generator service and maintenance for \$578.92 per year for the Courthouse generator and \$578.92 for the jail generator. It was seconded by Commissioner Smith and carried

unanimously.

**JB - HOSPITAL BOARD:** JB met with the Commissioners to discuss his release from the Walter Knox Memorial Hospital Board. He received a letter letting him know he was released from the Board and felt he should have the opportunity to discuss the matter before he is released. He had heard from the Hospital administrator that the reason he was released from the Board was because of a conflict of interest due to his relationship with a nurse that works at the Hospital—which reason was not stated in the letter from the Commissioners. Dr. Stone, previously Chief of Staff of the hospital, spoke on JB's behalf as being against his release.

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**HOSPITAL BOARD APPOINTMENT:** A motion was made by Commissioner Sherrer to uphold the Commissioner's previous decision regarding Walter Knox Memorial Hospital Board member. It was seconded by Commissioner Smith and carried unanimously.

**BLACK CANYON PARTNERS, LLC, PETITION FOR WITHDRAWAL FROM FIRE DISTRICT NO. 2:** A motion was made by Commissioner Sherrer to deny Black Canyon Partners, LLC, petition for withdrawal of property from Gem County Fire Protection District Number Two based on the findings and facts and conclusions of law and order as hereby adopted. It was seconded by Commissioner Pratt and carried with ayes from Commissioners Pratt and Sherrer and an abstain from Commissioner Smith.

**EXECUTIVE SESSION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, 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 Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

**INSURANCE BUY-DOWN PLAN ADMINISTRATION:** A letter was sent to All Valley Insurance Company to advise Pete and Stan Clements that the need for their services will be ending on February 1, 2005. Gem Plan will be administering the County's buy-down program for medical insurance beginning February 1, 2005.

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Representatives from Shadow Butte Development Corporation and Holladay Engineering met to update the Commissioners on Shadow Butte Industrial Park. Discussion was had on the action items listed on the agenda.

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Broadband internet service was discussed. John Blom from Holladay Engineering recommended that DSL through Qwest be the choice. There has been \$120,000 budgeted for communications service.

A walk-through site review for the wetland delineation report was done last week. Some of the wetland in phase I will be incorporated into the landscape plan. Phase II will be addressed at a later time. The drain ditch can be relocated on the backside of the property.

They are still waiting for DEQ approval. The sales agreement is still being worked on by the attorney. The variance was approved by the Gem County Planning and Zoning Commission.

**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 Smith and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on January 17, 2005.**

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

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