



January 24 & 25, 2005, Emmett, Idaho

Commissioners of Gem County, Idaho, met in regular session this 24<sup>th</sup> & 25<sup>th</sup> day 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 24, 2005

**Pledge of Allegiance was said.**

**RAY FRANKLIN - RV HOST:** Ray and Rhoda Franklin met to visit about their contract for camp hosts at the County RV Park. They suggested that a sign, with a light, be put up that states visitors need to "pay on occupancy" and 5 mph speed limit signs. Several other suggestions were made—a skylight in the toilet rooms, a door on the toilet room that doesn't get hot from the sun, and a different light switch in the toilet room. They still do not want to handle any of the money or have an access key to the payment box. They don't think the lawn mower will last another season. They asked about a winter rate and a weekly rate for visitors. The Commissioners asked that the Franklins continue to be the camp hosts. The contract will be revised.

**QWEST PHONE CONTRACT:** Dave Woods met to visit about the Qwest contract the Commissioners signed previously. Qwest rejected the changes made by the County Prosecuting Attorney's Office. Dave presented other options for the Centrex Plus contract for 13 County Phone lines and for the T-1 lines. A decision needs to be made soon.

**P & Z UPDATE:** Debra Smith, Planning and Zoning Administrator, and Brian Sullivan, Building Official, met to update the Commissioners on various matters. There has been a problem with a private road that is not up to standards. It goes into a 40-acre parcel development. There needs to be more requirements in the Ordinance for a type B road that accesses more than two parcels. Debra will begin the process for that to happen. There can be a joint hearing between the County and the City of Emmett for the Shipley Comprehensive Plan amendment. The City approves of a joint hearing. The Commissioners would also approve.

**ECONOMIC DEVELOPMENT UPDATE:** Economic Development Specialist Morris Huffman met to update the Commissioners on various matters. Morris went over his schedule for the week.

There have been several inquiries from companies checking

into coming into Gem County. There are letters being sent out for contacts from the last trade show Morris attended.

**INDIGENT APPLICATIONS:** A motion was made by Commissioner Smith, 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:

04-022 Application needed a notice of hearing signed for February 15, 2005.

04-085 Application needed a continuance of hearing signed for March 1, 2005.

04-087 Application needed a release of statutory lien signed.

05-004 Application needed a release of statutory lien signed.

05-007 Application needed a notice of appeal hearing signed for March 13, 2005.

05-008 Application needed a notice of appeal hearing signed for March 1, 2005.

05-009 Application for medical expenses.

05-019 Application for assistance with a power bill.

05-020 Application for rental assistance of \$300.

05-021 Application for medical assistance.

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 appeal hearing for 04-022, to sign a continuance of hearing for 04-085, to sign releases of statutory lien for 04-087 and 05-004, to sign notices of appeal hearing for 05-007 and 05-008, to deny 05-009 because of findings of fact 1-4, to deny 05-019 because of the bill being so old, to sign a statutory and a UCC lien and postpone a decision for 05-020, and to sign a statutory lien and UCC lien for and approve 05-021. 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.**

**ALL HAZARD PLAN DISCUSSION:** Disaster Services Director Steve Buck, Prosecuting Attorney Timothy Fleming, and Bruce Evans, City of Emmett Superintendent of Public Works met with the Commissioners to go over the draft copy of the All Hazard Plan.

**INDIGENT APPEAL HEARING:** In executive session and being tape-recorded, an appeal hearing was held for indigent Case No. 04-068. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Deputy Clerk Sue Spencer, Deputy Prosecuting Attorneys Richard Linville and David Hargraves, the indigent family, and representatives of St. Luke's Hospital.

**INDIGENT APPEAL HEARING DECISION:** A motion was made by Commissioner Sherrer to approve Indigent Case No. 04-068, paying only St. Luke's and Boise Radiology, with a set repayment of \$100 per month and a pending allocation of a lump sum amount. It was seconded by Commissioner Smith 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 Smith, and carried unanimously to come out of executive session.

**NEZ PERCE WATER AGREEMENT:** A decision was made by the Commissioners to not take an official position as a County, at this time, concerning the Nez Perce Water Agreement.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on January 25, 2005.**

**OPEN FORUM:** An open forum was held at 7:00 p.m. at the Letha Fire Station. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, and nine members of the public. Topics of discussion were speed limits, a new business, jake brakes, the Library election, a wildlife refuge property, consolidation of City/County building official, the road going into the Black Canyon Partners Project, economic development, Dewey Road extension, Gem County Sheriff's Posse, Hwy 16 and Substation Road signal light, Shadow Butte Industrial Park, the joint Comprehensive Plan, dispatch fees, the airport, the old Letha School property, the vehicles stored behind and to the west of Thomas Motors, the possibility of an ordinance giving Planning and Zoning officials citation authority, Letha Sewer District, and the ability of the County Prosecuting Attorney's Office to advise other taxing districts.

**January 25, 2005**

**Commissioner Smith left to attend a Southwest District Health Meeting, to return after lunch.**

**Pledge of Allegiance was said.**

**FUEL BID OPENING:** The bids for County fuel were opened. Only one bid was received. It was from B & W Fuels for the amount of a bidder's margin of .069 above rack price, plus freight. Off-site location would have an additional fee for delivery. A motion was made by Commissioner Sherrer to accept the fuel bid price from B & W Fuels, Inc. It was seconded by Commissioner Pratt and carried unanimously.

**PUBLIC WALK-IN AND INPUT:** Roberta Ushman asked about the polling places set for the election for the proposed Emmett Valley Library District. She was told that the polling places were chosen because of proximity, accessibility, and expense. She stated that it was too bad there was not one within the Emmett City limits. It was explained to her that when a request was brought to the attention of the Commissioners, it was past the

deadline to set the polling places for the election.

Earl DeFur had concerns about the widening of South Slope Road in front of his house. He stated that the widening will take out some of his trees and bushes. His house currently sits within 20 feet of the asphalt. The stakes set for the widening would take 6-8 feet of his front yard. He wondered if there was an option for in front of his home. The Commissioners will visit with the Road Supervisor about it. They also suggested that Mr. DeFur visit with Dennis Pulley, the Road Supervisor.

Rick Toll wanted to let the Commissioners know that he is putting together a transitional home for boys 16-18 years of age who come out of a detention facility. His licensing is in the works and he is on the agenda for the Planning and Zoning Commission for a special use permit. He has the support of Health and Welfare. He will focus on life skills. They will be working with the Forest Service and BLM for work and activities for the boys.

**WATERWAYS ADVISORY BOARD:** A motion was made by Commissioner Sherrer to re-appoint Dave Pook, Gary Resinkin, and George Holomshek to three-year terms on the Waterways Advisory Board, with the terms ending January, 2008. It was seconded by Commissioner Pratt and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorneys Richard Linville and David Hargraves met concerning legal matters.

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

**CERTIFICATES OF RESIDENCY APPROVED:** A motion was made by Commissioner Pratt to approve certificates of residency for Tamara Dillard, Jeanne Wilfong, Story Bahalbra, Shannon Pratt, Cody Burlile, and Summer Landers for tuition aid to attend College of Southern Idaho the Spring, 2005 term. It was seconded by Commissioner Smith and carried unanimously.

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Members of Shadow Butte Development Corporation, Holladay Engineering, and Mayor Marilyn Lorenzen met with the Commissioners to discuss the status of Shadow Butte Industrial Park.

The wetlands area has been narrowed down to 12½ acres. They will be workable areas. We are still waiting on the wetlands determination, IDEQ approval, and the railroad crossing permit.

The final plat is still being worked on. We are still on schedule for the March 8, 2005 start date.

Rod Hubber, a property owner across Hwy 52 from Shadow Butte Industrial Park, stated that there is already a cabinet shop on his property. Part of the remaining property will be used for a lumberyard. There are twelve acres that will be divided into industrial lots that will need service, along with the lumberyard. They would like to partner with County for development costs. They would be interested in sharing power,

sewer, and water.

**RESOLUTION 2005-01**: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to adopt Resolution 2005-01. It allows the transfer of cash from the Current Expense Fund to the Auditor's Trust Fund to refund property tax to Idaho Power and Qwest for a court-ordered devaluation, effective December, 2004.

**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 February 1, 2005.**

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

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