



April 11 & 12, 2005, Emmett, Idaho

Pursuant to a recess taken on March 4, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 11th & 12th day April, 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:

April 11, 2005

Pledge of Allegiance was said.

KASKEL SUBDIVISION: Bob Kaskel and Roger Bennie met with the Commissioners to ask for final approval of the Kaskel Acres Minor Subdivision final plat. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to approve the Kaskel Acres Subdivision final plat, with corrections as presented.

VETERANS ASSISTANCE OFFICE REPORT: Gerald Erickson, Gem County Veterans' Assistance Officer, met to update the Commissioners on his activities. He helps keep the Veterans' medical benefits updated and gives rides to the hospital and doctor. He also sets up military funerals when requested. He went over the other duties he performs. He stated, after having been asked by the Commissioners, that a budget increase could be used.

ECONOMIC DEVELOPMENT UPDATE: Morris Huffman, Economic Development Specialist, met to update the Commissioners. Several business opportunities were discussed.

INDIGENT APPLICATIONS: 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)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

05-020 Application for medical expenses.

05-024 Application denial needed to be signed.

05-025 Application for medical assistance.

05-032 Application for medical assistance 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 approve 05-020 with the stipulation that if there are any successful lawsuits the County would be paid, to sign the denial for 05-024, to deny 05-025 because of no cooperation and incomplete application, and

to sign a statutory lien and applicable UCC lien for 05-032. 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.**

WICAP/HOMEMAKERS UPDATE: Jean Vaughn, Homemaker Coordinator for WICAP, reported they have 61 homes in their program in Gem County, with three Homemakers taking care of them. Because of Sage Community Resources going to a voucher system, it may cause problems for the Homemaker program. Jean doesn't feel like they can operate on a voucher system. The health agencies may take over the program because of being awarded the vouchers. She stated that they appreciate the \$7,500 that Gem County gives their program and they could use an increase and asked for \$10,000. She gave an overview of their service, which is to assist the elderly in the community to enable them to stay in their own homes. Once they are home health eligible through Medicaid, the Homemakers do not help them.

INDIGENT APPEAL HEARING: During executive session an indigent appeal hearing was held for Indigent Case No. 05-005. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Deputy Clerk Sue Spencer, and Prosecuting Attorney Timothy Fleming. There was no one present representing the Indigent. The hearing was closed and through motion, the Commissioners came out of executive session. No decision was made.

PENDING TAX DEED ISSUE: Treasurer Connie Goins and Timmi Herrick met with the Commissioners concerning a pending tax deed on the Herrick property. Discussion was had on the different options to the Herricks concerning their delinquent taxes. No cancellation was given. The tax deed hearing will commence as scheduled.

PUBLIC HEARING (cont.) - BLACK CANYON PARTNERS: While being tape-recorded, continuation of a public hearing on March 21, 2005, for Black Canyon Partners Development Project was held.

Susan Wildwood, attorney for Black Canyon Partners, responded to three previous questions. The cost of wastewater, infrastructure, etc., would be born by Black Canyon Partners; fire protection by Fire District; schools by property taxes; solid waste by a private company and property assessments. She discussed the testing of gravel for the proposed roads and road improvements. CC&Rs would be enforced by Black Canyon, with the Ordinance enforcement by the County Planning and Zoning.

Commissioner Pratt asked for comments from the public.

Bob Bowen asked when the first golf course would be finished. Susan Wildwood stated it would be finished after the wastewater treatment plant, the domestic water system, and the roadways. Everything in phase one should be finished in three years.

Commissioner Pratt asked about transportation of sludge from their wastewater treatment plan through Montour and help with road improvements. Susan Wildwood stated that they would first use on-site land application, subject upon receiving permits. If

that is not enough, they will consider other alternatives such as off site and/or rail transportation.

Commissioner Pratt asked about the cleaning of the wastewater plant. John Blom stated it would all be automatic. Susan Wildwood stated it would be a bi-annual cleaning. Commissioner Pratt then asked about irrigating the golf course. John Blom explained the system.

Susan Wildwood stated they have not put together a noxious weed plan but it will be incorporated in their wildlife management plan.

There were no more questions from the Commissioners.

Roberta Ushman asked if the Commissioners were going to demand that Phase 1 be finished before Phase 2 is started.

Susan Wildwood stated that it is impractical to completely finish Phase 1 before Phase 2 is started. She stated there are things in phase 2 that need to be done before Phase 1 can be finished. She explained the process.

The hearing was closed. The decision was taken under advisement and a decision will be sent to Black Canyon Partners.

XEROX CONTRACT SIGNED: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to sign the lease contract with Xerox for a copy machine for the Planning & Zoning Office.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on April 12, 2005.

April 12, 2005

Pledge of Allegiance was said.

CITY/COUNTY MEETING: A joint City/County meeting was held in the Emmett City Hall on Monday, April 11, 2005. The elected officials from the County in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, and Treasurer Connie Goins. From the City, Mayor Marilyn Lorenzen, Councilmen Kathi Agenbroad, Dennis White, and Bob Towery, and Clerk Marge Lawrence were in attendance. Six other people attended. Topics of discussion were airports, a possible building moratorium, Comprehensive Plan Implementation Committee, possibility of hiring a joint planning staff, impact fees, sewer fee review for Shadow Butte Industrial Park, a property owners' flyer, Access Management Plan for transportation corridors, Emmett City entrance and landscaping coming into the valley, and hillside development.

CONFERENCE CALL - ECONOMIC DEVELOPMENT: A conference call was had with Randy Shroll from Idaho Department of Commerce and Labor, and others, concerning a business considering moving to Gem County. After the conference call, discussion was continued with the Commissioners and Morris Huffman, Economic Development Specialist.

TAX DEED HEARING: Treasurer Connie Goins met with the

Commissioners for a tax deed hearing for six properties. They have followed Idaho Code procedure for taking a tax deed. The parcels taken in tax deed and directed by the Commissioners to record with the Clerk's Office were RP 00353001, RP 00273600, RP 00341500, RP 00327200, and RP 0236705.

PUBLIC WALK-IN: Kelly Taylor presented plans for the dugouts at the ball fields on Gem Island Sports Complex. They are designed by TJT, Inc. The Recreation District will visit about their sponsorship responsibility. Any concerns will be worked out. The next step will be to find sponsors. They need an approval on the design by the Commissioners.

Roberta Ushman asked if the public hearing closed too early. She was told an ending time was not noted on the agenda. Roberta was also concerned about Black Canyon Partners finishing one phase before they start another phase. She asked if the Commissioners have control over the phases and the Commissioners stated that Black Canyon has to come back to the Board for a review before they can continue with the next phase.

Don Wilkerson, Planning and Zoning Board Chairman, went over the agenda for their meeting the night before. The major item on the agenda was the CAFO Ordinance, which is ready to be passed onto the P & Z Commission. They have a workshop scheduled this month.

Dallan Johnson met concerning the Gem County Fair Board. He reminded that they need a new Board member and would like someone who has an interest in horse racing. He stated that they still need a water truck. Several options were talked about. The Fair Board would like some direction as to which direction the Board needs to be going. He asked if the Commissioners have ever considered a multi-county fairgrounds. There was discussion on the possibility.

Donna Ayllon met with a question about a speed limit sign on Stuard Lane. There was a 20 mph sign and then it disappeared. It was replaced with a 25 mph sign, which has also disappeared. She would like a 10 or 5 mph on that lane and also a "Children At Play" sign. She was told to bring a petition to the Board. The Commissioners will check on it.

Michell Schneider had a planning and zoning question. She was told that a deed of trust is not an acceptable document to prove ownership before October 10, 1978.

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)(e) concerning trade or commerce. 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.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Richard Linville met to discuss legal matters.

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

p.m.

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.

ALLEN SUTTON GRAVEL AGREEMENT: A motion was made by Commissioner Sherrer to approve an agreement between Gem County and Allen Sutton for twelve truckloads of pit run in exchange for six truckloads of gravel, with a time of performance and termination to be between April 12, 2005 and September 30, 2007. It was seconded by Commissioner Smith and carried unanimously.

FOREST SERVICE WEED AGREEMENT: A motion was made by Commissioner Sherrer to accept the 2005 FY Annual Operating Plan for Cooperative Weed Control Agreement between USDA-Forest Service, Boise National Forest and the Gem County Noxious Weed Department. It was seconded by Commissioner Smith and carried unanimously.

MINUTES READ AND APPROVED: The minutes of March 14 & 15 and 21 & 22, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of March 14 & 15 and 21 & 22, 2005, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

SHADOW BUTTE INDUSTRIAL PARK UPDATE: Members of Shadow Butte Development Corporation and others met with the Commissioners to update them on Shadow Butte Industrial Park. The proposal from Qwest was for copper wire to the site instead of fiber for the telecommunications, as was stated to the County. Qwest needs to join everyone at the table for a discussion.

The 404 permit concerning the wetlands is complete. The permit will be issued within 30 days, at which time construction may begin. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to sign the 404 permit application.

There were several bid specifications that needed to be changed. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to sign the Architects Engineer Certificate. The prescriptive rights-of-way are ready to be signed by the Prosecuting Attorney. April 29 at 1:00, construction bids will be opened.

The budget was reviewed. The first probable cost summary, set in September, 2003, was compared to the current summary set in April, 2005. Costs have come up considerably and the current summary is now approximately \$50,000 over the budget. The phase 2 probable costs can be covered by the lot sales. The contingency funding could be covered through the lot sales.

The sales agreements are still being worked on.

The final plat reviewed by the Technical Review Committee was completed and there were no big problems. Noise abatement needs to be addressed with ITD. There is an approved driveway permit, which Planning and Zoning needs a copy of. The street names need to be looked at and possibly changed. The lot numbers may need to be sequential. When the final plat is recorded, the

Commissioner Minutes 04-11,12-05

lot sales can be finalized.

The CC&Rs need to be worked on. They need to be finished by the time the sale of the lots are finalized.

The Board recessed at 5:00 p.m. to 8:00 a.m. on April 18, 2005.

Approved: _____
Chairman

Attest: _____
Clerk