



May 8 & 9, 2006, Emmett, Idaho

Pursuant to a recess taken on May 2, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 8<sup>th</sup> & 9<sup>th</sup> day of May, 2006, 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:

May 8, 2006

**Pledge of Allegiance was said.**

**ELECTED OFFICIALS:** A meeting was held with all elected officials. The budget and other matters were discussed.

**PUBLIC HEARING:** While being tape recorded, a continued public hearing was held for a rezone request by Patricia Anderson, executor for the William D. and Virginia M. Brown Trust, to rezone two existing parcels totaling approximately 25.77 +/- acres from A-2 rural Transitional Agriculture to C-2 Commercial. The General location is 2210 W. Highway 52.

Patty Anderson stated that she is requesting a rezone of the property in the Virginia M. Brown Trust to commercial because the prospective buyer would like it to be zoned commercial.

Douglas Gulbrandsen, representing the purchaser of the property, stated that they would like to have the property be zoned commercial.

Discussion was had concerning the irrigation ditches on the property. A letter from the Idaho Department of Transportation was acknowledged in the record.

It was disclosed that Commissioners Sherrer and Pratt are on the EDGE Board, where possible businesses were discussed that may move onto the property.

The hearing was closed and a motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve the rezone with the stipulation that any development would require a PUD or CUP, becoming final with a written decision.

**DEPARTMENT HEAD REPORTS:** Dennis Pulley, Road & Bridge Supervisor, asked if "no mosquito spray signs" should be posted on the County road rights of way. It was decided that the decision would be made by the Road Department. Parts of South Slope Road and Star Lane are being prepped for paving. They finished resurfacing Butte Road.

Morris Huffman, Economic Development Specialist, reported that broadband grants will be coming available. Morris needs to go through some other Commerce and Labor items with the

Commissioners. He is getting questions from the businesses scheduled for Shadow Butte Industrial Park. He is still working on the Food Bank building. He had a couple of site visits last week, but none of them are planning on coming to Gem County.

Jake Wyant, Noxious Weed Supervisor, reported that the Montour employee is working out well. Jake went over the areas that have been treated for noxious weeds and went over the other work they have been doing. They are trying to get the Eurasian millfoil project on the Airport Pond done early. They have a new ITD contract that changes to their fiscal year. The ATV needs some work done on it. The new noxious weed law has been signed, with 60 new weeds on the list.

Martin Joyce, Landfill Supervisor, reported their woodpile is getting rather large. They will have it ground and hauled off within the next couple of weeks. June 3, 2006, will be Free Trash Day. A Southwest Health Department inspection went well.

Janelle Schnieder, Juvenile Probation Officer, reported there are 82 juveniles on their case load, with 5 new ones. There were no probation violations and 8 juveniles serving detention time. Janelle has been to several training meetings.

Mark Rekow, Ambulance Director, reported \$21,050.47 in collections for the month. They had 52 transports with 24 other calls. They have some old files they would like to destroy. It will need a resolution by the Commissioners. The Weed Department has sprayed behind the building.

Chuck Shambaugh, Maintenance Supervisor, reported that the air conditioning is done on the top floor of the Courthouse. There are a couple of pooling spots on the roof that will be fixed. The boiler will be inspected. He is still getting bids for the fire escape stairs on the West side of the Courthouse.

Jason Kinley, Mosquito Abatement District Director, sent a note stating that he would not be in attendance at the meeting and that things are pretty slow right now in his department.

Development Services sent a report, but was not in attendance.

**ADDITIONAL PAVING APPROVED:** A motion was made by Commissioner Sherrer to add an additional mile on Star Lane to American Paving current project for paving. It was seconded by Commissioner Smith and carried unanimously.

**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 Tiffani Sulgrove presented the following indigent applications:

- 06-042 Application for medical assistance.
- 06-055 Application for rent and utilities assistance.
- 06-037 Application needed a release of lien signed.
- 06-034 Application needed a release of lien signed.
- 06-036 Application for continued medical expenses.

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

A motion was made by Commissioner Smith to deny 06-042

because of lack of cooperation and could not determine indigency, to deny 06-055 because no emergency exists, to sign release of liens for 06-037 and 06-034, and to approve 06-036 continued treatment plan. It was seconded by Commissioner Sherrer and carried unanimously.

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

**HILLS CONSTRUCTION-SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Caleb Johnson from Hills Construction met with the Commissioners to go over the change orders No. 4, 5, and 6, with the cost breakdown. He also talked about getting power to the water tank in order to fill it and test the pumps. He went over a close-out plan. They will be ready for a final walk-through by the end of the month. No decisions were made concerning the change orders.

**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)(d) concerning indigents. 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.

**INDIGENT APPEAL HEARING:** During closed session, an appeal hearing was held for the denial of Indigent Case No. 06-026. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Deputy Clerk Tiffani Sulgrove, and Deputy Prosecuting Attorney David Hargraves, representatives from St. Alphonsus Medical Hospital and their attorney, and the indigent. The hearing was closed.

A motion was made by Commissioner Sherrer to continue the hearing, leaving the record open for the clerk to prepare additional findings. It was seconded by Commissioner Smith and carried unanimously.

**HISTORICAL SOCIETY REQUEST:** Stephanie Oxley and others from the Gem County Historical Society Board of Directors met with the Commissioners. Stephanie went over their revenue sources. She presented a copy of last year's revenues and expenditures. Because of the expenses being greater than the revenues, they are asking the County for \$5,000 for FY2007 to help keep Meg Davis as an employee. No decisions were made.

**CONSENT AGENDA:** A motion was made by Commissioner Pratt to approve the items on the consent agenda, which were: a liquor catering permit by Tik's Tavern to cater for Juan & Isabel Cabellero at the 4-H Building on May 13, 2006; an amendment of the FY2003 State Homeland Security Grant Program Part II to extend the performance period of the grant; appointment of Herbert Larsen to the Gem County Historical Preservation Commission.

**BOGUS BASIN HILL CLIMB REQUEST:** Sherman Johnston from the Bogus

Basin Hill Climb Association met with the Commissioners to ask for permission to have the 40<sup>th</sup> Annual Freezeout Hill Climb on June 24 & 25, 2006. They will provide liability insurance. He has made arrangements to have ambulance service and will contact others that need to know about the race. He asked that the Gem County Road Department sweep the road before the race. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to approve the Freezeout Hill Climb.

**MOSQUITO MEDIATION DISCUSSION/DECISION:** After discussion, a motion was made by Commissioner Sherrer to approve the draft settlement agreement, in concept, for Saint John's Organic F, and Peter Dill v. Gem County Mosquito Abatement District, and Gem County, Case No. CIV 04-087-S-BLW (D. Idaho). It was seconded by Commissioner Smith and carried unanimously. It was brought out that the Congressional Delegation members have been very helpful but there was no support from EPA. The Mosquito Abatement District can now focus on doing their job.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on May 11, 2006.**

**May 11, 2006**

**TAX DEED HEARING:** Treasurer Connie Goins met with the Commissioners in a tax deed hearing for two properties. Idaho Code 63-1005 procedure has been followed for taking a tax deed. The parcels taken in tax deed were RP 00390801 and RP 00332600. Through advice from Deputy Prosecuting Attorney David Hargraves, the hearing was continued in order to contact the property owners. To this point, all mail has been returned and no contact has been made. A motion was made by Commissioner Sherrer to continue the hearing, pursuant to the decision in the U.S. Supreme Court decision in Jones v. Flowers, to require further attempts to contact the property owners. It was seconded by Commissioner Smith and carried unanimously.

**PUBLIC WALK-IN AND INPUT:** Jacinda Green met with the Commissioners concerning an easement on her property. She was advised that the problem is a civil matter and she may have to talk to a lawyer.

Jake Lemon discussed forced annexation issues. He was in to see the Commissioners before and hadn't heard back from them. He stated that he didn't want to see the problem dropped. He would like to see the County make an agreement with the City to allow forced annexation property owners to have a say in the matter. He was told that the County already has an agreement with the City of Emmett which outlines the city area of impact. That area is where both agree that the City can expand. Discussion was had on the newly proposed Comprehensive Plan.

Fe Burnham is the treasurer of the Last Chance Ditch Company Extension Lateral No. 1. She had a list of overdue accounts that she would like put on the tax roll. She was told that Taxing Districts are allowed to put delinquencies on the tax bill, but it was not known if a private ditch company's delinquent accounts can be put on the tax bill. It will be researched. Fe had

reported a fifth wheel trailer that is being lived in to the Planning & Zoning Department, but has gotten no response from them.

Roberta Ushman asked for a date for an open forum in the City of Emmett. June 26 was set.

**LOCAL EMERGENCY PLANNING COMMITTEE MEETING:** The Commissioners met at Walter Knox Memorial for a Local Emergency Planning Committee meeting.

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

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. Topics of discussion were employee sick leave benefit, an illegally operating gravel pit, delinquent irrigation ditch accounts, good-faith transfer of a drain ditch, fees and fines for failure to obtain building permit, Pickett's Corral easement vacation, Black Canyon Traffic Mitigation Study, child care licensing, annexation of landfill into Fire District No. 1, and the Subdivision Ordinance.

**CLAIMS:** The claims presented were reviewed. A motion was made by Commissioner Smith to pay the claims as presented and noted on the Claims Report Form. It was seconded by Commissioner Sherrer and carried unanimously.

**MINUTES READ AND APPROVED:** The minutes of March 27 & 28, April 3 & 4, 10 & 11, and 17 & 18, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of March 27 & 28, April 3 & 4, 10 & 11, and 17 & 18, 2005, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on May 15, 2006**

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

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