



June 26 & 27, 2006, Emmett, Idaho

Pursuant to a recess taken on June 20, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 26th & 27th day of June, 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:

June 26, 2006

Pledge of Allegiance was said.

SUBDIVISION ORDINANCE DISCUSSION/DECISION: On Wednesday, last week, the Board of County Commissioners adopted Ordinance No. 2006-06, an amendment to the Gem County Subdivision Ordinance. The new ordinance repealed the Subdivision Ordinance and replaced it with new regulations. Ordinance No. 2006-06 references Exhibit A. The Board directed the Planning & Zoning office staff to remove the editorial markings and clean up draft 7 to be used as the final document, to be attached as Exhibit A. The Board also authorized the Prosecutor's Office to prepare the Ordinance summary for publication. The summary was completed last week as well. A motion was made by Commissioner Pratt to affirm the Board's previous decision adopting Ordinance No. 2006-06, and approve the attached Exhibit A and the summary prepared by the Prosecutor's Office. It was seconded by Commissioner Sherrer and carried unanimously.

As part of the amendment process for the Subdivision Ordinance, a section in the original proposed draft fit better as an amendment to the Gem County Zoning Ordinance. That section was therefore inserted as an amendment to the Zoning Ordinance, which added a new chapter to the Zoning Ordinance authorizing property boundary adjustments and setting forth the procedures for doing so. On Wednesday, last week, the Board of County Commissioners adopted that section as Ordinance No. 2006-07, which referenced Exhibit B. The Planning and Zoning staff was again directed to clean up the draft as the final draft, to be attached as Exhibit B. That was completed last week. The Board also authorized the Prosecutor's Office to prepare the Ordinance summary for publication. The summary was completed last week as well. A motion was made by Commissioner Pratt to affirm the Board's previous decision adopting Ordinance No. 2006-07, and approve the attached Exhibit B and the summary prepared by the Prosecutor's Office. It was seconded by Commissioner Smith and carried unanimously.

PUBLIC HEARING - COUNTY FEE INCREASES(cont): While being tape-recorded, a continued public hearing was held for the purpose of

establishing or increasing the fees for Sanitary Landfill, Roadway Use Permit, Planning and Zoning Applications, and Building Permit and Inspection.

Commissioner Sherrer stated that there have not been fee increases for several years and they are being raised to cover the cost of the County doing business. She would encourage the other two Commissioners to approve the increases and/or establishment of the fees.

There was one fee that was left off the list available to the public for special use permits from \$200 to \$275-\$300. The Prosecutor stated that the hearing is the time for the public to see all of the proposed fees.

After discussion on several of the fees, a motion was made by Commissioner Smith to direct legal counsel to draft a resolution adopting the fees as discussed, with the modifications to be on the exhibit attached to the resolution. It was seconded by Commissioner Sherrer and carried unanimously.

UNIVERSITY OF IDAHO EXTENSION AGENT POSITION: Gem County Extension Agent Will Cook and Pat Momont, District 2 Director for the University of Idaho, met with the Commissioners to discuss the position which will be open after this month because of Will retiring. The Commissioners would like to see an agent that works in all areas instead of a specialist shared with other counties. The rep stated that we will probably get an agent who is a fairly new graduate who will take several years to work up a program with most of the things Gem County needs. The experts in areas of specialty in other counties will be answering a lot of the questions and needs of residents of Gem County.

They will take the Commissioners' comments and comments from other stake holders to determine the primary needs of Gem County in order to choose the Extension Agent. The Commissioners would like to see the livestock, 4-H, and horticulture expertise stay in the position and the ability to give good customer service to the residents.

It will take at least six weeks of advertising to fill the position and then to count on up to six months to have an active extension agent on board. There needs to be at least one Commissioner on the Search Committee.

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

06-068 Application for assistance on a power bill.

06-069 Application for a cremation with a prior verbal approval.

06-067 Application for rent expense.

06-026 Application for medical expense.

02-066 Application needed a Release of Lien signed.

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 Smith to approve 06-068

for one month's power, to sign the approval and statutory lien for 06-069, to deny 06-067 because no emergency exists, to send the additional information on 06-026 to the Prosecuting Attorney's Office, and to sign the Release of Lien for 02-066. It was seconded by Commissioner Sherrer and carried unanimously.

RESOLUTION 2006-07 - COUNTY FEES: A motion was made by Commissioner Sherrer to adopt Resolution No. 2006-07 setting forth fees for Development Services Department applications and permits, building permit applications and permits, Road and Bridge Department permits, Gem County Solid Waste System users, and issuance of death certificates by the Gem County Coroner. 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.

Commissioner Pratt left the meeting.

PUBLIC DEFENDER CONTRACT RENEWAL: Mimura, James & Mimura, PLLC, public defenders for Gem County, met to give their quarterly report to the Commissioners. They compared their numbers to last quarter. They currently have 203 open cases. They talked about their firm's goals. They feel they have a good reporting now and can figure a 41.4 % increase in caseload from FY05 to FY06. They anticipate that their conflicts will increase. They now have a bi-lingual staff member. They will be leasing an office in Emmett by the end of July. They encourage the Commissioners to talk with the Clerk's Office, the Court, and the Prosecutor's Office to evaluate their work. They would like to renew their contract with an increase to \$130,000, leaving the conflict at \$20,000, which would make a total of \$150,000.

CONSENT AGENDA: A motion was made by Commissioner Sherrer to approve the consent agenda, which included: A. approval to appoint David Fraley to the Mosquito Board; B. approval of the Intermountain Gas contract to de-water Shadow Butte Industrial Park. It was seconded by Commissioner Smith and carried unanimously.

HOSPITAL AUXILIARY - 4-H BUILDING RENTAL ON 11/07/06: Marsha Granger from the Hospital Auxiliary Board met with the Commissioners. She has reserved the 4-H building for their Festival of Wreaths on November 7, 2006. That is the date of the General Election and two voting precincts are housed in the 4-H Building. Fair Board secretary Kathy Black said that the Expo Building at the Fairgrounds could be used if portable heaters were used to heat the building. Clerk Howard will go look at the building and if it will work as a polling place. If it will, a notice will be put in the Messenger Index and sent to the Secretary of States' Office to give notice that the polling place has been changed.

PARKS & REC GRANT AGREEMENT - ISLAND BRIDGE: Tom Hoppell stated there will be grant money of almost \$98,000 from Idaho Parks and

Recreation Department for a walking path across the river on the south side of the Island.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on June 27, 2006.

June 27, 2006

Pledge of Allegiance was said.

MOTEL FEASIBILITY APPROVAL: A motion was made by Commissioner Sherrer to sign the Motel Feasibility Study approval for PKF Consulting and to authorize a demand check of \$11,500 to PKF Consulting for half of the total fee. It was seconded by Commissioner Smith and carried unanimously.

BOARD OF EQUALIZATION: After recessing as Board of Commissioners and convened as Board of Equalization, by motion, matters for the Board of Equalization were heard, while being tape-recorded.

An appeal from Kathleen L. Hunt/Charles R. Hunt for parcels No. RP00352300 and No. MH0085770 was heard. Kathleen Hunt stated that her home site increased 50% in one year and her mobile home value is not depreciating. Assessor Greg Himes stated that mobile homes are supposed to be appraised at market value, which applies even to the older homes. Tracy Reed, appraiser, went over the history of the mobile home. The value was set by the Board of Tax Appeals in 2002, which has allowed the home to keep a stable amount of \$11,340 instead of increasing in value to \$12,050. Wanda Mize, appraiser, explained that the 18.5 acres, with all but the one-acre home site are assessed as agriculture property. The one-acre home site is required to be assessed at market value. Using comparable property sales, the one-acre home site is still being valued at a lower amount than market value. After further discussion, a motion was made by Commissioner Sherrer to take the decision under advisement. It was seconded by Commissioner Smith and carried unanimously.

Gem County Board of Equalization reviewed and approved 680 applications of property tax reduction (Circuit Breakers) for 2006. They were approved with a motion by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously.

Through motion, the Board of Equalization recessed and the Board of Commissioners reconvened.

RECREATION DISTRICT BUDGET: Roseanne Daily met with the Commissioners to discuss the Recreation District's proposal that the County take over the maintenance of Gem Island Sports Complex. She was told that no decision has been made. Their Board needs to know by July 18, which is their budget workshop.

Greg Himes and Roseanne, representing Starfish Coalition, asked for a donation of \$5,000 from the County in the FY2007 budget.

PUBLIC WALK-IN AND INPUT: Dallan Johnson and Kathy Black from the Fair Board met to discuss FY2006 budget. They wanted to know what needs to be done to put their budget for FY2007 in a

situation where they would not need to borrow cash to carry them through the first quarter of FY2007. Several options were discussed.

Fred and Dolores Terry met with concerns about subdivisions being proposed in their area. They were told that the Commissioners cannot talk about a specific subdivision proposal that will be coming before them. Discussion was had on general zoning laws in the County.

Shawn Huen met to discuss concerns about the growth in the County. Discussion was had on traffic, schools, and fire and emergency services.

Margot Reimers also had questions and comments concerning the land use laws in the County.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. He will need to limit his representation when the County is involved in a matter with another taxing district who is also represented by the Prosecuting Attorney's Office.

Land use decisions need to be decided in the Development Services Department and then appeals can go through the Planning and Zoning Commission and then to the Board of Commissioners, if needed.

ROBERT TAWNEY SPECIAL USE PERMIT DECISION AND ORDER: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve the Robert E. Tawney Special Use Permit Application No. 471 Decision and Order.

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

BUDGET MEETING: A budget meeting was held with the Sheriff.

BOARD OF EQUALIZATION: After recessing from Board of Commissioners and going into Board of Equalization, by motion, matters for the Board of Equalization were heard, while being tape-recorded.

An appeal by Carl & Julia Pook for Parcel No. RP00315102 was heard. They appealed the valuation of \$237,170 down to \$205,000. Julia presented a chart of the last 5 years' valuation. Assessor Greg Himes explained that valuation is based on market value. Appraiser Wanda Mize presented the cost comparables. Julia stated that she had two realtors come and look at her property and both estimated that she could sell her property for around \$149,000. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to take the decision under advisement.

An appeal by David Pook for Parcel No. RP00315101 was heard. He appealed the valuation of \$225,440 down to \$149,000. David's mother, Julia Pook, represented David and presented a letter from him. Assessor Greg Himes explained that there is a 3200 square foot framed commercial building that is appraised at over \$100,000 on the property. Appraiser Wanda Mize went over the valuation formula used by the Assessor's Office. The commercial

building has not changed value since it was built in 2003. Julia explained what she was told by the Ada County Assessor as to how depreciation is figured on manufactured homes. It was brought out that the appraised value is determined by what the house would sell for, notwithstanding any depreciation. Realtors told Julia Pook that David could probably sell his property for \$150,000. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to take the decision under advisement.

An appeal by Robert Cruickshank for Parcel No. RP00242700 was heard. He appealed the valuation of \$74,820 down to \$20,000. Mr. Cruickshank stated that there is no good access to the property because of a poor bridge. He stated there is no water to the property. He stated that he was offered \$20,000/year for a total of 10 years with a balloon payment of \$200,000, making a purchase price of \$400,000 for the property. Assessor Greg Himes stated that Mr. Cruickshank lost his agriculture exemption several years ago on his 20 acres. Greg showed some comparable properties. He also presented a copy of the first four pages of an option agreement and agreement of purchase and sale that showed a total of \$400,000 offered purchase price. Greg stated that Idaho Code requires that they appraise as close to market value as they can. Mr. Cruickshank was advised to check into getting his property in a situation to receive an agriculture exemption. A motion was made by Commissioner Sherrer to take the decision under advisement. It was seconded by Commissioner Smith and carried unanimously.

MINUTES READ AND APPROVED: The minutes of May 15 & 16, 22 & 23, 30, and June 12 & 13, 2006, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of May 15 & 16, 22 & 23, 30, and June 12 & 13, 2006, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

BUDGET MEETING: A budget meeting was held with the Prosecuting Attorney.

The Board recessed at 5:30 p.m. to 8:00 a.m. on July 3, 2006.

Approved: _____
Chairman

Attest: _____
Clerk