



December 26, 2000, Emmett, Idaho

Pursuant to a recess taken on December 19, 2000, the Board of Commissioners of Gem County, Idaho, met in regular session this 26th day of December, 2000, at 8:00 a.m.

Present:	Norvil R. Elliott	Chairman
	Ed Mansfield	Commissioner
	Kathy Skippen	Commissioner
	Susan K. Howard	Clerk

Whereupon the following proceedings were had, to-wit:

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of December 18 & 19, 2000, were reviewed. A motion was made to approve the minutes of December 18 & 19, 2000, as read and corrected. It was seconded and carried.

FAIRGROUNDS TITLE: There is some confusion as to the whereabouts of the deed to the entire property which is now the Gem County Fairgrounds. There is deed to part of it. The Prosecuting Attorney's Office is working on it.

PERSI EMPLOYER GAIN SHARE: A motion was made to equally divide the \$89,083.36 earned in PERSI employer gain share between those employees who qualified for gain share and that the amount be used as an employer contribution to those employees' 401K accounts. It was seconded and carried unanimously.

LIBERTY CANYON BOY'S RANCH DECISION: Discussion was had on whether or not to approve the special use permit applied for by Travis Madson to increase the amount of boys to 18 and to expand his business to add a facility on Brownlee Road.

Commission Skippen discussed that she feels there is no conflict in the zoning ordinances for the special use permit. As far as the safety issue for police and fire, the new residence is actually closer to those services. She stated there has been no property value decrease in the area around the current Ranch. She stated that in three years time there has been no police interaction from the Boys Ranch. She feels the facility is an asset to the community. Several years ago, there were two facilities in the business and there were up to 20 youth housed at

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the facility. She would vote in favor of the permit.

Commissioner Mansfield stated that after a visit to the Ranch, he found the proposed addition to be closer to the fire and police protection and there is a much better road access than at the original Ranch. He feels that with a list of over two and a half pages of community service rendered by the boys at the Ranch, it shows that the Community is willing to have them working and living in their neighborhoods. He feels the same as Commissioner Skippen in the areas she discussed, and he intends to vote in favor of the special use permit.

Chairman Elliott pretty much concurred with the other Commissioners' opinions. He stated that all who live in Gem County had the option to sign the petitions. He feels that any help given to boys far outweighs the objections raised, and there has been a boys' home in the area for many years and doesn't feel that an increase of six more boys is going to effect any problems already there. He does advise that the special use permit be reviewed each year. He stated that he would also vote in favor of the permit.

A motion was made to approve the special use permit with the stipulations that it be reviewed each year, along with an emergency plan, the State Fire Inspector report, and a transportation and supervision plan between the facilities be given to the Board, to Planning and Zoning, and to the Sheriff's office on an annual basis. It was seconded and carried unanimously.

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

INDIGENT APPLICATION: A motion was made to have Chairman Elliott sign a subpoena for the Applicant of Case #00-075 to appear before the Board at a hearing with information requested. It was seconded and carried.

ALCOHOLIC BEVERAGE LICENSES: A motion was made to approve the alcoholic beverage licenses for David W. Elsberry/K & K Industries dba Don's Market for bottled or canned beer to be consumed on premises and retail wine, Alice L. Morelli dba Tom's Cabin for draught and bottled or canned beer and wine by the drink, Jacob A Jensen, Jr. dba Letha Store for bottled or canned beer not to be consumed on premises and retail wine, and Emiliano V. Gallegos dba El Rey Coliman for draught and bottled or canned beer. It was seconded and carried.

PUBLIC WALK-IN AND INPUT: Kathleen Hunt met to ask about any

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decision concerning the jail modular. She was told that the County would like to purchase it, but are waiting to get the approval from the Emmett City P & Z for a special use permit and then they will get with Bonner County on a price. She also asked if the Commissioners are standing behind their decision to not allow a guide dog to be trained while on County time. She was told that they are. She stated that the Commissioners are going against Idaho Code in doing so, but was unable/unwilling to produce the Code stating such. She was told that the Board acted on the legal advise from the Prosecuting Attorney.

Gail MacDonald met to discuss the special use permit approved for Liberty Canyon Boy's Ranch. She wanted to let the Board know that no matter what was said by anyone at the public hearing for the special use permit, she told no untruths at that hearing. She also wanted to know the time element that Travis Madsen has before he can make the move. She was told that he couldn't do anything until the Findings of Facts and Conclusions of Law are finished. The next step would be for any appeals to be taken to the District Court.

Sherrri Darnell met to discuss the special use permit approved for Liberty Canyon Boy's Ranch. She was told that the Findings of Facts needed to be approved before the special use permit can be gone forward with. She asked when this will stop—there has been talk of purchasing a lumber mill in the community as a place of employment for the boys at the Ranch. The Commissioners stated that they made their decision on the issue brought before them and couldn't take into consideration all of the other issues brought out in the hearing.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Dick Linville met and discussed various items. He stated that the Findings of Facts need to be approved before a special use permit can be acted upon.

The legal description on the Gem Sports Island Complex needs to be recorded. Also, the title to the Fairgrounds is being worked on by the Prosecuting Attorney's office.

Input may or may not be taken after a public hearing and used in the decision making and included in the record. This is up to the Board making the decision.

The Board recessed to January 2, 2001, AT 8:00AM.

Approved: _____

Chairman

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Attest: _____

Clerk