



October 9, 2001, Emmett, Idaho

Pursuant to a recess taken on October 3, 2001, the Board of Commissioners of Gem County, Idaho, met in regular session this 9th day of October, 2001, at 8:00 a.m.

Present:	Ed Mansfield	Chairman
	Kathy Skippen	Commissioner
	Sharon Pratt	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

October 9, 2001

Pledge of Allegiance was said.

MINUTES READ AND APPROVED: The minutes of October 1, 2, & 3, 2001, were reviewed. A motion was made to approve the minutes of October 1, 2, & 3, 2001, as read and corrected. It was seconded and carried.

CLAIMS: Claims were presented and reviewed. A motion was made, seconded, and carried to approve the claims presented, with the exception of Tri County which will be forwarded to ICRMP per conversation between Commissioner Pratt and Mardell at ICRMP and Gem County Weed Control is not payable for spraying county property.

WEEDS ON COURTHOUSE LAWN: The Commissioners authorized the purchase of chemicals by the Weed Department to put on the Courthouse lawn.

LETHA SEWER DISTRICT DELINQUENT FEES: A motion was made to add the delinquent Letha Sewer District fees to the 2001 tax roll for the names on the list submitted by Letha Sewer District. It was seconded and carried.

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

Deputy Clerk Sue Spencer clerked the remainder of the meeting.

INDIGENT APPLICATIONS: A motion was made, seconded, and carried to

go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

01-060 Application for medical assistance

02-001 Application for medical assistance for an MRI.

02-002 Application needed a statutory lien signed.

A motion was made, seconded, and carried to come out of executive session.

A motion was made to deny 01-060 because the applicant was not medically indigent, approve 02-001 and sign a statutory lien, and to sign a statutory lien for 02-002. The motion was seconded and carried.

An application for an appeal hearing for 01-045 was received from St. Joseph's Hospital.

PUBLIC HEARING - GEORGE GOMES REZONE: This hearing was tape-recorded. Chairman Mansfield read the notice of public hearing for a request from George J. and Etta Gomes to rezone approximately 28.84 acres located about ½ mile east of Lower Bench Road on the south side of Silver Leaf Road, from A-1(Prime Agricultural)zone to A-2(Rural Transitional)zone. Chairman Mansfield read a letter in opposition of the rezone from Gem County Farm Bureau and a letter from George Gomes and entered them into the record. The meeting was then opened for input.

Mike Williams, P & Z Administrator, reported that the Planning and Zoning Commission recommended denial of the rezone with a vote of five to one because the existing zoning is A-1 and the land can still be used as currently used, the rezone would adversely affect surrounding neighbors, and the rezone would not conform with the comprehensive plan.

George Gomes stated that he purchased the property in 1995, which was part of a 48 acre parcel and he only bought 28 acres of it, so it should have a building permit. Mike Williams stated that if Mr. Gomes had bought the full 48 acre parcel, he would be allowed a building permit. Because the parcel was split, neither parcel is allowed a permit.

Maynard Potter spoke in favor of the rezone. He questions that the land is not prime agricultural because the land is not irrigatable. He feels the County is not creating another building permit, that there is still a building permit available to the original parcel. He feels a home built on the parcel would be a better use of it than what it is being used for at the present time, which is cattle pasture because it has problems with getting irrigation water to it.

W. D. Scott, a neighbor whose property partially borders the Gomes property, stated that he was the person who actually sold the 28 acres to George Gomes, and he kept the 20 acres that were left from the original 48 acres. He is against the rezone. He

stated that at one time, Mr. Gomes owned a contiguous 68 acres at one time, counting two separate parcels. Mr. Scott had a petition from land owners in the area stating that it would be a precedent setting procedure to allow the rezone. He feels that the rezone would not follow the comprehensive plan.

Mike Williams asked that the sales agreement that W. D. Scott had be entered into the record. It was done so.

W. D. Scott, whose property adjoins the Gomes property, stated that he was against the rezone and thought the land should be preserved as agriculture land.

Mr. Gomes stated that he actually purchased the 28 acres from Mrs. McLinn, through a real estate agent. He also stated that he has no plans to subdivide the land into smaller acreages. He feels the entire community would be benefited by making the 20 acres into a more productive piece of land and not five-acre parcels.

Commissioner Skippen brought up the fact that there are other pieces of property in the area that are odd pieces that should be allowed to split off of larger parcels if this piece is approved to be rezoned.

The hearing was closed. The decision was taken under advisement with a decision being made by October 23, 2001, if possible.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tim Fleming met with the Board and discussed personnel matters and jail bond issues. No decisions were made.

RESOLUTION NO. 2002-02 - JAIL BOND: A motion was made by Commissioner Pratt and seconded by Commissioner Skippen that all rules of the Board of County Commissioners which might prevent, unless suspended, the final passage and adoption of said Resolution No. 2002-02 at this meeting be, and the same hereby are, suspended for the purpose of permitting the final passage and adoption of said Resolution at this meeting and that the Resolution be read by the title only. The motion was put to a vote, the vote being unanimously in favor of the motion. A motion to adopt Resolution No. 2002-02 was then made by Commissioner Pratt and seconded by Commissioner Skippen, with a unanimous vote in favor of the motion.

The Board recessed to October 15, 2001, AT 8:00AM.

Approved: _____
Chairman

Attest: _____

Clerk