



November 25 & 26, 2002, Emmett, Idaho

Pursuant to a recess taken on November 19, 2002, the Board of Commissioners of Gem County, Idaho, met in regular session this 25th & 26th day of November, 2002, 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:

November 25, 2002

Commissioner Mansfield did not come into the meeting until 1:00pm because of attending an ITD meeting.

Pledge of Allegiance was said.

JAIL UPDATE: Carlos Bilbao reported that the roof beams for the new jail were supposed to be up last Friday, but will hopefully be up today. It looks like the roof will not be up by Thanksgiving, but probably the following week. Last Thursday, Carlos met with the Sheriff, who had asked about some change orders. They were worked out.

MINUTES READ AND APPROVED: The minutes of November 18 & 19, 2002, were reviewed. A motion was made to approve the minutes of November 18 & 19, 2002, as read and corrected. It was seconded and carried.

SHERIFF SHORT - JAIL MATTERS: Sheriff Clint Short reported that he and a couple of his deputies went to John Day, Oregon, and visited their jail, which is similar to the one Gem County is building. Afterwards, he met with our architect and asked that a door be changed that breaches security to the jail when visitors come to visit inmates. He stated that the architects didn't seem to have a problem with it, but Carlos Bilbao and Russ Campbell from the Citizens' Committee stated they wanted to figure the cost before they would okay it. Sheriff Short stated that he feels it needs to be done, whatever the extra cost, for the safety of the inmates/visitors, and that it should be a decision made by the Commissioners. It was decided that someone from the Sheriff's Department should be at the

Monday morning jail updates during the Commissioner meeting so that everyone will be informed on jail matters.

ECONOMIC DEVELOPMENT UPDATE: Morris Huffman, Economic Development Specialist, presented a draft report from the marketing meeting that was held for the Industrial Park. There will be a work session this Wednesday. He also brought a copy of the request for proposals for the engineering services for the industrial park.

CERTIFICATION OF RESIDENCY: A certificate of residency was approved for tuition aid for Mandy Sue Wilson to attend the College of Southern Idaho.

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

Commissioner Ed Mansfield came into the meeting.

BOISE AEROS - PLAQUE PRESENTATION: Ken Runyon met to thank the Commissioners for their support of the triathlon that the Boise Aeros sponsored in Gem County last summer. He presented a plaque to the Commissioners from them and asked for the County's support for the triathlon scheduled for August 23, 2003.

PROPERTY TAX CANCELLATION - UNITED METHODIST CHURCH: Orah and Robert Nau from the United Methodist Church met to ask for a cancellation of the property tax on the Church. Because of a technicality, the exemption of the Church was not asked for by the church. The previous Pastor of the church had changed, and no one knew they needed to come back in to have the cancellation done. A motion was made to cancel the 2002 property tax of \$843.50 for the United Methodist Church.

BOARD OF EQUALIZATION: The Board of Commissioners recessed and went into Board of Equalization, which was tape recorded. Commissioner Mansfield read the application of the United Methodist Church for an exemption of property taxes under I.D. 63-602(d). Greg Himes, Assessor, stated that he had no objections to the exemption and it would be valid as long as the property is used as a church. A motion was made to approve the property tax exemption for the United Methodist Church. It was seconded and carried.

PUBLIC HEARING - McCOURT/MORGAN HEARING: The hearing was tape-recorded. Commissioner Mansfield read the notice for

public hearing for the purpose of a rezone request by Kenneth McCourt and Geraldine Morgan to rezone approximately 18 acres from A-2 (Rural Transitional Agriculture) to R-3 (Rural Residential) in order to create nine 2-acre lots for rural home sites. Said property is located at 580 E. Idaho Blvd.

Commissioner Mansfield read a letter in opposition to the rezone from several neighbors, with concerns over drinking water, increased traffic, the change of zoning of the property, and no hydro-geographical study has been done. Commissioner Mansfield then asked for oral input.

Beverly Shan, representing the McCourts, stated that the rezone of the property would fall within the comprehensive plan. They have checked with DEQ and water resources concerning the wells in the area.

Pam Garrison, Development Services, stated that the P & Z Commission recommended unanimously to recommend approval of the rezone because it falls within the comprehensive plan. This recommendation had nothing to do with the subdivision planned, which will be considered at a later time. The assessor's office stated that the McCourt/Morgans own only 16 acres, as opposed to the 18 they claim to own.

Commissioner Skippen asked why there is so much information on the application concerning a subdivision development. Pam Garrison stated that an impact assessment study is required when a rezone application is made for 10 acres or more. She stated that if the parcel is an original parcel, they would already have three splits of not less than 5 acres. If it were rezoned, they would have four splits of not less than two acres, unless they submit a plat.

Commissioner Pratt stated that the neighbors feel there would be a big impact to the area if a 2-acre subdivision were to go in. Pam Garrison stated that the P & Z Commission thought that approving the rezone would not affect the neighborhood. Pam stated that the parcel can already be split into three additional parcels, but they would not receive building permits for the splits unless approved by the Health Department.

Kenneth Wright, in opposition, stated that he felt that at the P & Z hearing, the P & Z Commission didn't care anything about what the neighbors had to say—they were seeming to already be talking about decisions concerning a subdivision. He is really concerned about water. He said that if there was a study to see where the water comes from in the area, and if it would not be adversely affected,

then he would have no objections to the splits.

Pam Garrison explained that the land can still be used for agriculture purpose, but it does meet the criteria for being in the comprehensive plan. She stated that some of the bordering neighbors have acreage that are less than two acres.

Commissioner Skippen stated that she felt all of the concerns stated have to do with a subdivision, which would be the next step. She stated that the rezone would allow only one extra split than is already allowed. The rezone should be allowed because it is in the County impact area of the comprehensive plan. She was told that the only property included in the proposed rezone is the acreage owned by the applicants.

A motion was made to approve the rezone with the stipulation that any new lot would have to have an engineered irrigation system to get water to that lot and to accept the recommendations in the P & Z Board's Findings of Facts. It was seconded and approved unanimously. Commissioner Mansfield closed the hearing.

DISCUSSION ON TOM MICHE REZONE: Pam Garrison, Development Services, met regarding the terms and conditions of the Tom Miche rezone. His time limit has elapsed for submitting a subdivision plat, making his rezone void. The Prosecuting Attorney's office will be contacted as to how this should be handled. A letter will be sent to Tom Miche notifying him that the time limit has elapsed.

SAGE APPROVED AS PROJECT ADMINISTRATOR FOR INDUSTRIAL PARK PROJECT: After receiving only one proposal for project administration services for Shadow Butte Industrial Park Project, a motion was made to approve Sage Community Resources for the project administration services to assist the County in their Industrial Park Project for Gem County. It was seconded and carried.

The Board recessed at 5:00pm to reconvene at 7:00 in Ola at the Syringa Community Hall for an open forum.

OLA OPEN FORUM: County officials in attendance at the open forum in Ola were Commissioners Mansfield, Skippen, and Pratt, and Clerk Howard. There were nine citizens of the Ola/Sweet area, with seven boy scouts.

Commissioner Mansfield discussed the High Valley Road. Maybe Valley County will help to keep the Gem County side open and do some repair work on it.

Commissioner Mansfield gave a report on the building of the new jail. It is expected to be finished maybe as early as the middle of April, but is scheduled for May.

A group of boy scouts attended the meeting. They asked questions about the mosquito district and if Sweet would get sprayed now because of the threat of the West Nile virus. They were told that at the present time, Sweet is not in the Mosquito Abatement District.

Commissioner Skippen told them about the grant to develop an industrial park in Emmett. There was discussion about the park and the whole concept of grants. With a higher than 10% unemployment rate in Gem County, the Commissioners are excited about bringing some jobs into the County.

It was stated that the kind of gravel being used on the Sweet roads need to be changed. They said the Road Department has a really hard time keeping the road smooth. They could use the same kind of gravel being used on the Ola roads. Other options were talked about.

They reported that the new fire station has heat in it now. It is coming along really good. The well is done.

Highway 16 was discussed. It was stated that nothing is wrong with the road—the drivers are the cause of the accidents.

It was asked if the law to cover loads going to the JAG landfill is enforced. It was noted that the road going up that way has a lot of trash along it since the landfill was put there. They thought the SILD people should clean it more often.

The scouts said that if there were any possible Eagle Scout projects, they would like to know about them.

Commissioner Skippen stated that this was her last meeting because she was voted as the State House Representative and she let them know that she had enjoyed coming to the open forum meetings in Ola.

The Board recessed at 8:00pm to reconvene at 8:00am on November 26, 2002.

November 26, 2002

Commissioner Pratt did not come into the meeting until 12:00noon because of attending another meeting.

Pledge of Allegiance was said.

CLAIMS: The claims presented were reviewed. A motion was

made to approve the claims presented. It was seconded and carried.

INDIGENT HEARING: The hearing was held in executive session and tape-recorded. The hearing was for Case No. 02-073. Those in attendance were Commissioners Mansfield and Skippen, Clerk Howard, Deputy Clerk Sue Spencer, Prosecuting Attorney Dick Linville, and the applicant. After coming out of executive session, a motion was made to approve 02-073. It was seconded and carried.

PROPOSED INDUSTRIAL PARK DISCUSSION/UPDATE: Leslie Toombs from Sage Community Resources, Morris Huffman, Economic Development Specialist, and Cheryl Conrad from Shadow Butte Development Corporation, met to discuss the proposed industrial park on the Highway 52 County property. The Block Grant is due on the 16th of December. Leslie has started the environmental review with letters she sent out to the various agencies. Advertising for the engineering services needs to be done.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Dick Linville and Assistant Prosecutor Tim Fleming met to go over legal matters.

A small piece of land in Letha was quitclaimed to the County from Edward and Patricia Tyler. PA Linville advised the Commissioners to accept it.

If a stipulation is put on a rezone, it is up to the Commissioners to enforce it or not.

EXECUTIVE SESSION: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(f) concerning possible litigation. Those governing bodies present in the meeting were Commissioners Mansfield and Skippen. No final decisions were made. A motion was made, seconded, and carried to come out of executive session.

The Board recessed for lunch at 12:00pm and reconvened at 2:00pm.

(A "goodbye" party, funded by elected officials, was held from 12:00noon to 2:00pm to wish Commissioner Kathy Skippen good luck as our new District 11 State House Representative. Her last day as Commissioner will be November 30, 2002.)

PUBLIC HEARING - OLA FIRE STATION: The public hearing was

tape-recorded. Commissioner Mansfield opened the hearing and read the notice of hearing for Gem County on behalf of the Gem County Fire District No. 2, who has applied for and received an Idaho Community Development Block Grant in the amount of \$74,556. These funds are being utilized to help construct a new fire station in Ola. Written and verbal comments were accepted.

Shawn Charters, the grant administrator from Sage Community Resources, gave an explanation of some of the amounts and dates on the project activity summary. The building is more than 50% completed and some of the in-kind amounts were not listed on the summary.

Perry Sutton asked about what would happen if some of the donation monies were not all used, and was told that it could be used for anything they like, so long it is for the fire station. It could be used to buy chairs, etc., that the grant money won't buy.

Neither hearing nor seeing any more comments, Commissioner Mansfield closed the hearing.

FINDINGS OF FACTS SIGNED FOR COUNTY PROPERTY REZONE: A

motion was made to approve the Findings of Facts and Conclusions of Law for the Rezone of the County property on Highway 52 and Union Lane from A-2, Rural Transitional Agriculture, to M-1, Light Industrial, for the purpose of establishing a light industrial park.

RESOLUTION NO. 2003-03 - COMP PLAN AMENDMENT: A motion was

made to adopt resolution No. 2003-03 to amend the Gem County Comprehensive Plan Map to change the County property on Hwy 52, known as the "airport property," from Agricultural/Natural Resources to Suburban Agriculture, and to change property which included the Ronald Kuenzli property from Suburban Agriculture to Mixed Planned Development. It was seconded and carried.

ORDINANCE NO. 2003-01 - REZONE OF COUNTY PROPERTY: A motion

was made to approve Ordinance No. 2003-01 to rezone the County property on Highway 52 and Union Lane from A-2, Rural Transitional Agriculture, to M-1, Light Industrial. It was seconded and carried.

PROPERTY TAX CANCELLED: A motion was made to cancel \$364.14

of 2002 property tax for parcel No. RP00489900. It was seconded and carried.

WALTER KNOX MEMORIAL HOSPITAL REMODEL & FUNDING: A motion

was made to allow Walter Knox Memorial Hospital to proceed with their remodeling project and seek funding with Idaho Health Facilities Authority for that project, with the maximum amount to not exceed \$5,000,000. The motion carried with ayes from Commissioners Skippen and Pratt and a nay from Commissioner Mansfield.

EXECUTIVE SESSION: A motion was made, seconded, and carried to go into executive session under Idaho Code 67-2345(f) concerning possible litigation. Those governing bodies present in the meeting were Commissioners Mansfield, Skippen, and Pratt. No final decisions were made. A motion was made, seconded, and carried to come out of executive session.

APPLEWOOD ESTATES SUBDIVISION: A motion was made to adopt the revised Findings of Facts and Conclusions of Law on the Applewood Estates Subdivison, pursuant to the direction of the Idaho Supreme Court in the case of Sanders Orchard vs Gem County. It was seconded and carried unanimously.

The Board recessed at 5:00pm to December 2, 2002, at 8:00am.

Approved: _____
Chairman

Attest: _____
Clerk