



January 12 & 13, 2004, Emmett, Idaho

Pursuant to a recess taken on January 6, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 12<sup>th</sup> & 13<sup>th</sup> day of January, 2004, at 8:00 a.m.

Present:	Ed Mansfield	Chairman
	Sharon Pratt	Commissioner
	Michele Sherrer	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

January 12, 2004:

Pledge of Allegiance was said.

ADMINISTRATIVE SPLIT: Discussion was had on doing away with the Administrative Split zoning ordinance. Planning Administrator Debra Lish voiced her opinion as to why she would like to see the Administrative Split removed. She said that this is only allowed in the A-1 zone and in none of the other zones. A motion was made to table a decision.

ECONOMIC DEVELOPMENT UPDATE: Cheryl Conrad, Shadow Butte Development Corporation, met to discuss several matters concerning Shadow Butte Industrial Park. A title search needs to be done on the property. There needs to be three street names for the Shadow Butte Industrial Park. There needs to be a contact address for Holladay Engineer, Inc. The EDA money is just waiting to be funded—it is all approved.

Morris Huffman, Economic Development Specialist, reported on his trip to a trade show in California. He stated that he had contact with at least 50 companies showing interest in moving to Idaho or asking questions about Idaho.

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 Sue Spencer presented the following indigent applications:

03-034 Application for a heating bill needed a release of statutory lien signed because the bill was paid.

04-016 Application for medical expense denial has been appealed by the hospital.

04-021 Application for medical expenses.

04-022 Application for medical expenses.

04-028 Application for medical expenses for a crime victim, which should be reimbursed through restitution.

04-031 Application for help with heating costs.

04-033 Application for medical expenses needed a letter of withdrawal signed because of approval of Medicaid coverage.

04-034 Application for dental expenses.

04-035 Application for rent expense of \$400.

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

A motion was made by Commissioner Sherrer to sign a statutory lien for 03-034, to deny 04-021 because of pending Social Security benefits, to deny 04-022 because of no indigency and there are available assets, to approve 04-028, to deny 04-031 because of an incomplete application, to sign a letter of withdrawal for 04-033, to deny 04-034 because of lack of cooperation, and to approve and sign a statutory lien for 04-035. It was seconded by Commissioner Pratt and carried unanimously.

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

**MARK REKOW—OPEN PAINT PROPOSALS—LIFE FLIGHT:** Mark Rekow, EMS Director, presented the proposals for painting of the EMS Building. Dan Smith's proposal was \$6,900, Brian Sullivan's proposal was for \$8,400, and Rick Welch's (RW Painting) proposal was \$5,865. A motion was made by Commissioner Pratt to accept the lowest proposal on the painting of the Ambulance Building, which was \$5,865 from RW Painting. It was seconded by Commissioner Sherrer, and carried unanimously.

Mark presented information on business rates for St. Alphonsus Life Flight. They were \$550/100 individuals per year, or \$660/120 employees per year. If the family wants the coverage, it would be an additional \$35/family per year.

**MOU BETWEEN PROJECT STARFISH AND LEAGUE OF IDAHO CITIES:** A motion was made by Commissioner Pratt to sign the Memorandum of Understanding between Project Starfish Coalition and League of Idaho Cities. It was seconded by

Commissioner Sherrer and carried unanimously.

**SKATEBOARD COMPETITION PROPOSAL:** Roseanne Daily and Melody Dunbar from the Recreation District and Racheal Masaitis from Promise Starfish Coalition met with a proposal that would allow a skateboard competition at the Skateboard Park on the Gem Island Sports Complex. She has estimated that the cost would be \$15 to \$20 per entrant. Melody asked if one of the Commissioners would be willing to be a judge. Permission was given for the event during Spring Break the last week in March.

The Commissioners asked that there be coordination with Bob Kaskel on any ideas for the Skateboard Park.

**PUBLIC HEARING - TJT REZONE:** The hearing was tape-recorded. Commissioner Mansfield opened the hearing for a rezone request by TJT, Inc., and Rodette Schreiber to rezone approximately 114 acres from an A-2 (Rural Transitional Agriculture) to an R-3 (Rural Residential) Zone, located at 6N; 2W; Sections 18 & 19. The public hearing was a postponement of a previous hearing that was scheduled on December 15, 2003. Commissioner Mansfield then entered letters of opposition into the record. They were from James Young, Shannon Arent, Kirk Vickery of Gem Soil and Water Conservation District, Carol Stocking, and Corrina Read. He then asked for public input from those in favor of the rezone.

Mike Williams, representing TJT, explained the rezone request. It was to rezone an old fruit orchard that had been taken out. They would like to rezone to rural residential with 2-4 acre lots—the balance of the orchard land that has not been sold. They would like to divide into an upscale development that would have all of the private roads engineered. He feels the land cannot be used as it is currently zoned and it does not adversely affect the neighborhood. He went over the requirements met by the rezone in order to comply with the Comprehensive Plan. He stated there would be a nice entryway into the corridor of the development. He stated there are not policies for Suburban Ag in the Subdivision Ordinance. After being asked how this development would add to the area, Mike stated that they would be upscale housing, and there would be no areas for manufactured housing.

Debra Lish, Planning & Zoning Administrator, stated that the Comprehensive Plan does not allow for less than a 5-acre parcel in the R-3 Zone. The findings of the P & Z Commission determined that the rezone does not comply with

the current Comprehensive Plan and that the property can be used as currently being used.

Those against the rezone were given an opportunity to speak.

Kirby Robertson stated that the rezone does not meet with the Comprehensive Plan, which requires 5-acre lots. They can also use the property as it is currently being used, and the rezone will adversely affect the marketability of the area. Kirby stated that when he bought his property from TJT, he was guaranteed that no property could be split into smaller than 5-acre lots under the current Comprehensive Plan. He feels that 40 additional lots would lower the quality of living in their area.

Henry Warner stated he is in agreement with Mr. Robertson. His family rides dirt bikes and has horses and thinks that the rezone would restrict these areas.

Heather Hoffman stated that she also agrees with Mr. Robertson and bought her property with the assurance that it would stay the same.

Omar Blau stated that he is affiliated with the LDS Cemetery. He said there could be a problem with the irrigation of the Cemetery and the other property in the area. They were told there would not be any more siphon lines permitted by Emmett Irrigation. A siphon system is a lot different than a pressure system.

Kenneth Coulter stated his concern would be the wells and septic systems that would go in above him. He has a shallow 60-foot well and it may be affected.

Roma Troutt stated that she has concerns and is objecting to the rezone. She is worried about the well water levels and the irrigation water. She feels the area would have to be well managed and does not want to have 40 new neighbors.

Clint Short stated that he is also opposed to the rezone.

Marge Whittenburg stated that she would like to know how she can protect her shallow well with the sewer coming down from the area in sandy ground.

D.W. Elwood has the same concerns as Mr. Coulter and Mrs. Whittenburg. That many septic tanks could pollute the wells.

Jim Heckathorn stated he has the same concerns with wells and sandy soil and is opposed to the rezone.

Rick Skinner stated he owned adjacent property, but has not built on it yet. He agrees with everything that has been said. His biggest concern is the change in

lifestyle, the roads, the density of the possibility of 50 homes. The roads will not be able to handle that much traffic. He thinks a convenience store will soon be on the corner. He doesn't see that the rezone meets any of the criteria of the Comprehensive Plan. He thinks it will have a very negative impact on the neighbors.

Shannon Arent stated that this would impact everyone. The traffic will increase. It will affect her training of horses because of the additional people. She is opposed to the rezone.

Randy Larmer stated that the reason he bought out there is the size of the lots and giving him room from his neighbors. He is concerned about the septic tanks above the hill from everyone.

Mike Williams was given a chance to rebut. He stated that the Comprehensive Plan is merely a guide—it is not an ordinance. He feels there would be only 30+ lots after the roads are put in. He thinks it would give people a chance to purchase a homesite at a lower price. He feels that larger homes can be built because of a lower lot price, and this would increase the value of other homes in the area. He feels the smaller lots will be easier to maintain. If the rezone is approved, stipulations can be put down to assure a nice development. Septic tanks and wells have to be engineered to make sure they will not affect the neighboring properties. He thinks that Emmett Irrigation would approve a new engineered irrigation system—probably a pressurized system. He stated that upper-end housing would be required. The larger lots would allow for horses. He stated that in a Planned Unit Development, there could be non-paved roads and at least 27 lots, with no restrictions on the building.

Commissioner Sherrer asked Debra Lish about the lot size and was told that currently there is a minimum 5-acre lot size, with individual wells and septic system. Commissioner Sherrer asked about it currently being used to grow alfalfa. Mike Williams stated they are approaching the rezone request only from the Comprehensive Plan status.

A motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on January 13, 2004.**

**January 13, 2004**

**Pledge of Allegiance was said.**

**FUEL BID OPENING:** Only one bid was received for County fuel. It was received from B & W Fuels. A motion was made by Commissioner Sherrer to accept the fuel bid for unleaded gasoline 87 octane, rack price (as of 1/13/04) of \$.9950 and a bidder's margin of \$.069, for a total of \$1.33067/gal, for (off-road) dyed low-sulphur #2 diesel, rack price (as of 1/13/04) of \$1.0315 and a bidder's margin of \$.069, for a total of \$1.11938/gal, and for (on-road) undyed low sulphur #2 Diesel, rack price (as of (1/13/04) of \$1.0465/gal and a bidder's margin of \$.069. It was seconded by Commissioner Pratt and carried unanimously.

**MELISSA YENKO, FOREST SERVICE-THIRD FORK CULVERT:** Melissa Yenke, Hydrologist from the Emmett Ranger District, met with a proposal for replacing two culverts on the Third Fork of Squaw Creek. She stated that the current culverts are inhibiting fish passage. They have received a grant of \$15,000 from U.S. Fish and Wildlife. Melissa will be going to the RAC to ask for additional money of \$70,000 to do the project.

**PUBLIC WALK-IN AND INPUT:** Janet Monti, Vice President of the Emmett Community Arts Commission, met to update the Commissioners on the last meeting they had. They are still working on their resource list. They will be judging an art contest the Recreation District is having. They have their logo and will be using City Hall as their contact address and phone.

**EXECUTIVE SESSION:** A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel. Those governing bodies present in the meeting were Commissioners Mansfield, Pratt, and Sherrer. A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to come out of executive session. No decisions were made.

**PROSECUTING ATTORNEY MATTERS:** Prosecuting Attorney Richard Linville, met with the Board to discuss legal issues.

Kathy Edwards, contracted Public Defender Conflict Attorney, had turned in a letter resigning from the contract because of the extra expenses she has had in Gem County. After talking to PA Linville, she proposed, to the Board an increase in her contractual amount that would be

needed to continue the contract.

Her current contract is for \$15,000/year. Kathy enjoys her work in Gem County and would like to stay, if the expenses could be met. She proposed increasing her contract to \$24,000 per year.

PA Linville will check into the possibility of putting a moratorium on administrative splits while a new one is being done.

Discussion was had on the amount spent on the County Christmas Party going over budget. The expenses have been approved.

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

**ELECTION PRECINCTS APPROVED:** A motion was made by Commissioner Sherrer to approve the current Gem County Election Precincts with the current boundaries which were established by Resolution 2002-06. It was seconded by Commissioner Pratt and carried unanimously.

**Commissioner Mansfield left to meet with the Sheriff concerning excessively high heating bills for the jail.**

**STEVE GROENING, UNIMIN:** Steve Groening, owner of Unimin Sand Plant, met to discuss the options for a strip of land bordering his business on the east end of Shadow Butte Industrial Park. There is an irrigation ditch between the two properties that requires maintenance. There is no room on the Unimin side to get a back-hoe in to maintain the ditch—it has to be done on the County property side. Steve would like to come up with a plan that would be of common benefit in creating a buffer zone. He suggested 50-75 feet wide by approximately 1,200 feet in length parcel with a fence.

**EXECUTIVE SESSION:** A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel. Those governing bodies present in the meeting were Commissioners Pratt and Sherrer. A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously, to come out of executive session. No decisions were made.

**Commissioner Mansfield came back into the meeting.**

—

**AMBULANCE REMODEL:** A motion was made by Commissioner Sherrer to approve the previously reviewed proposals for work on the Ambulance remodel for the following: Baker Concrete for concrete work at \$15,916; A-Core for concrete sawing at \$1,312; Affordable for plumbing at \$9,500; Hon/Walker Fox for masonry at \$8,844; Ontario Roofing for roofing at \$3,825; Cherokee Construction for framing at \$16,242; MDM Corporation for insulation at \$1,829; Ross Wooley for heating, ventilation and air conditioning at \$4,925; Overhead Door for doors at \$7,675; A.C.E/Monte Adkinson for electrical at \$16,127. It was seconded by Commissioner Pratt and carried unanimously.

**TERRI BARRUS REZONE DECISION:** A motion was made by Commissioner Sherrer to uphold the Planning & Zoning decision to deny Rezone #339, rezone application by Terri Barrus, due to there not being any other R-03 zones in the immediate area, it can be used and is being used as it is currently zoned, it adversely affects the surrounding neighbors, the property size is in harmony with the surrounding parcels, and the County makes it's decision on land use and not financial gain. It was seconded by Commissioner Pratt and carried unanimously.

**HENRY WALKER REQUEST FOR P & Z ORDINANCE AMENDMENT:** A motion was made by Commissioner Pratt to uphold the Planning & Zoning Commission to deny Henry Walker's request to amend the Gem County Zoning Ordinance. It was seconded by Commissioner Sherrer and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on January 20, 2004**

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

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