



August 23 & 24, 2004, Emmett, Idaho

Pursuant to a recess taken on August 17, 2004, the Board of Commissioners of Gem County, Idaho, met in regular session this 23rd & 24th day of August, 2004, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

August 23, 2004

Pledge of Allegiance was said.

ECONOMIC DEVELOPMENT UPDATE-MORRIS HUFFMAN: Morris Huffman, Economic Development Specialist, met with the Commissioners. Discussion was had on the RFP for his position. His position has been funded for another three years.

Morris went over his meeting schedule for the week. He is still trying to get a sample sales agreement from the Jerome Industrial Park to use in putting one together for the property in Shadow Butte Industrial Park.

INDIGENT APPLICATIONS: 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)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

04-058 Application needed a release of lien signed.

04-066 Application needed a hearing denial signed.

04-083 Application for medical expenses needed a follow-up approval 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 Sherrer to sign a release of lien for 04-058, to sign a hearing denial for 04-066, and to sign an approval for follow-up medical expenses for 04-083. 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.

BLACK CANYON DEVELOPMENT PROJECT: Tom Blessinger and Pam Garrison from Black Canyon Development met with concerns about the steps required by the Gem County Planning & Zoning Ordinance for their

PUD. They have followed all of the direction from Debra Lish, the former Planning & Zoning Administrator. They wanted to know if the Commissioners are comfortable with the plans in place. The Commissioners stated that as long as all of the steps in the Ordinances are followed, they should be fine.

PUBLIC HEARING - TJT REZONE: A public hearing, which was tape-recorded, was held for a rezone request by TJT Enterprises LLC to rezone approximately 6.87 acres located on Salesyard Road east of Mill Road from A-2 Rural Transitional Agriculture to R-3 Rural Residential Zone. Commissioner Mansfield opened the hearing and read the notice of hearing. He then read a letter in opposition from Shanna and Andrew Becker and entered it into the record. Commissioner Mansfield then asked for public comment.

No one was present to speak in favor of the rezone.

Debra Smith from the Planning & Zoning Office reported that the Planning and Zoning Commission recommended the approval of the rezone because it complies with the Comprehensive Plan and the County residential area of impact. She stated there was no opposition voiced from the public at their meeting. There was more discussion between the Commissioners and Debra.

Andy Becker asked if there were any types of housing requirements if the rezone was approved. He was told that the only way to restrict the type and size of homes would be if they were restricted by covenants in a subdivision.

A motion was made by Commissioner Pratt to take the decision under advisement. It was seconded by Commissioner Sherrer and carried unanimously. The hearing was closed.

PHONE ACCOUNT CONTRACT CHANGE: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to convert the County Courthouse phone contract to Centrex 21, which will still be with Qwest and to approve Dave Wood as the County's agent.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on August 24, 2004.

OPEN FORUM: An open forum was held in the Commissioners' Office in the Gem County Courthouse on Monday, August 23, 2004, at 7:00 p.m.

Those present were Commissioners Mansfield, Pratt, and Sherrer, and Clerk Howard. No members of the public attended.

August 24, 2004

Pledge of Allegiance was said.

INDIGENT HEARING: During executive session under Idaho Code 67-2345(1)(d) and being tape-recorded, an appeal hearing was held for Indigent Case #04-063. Those in attendance were Commissioners Mansfield, Pratt, and Sherrer, Clerk Howard, Prosecutors Richard Linville and David Hargraves, Deputy Clerk Sue Spencer, and the

appellant. No decisions were made.

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 Pratt to uphold the previous decision of denial of #04-063 based on no new information and there being no timely application. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT HEARING: At the time of an appeal hearing for Case #04-073, the applicant did not appear, and having no further information, a motion was made by Commissioner Sherrer to forego the hearing and uphold the previous denial of the application. It was seconded by Commissioner Pratt and carried unanimously.

ICRMP AGREEMENT RENEWED: A motion was made by Commissioner Sherrer to sign the Renewal Confirmation and accept the renewal terms for the County liability insurance for October 1, 2004 to October 1, 2005, in the amount of \$102,728.00 with ICRMP. It was seconded by Commissioner Pratt and carried unanimously.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Pratt to pay the claims as presented, approved and noted in the Claims Report Form. It was seconded by Commissioner Sherrer and carried unanimously

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Richard Linville and Deputy Prosecutor David Hargraves met concerning legal matters.

The Commissioners were advised that there may be a conflict of interest to have a person who works for a developer working temporarily in the Planning and Zoning Office.

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. No final decisions were made. A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously to come out of executive session.

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

ROAD & BRIDGE MATTERS-DENNIS PULLEY SUPERVISOR: Road and Bridge Supervisor Dennis Pulley reported that they had to rent a water truck to flush a culvert in Letha. They had to rent the truck because the main Road and Bridge water truck was being used in Ola because the one in Ola was not working.

Dennis had some questions concerning his FY2005 budget. He questioned several items in his budget. Discussion was had. No changes were made.

P & Z BUILDING ROOF: Maintenance Supervisor Chuck Shambaugh met to propose the re-roofing of the Planning & Zoning building. There will be damage done to the south side of the roof when venting is done. A decision was made to do a full re-roofing.

Chuck will work on the OSHA Hazard Communication Checklist and e-mail information out to County employees.

SHADOW BUTTE INDUSTRIAL PARK: Members of the Shadow Butte Development Corporation and reps from Sage Community Resources and Holladay Engineering met with the Commissioners to update them on Shadow Butte Industrial Park. Leslie Toombs went over the list of action items. Everything seems to be moving along and right on track. John Blom was presented the final Wetland/Delineation report, with a letter from Levi Montoya from the USDA.

POSSIBLE GRANT FUNDING: Representative Kathy Skippen and Cheryl Conrad went to a meeting where grants were discussed. There is a \$100,000 construction grant from LHTAC that would be a good fit for a bridge on the South side of Gem Island Sports Complex. No match is required and the paperwork is minimal. The Commissioners should be getting an application in September. The proposal for a Dewey Road connection to the freeway would fit better in the Corridor study for LHTAC money, sponsored by ITD.

ORDINANCE 2004-04: A motion was made by Commissioner Sherrer to adopt Ordinance 2004-04 creating dog control regulations. It was seconded by Commissioner Pratt and carried with aye votes from Commissioners Sherrer and Pratt and a nay vote from Commissioner Mansfield.

Commissioner Mansfield left the meeting.

ORDINANCE 2004-04: A motion was made by Commissioner Sherrer to repeal Ordinance 2004-04 for clarification and adoption at a later date. It was seconded by Commissioner Pratt and carried unanimously with aye votes from Commissioners Sherrer and Pratt.

The Board recessed at 5:30 p.m. to 8:00 a.m. on September 7, 2004.

Approved: _____
Chairman

Attest: _____
Clerk