



February 28 & March 1, 2005, Emmett, Idaho

Pursuant to a recess taken on February 22, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 28<sup>th</sup> day of February & 1<sup>st</sup> day of March, 2005, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Michele Sherrer	Commissioner
	Lan Smith	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

**February 28, 2005**

**Pledge of Allegiance was said.**

**HOSPITAL BOARD APPOINTMENT:** A motion was made by Commissioner Sherrer to appoint Commissioner Lan Smith to the Hospital Board to finish a three-year term ending January 2007. It was seconded by Commissioner Pratt and carried unanimously.

**ECONOMIC DEVELOPMENT UPDATE:** Economic Development Specialist Morris Huffman met to discuss several matters. Syringa is probably not an option for telecommunication service for Shadow Butte Industrial Park because of the time schedule.

The Governor's Office needs to be invited to the ribbon cutting for ATTCO, a new business located in the old Letha fire station. Morris has retention meetings with two businesses today.

**RECREATION DISTRICT/GEM ISLAND MATTERS:** Tom Hoppell from the Recreation District Board and Kelly Taylor with the Gem County Youth Softball/Baseball League met with several issues. Discussion was had on how much to charge teams to play in softball/baseball tournaments on Gem Island Sports Complex. It was suggested that \$200 be charged for each Gem County tournament, and \$150 each team for out-of-County sponsored tournaments. The fees will be used for maintenance of the Island. Cash may be generated with the concession stand. The Commissioners will re-visit the Coke contract. The Commissioners agreed with the tournament fees.

**PLANNING & ZONING UPDATE:** Planning and Zoning Administrator Debra Smith met to update the Commissioners. Debra hired a new employee.

**INDIGENT APPLICATIONS:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent application:  
05-009 Application needed a release of lien.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of

executive session.

A motion was made by Commissioner Sherrer to release the statutory lien on 05-009. It was seconded by Commissioner Smith and carried unanimously.

**EASEMENT FOR BUTTE ROAD BRIDGE:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to sign the permanent easement to the County from Chester C. Kerstein and Joann Kerstein for slope stability and maintenance located west of the centerline of Squaw Creek for the building of the bridge on Butte Road crossing Squaw Creek.

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

**AMBULANCE SERVICE DISCUSSION:** Ambulance Director Mark Rekow met with the Commissioners and presented numbers for the cost of running the Ambulance Department for the past five years and four years forward. Discussion was had on a proposed Ambulance District. Mark and others will be going out to the service clubs in the County and present information to them.

**MISDEMEANOR PROBATION REPORT:** Wade Dishion met to give the Commissioners a report for the last quarter of 2004. There were 30 cases assigned in the last quarter, with 19 for driving under the influence. They had 38 closures, with 10 closed to bench warrant. They had 27 finishing treatment programs, with 24 being successful. They had \$18,681 fines due and \$14,599 collected. There were 19 to complete SILD, with two of those unsuccessful. There were 44 drug tests with 14% positive, 3 methamphetamine, 3 marijuana, and 38 negative. There were 23 violation reports written. They are working on getting the violation number down. From the onset of the program in November of 1998 there have been 805 cases assigned with 71 who absconded.

**4-H AMBASSADORS:** Terri Nyce, advisor for the 4-H Ambassadors, met with the Commissioners and brought eleven of the 4-H Ambassadors to report. Ambassadors are 9<sup>th</sup> to 12<sup>th</sup> grade 4-H members who have become ambassadors to promote 4-H in the community. They had the largest number of attendees at the State Conference. Each of the ambassadors gave the Commissioners a report. These reports included their experiences at the State Conference and the things they have done and learned in 4-H.

**RECORDING OF DEEDS PROCESS:** Continued discussion was had with Planning and Zoning, the Assessor's Office, the Clerk's Office, the Commissioners, and the Prosecutor's Office on the processing of deeds. From research that Mapper John Henderson did, he found that Clerks are required to record deeds and Assessors are required to process deeds, whether they have legal descriptions or not. There can be ordinances made in the County to require certain things on surveys, etc., before they can be recorded. There doesn't seem to be enough state laws to enforce recording of deed requirements through Planning and Zoning Ordinances. It seems that one solution would be through a more strict minor

subdivision ordinance and possibly tagging a deed that has an incorrect legal description.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on March 1, 2005.**

**OPEN FORUM - SWEET**: An open forum was held at Sweet Syringa Hall on February 28, 2005, at 7:00 p.m. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, and five members of the public. Topics of discussion were: Fire District issues with Black Canyon Partners, a constant wet spot along Shalerock Road, black flies, the Clean Water Act Suit, Montour wetlands mosquito problem, Mosquito Abatement District annexation, a proposed "Foster Children's Home" in Sweet, Library District election, paramedic service in the County, Butte Road bridge, inhumane care of horses, a historical home in Montour, and historical signs to be put up at the Black Canyon Partners development.

**March 1, 2005**

**Pledge of Allegiance was said.**

**MOSQUITO ABATEMENT MANAGER**: Trudy Jackson, Mosquito Abatement Board Chairman, introduced Jason Kinley, the current Mosquito Abatement District Manager. Jason went over the Board's abatement plan that had been turned into the Commissioners. He explained that he would base the plan on a surveillance program. He went on to explain the things he has already done and the things he plans to do. He has a lot of experience in mosquito virus studies and abatement. He is planning on all of the staff being licensed before the season and they will all be wearing a uniform so people will know who they are. There will be a regular newspaper article on the status of mosquitoes in the County. Jason would like to attend the County's monthly Department Head meeting. The Board would like to get more exposure and education to the public. They plan to start larvaciding in April. His goal is to make the public more aware that their District is a public health service. He stated that mosquitoes will not be eradicated completely, but they will be manageable.

The black fly problem may need to be addressed. That will be determined as the season comes on.

**DEPARTMENT OF PARKS AND RECREATION AGREEMENT**: A motion was made by Commissioner Sherrer to approve the agreement between Idaho Department of Parks and Recreation and Gem County Sheriff's Department in its administration of Idaho's available Boat Safety Grant monies, in which the Parks and Recreation agrees to pay its share of allowable costs incurred by Gem County Sheriff's Department accomplishing the Idaho Recreational Boating Safety Program objectives. It was seconded by Commissioner Smith and carried unanimously.

**INDIGENT APPEAL HEARING**: During executive session and being tape-recorded, an indigent appeal hearing was held for Indigent Case

No. 05-008. Those present were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Deputy Clerk Sue Spencer, and Deputy Prosecuting Attorney David Hargraves.

After coming out of executive session, a motion was made by Commissioner Sherrer to uphold the original denial of 05-008, with the addition of the finding that the applicant appears to have Medicaid, thus the County is not the last resort. It was seconded by Commissioner Smith and carried unanimously.

**PUBLIC WALK-IN AND INPUT:** Melody Dunbar from the Recreation District met to visit with the Commissioners concerning the skateboard competition on March 30. She needs a judge. Commissioner Smith agreed to be a judge. Melody approached Coke for a contribution of Coke products for the event and was told they would provide their products at 50%. She is looking for donation of prizes.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutors Richard Linville and David Hargraves met concerning legal matters. The dog ordinance is being worked on. It was discussed.

The Commissioners gave approval to pay for Richard Linville to attend a Prosecutors' conference in San Francisco.

Discussion was had concerning the policy of sick leave for County employees. A clarification will be made concerning the donation of sick leave. The proposed clarification would be that the recipient of the donation must first use any sick leave, vacation, comp time, or holiday time accrued in order to receive donated sick leave.

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

**SHIPLEY COMPREHENSIVE PLAN AMENDMENT DECISION DISCUSSION:** After discussion, a motion was made by Commissioner Sherrer to approve Gary and Judith Shipley's request to amend the Comprehensive Plan Map designation from Suburban Agriculture to Mixed Planned Development for 155 acres located 1½ miles west of Emmett on Highway 52. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Sherrer to adopt the Planning and Zoning Commission's Findings of Fact for the rezone request from Gary and Judith Shipley to rezone 155 acres located 1½ miles west of Emmett on Highway 52 from A-2 rural transitional to M-1 light industrial, with the exception that number 3 be changed to "would conform to the Comprehensive Plan" and number 5 to "it can be used as it is currently zoned." It was seconded by Commissioner Pratt and carried with ayes from Commissioners Sherrer and Pratt and Commissioner Smith abstained from voting.

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Shawn Charters, Shadow Butte Development Corporation, explained that the grant for Shadow Butte Industrial Park requires that high-speed telecommunications be brought in. Through motion, the Commissioners authorized Holladay Engineering to proceed with the proposal from Qwest to provide high-speed telecommunications to the site of Shadow Butte

Industrial Park.

Once the DEQ approval is received, bidding can be started. Construction cannot start until the 404 permit is received. There seems to be no problem with extending the March 8, 2005, start date.

There are two more businesses that have requested information on purchasing land in the Park.

**PUBLIC HEARING - BLACK CANYON PARTNERS DEVELOPMENT:** A public hearing was held for the purpose of a request for a Planned Community Based District by Black Canyon Partners, LLC, subject to the conditions of the Gem County Zoning Ordinance; Chapter 8; Subsection 8-20, to include an amendment to the Gem County Zoning Map for property located on Shalerock Road. Chairman Pratt opened the hearing and invited Black Canyon Partners to present their proposal. There were approximately 60 people in attendance.

Pam Garrison from Black Canyon Partners gave the presentation for Black Canyon Partners, which included a Power Point program. She introduced all of the players in the project. She then went over the step-by-step process they have gone through to get to the final plat stage of their project. She went over their vision and the plans they have for the project.

Shawn Charters from Black Canyon Partners presented what they felt will be the economic impact to the community when the development happens.

Pam Garrison reported on the compliance to the Gem County Comprehensive Plan.

John Blom from Holladay Engineering described the engineering aspect of the development, including the water system, wastewater treatment plant, and the road improvements.

Bob Cupp, the golf course designer, discussed the impact a golf course has on a community. He cited examples of two other golf courses and the success of the communities that followed the building of the courses—one in Oregon and one in Georgia. He stated that public golf courses are what America needs.

Susan Wildwood, attorney for Black Canyon Partners, stated that the community of Gem County has been very good to work with. She said that this golf course and planned community project is in the forefront of other projects in the surrounding counties as far as timeline, amenities, economical potential, and public support. She then spoke to the requirements in the County's ordinances. Because of the requirements, the project will have a review at least every two years, through Ordinance and/or presentation of future phase plats.

Questions were asked by the Commissioners. Their concerns were: fire district coverage, ambulance service, public access on paths, etc., school population, road improvements, waste water treatment plant and septic systems, fire, EMS, and police protection and service. The questions were answered by various individuals.

There were 17 exhibits, various reports and letters of support and opposition and one e-mail, entered into the record. The public was then invited to testify.

Gary Johnson's concern was Frozen Dog Road being improved

during two different phases.

Greg Kurshal, Gem County Historical Society, reported that Black Canyon Partners have agreed to put two appropriate signs up memorializing Shalerock Road being a major thoroughfare for the 1862 gold rush.

Bryce Walker, Land Use Committee, had concerns about the development paying their own way, including further roads besides Frozen Dog, the cost of building of a new school, and access to the BLM and State lands and the open spaces within the project. The Land Use Committee thinks that the new highway should go on the East side of the valley to pick up traffic from the Black Canyon development.

Don Wilkerson spoke about concerns that the part of Frozen Dog that is planned for Phase 2 is the worse part of the road. He has heard that one of the golf courses would be private and that the access road to the reservoir would not be open to the public.

Walter Smith wrote exhibit 5 and wanted it known that he is not against the project—just concerned about the road situation with increased traffic.

Bill Zufelt stated he is pleased with the project and approves of it 100%. He has been connected with golf courses for a lot of years and said it is amazing how they go.

Rex LaBrie stated he is in favor of the project and that a lot of background work has been done.

Mark Rekow, EMS, stated there are only two full-time EMS employees and he is overwhelmed with the demand they may be faced with early on in the construction as well as later on in the development. He would like to sit down and have a discussion with those involved. Staffing and equipment will be an issue early on.

Linda Jackson, Gem County Chamber of Commerce, spoke in favor of the project and feels all concerns can be addressed. She stated that from the Chamber's point of view, Black Canyon Partners have given every opportunity available to current businesses in the community.

Dale Atkinson stated he has concerns on the wastewater treatment plan because it was stated that the effluent would be put on the golf course.

Bill Zufelt stated he is familiar with the type of wastewater treatment plant planned and he has known it to work fine.

With no more public wanting to make comment, Black Canyon Partners made comment on the public's concerns. They stated that the public will have access across their lands to public lands. A lot of their land will be open to the public, such as the golf courses, etc. The road to the boat dock and parking lot will be closed to the public in the winter, but will be open during the rest of the year. If the lower half of Frozen Dog Road is not improved with a grant during Phase I, it will be maintained by Black Canyon Partners until Phase II when it will be completed. Both golf courses will be public golf courses. Eventually, there could be a private facility evolve out of them in fifteen or twenty years. Effluent water put on the golf courses was addressed. It would be put on under the DEQ requirements. Phase

I will not be selling houses until the end of 2006 and phase II will not begin until the end of 2008. They are in support of the concept that development pays their own way, but there are other projects going on in the area at the same time. They plan on their project taking up to 15 years before it is finished. The impact study was reviewed by the project engineer. They plan on updating the plan periodically. The numbers in the traffic study were discussed. These were numbers projected at build-out. They said the School Superintendent Fontaine told the Black Canyon Partners that he felt the donation of the land for a new school would be sufficient to allow the District to build a new school. They said Mr. Fontaine told them the School District could retire the existing bonds early enough to be able to bond and build a new school. The Partners hope to have discussion with the EMT people.

The public hearing was continued until March 21, 2005, at 1:30 p.m., with Black Canyon Partners providing information on some of the suggestions made such as a helipad, the walking path across the canal bridge on Frozen Dog Road, and other items.

**The Board recessed at 7:00 p.m. to 8:00 a.m. on March 14, 2005.**

**CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN February 1 through February 28, 2005:**

CURRENT EXPENSE FUND .....	\$ 126,395.09
ROAD & BRIDGE FUND .....	77,766.43
CIGARETTE TAX/BLOCK GRANT .....	16,972.42
DISTRICT COURT FUND .....	18,322.71
COUNTY FAIR FUND .....	2,385.01
COUNTY JUSTICE FUND .....	143,185.80
FAIR, GROUNDS & BUILDINGS FUND .....	3,375.66
III HEALTH DISTRICT FUND .....	6,061.33
INDIGENT .....	23,938.74
ENHANCED 911 .....	1,293.50
REVALUATION FUND .....	13,217.78
SOLID WASTE FUND .....	22,827.49
NOXIOUS WEED FUND .....	10,056.18
WATERWAYS .....	3,509.98
INSURANCE POOL .....	3,366.95
AMBULANCE FUND .....	15,523.67
TOTAL	\$ 488,198.74

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

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