



June 13 & 14, 2005, Emmett, Idaho

Pursuant to a recess taken on June 6, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 13<sup>th</sup> & 14<sup>th</sup> day of June, 2005, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Michele Sherrer	Commissioner
	Lan Smith	Commissioner
	Sue Spencer	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

June 13, 2005

Pledge of Allegiance was said.

**SUNDAY LIQUOR SALES - TIK'S TAVERN:** Vicki Tikala and Jim and Lauri Johnson met to discuss a decision for liquor sales on Sunday. City Council approved Sunday liquor sales and they should publish an Ordinance. This is a City Ordinance and the County does not have to take action as the businesses are located in the City limits.

**PLANNING & ZONING UPDATE:** Debbie Smith met with the Board and indicated her office is dealing with many new complaints. Debbie will take one complaint case to the Prosecutor so the person on the property will comply with cleaning up the junk in his back yard. Gary Shipley is advertising property for sale for mixed use. This property is not mixed use, it is light industrial only. Debbie told Gary that he would have to apply for a rezone to change the use of property. Various other issues were discussed concerning ditches and the Fire District.

**ECONOMIC DEVELOPMENT UPDATE:** Morris Huffman met to discuss various meetings he will be attending. Morris gave Commissioners an updated copy of the Shadow Butte Industrial Park and will only have one meeting to work on before it is due at the end of June 2005.

**EMMETT IRRIGATION DISTRICT AID:** Gem County Road & Bridge assisted in the repair of a breach of an Emmett Irrigation District canal, through a mutual aid agreement.

**EXECUTIVE SESSION:** 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)(b) concerning personnel and 67-2345(1)(f) concerning litigation. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith and Prosecutor Tim Fleming. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

**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 applications:

- 05-038 Additional medical for evaluation
- 05-041 Application for medical assistance
- 05-045 Application for medical assistance
- 05-046 Application for medical assistance

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

A motion was made by Commissioner Sherrer to approve 05-038 for evaluation, deny 05-041 for incomplete application and lack of cooperation, deny 05-045 for untimely application, and hold 05-046 for more information. It was seconded by Commissioner Smith, and carried unanimously.

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

**HISTORICAL SOCIETY - REACTIVATE COMMISSION:** Meg Davis and Greg Kershul met to ask to revitalize Ordinance 87-2 for preservation of artifacts and historical property. The Historical Society was interested in preserving the Burge house, but it was destroyed before anything could be done. A central resource for preservation of historical properties needs to be established. Property needs to be on the historical list in order to be preserved according to the State. A County Historical Commission needs to be reestablished for preservation. Buildings need to be on a historical list in order to apply for grants from Federal and State Funds. A proposed roster to reinstate the Gem County Historical Preservation Commission was presented to the State. Ann Swanson is the contact person at the State Historical Society.

**PUBLIC HEARING - SCHUERMAN REZONE:** While being tape-recorded, a public hearing was held for a rezone request by Laurence and Tina Schuermann to rezone approximately 6.9 acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located at 2425 Gem Avenue. Commissioner Sherrer moved to approve application #353 from A-2 to R-3 with the stipulation to increase the size of tax zone 25 to meet requirements and Emmett Irrigation stipulations are met. Further discussion was had and Commissioner Sherrer withdrew the first motion and made a motion to take the matter under advisement pending findings of facts. The motion was seconded by Commissioner Smith and carried unanimously.

**PUBLIC HEARING - STIRLING REZONE:** While being tape-recorded, a public hearing was held for a rezone request by Wilbur W. Stirling to rezone approximately 9 acres from A-2 Rural Transitional Agriculture to M-1 Light Industrial, located at 2055 Airport Road. Commissioner Sherrer made a motion to take this

matter under advisement. It was seconded by Commissioner Smith and carried unanimously.

**PUBLIC HEARING - PULLEY REZONE:** While being tape-recorded, a public hearing was held for a Rezone request by George Pulley to rezone approximately 1.24 acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional located at 552 East Idaho Boulevard. Commissioner Sherrer made a motion to take this matter under advisement. It was seconded by Commissioner Smith and carried unanimously.

**PUBLIC HEARING - LETHA FIRE STATION STREET VACATION:** While being tape-recorded, a public hearing was held for a request to Vacate by Gem County Rural Fire District #1, a portion of Payette Avenue where the current building extends approximately one foot into the street. The property is located at 8395 West Idaho Boulevard. Commissioner Sherrer made a motion to take this matter under advisement and to continue the hearing to July 25, 2005. It was seconded by Commissioner Smith and carried unanimously.

**BUDGET REVIEW - AMBULANCE:** Mark Rekow met to discuss his budget requests for 2006 fiscal year.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on June 14, 2005.**

**June 14, 2005**

**Pledge of Allegiance was said.**

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

**PUBLIC WALK-IN AND INPUT:** Don Wilkerson, Planning and Zoning Board Chairman, met to discuss results of their meeting. A special use permit decision was continued, one kennel was applied for and approved, two rezones were passed with recommendations and one rezone was denied as presented.

There are currently six members on the P & Z Board and Don would like two to three more members. He requested to have a stand for the microphone for the public meetings. He also expressed a concern of the lack of an Attorney present during the Planning and Zoning meetings, and problems with the tape recorder.

Marvin, Jared, and Melvin Rowley met to discuss a prior Board of Commissioner decision of a rezone limiting the property to three building permits. The Planning and Zoning Commission had originally denied the rezone for Mel Rowley. This was appealed to the Board of Commissioners. The rezone allowed one-acre lots and there are three one-acre parcels, but the Findings and Facts from prior Commissioners specifically stated they were restricted to only three parcels. Commissioner Pratt stated they would have to let them know after further review on what options are available

to Melvin Rowley.

**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 and 67-2345(1)(f) concerning litigation. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

**PROSECUTING ATTORNEY MATTERS:** David Hargraves discussed various legal issues. Commissioner Smith would like to see an updated Ordinance to be compatible with City on naming streets and trying to organize a street naming committee possibly by a resolution. Discussion was had concerning legal counsel attending the Planning and Zoning Board meetings. They are working on changing text language in the Comprehensive Plan to designate planned communities. Discussion was had concerning the Melvin Rowley rezone and David will research with Debbie Smith, Gem County Development Services, and will contact Mr. Rowley on what options are available.

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

**JAIL INSPECTION:** Quarterly inspection of the jail was completed as required.

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Bob Ford, Lane Jolliffe, Mike Freese, Morris Huffman, Janet Monti, Shawn Charters, John Blom and Cheryl Conrad, Deputy Prosecutor David Hargraves, Rod Huber, and Ed Botken met to discuss Shadow Butte Industrial Park project.

A motion was made by Commissioner Smith to have the Chairman sign EDA Award No. 07-01-05358, seconded by Commissioner Sherrer and carried unanimously.

A conference call was made to Brian Alvis to discuss wetlands and how to proceed. Representatives of Congressional Offices took a site tour of Shadow Butte Project prior to the meeting. Commissioner Pratt stated the County has been working on the 404 permit and just found out an individual permit is needed and that was not made clear to the County. Brian's understanding was an individual 404 permit and a 404 National permit are required. Commissioner Smith stated Greg Martinez, Army Corps of Engineers, never made any indication that a different permit was needed after he toured the site. John Blom asked that the portion for entering the first phase be considered separately from other phases. A national permit was declined by Greg Martinez because he didn't want to parcel out the project. Commissioner Sherrer stated there was nothing to indicate another permit was needed after all the other permit reviews were received. Bob Ford suggested they conference call to Walla Walla to discuss a national permit. They requested the national permit for the one crossing and would continue to work on the individual permit.

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Commissioner Smith wants to get them back to show that it is not really a wetlands.

Brian stated Army Corps of Engineers work plan needs to be sent before EDA would send a notice to proceed. All administrative forms need to be complete, special conditions to disbursement of funds, all contracts in place and approved by EDA.

Shawn Charters has forwarded water bids and all items on utility to Brian. Bids are good for approx 2 more weeks. Idaho Power issues concerning 3 phase power and Idaho Power is waiting to hear if Shadow Butte will be first position or second position. Mountain West Building Supply is ready to go forward with getting power and is now requesting they be in first position. Commissioner Smith stated an agreement will be written to that effect as long as the cost for the County does not increase. Commissioner Smith made a motion to have David Hargraves write an agreement with Mountain West Building Supply to proceed with the power installation. Discussion was had and David Hargraves will meet with the Commissioners to discuss the agreement. Commissioner Smith withdrew his motion for further discussion.

John Blom stated landscape plans were given to Debbie Smith as these have been revised. Cheryl Conrad stated the contract with the City for hook-up fees would stand as contracted.

Bob Ford reported on a conference call to Brad Daly in Walla Walla for precedence for them to issue more than one permit on a project and will talk with Greg Martinez. Bob stated the Commissioners need to write a letter to Brad Daly requesting the Army Corps of Engineers to authorize the national permit on phase one. Phase one would be a viable stand-alone project even if the individual permit was not approved, as stated by Brad Daly in the conference call.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on June 20, 2005.**

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

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