



August 15 & 16, 2005, Emmett, Idaho

Pursuant to a recess taken on August 9, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 15th & 16th day of August, 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:

August 15, 2005

Pledge of Allegiance was said.

COMP PLAN UPDATE: Commissioner Lan Smith updated the other two Commissioners on the work the committees for the Joint Comprehensive Plan have been doing. Lan is co-chairman of the Steering Committee.

PLANNING & ZONING UPDATE: Planning and Zoning Administrator Debra Smith met to update the Commissioners. There is an ordinance workshop tonight.

ECONOMIC DEVELOPMENT UPDATE: Economic Development Specialist Morris Huffman met to update the Commissioners. He presented a proposed full-page ad for the Horizon Air Magazine which will be published in October. He has been working on a possible business relocation for the area. The Co-generation plant should be ready to present their plans to the County in a few weeks. Economic Development Directory for Idaho advertisement will be renewed. There will be an advertisement placed in the Gem County Chamber of Commerce Directory.

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:

- 05-055 Application for medical expenses.
- 05-059 Application needed a release of statutory lien signed.
- 05-060 Application for medical expenses.
- 05-067 Application for medical expenses needed a statutory lien signed.
- 05-068 Application needed a statutory lien signed.

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 deny 05-055 because of possible other resources, to sign a release of statutory lien for 05-059, to deny 05-060 because of lack of cooperation and incomplete application with no proof of indigency, and to sign statutory liens and applicable UCC liens for 05-067 and 05-068. It was seconded by Commissioner Smith and carried unanimously.

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

PUBLIC APPEAL HEARING - JEFF GOODMAN SPECIAL USE PERMIT: A public hearing was had and tape-recorded for an appeal of the Planning and Zoning Commission's decision to deny a Special Use Permit request by Jeffery Goodman to allow the operation of an auto transmission shop from his home located at 2441 West Black Canyon Highway.

Jeff Goodman presented petitions and letters of support for the business, which were marked as exhibits and entered into the record. He then presented his case. He went over the requirements that should enable him to obtain the Special Use Permit and what he has done to meet those requirements. He cited examples of others in the area that have special use permits.

Commissioner Smith stated that one of the reasons of denial by the Planning & Zoning Commission was the appearance of the business.

Martin Boyce spoke in favor of the business. He stated it is a very clean shop that would be an asset to the community.

Guy Hahn spoke in support of Jeff Goodman.

Glea Standley spoke in support of the business. He stated it is very clean. There was no noise and is a respectable business.

Ron Standley stated that he drives by the area often and sees vehicles in front, but they come and go and do not pile up. He stated it is a nice operation and he would like to see it allowed.

Jeff Goodman stated that he would meet every requirement that the Commissioners wanted.

Margaret Standley stated that Gem County needs businesses and can't see why it would not be okay to have this business.

Commissioner Pratt entered into the record as Exhibit #5, a picture of the sign that would be put in front of the business.

A motion was made to take the matter under advisement, with a temporary Special Use Permit in place for 90 days while the paperwork is being done, and the hearing to be continued until August 23, 2005, at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing was closed.

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. 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.

MINOR SUBDIVISION DISCUSSION: Planning & Zoning Administrator and staff, Deputy Prosecuting Attorney David Hargraves, and Mapper John Henderson met with the Commissioners to summarize the work they have been doing on the minor subdivision ordinances.

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)(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 Smith, seconded by Commissioner Sherrer, and carried unanimously to come out of executive session.

EXECUTIVE SESSION: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to go into executive session under Idaho Code 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.

ORCHARD REVIEW BOARD APPOINTMENTS: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to re-appoint Alan Dimmick and Michael Nyce to the Orchard Review Board for two-year terms ending on June 1, 2007, and to re-appoint Norvil Elliott to the Orchard Review Board for a one-year term ending on June 1, 2006.

SCHINDLER ELEVATOR CORPORATION AGREEMENT: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to sign the Upgrade Order Agreement with Schindler Elevator Corporation.

LIQUOR CATERING PERMIT: A motion was made to approve a Liquor Catering Permit for Tik's Tavern to cater at the Gem County Fairgrounds 4-H Building for Black Canyon Bow Hunters. It was seconded by Commissioner Smith and carried unanimously.

PROPOSED DAIRY ON BLACK CANYON ROAD: Robin Borg met to complain about the dairy that is across the street from them that has extended to their side of the street. She is concerned about the market value of her home and about fly problems. She said they bought their home with the dairy across the street and were okay

with that. She is concerned about the cows now next door and the resale value of their property. The Commissioners stated that the land is designated agriculture and there are no ordinances prohibiting the expansion of the dairy. It was suggested that she call the Idaho State Department of Agriculture to get their requirements for dairies.

The Board recessed at 5:00 p.m. to 8:00 a.m. on August 16,2005.

August 16, 2005

PUBLIC WALK-IN AND INPUT: Assessor Greg Himes and Kathy Skippen discussed tax base for Gem County and also discussed what to present for the upcoming property tax hearing.

Roy Maxwell discussed Emmett Irrigation Ditch cost of repairing a broken levee. Dennis Pulley checked with the State and they would charge \$89.26 per hour for the equipment. Roy called different people who charge for the operator and piece of equipment and received varied prices. Commissioner Smith stated the county is out the man hours and fuel. Commissioners will discuss this issue and contact Roy of what the total bill will be for the help of the County.

SHADOW BUTTE INDUSTRIAL PARK: Commissioner Sherrer moved to have the chairman sign "Notice to Proceed" for Hills Construction for water supply improvements at Shadow Butte Industrial Park. It was seconded by Commissioner Smith and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met and discussed various legal matters.

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

EWING CO. - CONSTRUCTION MANAGEMENT PRESENTATION: John Ewing, representing Ewing Co, presented qualifications for the construction management position.

KREIZENBECK CONTRACTORS - CONSTRUCTION MANAGEMENT PRESENTATION: Dave Maloney, representing Kreizenbeck Contractors, presented qualifications for the construction management position.

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)(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.

Commissioner Minutes 08-15,16-05

The Board recessed at 5:00 p.m. to 8:00 a.m. on August 22, 2005.

Approved: _____
Chairman

Attest: _____
Clerk