



August 22 & 23, 2005, Emmett, Idaho

Pursuant to a recess taken on August 16, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 22<sup>nd</sup> & 23<sup>rd</sup> 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 22, 2005

Pledge of Allegiance was said.

**WATER DISTRICT 65-A PROPOSED BUDGET:** Harry McCaulou, Chairman of the Squaw Creek Water District 65-A, met with the Commissioners to ask that the assessments for Squaw Creek Water District 65-A be put on the 2005 Tax Rolls. A motion to do so was made by Commissioner Smith, seconded by Commissioner Pratt, and carried unanimously.

**PLANNING & ZONING UPDATE:** Planning & Zoning Administrator Debra Smith met with the Commissioners to update them on several issues.

**ECONOMIC DEVELOPMENT UPDATE:** Economic Specialist Morris Huffman met with the Commissioners to update them on economic development in the County. He presented a copy of an ad that will be in the Horizon Air magazine in October. It advertised Black Canyon Planned Community in Gem County and Ultimate Log and Custom Homes, LLC, in Boise County. Morris has visited with a prospective company that needs rail access. Another manufacturer is looking for a 1500 square foot building space.

Discussion was had on Shadow Butte Industrial Park final plat and the preliminary plat for Phase II.

Commissioner Sherrer left for an meeting concerning the mosquito mediation and was back in the office after lunch.

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

Commissioner Pratt was not in attendance the rest of the day's meeting.

**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 needs a notice of appeal hearing signed.

- 05-060 Application needs a notice of appeal hearing signed.
- 05-068 Application for trailer space rent.
- 05-069 Application for rent expense.
- 05-070 Application for rent, water, and power expense.
- 05-071 Application for power expense.

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 sign notices of appeal hearings for 05-055 and 05-060, to deny 05-068 because the County is not the last resource and no emergency exists, to deny 05-069 because the County is not the last resource and no emergency exists, to deny 05-070 because the expenses are not in the applicant's name and no indigency has been proven, and to approve and sign a statutory lien and applicable UCC liens for 05-071. It was seconded by Commissioner Smith and carried unanimously.

**PUBLIC HEARING - STEVE MEDNICOFF REZONE:** A public hearing was held and tape-recorded for a rezone request by Steve Mednicoff to rezone approximately 95 acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located at 2625 North Plaza Road.

Commissioner Smith recused himself from the discussion and decision because of a possible conflict of interest.

Steve Mednicoff went over his request. He stated he feels his request meets the requirements of the Comprehensive Plan. He described their plans for a subdivision he will propose. Added to the record as Exhibit A was a chart of "Increased Revenues for Gem County." Steve went over the circumstances of the Planning and Zoning Commission hearing. Using a map, he described the surrounding property uses. He also showed an aerial picture, which was entered into the record as Exhibit B. The two maps were also entered into the record as exhibits.

Cathy Smith spoke in favor of the rezone.

P & Z Administrator Debra Smith stated that the rezone complies with the Comprehensive Plan and it was approved by the Planning and Zoning Commission.

Holly Hoff spoke in opposition of the rezone. Her concern was being surrounded by a higher density of homes because they have cows and operate farm equipment around the clock. She feels it would be an impact on her livelihood because neighbors would be filing complaints.

Dean Charters stated they run farming and feeding operations in the area, which runs at all times of the day. They make a lot of noise and have trucks running at all times. Their biggest concern is the odor produced from their operation. They just received notice, which was introduced as an exhibit, that they will be inspected by EPA in the future, which may require a change in the way they do business. They have spent a lot of money on improvements to their operation to help with the smell, but it is still there. If and when a CAFO ordinance is passed in Gem County, there may be concern for lawsuits against them by any new neighbors.

Jeanette Mednicoff stated that they accept that there is

farming next to their property. They are in the impact area and would like to rezone. They plan on having CC&Rs in their proposed subdivision that will let people know they are buying next to farming operations. They do not want to interfere with any of the farming operations in the area. They answered a question by Deputy Prosecuting Attorney David Hargraves that they would plan to put in 30 lots of varying sizes from 2 acres to 5 acres, and described where they would be.

The irrigation stipulations would be looked at during the subdivision process.

Letters from Kevin Hill, Stephanie and Sonny Rickstad, Bruce Wall, and Steve Ethington were entered into the record.

A motion was made by Commissioner Smith to leave the hearing open for seven days in order to provide for written response to the information from the letters entered into the record and to give an additional four days for the applicants to respond to the comments. It was seconded by Commissioner Sherrer and carried unanimously.

**PUBLIC HEARING - ROBIN NUFFER:** A public hearing was held and tape-recorded for a rezone application request by Robin M. Nuffer to rezone approximately 10.51 acres from Mixed Use Development and A-2 Rural Transitional Agriculture to Mixed Use Development, located at 1082 Cherry Lane.

Robin Nuffer stated she had no new information to give.

P & Z Administrator Debra Smith stated there was a unanimous approval by the P & Z Commission. There would need to be an access easement provided if the property is split.

A motion was made by Commissioner Smith to approve Rezone Application No. 357 Decision and Order for the rezone request by Robin M. Nuffer because it has been found to be in compliance with the Comprehensive Plan. It was seconded by Commissioner Sherrer and carried unanimously.

**ORDINANCE NO. 2005-12:** A motion was made by Commissioner Smith to adopt Ordinance No. 2005-12 approving a rezone for Robin M. Nuffer for approximately 10.51 acres located at or about 1082 Cherry Lane, Gem County, Idaho. It was seconded by Commissioner Sherrer and carried unanimously.

**PROPOSED GOPHER DISTRICT:** Dar Olberding, from Emmett Irrigation District, met to propose the idea of a Gopher District.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on August 23, 2005.**

**OPEN FORUM:** An open forum was held at the Gem County Courthouse on August 22, 2005, at 7:00 p.m. Those in attendance were Commissioners Pratt, Sherrer, and Smith and Clerk Howard. There was only one member of the public in attendance.

Topics of discussion were Commissioner minutes and advertising of the Emmett open forum.

**August 23, 2005**

**Commissioner Lan Smith left to attend other meetings until the**

afternoon.

**JEFF GOODMAN DECISION AND ORDER:** A motion was made by Commissioner Sherrer to approve Decision and Order for a temporary permit for Special Use Permit Application #460 for Jeff Goodman. It was seconded by Commissioner Pratt and carried unanimously.

**PUBLIC HEARING - (cont.)JEFF GOODMAN SPECIAL USE PERMIT:** A continuation of a public hearing from August 15, 2005, 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.

Two letters of support were entered into the record from Roma Trout and Brent Jensen. Also, information from Planning and Zoning was entered into the record.

Commissioner Pratt stated that she has some concerns about the stop-work orders. Commissioner Sherrer recommended continuing the Hearing for the 60 days of the temporary permit and make the final decision after that time, or before if requirements are met. Jeff Goodman needs to change the usage of the building from agriculture to business use. P & Z Administrator Debra Smith went over the steps that Jeff will have to take to make that happen. The Commissioners will be given a list of requirements and reports as they happen. They will be entered into the record at the next hearing when a decision may be made.

A motion was made by Commissioner Sherrer to continue the hearing, leaving the record open, until Oct 15, 2005. If the applicant comes into compliance before that time, the hearing could be rescheduled to an earlier date. The motion was seconded by Commissioner Pratt and carried unanimously.

**PUBLIC WALK-IN AND INPUT:** Vicki Thurber from Tyler's Pharmacy met to discuss prescription billings for State inmates that have been housed in Gem County Jail. The state has a list of billings they have not paid because of the inmate not being a State inmate or the prescription was not authorized before it was called in.

Larry Droppers from Walter Knox Memorial Hospital met to report on the progress of the Hospital remodel. He stated that they should be finished by the end of September.

Mark and Loni Ellis met to discuss the condition of Spring Creek Road. There seems to be a lot of rocks being dropped on the road from the trucks hauling from a gravel pit on the road. The Ellises have gotten two flat tires from the larger rocks. The trucks are traveling from the gravel pit eight hours a day and are causing an amount of dust that is not tolerable. When they bought their land, they were told that the gravel pits below them would be closed and there would be no other gravel pit opened on the road. The gravel pit above them has been open for about a year. They have an asthmatic person living in their home. The Commissioners will look into it.

Roseanne Daily from Gem County Recreation District met with the Commissioners to introduce Bud Reberry, their new Program

Manager.

**PROSECUTING ATTORNEY MATTERS**: Prosecuting Attorney Timothy Fleming and Deputy Prosecutors Dick Linville and David Hargraves met with the Commissioners to discuss legal matters. The County can pass an ordinance limiting the weight on County roads.

The PA's Office was asked to look into the process of forming a Gopher District.

Load limitations on roads were discussed.

Planning and Zoning appeal hearing protocol was discussed.

**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 and Sherrer. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, 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.**

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

**EXECUTIVE SESSION**: 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)(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 Pratt, and carried unanimously to come out of executive session.

**GEM COUNTY RECREATION DISTRICT BUDGET**: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to approve the budget request by Gem County Recreation District and to approve the \$33.64 per household fee.

**SHADOW BUTTE INDUSTRIAL PARK**: Members of Shadow Butte Development Corporation and others met to update the Commissioners on Shadow Butte Industrial Park.

The 404 Permit is still in the works. The draft of the Individual Permit was ready on August 11, 2005. Holladay Engineering presented the Contract Amendment No. 1 for the Wetlands Evaluation Assistance. A bill was presented for that and the plat work.

Hills Construction will be starting construction this week or next. Holladay Engineering will make sure the stakes are in place. Hills Construction substantial completion date is December 16, 2005. The revised utility bid documents need to be forwarded to EDA as soon as possible.

The final plat is in the printing process. The preliminary plat for Phase II needs to be started. The CC&R's need to be completed so they can be filed with the final plat.

Sales agreements are waiting on the final plat to proceed further.

Commissioner Smith reported on the intention to hire CH2M Hill to be the construction project manager of the Industrial Park.

**SHADOW BUTTE INDUSTRIAL PARK AGREEMENT AMENDMENT**: A motion was made by Commissioner Smith, seconded by Commissioner Sherrer to approve Amendment No. 1 to Owner-Engineer Agreement with Holladay Engineering for Shadow Butte Industrial Park.

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

**The Board recessed at 5:00 p.m. to 8:00 a.m. on September 6, 2005.**

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

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