



November 1, 2005, Emmett, Idaho

Pursuant to a recess taken on October 25, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 1<sup>st</sup> day of November, 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:

November 1, 2005

Pledge of Allegiance was said.

PERFORMANCE REVIEW DISCUSSION: During closed session, the Commissioners held performance reviews for County Department Heads.

VACATION OF ORCHARD DRIVE DISCUSSION: Jim Carley met with the Commissioners concerning the possibility of vacating Orchard Drive, which has never been developed. It is part of a subdivision, but the street was never put in and the right-of-way borders Mr. Carley's property. The Commissioners will discuss the matter with the Road & Bridge Supervisor and with the Prosecuting Attorney.

PUBLIC WALK-IN AND INPUT: Gary and Martha Cunningham met concerning a special use permit given to them dba Three Horse Ranch in 1976. They would now like to grow grapes and open a winery, using their current special use permit. They are working with the Alcoholic Beverage Control, meeting their requirements. The Commissioners told them they may need to go back through the Planning and Zoning Commission to amend their current permit. The Commissioners will check with the Prosecuting Attorney to see if that is correct.

Don Heffner met to ask about the lease the County has for the JAG Landfill transfer site in Montour. He was told that it is on the agenda for discussion with the Prosecuting Attorney later in the meeting.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorneys Richard Linville and David Hargraves met to discuss legal matters. Discussion was had on the County lease of the land for JAG Landfill transfer site in Montour. The original lease was for an open dump, but has not been used as such in the past 30 years. Don Heffner would like the lease changed so he can sell the neighboring property with the assurance that the ravine/canal will not be used as an open dump in the future. The Commissioners stated there is still liability for the County at the old dump site and there needs to be a good buffer around the area. No

decisions were made.

**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.

**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.

**The Board recessed at 12:30 p.m. for lunch to reconvene at 1:00 p.m.**

**PERFORMANCE REVIEWS:** During closed session, the Commissioners held performance reviews for County Department Heads.

**MEDNICOFF REZONE DISCUSSION/DECISION:** While being tape-recorded, discussion was had on the rezone request by Steve and Jeanette 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 any decision.

Commissioner Sherrer had some concerns about the flood plain for the piece of property. Commissioner Pratt stated that she feels that 2 acres is a fair size for a rural residential lot and that the request meets the P & Z Ordinances.

A motion was made by Commission Sherrer to approve Rezone No. 358. It was seconded by Commissioner Pratt and carried unanimously.

**REZONE NO. 358 DECISION AND ORDER AND ORDINANCE NO. 2005-14:** A motion was made by Commissioner Sherrer to sign the Decision and Order for Rezone No. 358 and to adopt Ordinance No. 2005-14 changing the Rezone for property owned by Steve and Jeanette Mednicoff. It was seconded by Commissioner Smith and carried unanimously.

**LIQUOR CATERING PERMIT APPROVED:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve a Liquor Catering Permit for Trudie Thawley to cater for the Downwinders at Gem County Fairgrounds.

**JAG LANDFILL TRANSER SITE LEASE:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to deny Don Heffner's request to amend the lease the

County has for the JAG Landfill transfer site in Montour.

**GUIDANCE TEAM FOR SHADOW BUTTE INDUSTRIAL PARK:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to form a Guidance Team for Shadow Butte Industrial Park to include one Commissioner, one representative each from Holladay, CH2M Hill, and the Prosecuting Attorney's Office, Shawn Charters, and Dennis Pulley.

**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.

**MINUTES READ AND APPROVED:** The minutes of September 26 & 27, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of September 26 & 27, 2005, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on November 7, 2005.**

**CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN October 1 through October 31, 2005:**

CURRENT EXPENSE FUND	.....\$	245,275.82
ROAD & BRIDGE FUND	.....	49,157.43
CIGARETTE TAX/BLOCK GRANT	.....	796.71
DISTRICT COURT FUND	.....	12,653.04
COUNTY FAIR FUND	.....	2,355.46
COUNTY JUSTICE FUND	.....	140,849.32
FAIR, GROUNDS & BUILDINGS FUND	.....	11,053.48
III HEALTH DISTRICT FUND	.....	6,206.00
INDIGENT	.....	2,221.39
ENHANCED 911	.....	1,027.84
REVALUATION FUND	.....	13,204.17
SOLID WASTE FUND	.....	19,908.82
TORT	.....	49,154.00
NOXIOUS WEED FUND	.....	9,436.40
WATERWAYS	.....	2,430.45
INSURANCE POOL	.....	4,814.28
AMBULANCE FUND	.....	<u>7,697.62</u>
	TOTAL	\$ 578,242.23

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

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