



November 21 & 22, 2005, Emmett, Idaho

Pursuant to a recess taken on November 15, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 21<sup>st</sup> & 22<sup>nd</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 21, 2005

Pledge of Allegiance was said.

**PROPERTY TAX CANCELLATION:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to approve the tax cancellation for RP #00491405 to correct a homeowner's exemption.

Commissioner Smith left for a Juvenile Justice meeting until the afternoon.

**ECONOMIC DEVELOPMENT UPDATE:** Economic Development Specialist Morris Huffman met to update the Commissioners. He is working on getting the website updated. He went over his schedule for the week.

**INDIGENT APPLICATIONS:** 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)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

- 05-053 Application needed a cancellation of appeal hearing signed.
- 05-075 Application needed a release of statutory lien signed.
- 06-007 Application needed a notice of statutory lien signed.
- 06-008 Application needed a notice of statutory lien signed.
- 06-009 Application power and natural gas expenses
- 06-010 Application needed a notice of statutory lien signed.

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

A motion was made by Commissioner Sherrer to sign a cancellation of appeal hearing for 05-053, to sign a release of statutory lien for 05-075, to sign statutory liens and applicable UCC liens for 06-007, 06-008, and 06-010, and to approve and sign a statutory lien on 06-009. It was seconded by Commissioner Pratt and carried unanimously.

**CERTIFICATE OF RESIDENCY APPROVED:** A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried

unanimously to approve the Certificate of Residency for tuition aid for Jessica Shirley to go to the fall 2005 semester at College of Southern Idaho.

**COUNTY VESSEL FUNDS REQUEST SIGNED**: A motion was made by Commissioner Sherrer, seconded by Commissioner Pratt, and carried unanimously to sign the Request for Retention of County Vessel Funds in the amount of \$1,665 from FY2005.

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

**EGBERT REZONE DISCUSSION/DECISION**: While being tape-recorded, discussion was had concerning a rezone request by Bruce and Amber Egbert to rezone 5.82 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential. The public hearing was held on November 8, 2005.

Commissioner Sherrer stated her concerns had to do with needing a transitional area or buffer between A-1 and R-3. She stated that there is not currently a split available on the property because of not meeting minimum zoning. She is still not sure if it complies with the comp plan.

Commissioner Pratt stated that the property can be used as it is currently zoned.

Discussion was had on the fact that it is not the responsibility of the County to consider the financial gain of the property owners, but to keep in mind the best interest of the whole County. After further discussion, it was decided to put the matter on the agenda at a time when Commissioner Smith is in attendance to be included in the discussion and decision.

**Commissioner Smith returned to the meeting in the middle of the Melvin Rowley rezone hearing.**

**PUBLIC HEARING - MELVIN ROWLEY REZONE**: A public hearing was held, while being tape-recorded, for a rezone request by Melvin Rowley to amend rezone #284 to allow a total four parcels be created from the 5.57 +/- acres instead of only three parcels as stipulated in the Findings of Facts approving the rezone. The property is located at 353 East Central Road. The packet from the Planning and Zoning hearing was entered into the record, along with a letter from Robert Hash who had concerns about the drain water.

Marvin Rowley stated that several months ago they found some problems with the amount of splits allowed in their previous rezone. In that rezone approval, it was stipulated that they could only have three splits, when the zoning says that they are entitled to four splits.

Krista Cole, an adjacent property owner stated she is against the rezone. She feels that the original rezone should be rescinded and she went over the reasons she thinks it should be.

Jim Hutchins, agreed with everything that Krista Cole stated. He is worried about the shallow aquifer in the area. He is also concerned about the drain ditch which has flooded him out in the past before the Rowley's had the property. He stated that

if more houses go in, people sometimes do not understand that they have to keep the drain ditches cleaned.

PA David Hargraves made several comments concerning the water requirements. These requirements would be taken care of with the actual splits of the property. It should not have an impact on the decision of this public hearing.

Marvin Rowley stated that the previous zoning met the criteria that was required. He stated that building new homes in the area would do nothing but increase the value of the existing homes. He stated that the land is an original parcel and is entitled to four splits if it meets the criteria of the splits.

A motion was made by Commissioner Sherrer to take the matter under advisement. It was seconded by Commissioner Smith and carried unanimously.

**SHADOW BUTTE DEVELOPMENT CORPORATION - EMPLOYEE CONTRACT:** Cheryl Conrad and Kathy Skippen from Shadow Butte Development Corporation met with the Commissioners to discuss a proposed contract between the County and SBDC. The County would like SBDC to manage Shadow Butte Industrial Park and also work on continued job development. Details were discussed.

**SBDC ADDED TO SBIP GUIDANCE TEAM:** A motion was made to add Cheryl Conrad, representing Shadow Butte Development Corporation, to the Guidance Team for Shadow Butte Industrial Park. It was seconded by Commissioner Smith, and carried unanimously.

**PUBLIC HEARING - ROBERT OLSON REZONE:** A public hearing was held, while being tape-recorded, for a rezone request by Robert Olson to rezone approximately 0.676 +/- acres from R-2 Residential Transitional to R-1 Residential, located at 1009 Edgemont Road. The packet from Planning & Zoning, an aerial photo, and a FAX that was received was entered into the record.

Mark Perison, Attorney for Robert Olson, presented the Olson request, which was to rezone their property in order to split his lot into two lots. He discussed his experience with the Planning and Zoning hearing in which the P & Z Board recommended denial. He stated that the denial was based on the previous decision made on another application from Gene Atkinson, which was denied.

The Commissioners discussed back and forth concerning the intention of their decision on the Atkinson denial. More discussion was had. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to take the matter under advisement.

**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)(d) concerning records that are exempt from disclosure. 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 5:00 p.m. to 8:00 a.m. on November 22,**

2005.

**November 22, 2005**

**MINUTES READ AND APPROVED:** The minutes of November 14 & 15, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of November 14 & 15, 2005, as read and corrected. It was seconded by Commissioner Pratt and carried unanimously.

**Commissioner Smith left the meeting to attend Southwest District Health meeting.**

**PUBLIC HEARING - CLAY SCOFIELD REZONE:** A public hearing was held, while being tape-recorded, for a rezone request by Clay and Margie Scofield to rezone approximately 6.33 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional, located at 1800 Fenton Drive.

Clay Scofield explained his request to rezone, which is to rezone so they can split off an acre of land for his son and daughter-in-law. He is aware that the split would require a central water and sewer systems.

Sissy Stewart from Planning and Zoning stated that there is a split available to them if the rezone is approved.

Keith Schmall stated that he is not opposed, but he would like some language added that there would restrict any other future splits. He feels it would not be harmonious with the comp plan and there would be added traffic.

A motion was made by Commissioner Sherrer to close the hearing and take the matter under advisement. After discussion in which the Planning and Zoning packet was entered into the record, the motion was seconded by Commissioner Pratt and carried unanimously.

**RESOLUTION NO. 2005-20:** A motion was made by Commissioner Sherrer to approve Resolution No. 2005-20 to transfer money from the General Fund to the County Fair Fund, the Justice Fund, the Fair Grounds and Building Fund, and the Revaluation Fund in the total amount of \$328,000. It was seconded by Commissioner Pratt and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney David Hargraves met with the Commissioners to discuss legal matters. Discussion was had on the utility bids for Shadow Butte Industrial Park. Other matters were discussed.

Policy changes need to be gotten out to the employees, the Gem County Code needs to be updated with Ordinances not included, the proposed playground for Gem Island Sports Complex needs to be ADA accessible as far as reasonably possible without risk to the County,

**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 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 returned to the meeting.**

**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.

**JUVENILE JUSTICE REPORT:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve the County Juvenile Justice Report and submit to the Idaho Department of Justice.

**JUVENILE MEMORANDUM OF AGREEMENTS SIGNED:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to sign the Memorandum of Agreement to Support the Re-entry Initiative in Judicial Districts 3 and 4 and the Memorandum of Agreement to Support the Community Incentive Project.

**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.

**Commissioner Smith left the meeting because he was ill.**

**SHADOW BUTTE INDUSTRIAL PARK UPDATE:** Representatives from Sage Community Resources, Holladay Engineering, Shadow Butte Development Group, the Guidance Team, and others met to update the Commissioners on Shadow Butte Industrial Park.

The Guidance Team report was gone over. The decision was previously made to go with Qwest for data lines.

The concrete is all poured for the water system and the valve is in. The structure for the booster pumps will be done soon. The tank is on it's way up. Most of the underground is done. There will soon be running water.

The gas line location is resolved for the 404 Permit.

The CC&R's have been given to the Prosecutor. The variance will be under consideration at the final plat review on December 5, 2005. Plans and the plat for phase II will be held off until March. The Master Schedule is still being worked on.

There will not be regular meetings with the Commissioners unless there is an action item to be taken care of. The Guidance

Commissioner Minutes 11-21,22-05

Team will take the place of the meetings.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on November 27, 2005.**

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

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