



December 19 & 20, 2005, Emmett, Idaho

Pursuant to a recess taken on December 13, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th & 20th day of December, 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:

December 19, 2005

Pledge of Allegiance was said.

PUBLIC HEARING - SILLER FARMS REZONE: A public hearing was held, while being tape-recorded, for a rezone request by Siller Farms to rezone approximately 20+/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located on the east side of Jackson Avenue between Edgemont Road and Sunset Drive.

Darin Youngstrom, the applicant, stated that their request complies with the Comprehensive Plan and does not adversely affect any neighbors.

Planning Director Brad Hawkins-Clark stated that the P & Z Commission recommended approval and he pointed out several of the documentations in the packet from them, which packet was entered into the record.

Dan Staples stated that he owns property across the street from the applicant's property. He is in favor of the rezone. He stated that the County took part of the 20-acre parcel for road easement and that would not leave them with enough for 5-acre splits.

Darin Youngstrom stated they are planning to split as a minor subdivision with larger than 4-acre parcels. He was told that with the rezone, he could have as many as 9 splits. He was also told that there are no rights-of-way for roads required unless there is a subdivision done on the property.

Through motion, the hearing was closed.

A motion was made by Commissioner Smith to accept the recommendation of the Planning and Zoning Board to approve the rezone application because it does comply with the Comprehensive Plan. It was seconded by Commissioner Sherrer and carried unanimously.

PLANNING & ZONING UPDATE: Planning Director Brad Hawkins-Clark met with the Commissioners to discuss Planning & Zoning issues. Brad is looking into a private bridge that has been put in over Squaw Creek in Sweet.

Assessor Greg Himes and Mapper John Henderson met with them to discuss a procedure of how to handle recorded illegal splits. Some of the problems will be taken care of after the amended subdivision ordinance is finished. The P & Z Office will prepare

a checklist to hand out to people needing research with the option to do the research themselves or contract with a title company or someone else.

Several other topics were discussed.

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:
05-072 Application for additional medical expenses.
05-077 Application needed a release of statutory lien signed.
06-002 Application needed a notice of hearing signed.
06-017 Application for expenses for a cremation needed the approval 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 approve 05-072, to sign release of statutory lien for 05-077, to sign the notice of hearing for 06-002, and to sign the pre-approved application for 06-017. 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.

Commissioner Pratt was not in the meeting the rest of the day.

BRIDGE REPORT - TIM GRIM, HOLLADAY ENGINEERING: Tim Grimm and Elwin Butler from Holladay Engineering met to go over the bridge inspections done in Gem County over the past year. There is only one bridge that needs special attention. That is the bridge over Squaw Creek on Butte Road, which is planned to be replaced in 2006.

AUDIT REPORT - TIM FOLKE: Outside auditor Tim Folke met with the Commissioners to go over the County audit. The draft is ready and only needs the Walter Knox Memorial Hospital audit added to it before it is finalized. Tim went over the individual funds. All were within budget. There was a slight decrease in total fund balance of approximately \$100,000. He stated that the separate bank accounts in the County should be incorporated into the County books, in trust funds set up for that purpose.

RE-APPOINTMENTS TO THE MOSQUITO ABATEMENT BOARD AND THE FAIR BOARD: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to re-appoint Shannon Schantz to the Mosquito Abatement Board for a 4-year term ending January 2010 and to re-appoint Dallan Johnson to the Fair Board for a 4-year term ending January 2010.

PUBLIC HEARING - JANETTE DREW REZONE: A public hearing was held, while being tape-recorded, for a rezone request No. 365 by Janette Drew to rezone approximately 3.50 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional located at 1677 Sunset Drive. The Planning and Zoning packet was

admitted into the record.

Jamie Watts, representing his Aunt Janette Drew, stated the rezone fits in the surrounding areas and would not adversely affect any of the neighboring properties. He stated that it complies with the Comprehensive Plan and would have splits available if it were rezoned.

Planning Director Brad Hawkins-Clark went over the comments from the Planning and Zoning Commission, which recommended approval for the rezone. He stated that if splits were taken, community water would be required.

Jamie Watts asked if they would be required to dedicate 15 foot of road frontage. He asked about the possibility of using the existing well and using a community well for the other two parcels. He was told that those decisions would be made at the time of the splits and when building permits would be applied for and are not required for a rezone.

Through motion, the public hearing was closed. A motion was made by Commissioner Smith to take the decision under advisement. It was seconded by Commissioner Sherrer and carried unanimously. The discussion/decision was calendared.

CERTIFICATE OF RESIDENCY: A motion was made Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to approve the Certificate of Residency for tuition aid for Barbara Morris to attend the Spring 2006 term at College of Southern Idaho.

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 application:

06-018 Application requesting cremation expenses.

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 approve 06-018. It was seconded by Commissioner Smith and carried unanimously.

DEWEY ROAD PROJECT DISCUSSION - CH2M HILL: Bob Bruce and Neil Handyside from CH2M Hill met with the Commissioners to discuss the Dewey Road Project and other projects they are involved with. Gem County has tentatively been approved for a feasibility study for the Dewey Road Project that would connect Dewey Road to Interstate 84. The study should be pretty much completed before the next step so that any fatal flaws would be evident.

Several other projects were discussed.

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

December 20, 2005

Commissioner Pratt was not in attendance at the meeting this day.

ALCOHOLIC BEVERAGE LICENSE RENEWALS: While being tape-recorded, alcoholic beverage license renewals were presented and reviewed. Hearing no opposition, a motion was made by Commissioner Sherrer,

seconded by Commissioner Smith and carried unanimously to renew alcoholic beverage licenses for Scott Desind dba Timbers Restaurant, Kristi Stout dba Wild Willys, Shannon and Stephanie Crays dba Cherry Bowl, Inc., Don Eddy dba Champion Oil, Jim Tate dba Emmett Chevron, Anita R and George Quick dba Montour Country Store, Alice L Morelli dba Tom's Cabin, and Ellen Hampton dba Ola Inn.

MISDEMEANOR PROBATION REPORT - DEI: Wade Dishion met to give the misdemeanor probation quarterly report. They received 29 new cases and closed out 34 cases. They had 23 out of 32 complete their programs. Total fines due for the quarter was \$16,399.50 and \$12,198.50 was collected. There were 18 assigned to the SILD program and 13 completed their assignment. There were 61 drug tests given, with 53 negatives. There were 19 with probation violations. There have been a total of 10% of absconded cases.

INDIGENT APPEAL HEARING: In executive session and being tape-recorded, an indigent appeal hearing was held for #05-076. Those present were Commissioners Sherrer and Smith, Deputy Clerk Sue Spencer, Deputy Prosecuting Attorney David Hargraves, and the applicant. After coming out of executive session, the hearing was continued because of receiving additional information.

PUBLIC WALK-IN AND INPUT: Garry Goodsell and Joe Morton met concerning mobile homes that are illegally on Terry Jones property. They were told that the County is aware of the situation and are in the process of hiring someone who will work as a code enforcer for Planning and Zoning. This should help out with the cases that have been back-logged.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorneys Richard Linville and David Hargraves met with the Commissioners concerning legal matters.

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 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 1:00 p.m. for lunch to reconvene at 2:00 p.m.

PUBLIC HEARING - J/2 VENTURES REZONE: While being tape-recorded, a public hearing was held for a rezone request by J/2 Ventures to rezone approximately 4.669+/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential located south of 1677 Sunset Drive.

Jamie Watts, owner of J/2 Ventures, stated that the reason he is wanting to rezone to the two-acre instead of one-acre parcels is because of the layout of his land. He feels it fits and blends with the surrounding area and complies with the Comprehensive Plan.

Planning Director Brad Hawkins-Clark stated that he didn't have much else to add to the previous comments.

The Planning and Zoning packet was entered into the record. The public hearing was closed, through motion. A motion was made by Commissioner Smith to approve the rezone application No. 363 because it meets the requirements of the Comprehensive Plan. It was seconded by Commissioner Sherrer and carried unanimously.

DECISION AND ORDER: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to approve the Decision and Order for rezone application No. 363.

ORDINANCE 2005-19: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to adopt Ordinance 2005-19 approving a rezone request by J-2 Ventures to rezone approximately 4.669+/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential located south of 1677 Sunset Drive.

DECISION AND ORDER: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to approve the Decision and Order for rezone application No. 365.

ORDINANCE 2005-20: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to adopt Ordinance 2005-20 approving a rezone request by Siller Farms to rezone approximately 20+/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential, located on the east side of Jackson Avenue between Edgemont Road and Sunset Drive.

ROAD AND STREET FINANCIAL REPORT: A motion was made by Commissioner Sherrer to approve the 2005 Annual Road and Street Financial Report that goes to the Idaho State Controller's Office. It was seconded by Commissioner Smith and carried unanimously.

MINUTES READ AND APPROVED: The minutes of November 21 & 22, 28, December 5 & 6, and 12 & 13, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of November 21 & 22, 28, December 5 & 6, and 12 & 13, 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 December 27, 2005.

Approved: _____
Chairman

Attest: _____
Clerk