



May 1 & 2, 2006, Emmett, Idaho

Pursuant to a recess taken on April 25, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 1<sup>st</sup> & 2<sup>nd</sup> day of May, 2006, 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:

**May 1, 2006**

Commissioners Pratt and Sherrer attended a mediation meeting in Boise concerning mosquitoes, until 2:00 p.m.

**BID OPENING - SHADOW BUTTE INDUSTRIAL PARK UTILITIES IMPROVEMENT:**

On April 26, 2006, at 11:00 a.m., bids for the utilities improvements at Shadow Butte Industrial Park were opened. Those present to open the bids were Shawn Charters from Sage Communications and Kasey Ketterling from Holladay Engineering.

Four bids were received. They were from: Eastern Oregon Construction with a total base bid of \$942,512 and deductive alternative A of \$7,565; Warrington Construction with a total base bid of \$963,340 and deductive alternative A of \$11,775; Sommer Construction with a total base bid of \$1,66,309 and deductive alternative A of \$14,130; Bodiford Construction with a total base bid of \$1,111,204 and deductive alternative A of \$34,390. All bids included the completed bid forms, bid bond, Addendum #1, and noncollusion affidavit.

The bids will be reviewed and a decision by the Gem County Board of Commissioners will be made on Monday, May 1, 2006.

**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)(f) concerning pending 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 Pratt, seconded by Commissioner Sherrer, and carried unanimously to come out of executive session.

**PROPOSALS FOR COURTHOUSE POWER AND AIR CONDITIONING:** Building and Maintenance Supervisor Chuck Shambaugh met with the Commissioners to present proposals for running some additional power lines and air conditioning in the Courthouse. Proposals were received from Koyama Electric for \$2,100, Mackey Electric for \$1,879, Mackey Electric for \$2,448. Proposals for Air Conditioning were from First General Services for \$10,842, Rocky Mountain Mechanical for \$14,750 (with \$750 done by SILD workers), and Jim's Heating/Cooling for \$12,750.

**UTILITIES CONTRACT AWARDED:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer, and carried unanimously to approve the bid from Eastern Oregon Construction for the utility improvements for Shadow Butte Industrial Park, pending EDA approval.

**PUBLIC HEARING - SPECIAL USE PERMIT APPEAL:** While being tape-recorded, a public hearing was held for an appeal from Walt Dittman concerning a special use permit approved for Grand Castle Auto Repair to allow an auto repair shop. The property is located at 7110 West Highway 52.

Walt Dittman stated that he appealed this special use permit because his concerns were not adequately taken into account at the Planning and Zoning hearing – traffic, noise, glare, and the devaluation of his property. He feels the owner may change his mind, because he has before. He went over some of the items he disagrees with: conducive to the area, no invasion of privacy, not hazardous or disturbing or existing neighboring uses, will not devalue neighboring property, there will be no revving of engines nor bad exhaust fumes, and no excess traffic beside his house. He was concerned about enforcement. He stated that the permit application was not complete. He doesn't feel that the Planning and Zoning Commission followed their own criteria.

County Planner Director Brad Hawkins-Clark stated that the current application does not bring forth all of the required items stated in the Code. Those required items are brought out in the hearing. The application is on the list to be changed. He then summarized the staff report from the hearing. He stated that two conditions were added to the special use permit--One was adding the planting of trees and the removing of a storage trailer on the property. He felt that the mitigating factors were all looked at.

Bob Tawney stated that it is a small shop which he originally planned on putting up closer to the road. There would have been no access to the shop so he put it further back on his property. He stated that Mr. Dittman had previously not had any objections when the shop was going to be right next to his house, but when it was put further back on the property, he was upset.

Karen Tawney stated that they did everything that was required of them by Planning and Zoning.

Commissioner Smith stated that he had a previous discussion with Mr. Dittman and Mr. Fry where he told them that he could not take any testimony at that time because of the appeal hearing.

Rick Rogers stated the Dittman shop had de-valuated the neighbors' property as much as the Tawney shop does and there is noise when he runs his heavy equipment.

Walt Dittman stated that he has the right to make noise with farm equipment because it is an agriculture area—it has nothing to do with the special use permit issued to Bob Tawney. He described other areas on the property. He stated that when Bob Tawney got the permit for his shop, Bob told P & Z that it was going to be a commercial building and was told by P & Z that it would need a special use permit.

After several questions asked by the Commissioners, a motion was made by Commissioner Sherrer to take the matter under

advisement until the Commissioners listen to the Planning and Zoning hearing. Further consideration on the matter was scheduled for May 15, 2006. It was seconded by Commissioner Smith and carried unanimously.

**SHADOW BUTTE INDUSTRIAL PARK CHANGE ORDERS:** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith and carried unanimously to approve the change orders in the amount of \$1,381.05 for Hills Construction to install side fusing for VFD P-211.

The Board recessed at 5:00 p.m. to 8:00 a.m. on May 8, 2006.

**May 2, 2006**

The Commissioners attended an all-day Idaho Rural Partnership meeting in Caldwell.

**CLAIMS FOR THE FOLLOWING FUNDS WITH WARRANTS WRITTEN April 1 through April 30, 2006:**

CURRENT EXPENSE FUND .....	\$ 237,387.30
ROAD & BRIDGE FUND .....	75,495.71
CIGARETTE TAX/BLOCK GRANT .....	5,063.85
DISTRICT COURT FUND .....	16,177.23
COUNTY FAIR FUND .....	2,445.27
COUNTY JUSTICE FUND .....	160,847.91
FAIR, GROUNDS & BUILDINGS FUND .....	3,145.09
III HEALTH DISTRICT FUND .....	6,206.00
INDIGENT .....	44,588.05
ENHANCED 911 .....	1,765.18
REVALUATION FUND .....	13,435.43
SOLID WASTE FUND .....	26,119.11
TORT .....	49,154.00
NOXIOUS WEED FUND .....	19,950.49
WATERWAYS .....	322.89
INSURANCE POOL .....	60.00
AMBULANCE FUND .....	<u>13,536.26</u>
TOTAL	\$ 675,699.77

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

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