



October 2 & 3, 2006, Emmett, Idaho

Pursuant to a recess taken on September 26, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 2<sup>nd</sup> & 3<sup>rd</sup> day of October, 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:

**JOINT CITY/COUNTY PUBLIC HEARING - GEM COMMUNITY COMPREHENSIVE**

**PLAN:** A joint City/County public hearing was held on September 28, 2006, at 6:30 p.m. at the Emmett Junior High School, to take input on the proposed Gem Community Joint Comprehensive Plan. After the Gem County Commissioners and the City Mayor and Council were introduced, County Commission Chairman Sharon Pratt explained the protocol for the hearing. She then opened the comment period, starting with the land use chapter.

Planning Director Brad Hawkins-Clark made some opening remarks. He stated there are 14 required elements in the Comp Plan. He considers it a values document for the community. He highlighted the recommendations from the Planning and Zoning Commissions. There were seven chapters proposed from the Comp Plan Committees with recommended edits from the Planning & Zoning Commission. Brad highlighted the main edits in the Land Use Chapter. One edit was to divide the Agriculture/Natural Resources into two different definitions. Another edit was to require 5-acre or less lots to remain so, in the City area of impact, which is in Planning Area 1, until City water and sewer are available. There were several changes recommended in Planning Area 2 and Planning Area 3, with an addition of a Planning Area 4. The last recommended change detailed in Chapter 12, Land Use, was concerning PUD developments. There was a policy change recommended concerning groundwater.

Land Use Committee person Deborah Rouwenhorst went over the history of their committee, which is made up of a diverse group, and the work they have done the last three years. Each member has invested more than 100 hours in this process. They included a lot of comments and wishes of the community in their proposal. Deborah stated that their opinions and explanations of their proposed Chapter 12 of the Comp Plan were not asked for at the Planning and Zoning public hearing. She commented on each of the recommended edits of the Planning and Zoning Commission. She also commented on the Comprehensive Map changes recommended by the Planning and Zoning Commission.

Bryce Walker stated that he agrees with Deborah Rouwenhorst. He stated that there is a group of people that are left out of the Plan. He stated that the edits made by the Planning and Zoning Commission made a total change of what the Citizens' Committee proposed. He stated there is a lot of wasted land when

the county homes are forced to be on 5-acre or more parcels. He would like to stay with the Plan the Citizens made.

Eloise Cramer commended the Citizens' Committee and their Plan. She stated it is the right direction. She agrees with Bryce Walker.

Jake Lemon stated he is here to comment on forced annexation. He would like to change the term "forced annexation" to "non-requested annexation." He does not like to see hopscotch development. He thinks the non-requested annexes should be able to enter into a development agreement with the City. His proposal encourages that the County Elected Officials be involved in the process so the property owner gets due representation. He would like to see an equitable way to see this annexation take place.

Marilyn Bjorkman stated that she is concerned that too many of the proposals of the Citizen's Committee were ignored—that a lot of the changes favor agriculture and leaves out others. She stated that "5-acre ranchettes" are not being used and are in weeds. She stated that homes need to be clustered so the land can be productively used.

Larry Rowley stated that the Commissioners appointed a "blue ribbon committee" and now that committee's ideas are being ignored.

Cathy Smith stated that long-term vision is necessary and thinks that the Citizen's Committee has had vision and that the P & Z approved revisions to not do that. She thinks that PUD's need to be planned by professionals. She encouraged the Commissioners to use the Committee's Plan.

Mark Butler from Eagle and representing the Merrills has worked on committees for economic development for the City of Eagle. He is in favor of the Citizen's Plan. He thinks the P & Z Plan does not guide growth.

Chris Gillespie stated that the Committee is the heartbeat of the community and the P & Z Commission is not.

Nancy Merrill commended the process that has been used in producing the Plan. The Citizens' Committee has spent much more time than P & Z Commission has. The information given during this hearing needs to be taken back and considered in the decision. She applauded the City and County for working together. She asked that the Committee's Plan be adopted.

Craig Donner, from Boise and property owner in Gem County, stated that he supports the Committee's Plan and agrees with some of the changes proposed by the P & Z Commission. He disagrees with some of the P & Z changes restrictions. He thinks there is a flaw by the P & Z Commission in restricting the size of property. He states there is a disparity from the 40-acre parcel down to the 5-acre parcel.

Morris Huffman discussed the industrial areas, which do not designate anything between the City and the County. He thinks there needs to be more verbiage as to what will happen with industrial and the transitional area.

Mike Williams, a certified community developer, stated it was a passionate Committee that brought a plan together. He stated that some of the P & Z Commission changes need to be looked at. He said that it is hard to support industry, as the P

& Z edit requests, and then have them take those industry areas off of the map. He stated that they should not look at the Plan as a 5-10 year plan, but as a 15-20 year plan.

Susie Benkstein stated that they keep up their 5-acre parcel and resents the comments about all 5-acre parcels being full of weeds. She would like to keep 5-acre parcels.

Patricia Burne stated that she is thrilled to live in a community that would have a Citizens' Committee to look at land use. She has a 5-acre parcel and wonders how long they will be able to keep it up. She encourages the Commissioners to adopt the Citizens' Plan because it is more user friendly. Any changes need to be in a planned way.

Ron Standley stated that even a one-acre parcel is hard to manage. He feels he is being left out on the west bench. He would like to see no 40-acre limit on the bench.

Belinda Pratt-Hersh stated that she farms dryland and that was not addressed in the P & Z changes. She supports the Land Use Committee's plan

Michelle Goldie stated she has two children who had to move to Boise to find work. She wants the Citizen's Committee Plan adopted.

Bret Garrigan, with his sister Lee, from Eagle, just bought 40 acres in Pearl. He would like to see the small county atmosphere stay in Gem County. He feels that the Pearl area and another small area in the north of the County were left out in the Comp Plan. His sister echoed what he said. She would like to see larger parcels with clustering.

John Powell stated he has heard much discussion about keeping the rural community, similar to discussion he heard in Meridian years ago. He is afraid that Gem County may turn into something like Meridian if some of the 5-acre areas are not kept, because of economic pressure. He stated that owners of 40-acre parcels cannot make a living by farming.

Jeffery Goodman stated that 40-acre parcels in the Black Canyon area will end up being a problem. He couldn't make a living farming on his 20 acres so he put in a transmission shop.

Rex LaBrie pointed out that this is multi-facet operation. The Citizen's Committee has put in a lot of time. He feels the P & Z is not a very viable operation and he would go along with the Citizen's Plan.

Danny Yett, a 40-acre dairy farmer, stated that his area is not conducive to dairy farming any more.

Brad Hawkins-Clark presented the changes that the Planning & Zoning Commission made on the proposed Comprehensive Map. He stated that there have already been a lot of comments from the public before this hearing. He compared the Comp Map from the Citizen's Committee to the Planning & Zoning Commission proposed Comp Map.

Danny Yett stated that allowing 5-acre parcels on North Gem Avenue would make leapfrog parcels.

Mark Butler stated that he disagreed with the impact area proposed by the Citizen's Committee. Relating what happened to Eagle, Gem County and Emmett need to plan together. He wondered if Planning Area 2 should also be included in the impact area along with Planning Area 1. Services need to be planned for.

Natural features need to be picked as boundaries. The larger impact area allows the City to comment on changes.

Mike Williams stated he would like to see some industrial area back on the map. He stated that Pearl and Montour have been left out. He thinks they need to be included in Area 2.

Teena Turner, realtor, stated that while serving on the Land Use Committee, she explained that they used natural features. They paid attention to what the Community is already doing in moving some of the boundary lines.

Morris Huffman discussed the industrial property. As the Economic Development Specialist for Gem County, he stated that there needs to be heavy industrial available to encourage business and industry coming to Gem County. He made suggestions for the industrial area. He feels that the land along the railroad needs to be preserved as industrial or we may lose our railroad.

Shelly Foreman stated she has 5 acres on Sales Yard Road and hopes her neighbors will not be able to sell off their land as 1-acre lots.

Wally Anderson stated that if this is a plan for 15-20 years out, there needs to be industrial land planned and room for an airport with industry around it. The infrastructure is not needed right now, but it needs to be planned for.

Kelly Taylor stated that land use decisions are really tough and people are passionate about their decisions. He thinks that citizens' committees and public hearings are a good way to solve things. He would like to see the Commissioners adopt the Citizen's Committee map.

Deborah Rouwenhorst stated that industrial areas need to be left on the map. She agreed with Morris Huffman and with Mike Williams. She asked that Planning Area 1 and Area 2 be looked at on the Citizens' Committee proposal and adopted.

Chapter 1-Private Property Rights and Chapter 2-Population and Growth had no comments.

Morris Huffman, Chairman of the Economic Development Citizens' Committee, went over their work on Chapter 4-Economic Development. He asked that a paragraph be taken out stating that agriculture is the largest employer in Gem County. They asked that the Commissioners look under "policies" and delete a sentence that was added by the P & Z which doesn't belong in Economic development. It needs to go some place else.

Mike Williams, Co-Chairman of the Economic Development Citizens' Committee, agreed with Morris Huffman. He stated that they had a great diverse group and asked that their proposal be accepted.

Amy Linville, Chairman of the Historic and Cultural Resources Citizens' Committee, gave a report on their work. She asked that their Chapter 7-Historic and Cultural Resources be adopted in it's entirety. They would like their items on sound barriers be reinstated from the deletion by P & Z. They would also like to have the revision of updates of historical sites in Gem County, which was stricken from the Comp Plan. They think that the map for a Historical District should be in the Comp Plan. Buildings on the Historical National Register can provide tax exemptions to keep the historical buildings preserved.

Deborah Rouwenhorst, Community Revitalization Committee, stated she would like to see the Historical District be put back into the Comp Plan.

Sean Merrill, Community Design Citizen's Committee, reported on the numerous hours they spent in their Committee. He stated it was a great experience seeing many ideas come together. There was only one small revision made to their Chapter 11-Community Design by the P & Z that they would like changed.

Nancy Merrill stated that community design is very important in a community. This can let a community show who they are. It can shape your future. It is time to establish a utility corridor with underground wires so unsightly power poles are not put where you do not want them.

There were no other comments and the public hearing was closed through motion by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously. Other comments can be accepted and questions may be asked during the proceeding workshops. October 4 will be the first workshop. There may have to be another public hearing if substantial changes are made from what has been published, which was the Plan with the changes from Planning and Zoning Commission.

### October 2, 2006

**ELECTED OFFICIALS:** Elected officials attending the meeting were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Treasurer Connie Goins, Assessor Greg Himes, Sheriff Clint Short, and Prosecuting Attorney Tim Fleming. Topics of discussion were the budget, time sheets, payroll, Personnel Policy changes, holiday pay, street names, surplus equipment auction, Comp Plan hearing and workshops, and the jail.

**DEPARTMENT HEAD REPORTS:** Morris Huffman, Economic Development Specialist, reported that he has started teaching "Business Planning" classes. He will be going to the Idaho State RC&D meeting in Twin Falls. He is working with the consultant for the Hotel/Motel Feasibility Study.

Jake Wyant, Noxious Weed Supervisor, reported they are working on the contract at Montour. He did a Eurasian Milfoil survey and didn't find any in the reservoir or the Payette River. They removed the Eurasian Milfoil out of the Airport Pond and Ed's Pond. Most of their cost-share projects went pretty well. He is working on the CWMA reports that are due October 15. There have been some new weeds added to the State Noxious Weed list, with a priority system. There are nine new weeds, of which three are aquatic, that require rapid response. None are now present in Gem County. There are only two on the list that require a plan of action within the next five years. There are 24 weeds on the system that are required to be worked on regularly. He purchased a computer program that identifies weeds. He discussed some of his equipment repairs and needs.

Martin Joyce, Landfill Supervisor, reported they had 2,726 vehicles go over the scales. They took 244.91 ton to Clay Peak at a cost of \$4,407. The Landfill took in \$6,987. They are now filling three bins at Montour per week.

Brad Hawkins-Clark, Planning Director, reported that the slowdown of the real estate has slowed things in their office, with only \$61,700 collected for the quarter. He went over several land use applications that they are in the process of putting together. The deadline for the RFQ for the Engineer/Surveyor advisor is this Friday. He is working on getting data for the Dewey Road Project. The Storm Water Ordinance is being worked on. He requested a copy of his approved budget and asked about standard forms for employee evaluations.

Janelle Schneider, Juvenile Probation Officer, reported they have 69 on their caseload, with 10 pending. They received no new juvenile petitions. There were no probation violations, with two serving detention time. Their drug and alcohol class will resume this month, with a new instructor. Janelle went over the meetings and trainings she and her staff attended. She purchased a 2002 van for the Department.

Mark Rekow, Ambulance Director, reported \$19,614.24 in collections. They had 60 transports with 16 non-transport calls, making 546 YTD. The State will contribute \$1,080 for an intermediate EMS class. It will be started in November. He has drafted a job description for his new employee. He will be listing it internally before it goes out to the public.

Chuck Shambaugh, Maintenance Supervisor, reported he got all of the boiler sections replaced. The P & Z garage roof has been redone. The elevator inspection has been booked for the end of October. He is still working on bids for the emergency stairs on the west side of the Courthouse. He is working with employees to help with the maintenance transition at Gem Island Sports Complex.

**Pledge of Allegiance was said.**

**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), with a roll call vote as follows: Commissioner Pratt, aye; Commissioner Sherrer, aye, Commissioner Smith, aye. Deputy Clerk Tiffany Sulgrove presented the following indigent applications:

06-085 Application needed a lien signed.

06-072 Application needed a Final Decision and Order signed.

After reconvening in open session, a motion was made by Commissioner Sherrer to sign a statutory lien and applicable UCC liens for 06-085 and to sign the final Decision and Order for denial of 06-072. 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.**

**CONSENT AGENDA:** A motion was made by Commissioner Smith to remove item A-Quail Hollow Minor Subdivision Approval and item B-High Vista Preliminary Plat Approval from the Consent Agenda for further discussion.

A motion was made by Commissioner Sherrer to approve the Consent Agenda items C-a revised Beer License for Blue Ribbon Bakery & Cafe to serve wine by the glass and D-Certificate of Residency for tuition aid for Jonathan Suyehira to attend the Fall and Spring term at College of Southern Idaho. It was seconded by Commissioner Smith and carried unanimously.

**HIGH VISTA PRELIMINARY PLAT DISCUSSION:** Discussion was had on High Vista preliminary plat. After discussion concerning the width of the public road on the north of the property and the definition concerning the number of lots, a motion was made by Commissioner Smith to approve High Vista Preliminary Plat because it follows the Zoning Ordinances. The motion was seconded by Commissioner Pratt and passed with ayes from Commissioners Smith and Pratt and a nay from Commissioner Sherrer.

**SHIPLEY REZONE DISCUSSION/DECISION:** While being tape-recorded, a discussion was had on the application for a rezone request by Gary Shipley to rezone 155+/- acres from M-1 light Industrial to MX Mixed Use, located at 2719 W. Highway 52. The Planning & Zoning Commission recommended denial. No decision was made and discussion was continued to another day.

**RESOLUTION 2006-12, LANDFILL FEE CORRECTION:** A motion was made by Commissioner Sherrer to adopt Resolution 2006-12 correcting a Landfill fee. It was seconded by Commissioner Smith and carried unanimously.

**ROAD DEPARTMENT PLANNING DISCUSSION:** Interim Road & Bridge Supervisor Kim Reed met with the Commissioners to discuss the matters in the Road & Bridge Department.

**PERKINS VARIANCE DISCUSSION/DECISION:** A tape-recorded discussion/decision was held concerning an appeal hearing for the purpose of a variance request by John Perkins to allow a 16-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance, located at 5880 Sweet Ola Highway. Commissioner Pratt recused herself from the discussion/decision because of having ex parte communication with the applicant.

After discussion, a motion was made by Commissioner Smith to uphold the decision of the Planning & Zoning Commission to deny the variance request by John Perkins because of seeing no different information brought forward. It was seconded by Commissioner Sherrer and carried unanimously.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on October 3, 2006.**

**October 3, 2006**

**MINUTES READ AND APPROVED:** The minutes of August 7 & 8, September 5 & 6, and 18, 2005, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of 7 & 8, September 5 & 6, and 18, 2005, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

**APPOINTMENT TO COMMUNITY GUARDIANS:** A motion was made by Commissioner Sherrer to appoint Barbara Cooper to the Board of Community Guardians for a 4-year term ending August, 2010. It was seconded by Commissioner Smith and carried unanimously.

**SOUTH BRIDGE - GEM ISLAND, POSSIBLE BID DOCUMENT APPROVAL:** Tim Grim from Idaho Transportation Department met with the Commissioners, along with Interim Road and Bridge Supervisor Kim Reed. Discussion was had on the plan for the South Traffic Bridge to the Gem Island Sports Complex. Boise Cascade had donated beams to go inside the pylon. The beams need to be treated. The cost of doing those will be weighed against the cost of pre-cast beams or fresh-poured concrete beams. The less costly alternative will be chosen.

The Parks and Recreation grant is \$100,000, which was approved a year ago. Because of rising costs since then, there may be more in-kind work done at the approaches. If Ed's Pond was to be enlarged, the gravel could be used for the base of the approaches.

There were several changes proposed by the Commissioners. After discussion and agreement happens between Tim Grim and Kim Reed, they will go forward with the bid process.

**PUBLIC WALK-IN AND INPUT:** Darren Butler with GeoLine Positioning Systems met with the Commissioners. His company manufactures surveying and mapping equipment. They are trying to get VRS Network in the area. He explained how the Network system works with satellite receivers. It connects surveyors with the Internet in the field. They are looking at a secure location for a base station in Gem County where they can mount their transmitter/receiver. Their ultimate goal is to have a State-wide network. All surveyors, public and private, mappers, emergency service, and others would be able to utilize the technology. The equipment will be donated. There would need to be a written agreement with the County. Mr. Butler explained to the Commissioners, Assessor Greg Himes, and Mapper John Henderson how the equipment works. He stated there could be a trade with the location for a license. The system is non-proprietary. It will work with many GPS equipment systems. He will get a draft agreement to the Commissioners.

Michael Pierce met with the Commissioners concerning Johnson Creek Road. He would like to thank the County for maintaining all of the gravel roads in the County. He asked about the status of making Johnson Creek Road a County road. He was told that it is already a County road. He stated that he would provide all of the base rock and the gravel if the County would improve the south section of the Road, or possibly the entire road. He was told to visit with the Road Department.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorneys David Hargraves and Dick Linville met with the Commissioners concerning legal matters. Topics of discussion were background checks on employment applications and the jail medical contract.

Commissioner Minutes 10-02,03-06

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

The Commissioners spent the afternoon doing office work.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 10, 2006

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

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