



December 18 & 19, 2006, Emmett, Idaho

Pursuant to a recess taken on December 12, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 18<sup>th</sup> & 19<sup>th</sup> day of December, 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:

December 18, 2006

Pledge of Allegiance was said.

**TAX CANCELLATION:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried unanimously to approve a tax cancellation for parcel RP00440402.

**CONSENT AGENDA ADDITIONS:** A motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried unanimously to add Western States Cat Agreement and the Road & Bridge road mix bid and washed chips bid to the consent agreement.

**FUEL BID OPENING:** At 9:02 a.m. the one fuel bid received was opened. The bid was received from B & W Fuels providing a total bid \$.069 bidder's margin over daily rack price, plus tax, freight, and additional fee for off-site delivery. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously that the fuel bid received from B & W Fuels be approved.

**PROPERTY PROPOSAL (executive session):** A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2351(c) concerning the possible acquiring of interest in real property, with a roll call vote as follows: Commissioner Pratt, aye; Commissioner Sherrer, aye; Commissioner Smith, aye.

Regular session reconvened at 10:03 a.m.

**PLANNING & ZONING UPDATE:** Planning Director Brad Hawkins-Clark met with the Commissioners concerning Planning & Zoning matters.

**INDIGENT APPLICATION:** At 11:02 a.m., 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 Tiffani Sulgrove presented the following indigent

application:

06-098 Application needed a Notice of Lien signed.

After reconvening in regular session at 11:17 a.m., a motion was made by Commissioner Sherrer to sign the Notice of Lien for 06-098. 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.**

**ALCOHOLIC BEVERAGE LICENSE RENEWALS:** While being tape-recorded, the alcoholic beverage license renewals presented were reviewed. After asking for and receiving no objections, a motion was made by Commissioner Sherrer to approve renewals of alcoholic beverage licenses for Jacob and Susan Jensen dba Letha Store, Scott Lemen dba Lemco, Inc., and Kristi Stout dba Wild Willys. It was seconded by Commissioner Smith and carried unanimously.

**CONSENT AGENDA:** A motion was made by Commissioner Sherrer to approve the consent agenda, which included: A. appointment of Stan Sturtz to the Hospital Board; B. Cooperative Law Enforcement agreement between the Sheriff and the Forest Service; C. the Noxious Weed Cost Share Plan for the Upper Payette CWMA and the Lower Gem CWMA; D. the Annual Road and Street Financial Report; E. the Certificate of Residency for financial aid for Jennifer Mondor to attend the College of Southern Idaho; F. the South Traffic Bridge to Gem Island Sports Complex agreement; G. (added) Western States Equipment Company lease/purchase agreement; H (added) a piggy-back bid from Idaho Concrete Company for  $\frac{3}{4}$  road mix at \$5.88/cubic yard and  $\frac{1}{2}$ " washed chips for \$7.75/cubic yard. It was seconded by Commissioner Smith and carried unanimously.

**PROPERTY ISSUE:** It was determined this is an ex-parte communication issue and was not discussed.

**MASTER TRANSPORTATION PLAN:** The Commissioners discussed the Master Transportation Plan. No decisions were made.

**EXECUTIVE SESSION:** At 2:40 p.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Smith, with roll call vote of ayes from Commissioners Pratt, Sherrer, and Smith, to go into executive session under Idaho Code 67-2345(1)(c) concerning the possibility of acquiring an interest in real property. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. The Commissioners returned to open session.

**PUBLIC HEARING - ROCKIN B RANCH MINOR SUB PLAT:** While being tape-recorded, a public hearing was had to hear a request for a minor subdivision application by Terry Bennett for Rockin B Ranch. The application is proposing to create 4 building lots being proposed via the existing easement off of El Paso Road.

Terry Bennett stated that he has been working to enlarge the easement to a 60-foot width, which was presented as exhibit A.

Shane Bengoechea, applicant's attorney, stated he went over the staff recommendations and he understands that the main point of denial was the lack of an easement for the road. He was prepared with language to write the easement.

Brad Hawkins-Clark went over the process that has already taken place to this point with the application.

Darrell Carruth, a resident on the private road, stated that there are now 8 parcels on the road, with five dwellings. There is a maintenance agreement for the road. The limit would be 10 dwelling units per the Planning and Zoning Ordinance to keep it a private road.

Kevin Eels, owner of the property along the road, stated he is going to deed over the additional 20 feet needed for the width of an improved road.

Shane Bengoechea went over what he understands to be the requirements of private roads in the County Code.

Terry Bennett and Darrell Carruth went over the history of their driveway/private road.

Staff recommended denial of the application. In order to gain approval, the applicant would need to clearly demonstrate that a new private or public road can be created to access the subdivision, that complies with the Ordinance. Because the road would be serving ten or less lots a public road is not required.

More discussion was had. The hearing was continued until December 26 at 3:00 p.m.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on December 19, 2006.**

**December 19, 2006**

**Commissioner Pratt was not in the meeting until 9:15 a.m.**

**EXECUTIVE SESSION:** At 8:20 a.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer, with roll call vote of ayes from Commissioners Smith and Sherrer, to go into executive session under Idaho Code 67-2345(1)(c) concerning the possibility of acquiring an interest in real property. Those governing bodies present in the meeting were Commissioners Sherrer and Smith. No final decisions were made. The Commissioners returned to open session.

**Commissioner Pratt came into the meeting.**

**EXECUTIVE SESSION:** At 9:15 a motion was made by Commissioner Sherrer, seconded by Commissioner Smith, with roll call vote of ayes from Commissioners Pratt, Sherrer, and Smith to go into executive session under Idaho Code 67-2345(1)(c) concerning possible purchase of real property. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. The Commissioners returned

to open session.

**PUBLIC WALK-IN AND INPUT:** Connie Barker met with the Commissioners concerning taxes due on her mobile home. She would like help, possibly a grace period, to get her taxes paid. Treasurer Connie Goins explained the laws concerning personal property taxes. It was determined that she should pay the first half by the end of the day tomorrow, which is the deadline, and then make payments on the second half.

Jake Lemon met to continue discussion on non-requested annexation.

**AUDIT REPORT:** Tim Folke, outside auditor, met with the Commissioners to present his FY2006 Gem County Audit. He presented the draft copy (not including the Fair Board and Walter Knox Memorial Hospital.) The County increased carryover to approximately \$280,000 from FY2005 audit. Mr. Folke gave several recommendations. The Sheriff's Trust, Commissary, and Civil Accounts need to be audited by the Clerk's Office. The Public Administrator's Account should be reflected in the County's books. The County's investment accrued interest needs to be posted quarterly. The main operating account needs to be reconciled each month. He stated that the audit went well.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney met with the Commissioners concerning legal matters. Some of the topics discussed were the Kyle Stratton Rezone decision and order, the Industrial Park CC&Rs, the utility agreement with the City of Emmett, the Mosquito Abatement Agreement, and the Equity 1 special use permit decision.

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

**MINUTES READ AND APPROVED:** The minutes of December 4 & 5, 2006, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of December 4 & 5, 2006, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

**EQUITY 1 SPECIAL USE PERMIT DISC/DEC:** Discussion was continued concerning an appeal filed for a denial of a Special Use Permit request by Equity 1 Real Estate to allow the operation of a real estate office in the MX zone, located at 1990 Substation Road, with Commissioner Smith recusing himself. The information received from the previous appeal hearing was discussed. The traffic study submitted at that time was not considered because of it being new information. None of the information from concerned citizens received after the P & Z hearing was considered.

Commissioner Sherrer stated that she felt the decision should be remanded back to the Planning and Zoning Commission because of the traffic study and other information that was wanting to be

brought forward. She had read the traffic study, inadvertently, before the record was received from Development Services and it could influence her decision. Through a motion by Commissioner Sherrer, the application was remanded back to the Planning & Zoning Commission. It was seconded by Commissioner Pratt and carried unanimously, with Commissioner Smith abstaining. The Prosecuting Attorney's Office was asked to prepare a Decision and Order that would formalize the decision.

**EXECUTIVE SESSION:** At 3:45 p.m. a motion was made by Commissioner Sherrer, seconded by Commissioner Smith, with roll call vote of ayes from Commissioners Pratt, Sherrer, and Smith, to go into executive session under Idaho Code 67-2345(1)(c) concerning the possibility of acquiring an interest in real property. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. The Commissioners returned to open session.

**OFFER TO PURCHASE REAL PROPERTY:** A motion was made by Commissioner Sherrer to sign a Gem County Offer to Purchase Real Property. It was seconded by Commissioner Smith and carried unanimously.

**FUTURE LAND USE MAP DISCUSSION:** Discussion was had between the Commissioners concerning the future Land Use Map.

**The Board recessed at 5:00 p.m. to 8:00 a.m. December 26, 2006**

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

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