



May 7, & 8, 2007, Emmett, Idaho

Pursuant to a recess taken on May 1, 2007, the Board of Commissioners of Gem County, Idaho, met in regular session this 7th day of May, 2007, at 8:00 a.m.

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| Present: | Michele Sherrer | Chairman |
| | Sharon Pratt | Commissioner |
| | Lan Smith | Commissioner |
| | Shelly Gannon | Clerk |

Whereupon the following proceedings were had, to-wit:

May 7, 2007

Pledge of Allegiance was said.

A motion was made by Commissioner Pratt to add a Catering Permit for Cynthia Sweet as item G., Biomass Letter as item H. and Ethington Planning & Zoning resignation letter as item I. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to add Payroll Claims Approval as item J. to the consent agenda. It was seconded by Commissioner Sherrer and carried unanimously.

REQUEST FOR RECONSIDERATION OF CONDITIONS FOR GARCIA MINOR

SUBDIVISION: While being tape recorded a public hearing was held to hear a request for reconsideration of conditions on the Garcia Minor Subdivision.

Kari Crisp discussed concerns regarding removing the fence in front of Eduardo Garcia's property. Documents presented were entered into the record. Brad Hawkins-Clark had suggested to her that a document could be recorded indicating the fence be removed at a later date. She stated that originally a pin was set for a 25' offset from centerline prior to Mr. Garcia purchasing the property. When Mr. Garcia bought the property he constructed his fence to that existing pin. The pin had been moved to 40' causing the fence to now be in the right-of-way. Landscaping has been placed up to the back of the fence. The fence sits behind the power lines. The front portion of the driveway has been sectioned for removal of the section closest to the road to allow for future road widening. Mr. Garcia understands that the fence will be removed at the point that the road is widened. Due to the cost and labor of building the fence to what was thought to be the appropriate place Mr. Garcia is asking for the fence to be allowed to remain until such time that the road is widened.

Brad Hawkins-Clark stated that a clear agreement could allow the fence to stay until such time it needs to be removed and recording the agreement would allow enforceability in the future.

David Hargraves stated that there is legal means to allow the reconsideration recommending the agreement be signed and recorded prior to signature of the final plat. The agreement

could be terminated at any point.

Kari talked about the drainage ditch that runs along the front of the properties in this area.

Commissioner Pratt questioned future owners of the property having knowledge of the agreement and the possibility of the County ending up with the cost of the removal of the fence.

David Hargraves read a section of the agreement which stated that the licensee is solely liable for the cost of removal of the fence.

A motion was made by Commissioner Pratt to close the hearing. It was seconded by Commissioner Smith and carried unanimously.

After discussion regarding right-of-way encroachments, license agreements and possible timeframes for widening of the road due to priority growth areas a motion was made by Commissioner Smith to allow a license agreement to be recorded on the fence and wastewater ditch so that it can remain in place until such time the County needs it. It was seconded with discussion by Commissioner Pratt.

After discussion regarding the subdivision request and property dedication being the cause of the pin needing to be moved from 25' to 40' and the Commissioner's concern of passing the cost on to future owners, the motion carried unanimously.

EQUITY 1 APPEAL HEARING: While being tape recorded a public hearing was held to hear an appeal for 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.

Commissioner Smith recused himself from discussion and decision in the hearing.

Jeanette Mednicoff stated that the traffic study, which was found to remain at a level B which is acceptable, was disregarded by the Planning & Zoning Commission. She feels it is a logical location for a low impact business in the MX zone.

Kari Crisp believes that this should be allowable in this zone for this type of business.

Brad Hawkins-Clark reiterated that during the Planning & Zoning Commission meeting their reason for not considering the traffic study was that they felt the period of time was too minimal and then deferred to their original decision which was a denial. He stated that a real estate office, not necessarily Equity 1, is what would be permitted if the special use permit is approved.

Commissioner Sherrer stated that the reason for remanding the request was due to the new information, traffic study, being presented.

John Harmon stated that the traffic study was determined on a 15 minute period of time.

Warren Hale said it is ridiculous to say there would be no increased traffic. This is already a dangerous intersection.

Tonya Keene stated the impact would not only be to this neighborhood and there are other places this business could go.

Shannon Wells moved to the community to be in a residential neighborhood.

Kathy Hoppell wanted to make sure that Jim Bois' information

had been received. She feels they are being harassed in the neighborhood. She doesn't understand how there is mixed use there, a business would be very dangerous.

Betty McCulloch stated support to what has been said.

Jerry McCulloch stated the danger of the location, it should have never have been zoned as mixed use.

Marianne Bois is in agreement with the opposition testimony. She stated that the majority of the 9 points of criteria that would need to be met to determine mixed use have failed.

David Burge agrees with what his neighbors have said.

Jeanette Mednicoff stated that an impartial independent traffic study was performed during peak hours. That study indicated there wouldn't be a significant change with a low impact business. She stated that Planning & Zoning staff continues to support the request with their criteria and feels that rules and regulations have been complied with. She stated that mixed use zoning must have been put in place in this area for a reason.

Commissioner Pratt reviewed her concerns with the traffic study. She wondered if the study had taken the several approved developments into account and is uncomfortable with the distance to access for the property. Heavy vehicles weren't factored in.

Commissioner Sherrer discussed confusion with the lighting of signs and where garbage would be collected. She stated concerns with the traffic study including the nearby school, access points to the property and time of day study was done. She reviewed the concerns of the City of Emmett and Idaho Transportation Department regarding access to the property.

Commissioner Pratt stated that safety is a concern.

A motion was made by Commissioner Sherrer to close the hearing. It was seconded by Commissioner Pratt and carried.

The Commissioners reviewed ordinance compliance. Discussion was continued to Monday May 14th at 9:30 a.m.

Commissioner Pratt was absent from the meeting.

INDIGENT APPLICATIONS: At 10:05 a.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried to go into executive session under Idaho Code 67-2345(1)(d) with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye. Deputy Clerk Tiffani Sulgrove presented the following indigent applications:

- 07-033 Sign Statutory Lien
- 06-098 Sign Final Decision & Order
- 07-019 Medical Application
- 07-032 Non-Medical Application
- 07-010 Medical Application

After reconvening in regular session, Commissioner Smith made a motion to sign a statutory lien for 07-033, sign the decision & order for 06-098, deny 07-019 because residency cannot be established and applicant is not indigent, sign statutory lien and deny 07-032 because applicant in not cooperative and application is incomplete and reconsider and approve 07-010. It was seconded by Commissioner Sherrer and carried.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:15

p.m.

At 1:08 p.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer and carried to go into executive session under Idaho Code 67-2345(1)(d) regarding documents exempt from disclosure with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye.

Regular session reconvened at 1:11 p.m.

Commissioner Pratt rejoined the meeting.

CONSENT AGENDA: A motion was made by Commissioner Pratt to approve items E.2007 Emergency Management Program Grant Application, F. Heath Auction Services Contract, G. Catering Permit for Cynthia Sweet, H. Biomass letter, I. Ethington Planning & Zoning Commission resignation letter and J. Payroll Claim Form and to remove items A. Official Road Name List Resolution, B. Woods Ranch Final PUD and Subdivision, C. Blackstone Subdivision Preliminary Plat and Planned Unit Development and D. Rural Economic Professional Request for Proposal for discussion. It was seconded by Commissioner Smith and carried unanimously.

After discussion regarding Thawed Dog Road vs. Walker Lane and whether or not the County is considered to be a partner for the Shadow Butte Rural Economic Development Memorandum Of Understanding, Commissioner Smith made a motion to approve A & D with modifications as discussed, that the Street Naming Committee shall decide which name to use between Thawed Dog Road and Walker Lane. It was seconded by Commissioner Pratt and carried unanimously.

After a tape recorded discussion, Commissioner Pratt made a motion to approve the Woods Ranch final PUD as amended. It was seconded by Commissioner Smith and carried unanimously.

While being tape recorded, the Blackstone Planned Unit Development was reviewed. The speed of Highway 52 and townhouse design was discussed.

Commissioner Smith made a motion to approve Blackstone PUD with a modification of 12 F of Exhibit B to indicate that the roadway speed shall remain at 55 mph and improvements designed to address that speed. It was seconded by Commissioner Pratt and carried unanimously.

Commissioner Smith made a motion to approve the Blackstone Subdivision as presented. It was seconded by Commissioner Pratt and carried unanimously.

REVIEW OF MINUTES: The minutes of April 23 & 24, 2007 were reviewed. Commissioner Smith made a motion to approve the minutes as reviewed and corrected. It was seconded by Commissioner Pratt and carried unanimously.

The minutes of May 1, 2007 were reviewed. Commissioner Pratt made a motion to approve the minutes as reviewed and corrected. It was seconded by Commissioner Smith and carried unanimously.

CHRISTINA FOUT REZONE: While being tape recorded a public hearing was held to hear a rezone request by Christina Fout. The request

is to rezone 5.1 +/- acres from A-2 Rural Transitional Agriculture to R-3 located at 3624 Wills Road.

Christina Fout stated that she would like to split her 5 acre parcel with intent to sell the 3 acre portion and keep the 2 acre piece with the house on it.

Wendy Akins stated that Christina would need to apply for a subdivision prior to selling the 3 acre parcel. She reviewed the recommendation of the Planning & Zoning Commission.

A motion was made by Commissioner Pratt to close the hearing. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to uphold the Planning & Zoning Commission's recommendation. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT HEARING 06-099: At 3:00 p.m. 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) with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, Commissioner Smith, aye.

While being tape-recorded during executive session, an indigent appeal hearing was held for 06-099. Those present were Commissioners Pratt, Sherrer, and Smith, Clerk Gannon, Deputy Clerk Tiffani Sulgrove, Deputy Prosecutor Hargraves, Attorney for St. Alphonsus Hospital Steven Pitts, and the applicant. Steven Pitts and the applicant reviewed information regarding the appeal. Documents entered into the record included: Case File as Exhibit A, additional billings since denial date as Exhibit B, chart notes and copy of signed application as Exhibit C, Letter from operating physician as Exhibit D, verification from Deborah Casdorff dated 3-21-07 and second opinion from Dr. Douglas Damrose dated 4-28-07 as Exhibit E and copy of social security notice of disapproval and copy of 2nd opinion coversheet as Exhibit F.

Regular session reconvened at 3:47 p.m. The Commissioners will take the information under advisement and will hold further discussion during time scheduled for Indigent Applications next week.

BOISE VALLEY ECONOMIC PARTNERSHIP PRESENTATION: Paul Hiller, Executive Director of Boise Valley Economic Partnership, and Morris Huffman, Gem County Economic Development Director, met with the Commissioners to discuss activities and achievements of the Boise Valley Economic Partnership. Gem County's continued participation was requested.

DARNELL ROAD DEDICATION DISCUSSION: This discussion will be held during Planning & Zoning Update Tuesday May 22nd at 9:00 a.m.

May 8, 2007

Pledge of Allegiance was said

Commissioner Pratt was absent due to attendance at a Shadow Butte Development Corporation meeting.

ELECTED OFFICIALS: A meeting was held with the Elected Officials. Those in attendance were Commissioners Sherrer, and Smith, Clerk Shelly Gannon, Assessor Greg Himes, Sheriff Clint Short and Treasurer Connie Goins. Topics of discussion included: replacement of the control board and water softener at the jail, open positions in various departments, review of the Treasurer's report and purchase of a Geographical Information System program.

Commissioner Pratt rejoined the meeting.

PUBLIC WALK-IN: Gary Clancy met with the Commissioners to discuss concerns regarding his experience with the building inspector.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutors David Hargraves and Tim McNeese met with the Commissioners to discuss Prosecuting Attorney matters. Topics discussed included: the Board of Community Guardians, Recreation District Memorandum of Understanding, CC&Rs and utility agreement for the Shadow Butte Industrial Park, process of adding water, drainage, etc. fees to be added to the tax rolls and securing hauled solid waste.

The Board recessed at 12:00 p.m. for lunch to reconvene at 1:15 p.m.

MOSQUITO ABATEMENT & GEM SOIL CONSERVATION DISTRICT MEMORANDUM OF UNDERSTANDING: After review, a motion was made by Commissioner Pratt to sign and approve the Memorandum of Understanding between Gem County, Gem Soil Conservation District and Gem County Mosquito Abatement District. It was seconded by Commissioner Smith and carried unanimously.

DEPARTMENT HEADS: Those in attendance were Chuck Shambaugh, Maintenance Supervisor, Kim Reed, Road Department Supervisor, Janelle Schnieder, Juvenile Probation Director, Anita Taylor, Emergency Management, Mark Rekow, Ambulance Director, Martin Joyce, Landfill Supervisor, Morris Huffman, Economic Development Specialist, Brad Hawkins-Clark, Planning Director and Rikki Wilson, Extension Educator. Monthly reports were reviewed as well as current and upcoming activities within their departments. Budgets are due next Tuesday May 15th. Free trash day, excluding some items, will be June 22nd & 23rd. A date for the Comp Plan adoption will be discussed at the joint City/County meeting next Monday. Sexual harassment training will be held next week.

The Board recessed at 5:00 p.m. to 8:00 a.m. on May 14, 2007.

Approved: _____
Chairman

Attest: _____
Clerk