



November 19 & 20, 2007, Emmett, Idaho

Pursuant to a recess taken on November 13, 2007, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th day of November, 2007, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

**November 19, 2007**

*A motion was made by Commissioner Pratt to add Certificate of Substantial Completion for Concrete for the Shadow Butte Industrial Park by MarCon, Inc. as item J. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.*

**AREA OF CITY IMPACT ORDINANCE AMENDMENT:** While being tape recorded a public hearing was held to hear an amendment of the Area of City Impact Agreement between Gem County and the City of Emmett including an expansion of the impact boundary along the south and northeast boundaries and including requirements for public improvements to subdivisions within the Area of City Impact.

Brad Hawkins-Clark, Development Services Director, reviewed the changes to the ordinance.

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

A motion was made by Commissioner Pratt to adopt the Ordinance establishing the boundary of the Emmett Area of City Impact and the governing plans and ordinances for the Emmett Area of City Impact, ordinance numbers to be assigned by the Clerk. It was seconded by Commissioner Smith and carried unanimously. (Ordinances 2007-18 and 2007-19).

**STEVE WESTON REZONE:** While being tape recorded a public hearing was held to hear a rezone request by Steve & Wendy Weston to rezone 6.90+/- acres from A-2 Rural Transitional Agriculture to R-3 Residential Transitional located at 3333 Wills Road.

Steve Weston discussed information he received from Southwest District Health Department regarding the septic tests.

Brad Hawkins-Clark, Development Services Director, asked that comments from the previous hearing (held October 22, 2007) be reflected in the minutes of this hearing.

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

A motion was made by Commissioner Pratt to approve the rezone request #RZ-07-016 for Wendy and Steve Weston. It was seconded by Commissioner Smith and carried unanimously.

**REQUEST FOR CANACELLATION OF TAXES:** The Commissioners considered a request for cancellation of taxes due to hardship for Craig J. Hooper RP00406305A. Connie Goins, Treasurer, reviewed previous circuit breaker exemptions claimed on the property stating that the applicant missed the deadline for filing for the circuit breaker exemption this year. Idaho Code was reviewed. A motion was made by Commissioner Smith to deny the application for hardship as it doesn't comply with state statute. It was seconded by Commissioner Pratt and carried unanimously.

**INDIGENT APPLICATIONS:** At 11:07 a.m. a motion was made by Commissioner Pratt, seconded by Commissioner Smith and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) for indigent matters with a roll call vote as follows: Commissioner Smith, aye, Commissioner Pratt, aye, and Commissioner Sherrer, aye.

07-010 Sign Release of Statutory Lien  
07-067 Medical Application

After reconvening in regular session at 11:12 a.m., Commissioner Pratt made a motion to deny 07-067 because Gem County is not the obligated county, lack of cooperation and the applicant is not medically indigent. It was seconded by Commissioner Smith and carried unanimously. A motion was made by Commissioner Pratt to sign release of lien for 07-010. It was seconded by Commissioner Smith and carried unanimously.

*A motion was made by Commissioner Sherrer to add the appointment of JB and Sean Merrill to the Architectural Control Committee for the Shadow Butte Industrial Park as item K. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.*

**WOODS RANCH SUBDIVISION DISCUSSION:** Brad Hawkins-Clark met with the Commissioners to discuss the Woods Ranch Subdivision. Community well requirements were discussed. Brad said that the applicant is considering a subdivision application to allow for individual wells. Layout and cost of the application that was previously approved and the potential 5 acre subdivision were discussed.

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

**CONSENT AGENDA:** The Consent Agenda included items A. City of Emmett/Gem County Building Inspector fiscal year 2008 agreement, B. Resolution 2007-12A borrowing funds from Motor Vehicle Trust, C. Intermountain Facility Fiscal Year 2008 agreement, D. Cascade Road Railroad Crossing lease supplemental agreement, E. Memorandum of Understanding between the Idaho Transportation Department (ITD), the Idaho Military Division and Gem County providing for utilization of ITD network, F. Shadow Butte Industrial Park Phase 1 Roadway Improvements Concrete change order No. 1, G. 2007 Emergency Management Performance Grant Supplemental, H. Juvenile Probation equipment rental and monitoring services agreement, I. Hansen Acres Subdivision Decision & Order, J. Certificate of Substantial Completion for Concrete for the Shadow Butte Industrial Park by MarCon, Inc., K. appointment of JB and Sean Merrill to the Architectural Control Committee for the Shadow Butte Industrial Park.

A motion was made by Commissioner Pratt to remove item A. from the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to remove item H. for discussion and approve items B., C., D., E., F., G., I., J. and K.

After discussion regarding the Juvenile Probation Equipment Rental and Monitoring Services Agreement it was held until next week.

**INDIGENT HEARING 07-050:** At 2:04 p.m. a motion was made by Commissioner Pratt, seconded by Commissioner Smith carried unanimously to go into executive session under Idaho Code 67-2345(1)(d) for indigent matters with a roll call vote as follows: Commissioner Smith, aye, Commissioner Pratt, aye, and Commissioner Sherrer, aye.

While being tape-recorded during executive session, an indigent appeal hearing was held for 07-048. Those present were Commissioners Sherrer, Pratt and Smith, Clerk Shelly Gannon, Deputy Clerk Diane Wright, Deputy Prosecutor David Hargraves and the applicant.

The case file was entered into the record as Exhibit A.

After reconvening in regular session at 2:37 p.m. a motion was made by Commissioner Pratt to take the hearing under advisement. It was seconded by Commissioner Smith and carried unanimously.

**APPROVAL OF MINUTES:** The minutes of November 5 & 6, 2007 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of November 5 & 6, 2007 as amended. It was seconded by Commissioner Smith and carried unanimously.

**ALCOHOLIC BEVERAGE LICENSE RENEWALS:** While being tape recorded the Commissioners reviewed Alcoholic Beverage Licenses for Main

Street Beverage, Cherries, La Costa Mexican Restaurant, By-Rite, Gem Lounge and El Puerto Market.

A motion was made by Commissioner Pratt to approve the alcohol licenses as read. It was seconded by Commissioner Smith and carried unanimously.

**SKATE KREW SKATE PARK DISCUSSION:** The Commissioners met with Melissa McDaniel with Starfish Promise Coalition and members of the Skate Krew to discuss the use of electricity to the amphitheatre for Youth Appreciation Day, to obtain permission to host the fourth annual Pet Adoption League Fundraiser "Love at First Walk" on the Island on February 16, 2008 and to discuss obstacle design for a new stair set for the skate park.

**SHADOW BUTTE INDUSTRIAL PARK DISCUSSION:** Shawn Charters with Shadow Butte Development Corporation met with the Commissioners to discuss the status of the Shadow Butte Industrial Park. The design review process and the status of grant fund reimbursement was discussed. Businesses that have closed on their lots were reviewed.

**JOINT CITY/COUNTY MEETING:** A City/County meeting was held at the City Hall at 5:00 p.m. on Monday November 19, 2007. In attendance from the City were Councilmen Rogers, White, Agenbroad and Stout and Deputy Clerk Alsop. Those in attendance from the County were Commissioners Sherrer, Pratt and Smith, Treasurer Goins and Clerk Gannon. Topics discussed included: the traffic pattern for the Gem Community Sports Complex and neighboring streets, location of the South Traffic Bridge on the Island, status of the Shadow Butte Industrial Park including the Architectural Control Committee that had been put in place.

**The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. November 20, 2007.**

**November 20, 2007**

**COLLEGE OF WESTERN IDAHO PRESENTATION:** The Commissioners attended a presentation regarding the College of Western Idaho at the BSU West Campus in Nampa.

**Commissioner Smith was absent from the meeting due to attendance at a Juvenile Training Council meeting.**

**PUBLIC WALK-IN:** Sue Heckman met with the Commissioners to discuss the Gem County Recreation District's Festival of Lights. Ideas discussed included battery operated candles for the Courthouse windows and a large wreath and poinsettias for the front of the

building.

**PROSECUTING ATTORNEY MATTERS**: Deputy Prosecutors, David Hargraves and Tim McNeese met with the Commissioners to discuss Prosecuting Attorney matters.

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

**Commissioner Smith rejoined the meeting.**

The Commissioners worked on Administrative matters.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on November 26, 2007.**

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

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