



January 10 & 11, 2010, Emmett, Idaho

Pursuant to a recess taken on January 04, 2011, the Board of Commissioners of Gem County, Idaho, met in regular session this 10th day of January, 2011, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Lan Smith	Commissioner
	Michele Sherrer	Commissioner
	Leandra Rountree	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

January 10, 2011

NORTH ISLAND BRIDGE ALL HAZARD MITIGATION PROJECT GRANT:

Anita Taylor met with the Commissioners to discuss the North Island Bridge Grant application. Additional alternatives were discussed.

SWEARING IN OF ELECTED OFFICIALS:

Gem County Commissioners Lan Smith and Michele Sherrer, Gem County Clerk Shelly Gannon, Gem County Treasurer Connie Goins, Gem County Assessor Dale Reynolds, and Gem County Coroner John Buck were sworn into office on the front steps of the Courthouse.

REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS:

A motion was made by Commissioner Smith to name Commissioner Pratt Chairman of the Board of County Commissioners. It was seconded by Commissioner Sherrer and carried unanimously.

A motion was made by Commissioner Pratt to name Commissioner Smith as Vice-Chairman of the Board of County Commissioners. It was seconded by Commissioner Sherrer and carried unanimously.

WALGREEN'S ALCOHOL BEVERAGE LICENSE RENEWAL:

While being tape recorded an Alcohol Beverage License renewal was reviewed for Walgreen's. A motion was made by Commissioner Sherrer to approve Alcohol Beverage License renewal number 31. It was seconded by Commissioner Smith and carried unanimously.

PERSONNEL POLICY: The Commissioners reviewed the proposed personnel policy.

INDIGENT APPLICATIONS: At 11:00 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye, and Commissioner Pratt, aye.

11-003	Notice of Hearing
11-006	Notice of Hearing
11-016	Medical Application
11-017	Medical Application
11-030	Notice of Lien

After reconvening in regular session at 11:07 a.m. a motion was made by Commissioner Smith to sign notices of hearing on 11-003 and 11-006, deny 11-016 unable to determine indigency and resources, incomplete application, failure to appear to interview, and failure to cooperate, deny 11-017 Gem County is not the obligated County, incomplete application, and unable to determine indigency, and sign notice of statutory and N-1 liens as applicable on 11-030. It was seconded by Commissioner Sherrer and carried unanimously.

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

CONSENT AGENDA: Items on the consent agenda included A. December Payroll Claims Approval, B. Idaho Department of Parks and Recreation Grant Application, and C. Request for funds letter for Third Fork Resurfacing from Southwest Idaho Resource Advisory Council.

A motion was made by Commissioner Sherrer to approve items A., B., and C. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

MINUTES: The minutes of December 13 & 14, 2010 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of December 13 & 14, 2010 as amended. It was seconded by Commissioner Smith and carried unanimously.

CLAIMS: The claims presented were reviewed. Commissioner

Sherrer made a motion to approve the claims as presented. It was seconded by Commissioner Smith and carried unanimously.

PERSONNEL POLICY: The Commissioners reviewed the proposed personnel policy.

FAIRGROUND NAME DISCUSSION: Prosecuting Attorney Dick Linville and Deputy Prosecuting Attorney Tim McNeese met with the Commissioners to discuss the naming of the Fairgrounds property. Due to the fact that there was no public present the Commissioners will not continue the discussion unless someone expresses interest.

Commissioner Sherrer made a motion to approve the North Island Bridge All Hazard Mitigation Project Grant. It was seconded by Commissioner Smith and carried unanimously.

CITY/COUNTY MEETING: A joint City/County meeting was held. Those in attendance from the county included Commissioners Pratt, Smith and Sherrer, Treasurer Goins, Assessor Reynolds and Clerk Gannon. Those in attendance from the city included Mayor Butticci, Councilmen Henderson and Rogers and Clerk Alsup. Topics discussed included ice skating rink at Huskie Park, tube takeout at the Gem Island Sports Complex, the Governor's Inaugural Ball, Cherries tavern ATM, appointment of the Design Review Committee members, potential school district changes, potential cuts to state funding, Yellowstone Power co-generation plant, interest in the Shadow Butte Industrial Park, liens for mineral rights placed on properties in Gem County and design review for the wastewater treatment plant.

The Board recessed at 6:00 p.m. to 8:00 a.m. on January 11, 2011.

January 11, 2011

ELECTED OFFICIALS: Elected officials met. Those in attendance included Commissioners Pratt, Smith and Sherrer, Assessor Reynolds, Sheriff Rolland, Clerk Gannon and Treasurer Goins. Topics discussed included revision of the personnel policy, cash handling policies, courthouse security, bonds for Elected Officials, State of the State address and resignation of State Tax Commission Chairman Royce Chigbrow.

BRYAN RICKER WITH SENATOR CRAPO'S OFFICE: Bryan Ricker from Senator Crapo's office met with the Commissioners to discuss current issues. Topics discussed included budget, spending, and Secure Rural Schools funding.

PUBLIC WALK-IN: Dan Jensen representing a group called People that Love America met with the Commissioners to discuss the tank on the front lawn. Dan stated that they are committed to decorate the tank on all major holidays and would like to provide power for a permanent flag. Dan stated that they will work on getting donations for the electrical work if the Commissioners would allow it.

Commissioner Sherrer stated that they would need to see a plan of what they want to do so it doesn't interfere with anything. She also stated that it must be worked out with the Maintenance Supervisor.

PROSECUTING ATTORNEY: Deputy Prosecuting Attorney Tim McNeese and Development Services Director Brad Hawkins-Clark met with the Commissioners to discuss legal matters. Topics discussed included the Loucks appeal public hearing this afternoon.

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

SUBSTATION ROAD SOUTH OF SALESYARD ROAD DISCUSSION: Road Department Supervisor Kim Reed met with the Commissioners to discuss the portion of Substation Road south of Salesyard Road. He has had a request from the Black Canyon Canal Company to vacate that portion of the road. Kim has some concerns regarding the condition of the road. The narrowness of the road has become a concern due to the fact that the canal is slipping away. Commissioner Smith questioned if we can choose to not maintain it. The County would need to take down our signs and put up signs that would indicate that it is not a county road. The Commissioners instructed Kim to contact the Prosecuting Attorney's office to determine the proper way to vacate that portion of the road.

DEPARTMENT HEADS: Martin Joyce, Mark Rekow, Brad Hawkins-Clark, Chuck Shambaugh, Janelle Schneider, Kim Reed, and Jake Wyant met with the Commissioners to discuss issues in their departments. Topics discussed included the State of

the State, the personnel policy, and money handling policies. Each department head provided an update for their departments.

GEOGRAPHIC INFORMATION SYSTEM AGREEMENT/FEES: This discussion was not held.

ADMINISTRATIVE TIME: The Commissioners worked on administrative issues.

APPEAL PUBLIC HEARING FOR TONY LOUCKS SPECIAL USE PERMIT: While being tape recorded an appeal public hearing was held for a Special Use Permit by Tony Loucks.

Commissioner Pratt welcomed everyone and explained the process of the public hearing. She entered exhibits 45-56 into the record and read the notice of public hearing.

Shawn Nickel representing the applicant provided a brief history of the application and entered exhibit 57 into the record. Mr. Nickel reviewed the findings and facts from the original application and explained why they feel they meet these findings.

He reviewed the proposed reclamation plan and stated that they feel it complies with the Comprehensive Plan. He explained how they down sized the project and what they are planning to do to protect the neighbors from the negative impacts of the project. He also addressed the traffic impacts indicating that they have reduced the truck trips and have a draft road mitigation agreement with the Gem County Road Department as well as a draft agreement with the Buchert Schwerts Partnership to have a shared access to the property. Mr. Nickel also stated that they have submitted a water analysis from a licensed engineer which was a condition of approval.

Mike Williams also representing the applicant spoke regarding compatibility in the area. He summarized a list of gravel pits surrounding the subject property. Bob Arnold representing the applicant explained the process for monitoring wells in the area and de-watering.

Tony Loucks provided a brief history of the property and explained why he was applying for this Special Use Permit.

Victor Vellegos, attorney for the applicant also talked about compatibility within the A2 zone as well as uses in that zone.

Planning Director Brad Hawkins-Clark reviewed the Gem County Zoning map and explained where the subject property

is.

Al Dimmick testified in opposition of the application. Mr. Dimmick testified that his quality of life will be affected. He has concerns regarding domestic wells, increased noise levels, artificial light, and decrease in property values. His written testimony was entered into the record as exhibit 59.

Steve Richards testified about his concerns with the truck traffic as well as water concerns.

Shirley Brown testified in opposition of the application. Her testimony included concerns regarding noise and water. A list of wells that went dry was entered into the record as exhibit 60.

Carole Briggs also testified in opposition of the project. Mrs. Briggs stated that she feels the project is not harmonious with the surroundings, it will affect the quality of life, and it will have a negative impact on property values. She also has concerns regarding noise and impacts on wildlife during the operation. Her written testimony was entered into the record as exhibit 61.

Victoria Overton testified that she agrees with Shirley Brown's testimony.

Michaela Schenk testified about her concerns regarding wells, septic systems, and noise levels.

George Schenk testified about his concerns including wells, property values, and flooding of drainage ditches.

Eugene Novecek testified in opposition of the application and reiterated that he agrees with all those who have testified. His main concerns are noise, dust, and property values.

Robert Shepard testified about his concerns regarding water rights, drainage ditch flooding and clean up, property values, and that the project is not harmonious with the area. A copy of Idaho Statute 42-101 was entered into the record as exhibit 62.

Julia Morley testified that she agrees with all those who have testified.

Merle Spicer is concerned about what will happen to the property if something happens to the applicant.

Ramona Sloan submitted a series of photographs that was entered into the record as exhibit 63 and a petition of individuals who gave public testimony was entered into the record as exhibit 64. She testified that she does not feel the project is harmonious with the neighborhood. She also has concerns regarding noise, views, and smells generated by the operation.

All of the sign in sheets from the Zoning Commission hearings as well as the Commissioners hearings were added to the record as exhibit 65.

John O'Leary testified about his concerns regarding property values, views, and noise.

Sue Dimmick testified that she agrees with all those who have testified.

Marlene Pittman testified that she also agrees with all those who have testified.

Michelle Snyder testified that her main concern is the de-watering and potential impacts it will have on the area. She stated that she also has concerns regarding the contamination of the aquifer, dust abatement, and the rehabilitation of the area. She spoke about the state of the current ponds that have been rehabilitated.

Shawn Nickel representing the applicant addressed the public testimony. Mr. Nickel stated that they did propose bonding for any potential impacts and that Salesyard Road, Airport Road and Mill Road are all arterial roadways and that there will be no traffic on South Slope Road. He questioned some of the testimony regarding wells and if it was determined if the problems were caused from de-watering. He also spoke about the use of the surrounding properties and stated that the property is zoned A2 which does allow gravel extraction through a Special Use Permit. He stated that they plan on using injection wells rather than just the drainage ditches to de-water the site which should help with the water table as well as the flooding issues. Mr. Nickel explained that dust abatement has been addressed as a condition of approval and that if granted the Special Use Permit goes along with the property if Mr. Loucks were no longer involved. He also stated that they do not plan on deeding the ponds to Fish and Game or the County and that the ponds would be the responsibility of the property owner and ultimately a homeowners association. He addressed the petition that was entered into the record and stated that he feels the public hearing is a better representation of who is in opposition. Mr. Nickel ended by stating that he feels the new plan that was submitted positively addressed all nine conditions of approval.

Bob Arnold also addressed some of the public testimony in regards to the project. He explained the process of re-injecting the water back into the ground to help the flooding issue. He also spoke about selling the product and hours of operation.

Commissioner Smith made a motion to close the public

hearing for the application. It was seconded by Commissioner Sherrer with discussion.

Prosecuting Attorney Dick Linville stated that if additional information was needed from the applicant for conditions it could be part of their deliberations and they could request it without re-opening the public hearing.

Commissioner Smith made a motion to move the discussion to January 25, 2011 at 1:30 p.m. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 7:45 p.m. to 8:00 a.m. on January 18, 2011.

Approved: _____
Chairman

Attest: _____
Clerk