



July 24, 25, 2006, Emmett, Idaho

Pursuant to a recess taken on July 18, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 24th & 25th day of July, 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:

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Pledge of Allegiance was said.

PUBLIC HEARING (Cont.) - FIRE DISTRICT #1 WITHDRAWAL: While being tape-recorded, a continuation was had of a public hearing held on July 11, 2006, to consider a petition to withdraw from Fire District No. 1 the area contained within the Hanna and Letha election precincts, not including the area within the Middleton Fire District. The hearing had been continued to include written comments answering specific questions, to be received by July 18, 2006, at 5:00 p.m.

Added to the record was Exhibit R from Fire District #1 which included a list of truck inventory, revenue of new growth from 1996 to 2006, and the levy information from 1996 to 2006. Also added, but not considered in the decision, were comments from Stephanie Oxley as Exhibit S and comments from Susan Jensen as Exhibit T. Exhibits S & T included information which was not the specific information requested.

Rick Welch went over the information submitted by Fire District #1.

Stan Brown presented a revised copy of the Hanna Letha Fire District Budget 2006-2007, which had been marked as Exhibit U.

Commissioner Smith commented that the withdrawal will be approved if the Commissioners feel it would be beneficial to the citizens to do so. There would be an interim where there would be no fire protection for a large amount of people until an election can determine if a new fire protection district will be formed. Stan Smith explained his view as to why the withdrawal is requested, with had to do with the management of Fire District # 1.

After Commissioner Pratt explained that the only reason they can approve withdrawal is if those asking for the withdrawal are not benefited by remaining in the District. Rick Welch explained the benefit that would be had if the Fire District #1 is kept whole. He also stated, after being asked, that the Fire District is organized similarly to other Fire Districts in the State.

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

Discussion was had between the Commissioners. It was

discussed that because of the separation of equipment, trained firemen, the cost of setting up and administrating a new District, and other circumstances, property owners would not be benefited by the withdrawal. The problems seem to be of a personal nature, which need to be cleared up in some way other than withdrawal. The solution could be had during the election of Fire District Commissioners.

A motion was made to direct counsel to put together a decision and order stating the benefits of the petitioned area staying in Fire District #1, from the discussion of the Commissioners, to tentatively be approved on August 14, 2006. It was seconded by Commissioner Sherrer, and carried unanimously.

EXECUTIVE SESSION: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(b) concerning personnel. Those governing bodies present in the meeting were Commissioners Pratt, Sherrer, and Smith. No final decisions were made. A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

PLANNING & ZONING UPDATE: Planning Director Brad Hawkins-Clark met with the Commissioners to discuss P & Z matters. He presented the new form their office is giving applicants for land use issues. Temporary hardship review letters will go out next week. Special Use Permit reviews need to be made regularly. There will be a Subdivision Ordinance workshop for the public on Wednesday, July 26, 2006, at City Hall. There will be a draft RFQ presented for a County Engineer contract.

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). Deputy Tiffani Sulgrove presented the following indigent applications:

06-035 Application needed a CAT Assignment of 74.1% for reimbursements.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Smith to sign the Catastrophic Assignment at 74.1% reimbursement for 06-035. It was seconded by Commissioner Sherrer 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 approve the consent agenda which included: B. Shadow Butte Industrial Park Payment No. 8 and Change Order No. 4 from Hills Construction; C. Resolution No. 2006-08 exchanging an Extension Office computer; D. (added) Solid Waste System Participation Agreement with Payette County. Item A was pulled from the Consent Agenda and Shadow Butte Industrial Park Change Order No. 6 was pulled. The motion was seconded by Commissioner Sherrer and

carried unanimously.

SBIP CHANGE ORDER: A motion was made by Commissioner Smith to deny Shadow Butte Industrial Park Change Order No. 6 from Hills Construction. It was seconded by Commissioner Sherrer and carried unanimously.

SPEED LIMIT CHANGE REQUEST - GATFIELD ROAD: Terry Rienmenapp met with the Commissioners to ask for a change of speed limit on Gatfield Road. She stated that a pick-up truck rolled over on the road last week. She would like to see the speed limit lowered from 50 mph to a more reasonable speed. She presented a petition with eight signatures asking for a reduced speed limit to 25 or 35 mph. A slow caution sign would even be a help.

INDIGENT APPEAL HEARING (cont.): An indigent appeal hearing that had been continued was held, in executive session and tape-recorded, for #06-048. Those present were Commissioners Pratt, Sherrer, and Smith, and Deputy Clerk Tiffany Sulgrove. The applicant was not present. The hearing was closed, and after coming out of executive session, a motion was made by Commissioner Smith to uphold the previous decision of denial on 06-048. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on July 25, 2006.

July 25, 2006

OPEN FORUM: An open forum was held in the Gem County Courthouse on Monday, July 25, 2006, at 7:00 p.m. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, and 2 members of the public. Topics of discussion were the Commissioner minutes, wells and septic systems in the County, presentations on water matters from a private citizen, possibility of West Nile Virus and mosquito abatement, Shadow Butte Industrial Park, and a gravel pit on Highway 52.

PUBLIC WALK-IN AND INPUT: Steve and Kara Timpson and Don and Mary Ellsworth met with the Commissioners concerning the impact of a subdivision in their neighborhood. Regency Heights subdivision on South Plaza Road has had the road torn up since May. Property owners' mailboxes have been ripped up out of the ground and left laying along the road and they have not had mail service. They would like their mailboxes replaced. There have been a lot of problems such as not being able to get out of their driveway, work and personal vehicles of the workers parked in the middle of the road, no mosquito fogging, no garbage pickup service, and other situations. There has been no notice when the roads and/or driveways were going to be blocked. The Commissioners stated that the City of Emmett is in a dispute with the contractors. The residents have a concern about the proposed name change of their road, S. Plaza Road. They do not want it changed to 7th Street. These issues will be looked into by the Commissioners.

INDIGENT APPLICATION: 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). Deputy Clerk Tiffani Sulgrove presented the following indigent applications:

06-075 Application for cremation.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to approve 06-075. It was seconded by Commissioner Smith and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters.

It seems that Code Enforcement Officers do not have citation power in some neighboring communities. They can do all of the investigation and then the citations need to be issued by a peace officer.

The speed limit on Gatfield Road was discussed. Also discussed was the possibility of an ordinance change concerning having to rezone for gravel pits.

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

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Pratt to pay the claims as presented and noted in the Claims Report Form. It was seconded by Commissioner Sherrer and carried unanimously.

MINUTES READ AND APPROVED: The minutes of July 10 & 11 and 17 & 18, 2006, were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of July 10 & 11 and 17 & 18, 2006, as read and corrected. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on August 1, 2006

Approved: _____
Chairman

Attest: _____
Clerk