



August 21 & 22, 2006, Emmett, Idaho

Pursuant to a recess taken on August 15, 2006, the Board of Commissioners of Gem County, Idaho, met in regular session this 21st and 22nd day of August, 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:

EXECUTIVE SESSION (August 16, 2006): After being posted as a special meeting for August 16, 2006, 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)(f) concerning possible litigation. 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.

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Pledge of Allegiance was said.

Commissioner Smith left the meeting to attend a Juvenile Justice meeting.

LYNDA VISTA SUBDIVISION: A continuation of the discussion/decision was held regarding the Lynda Vista Subdivision. Discussion was had on the error of an A-2 designation of the property on the southern boundary of the subdivision on the map in the packet. It will be corrected on the final plat.

Discussion was had on the Walker Court name for the road. It will be presented to the Road Naming Committee at their meeting this week. The road will be dedicated to the County. There is a Walker Court Extension lot that may be dedicated to the County as a road when the next phase is developed. This road will connect the two developments with a bridge over the canal. The plat could be amended to exclude the property described as the Walker Court Extension and added to the plat for the second development.

Irrigation concerns were discussed and remedied. The cul-de-sac and the CC&R's were discussed. The cul-de-sac dimensions were verified. The guest quarters allowance was discussed. It will be changed to require that the guest quarters are required to be attached to the main structure.

The Planning & Zoning recommendations will be accepted, with the changes discussed by the Commissioners. Deputy Prosecuting Attorney David Hargraves will develop the Decision and Order for

review by the Commissioners.

PLANNING & ZONING UPDATE: Development Services Director Brad Hawkins-Clark met with the Commissioners. There is a planned community process presentation in Ada County that he is attending this week. He will invite the Planning & Zoning Board members.

The revised RFQ is ready for Commissioner approval for a consulting engineer to review applications, as a third party to the County.

They have been conducting minor subdivision reviews and have sent out nine "notices to proceed" for subdivision applications.

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

06-077 Application for assistance with power bill.

06-062 Application needed a Notice of Appeal Hearing signed.

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

A motion was made by Commissioner Sherrer to deny 06-077 due to lack of indigency and to sign a Notice of Hearing for 06-062. It was seconded by Commissioner Pratt and carried unanimously.

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

PUBLIC HEARING - PERKINS VARIANCE: While being tape-recorded, a public hearing was held for the purpose of an appeal of a denial of a variance request by John Perkins to allow a 16-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance. The property is located at 5880 Sweet-Ola Highway.

Commissioner Pratt recused herself from the hearing because of receiving ex-parte communication with the applicant and neighbors. This left only one Commissioner in attendance. After discussing the options with the applicant, the decision was made to continue the hearing until Monday, August 28, 2006.

FARMERS & NOBLE DITCH ORDINANCE PROPOSAL: Rick York from the Farmers & Noble Ditch Company met with the Commissioners to ask them to consider passing an ordinance similar to one that Payette County has passed. The ordinance requires that any land use decisions or building permits be passed by the ditch companies to allow them input before decisions are made. The Ordinance follows Idaho State Code. He asked that the County have their own ordinance because it is picked up on better at the local level rather than the Idaho Code.

The Commissioners asked if it would be just as effective if the Idaho Code section is one of the checkmarks on the Planning and Zoning list for persons to be contacted. If it is a County ordinance, the County then becomes the enforcer.

Commissioner Smith came back into the meeting.

PERSONNEL EXIT INTERVIEW: An exit interview was held with Dennis Pulley who is retiring from Gem County as Road and Bridge Supervisor on August 31, 2006. It was held in executive session.

PERSONNEL INTERVIEW - ROAD & BRIDGE OPENING: During executive session, an interview was held for the position of Gem County Road and Bridge Supervisor.

The Board recessed at 5:30 p.m. to 8:00 a.m. on August 22, 2006.

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GEM/BOISE COUNTY RODEO QUEEN: Gem County Rodeo Queen and Princess Chandra Burke and Cassie Nielsen met with the Commissioners to thank them for their donation for the buckles they were awarded.

PUBLIC WALK-IN AND INPUT: Dan Yett met with the Commissioners to visit about the proposed CAFO Ordinance. He operates a dairy on Gem Avenue that is close to residential areas. The Commissioners stated that they have not seen the proposed CAFO Ordinance since they sent it back to the Planning and Zoning for changes. Mr. Yett has concerns about all of the new homes being built in his neighborhood now because of no ordinance in place. He is looking to relocate and would like to be zoned in order to subdivide.

Marvin Rowley met with the Commissioners concerning the recording of deeds that was not done when property was split. He is closing on a sale of one of the parcels and there is not a deed to the property. The Commissioners will research the situation and discuss the matter, with a possible decision on August 28.

Rose Keith met to discuss mosquito abatement. She wanted to know what was happening with regards to the possibility of a County state of emergency and aerial spraying of mosquitoes because of West Nile Virus. The Commissioners stated that from the information from the Mosquito Abatement District that a declaration of a state of emergency is not necessary. Even if the state of emergency was declared, there still may not be aerial spraying. Currently, there are ten cases of West Nile Virus in Gem County. The Mosquito Abatement District does not cover the whole County. If needed, data could be gathered from that part of the County to be given to Southwest District Health, who is the organization that would ultimately declare the public health emergency. Aerial spraying of adulticide cannot be done unless a public health emergency is declared because of an agreement made through a court decision. A public health emergency can only be declared by Southwest District Health Department.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney David Hargraves met with the Commissioners concerning legal matters. He stated that land use decisions need to be made first with a

determination coming from Planning & Zoning. If the person disagrees with that decision, then the next step would be to appeal it to the Board of County Commissioners.

David will help with the press release concerning the mosquito issue.

Irrigation ditch company disputes need to be handled using Idaho State Code. But, the County can help the process of Idaho State Code by making planning & zoning policies to do so.

The County has a weed ordinance and a nuisance ordinance that could help with weed problems, being enforced by the Sheriff's Office. At this time, Planning & Zoning has no citation authority, but it is being looked at.

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)(c) concerning interest in acquiring real property. 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.

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 Sherrer to pay the claims as presented and noted on the Claims Report Form. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on August 28, 2006

Approved: _____
Chairman

Attest: _____
Clerk