



April 23, & 24, 2007, Emmett, Idaho

Pursuant to a recess taken on April 17, 2007, the Board of Commissioners of Gem County, Idaho, met in regular session this 23rd day of April, 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:

April 23, 2007

Pledge of Allegiance was said.

NATIONAL CRIME VICTIM WEEK PROCLAMATION SIGNING: A proclamation was signed by the Commissioners and Mayor Lorenzen proclaiming April 22-28, 2007 National Crime Victims' Rights Week.

TAX DEED HEARING: Treasurer Connie Goins reported to the Commissioners that as of this morning there are no properties remaining on the Tax Deed list.

MEDNICOFF REZONE: While being recorded a public hearing was held to hear a rezone request by Steve and Jeanette Mednicoff to rezone 5.00 +/- acres from A-2 Rural Transitional Agriculture to R-3 Rural Residential.

Commissioner Smith recused himself from the hearing.

Brad Hawkins-Clark, Planning Director, reviewed the Planning & Zoning Commission recommendations. He stated that the requested zoning matches other zoning in the area.

Ownership of the canal property, payment of the property taxes currently owed and previous flooding of the property was discussed.

Leland Gotcher, a property owner in the area, questioned the total acreage involved in this rezone.

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

A motion was made by Commissioner Pratt to approve the rezone request of Steve and Jeanette Mednicoff Planning & Zoning file RZ07003. It was seconded by Commissioner Sherrer and carried.

INDIGENT HEARING 06-098: At 10:31 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) 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 98-060. Those present were Commissioners Pratt, Sherrer, and Smith, Clerk Gannon, Deputy Clerk Tiffani Sulgrove, Deputy Prosecutor Hargraves and the

applicant. Information was presented regarding an appeal by the applicant.

Regular session reconvened at 11:51 a.m.

INDIGENT APPLICATIONS: There were no indigent cases for review. After discussion a decision was made to assign a value of \$2000.00 to the 1986 Jeep CJ7 for indigent case #06-047.

Commissioner Pratt was absent from the meeting while attending a funeral.

CONSENT AGENDA: A motion was made by Commissioner Smith to remove items A. Los Jirasoles Minor Subdivision and B. Broken Wing Estates Minor Subdivision for discussion, and approve items C. Transcription Contract with Amanda Shaw, D. Juvenile Probation Office Proposal for Architect Services, E. Idaho Transportation Department Change Order No. 10-Butte Road Bridge and F. Idaho Power Industrial Park Service Request. It was seconded by Commissioner Sherrer and carried.

A motion was made by Commissioner Smith to approve item A. Los Jirasoles Minor Subdivision with clarification of the engineering statement that a comma be inserted where the period is in section 4B. It was seconded by Commissioner Sherrer and carried.

After discussion regarding Broken Wing Estates Minor Subdivision a motion was made by Commissioner Smith to approve the application with a condition that a road maintenance agreement be required. 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.

WOODS RANCH FINAL PUD & PRELIMINARY PLAT DISCUSSION: While being tape recorded the Commissioners discussed a request, previously heard in public hearing, for a planned unit development and a preliminary plat by Landmark Engineering and Planning, Inc. The PUD application is requesting approval to allow a reduction to the minimum lot size in the A-2 zone from 5-acre minimum to 3-acre minimum on 385.63 +/- acres located on Morehouse Road. The preliminary plat application is requesting approval to allow 90 buildable lots and 5 common lots on that property.

The conditions of the preliminary plat were reviewed. Items discussed included improvements to Morehouse Road including pavement to Highway 52, approval from the Army Corps of Engineers regarding wetlands, septic system wording, indication of the location of the Letha Sewer District lagoons on the plat, restricting standing water, setback requirements, ditch easements, access onto W. Idaho Blvd., amenities on common lots and affordable housing concerns. It was stated that this development is located within a herd district. Further discussion included clustering and lot size, drainage and related mosquito abatement issues, agricultural impact concerns

and landscape buffers.

A motion was made by Commissioner Smith to direct staff to prepare conditions as follows: Change the language of Exhibit B of the Subdivision application to say that the developer shall provide the minimum of three options for fencing to be approved by the County, on #8 of the conditions that Morehouse Road from Highway 52 to the East edge of Lot 58 Block 1 be constructed in accordance with the ISPWC Standards, on #10 add item G. Street Name Committee and delete the note at the bottom, item #12 the Developer shall provide a letter of jurisdictional status and licenses and approvals as required to meet all requirements of the Army Corps of Engineers, item #13 that we specify that this is lot 21 of block 1, item #17 that we add language that Gem County is not responsible to item A, and that we make the typo correction, item B. should be 100 feet instead of 300, item C. we will delete the Biomicrobic System, item D. that a right-to-farm statement shall be included as approved by staff, item E. that mosquito abatement provisions as approved by the Mosquito Abatement District shall be provided, and that item F. states that this is in a Herd District, item #22 insert that the developer must address the issues as stated in the public testimony letters regarding agreed upon results, add #24 to provide for access to Pattan Riggs ditch as detailed in the Herr letter and ensure that water meeting their allotment is provided, #25 modify to show that a common driveway shall be provided for lots 33, 34 and 35 to access W. Idaho Blvd. at curve C3, add a new item number stating a 75 foot setback shall be provided on the back of lots 4-14 of block 1 for future improvements of Highway 52, add a new item number stating turn lanes on Highway 52 shall be provided as determined by ITD but in no case shall phase 2 be approved (signed) until turn lanes are installed, a landscape buffer shall be installed on the south side of W. Idaho Blvd. along lots 33, 34 and 35. In the PUD application conditions of approval remove #5, #1 referring to the concept plan change date from 11/30 to 1/6, include that the developer provide fencing options for item #6, #7 state the authority having jurisdiction prior to submittal shall obtain the approval. Add to the consent agenda for next week. It was seconded by Commissioner Sherrer and carried unanimously.

April 24, 2007

Pledge of Allegiance was said.

Commissioner Smith was absent from the meeting while attending a Southwest District Health meeting.

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to provide an update on road department activities. Topics discussed included: Butte Road Bridge, roadways at the Shadow Butte Industrial Park, status of Harry Bettis' private portion of Willow Creek Road, Spring Creek Road maintenance, fines for unsecured loads being taken to the landfill and an invoice for repair of the guardrail at Letha

Bridge.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark, Planning Director, met with the Commissioners to discuss Planning & Zoning matters. Topics discussed included: Planning & Zoning Commissioner resignation received, needed changes to the Planning & Zoning Commission and various project updates.

PUBLIC WALK-IN: No members of the public met with the Commissioners for public walk-in.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutors David Hargraves and Tim McNeese met with the Commissioners to discuss prosecuting attorney matters.

At 11:38 a.m. a motion was made by Commissioner Pratt, seconded by Commissioner Sherrer and carried to go into executive session under Idaho Code 67-2345(1)(f) regarding possible litigation with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye.

Regular session reconvened at 11:55 a.m.

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

Commissioner Smith rejoined the meeting.

Commissioner Pratt was absent from the meeting.

REVIEW OF MINUTES: The minutes of April 16 & 17, 2007 were reviewed. Commissioner Sherrer made a motion to approve the minutes as reviewed and corrected. It was seconded by Commissioner Smith and carried.

HUMAN RESOURCE DISCUSSION: Human resource matters were discussed. The human resource position will now report to the Clerk rather than the Commissioners. A line item will be added to the Clerk's budget designated for payment of the Clerk's Chief Deputy.

REVIEW OF CLAIMS: The claims presented were reviewed. Commissioner Smith made a motion to approve the claims as presented and signed. It was seconded by Commissioner Sherrer and carried.

The Board recessed at 5:00 p.m. to 8:00 a.m. on May 1, 2007.

Approved: _____
Chairman

Attest: _____
Clerk