



August 27, & 28, 2007, Emmett, Idaho

Pursuant to a recess taken on August 21, 2007, the Board of Commissioners of Gem County, Idaho, met in regular session this 27th day of August, 2007, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

August 27, 2007

RIVER RANCH ESTATES PRELIMINARY PLAT: While being tape recorded a public hearing was held regarding a Preliminary Subdivision Plat application by Steve and Jeanette Mednicoff to request 28 buildable lots on 99 +/- acres in the R-3 Rural Residential zone, located at 2625 N. Plaza Road.

Commissioner Smith recused himself from the hearing as he is partners on other projects with the applicant.

Oscar Williamson, representing the applicant, spoke regarding the subdivision request. A school bus turnaround was requested by the school district with a 45' radius. An exception to the cul-de-sac requirements was requested as the length of the cul-de-sac exceeds the County ordinance. Oscar stated that staff and the fire department had both requested the cul-de-sac. Road names are being determined. Common lots and open space were reviewed. Dedication of right-of-way at the entrance as well as access and utility easements were discussed.

Warren Stewart, a civil engineer representing the applicant, discussed the need for guard rails for the existing bridge. The applicant proposes to add the needed guard rail. Structural design of the bridge was reviewed to ensure adequacy for the traffic. It was determined the bridge was designed for the traffic requirements. In order to provide safe entrance and exit from the subdivision visibility and sight distance requirements were discussed. Individual septic systems and wells are proposed for the subdivision. There are no concerns that health department standards would not be met.

Brad Hawkins-Clark, Development Services Director, discussed the application and provided a vicinity map. He stated that denial of the cul-de-sac would force the applicant to provide a second access. Last Chance Canal runs outside the boundary for the most part with an easement that runs across part of the property. He reviewed the Landscape Plan with the majority of the improvements at the entrance of the subdivision as well as a section of open space providing access to the river by way of an easement. There would be a seating area at the river access. There is no covered gazebo or seating area proposed on common lot 31. Brad reviewed site photos.

Brad stated a concern with sight distance with a tree being located near the road at the point of the curve in the road. Warren Stewart discussed the survey done that specifically addressed the tree and the curve in the road. The calculation for the survey was based on people traveling the posted speed.

Brad reviewed the staff report. He stated that the Payette River is stated as an area of concern in the Gem Community Comprehensive Plan. Septic, streets and power are not being proposed within the 100 year boundary. He stated that a groundwater study isn't required, however it has been done. The Planning & Zoning Commission concluded that there would not be a negative impact from the individual wells and septic systems according to the study provided.

Brad's recommendations not included by Planning & Zoning Commission were to amend John Henderson's letter from "require" to "suggest" and to show a high water line on the plat.

Kevin Hill spoke on behalf of the Post Office in support of the project. He stated the goal to provide a safe place for mail delivery and receipt. He said that this proposal has been a positive experience. The applicants have worked with Kevin in determining a safe location for mail delivery.

Robert Hawthorne spoke neutrally on the project. He stated that he feels that conductivity and soil composition tests should be completed. He thinks the property would not be an eye sore but he feels that care should be taken to ensure that the aquifer remains as pure as it is now.

Warren Stewart discussed water concerns stating their intention to follow DEQ and Southwest District Health Department requirements. Three acre lots with extended treatment program systems are adequate for the development. He is not aware that any tests regarding water quality have been done.

Oscar Williamson stated that existing wells in the area are approximately 100' and have been tested for water quality.

Discussion was had regarding ownership of the ditch. Doyle Fackler with the Last Chance Ditch Company stated there is an easement for the ditch however it is unclear who owns portions of the ditch. The deeds originated in the 1800s are being reviewed.

Ladd Cluff stated the deeds for ownership of the ditch are unclear. Locations of the areas of unclear ownership were discussed.

Commissioner Pratt requested information from Bonneville Power Company. Ladd Cluff stated it had been provided and can be resubmitted.

Storm water disposal and irrigation systems were discussed.

Drainage ponds are designed to empty within a 24 hour period.

Maintenance of the vegetation near the ditch was discussed. It was stated that being in the right of way it may be the responsibility of the road department. It could also be included in the CC&Rs to be maintained by the homeowner's association.

Ladd Cluff discussed the process of determining the mean high water line. He stated that indicating meander lines on a plat causes confusion. The state owns from the high water line on one side of the river to the high water line on the other side. To be granted a Disclaimer of Interest from the state for

the state owned property a pedestrian easement must be granted to the state. He stated that a licensed land surveyor can determine the mean high water line.

Commissioner Sherrer requested a copy of the soil conservation report that has been done. She questioned the plan for abatement of noxious weeds. Steve Mednicoff stated he has been discing the property and applying 2-4-D. Weed control is stated in the CC&Rs.

Fire protection was discussed. The intention for a fire suppression system indicates sprinkler systems in the individual homes. The plat will be revised for clarification.

With additional wells drawing down the aquifer water regeneration was discussed.

Commissioner Pratt expressed concern regarding adding a greenbelt along the river, she would like to see a pathway along the river.

In regard to tow slope concerns stated by the Commissioners Steve Mednicoff stated that the plat accommodates Last Chance Ditch Canal Company's setback requirements.

A motion was made by Commissioner Pratt to close public hearing for public comment leaving it open for requested documents continuing the hearing to Monday October 1st at 10:00 a.m. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT APPLICATIONS: Indigent applications will be reviewed tomorrow afternoon.

EARL EBLEN-CHERRY BOWL LIQUOR LICENSE TRANSFER: Earl Eblen met with the Commissioners regarding the transfer of an alcoholic beverage license. The Commissioners stated the need for the personal property taxes to be paid prior to transfer of the alcoholic beverage license. Further an inspection of the premises would need to be done to ensure compliance of state and county codes per Idaho Code 23-1010(b) prior to transfer of the license. Earl will reschedule the license transfer hearing after the inspection has been done and the taxes have been paid.

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

CONSENT AGENDA: A motion was made by Commissioner Smith to correct item C. Notice of Award to Marcon for Shadow Butte Industrial Park for Phase 1 Roadway Improvements to indicate it is a Notice to Proceed. It was seconded by Commissioner Pratt and carried unanimously. A motion was made by Commissioner Smith to approve the consent agenda including items A. Union Pacific Railroad Renewal Rider Agreement, B. Caterpillar Motor Grader (2) Lease Agreement, C. Notice to Proceed to Marcon for Shadow Butte Industrial Park Phase 1 Roadway Improvements and D. Geographic Information System Data Product Agreement with Evans Realty. It was seconded by Commissioner Pratt and carried unanimously.

REVIEW OF MINUTES: The minutes of August 6 & 7, 2007 were

reviewed. A motion was made by Commissioner Smith to approve the minutes of August 6 & 7 as amended. It was seconded by Commissioner Pratt and carried unanimously.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Pratt to approve the claims as presented and signed on the individual claim forms. It was seconded by Commissioner Smith and carried unanimously.

MEADOWS AT SAND HOLLOW VACATION PUBLIC HEARING: While being tape-recorded a public hearing was held regarding a vacation application by David Grundy. The request is to vacate a portion of the public right-of-way north of Oasis Road and east of El Paso Road.

David Grundy discussed the vacation request. He reviewed information regarding the history of the location of the section line. The owners of an existing home on the property deeded a portion of the property to the County including inadvertently deeding a portion of the existing home. The new proposed line is a maximum of 50'. He illustrated the current right-of-way as it runs through the existing house. He stated that most of the land requested in the vacation request is included in common lot space in the Meadows at Sand Hollow Subdivision.

David provided site photos of the property involved which were entered into the record as Exhibit A.

A document from the Assessor's office indicating the taxes being removed from the property was entered into the record as Exhibit B.

Brad Hawkins-Clark discussed potential traffic needs in the area.

Kim Reed, Gem County Road Department Supervisor, stated concerns with the right-of-way being near the Canyon County Line in regards to cooperation for future widening. Gem County maintains the road 100% at this time.

Brad Hawkins-Clark stated the Commissioner's ability to approve only a portion of the request to allow for the house if for some reason that was necessary for discussion.

David Hargraves, Deputy Prosecutor, stated that he believes the house existed on the property prior to the right-of-way so the house would remain. Commissioner Pratt stated concerns with approving only a short portion of the vacation where the house is.

The possibility for a road maintenance easement was discussed.

Trina Nishitani spoke in support of the vacation request. She presented and reviewed the deed and the right-of-way information which was entered into the record as Exhibit C. She stated that she doesn't believe it was ever the McDowell's intent to give a house in the boundary transfer to Gem County. She believes she is still paying taxes on the property her house is sitting on. She would like the 40' deeded back to protect the existing home and a new home that someone may want to build replacing that home in the future.

Doug Burge stated that there are no large cuts or fills in

the section, he believes a slope easement would meet the needs of the Road Department.

Kathy White spoke as neutral. She wondered if a 50' right-of-way would be sufficient for other parcels in the area.

David Grundy discussed possible growth opportunities in the area. He addressed concerns regarding the suggestion of the possibility of a 50' right-of-way.

A motion was made by Commissioner Smith to deny the vacation request based on the growth in this community being anybody's guess as to what happens out there, that the current transportation system is going to need to be improved at some point and it would not be in the public's best interest to vacate the entire right-of-way. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Smith to direct counsel to draft a license agreement to the developer that would include 40' of the northern part of the Gem County right-of-way, which does include the house, that they can improve for landscaping and amenities to their subdivision. That license agreement will be in effect until such time that there is critical need to the County for improvement or transportation if building occurs that would require such. It was seconded by Commissioner Pratt and carried unanimously.

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

OPEN FORUM AT OLA: The Commissioners held an open forum with citizens at Ola Hall. Topics discussed included: cell phone service options for the area, the status of reverse 911 service, the need for a well and generator at Ola Hall for emergencies, unclear road markings at on Highway 52 at Tom's Cabin, fire department budget process, noxious weed control, mosquito abatement and the West Nile Virus, status of the Shadow Butte Industrial Park, the Gem Community Sports Complex, inmate trash pickup and grant sources and application process. Problem areas in need of patrol and signage while road work is being done were discussed.

August 28, 2007

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to discuss Road Department matters. Road engineering concerns and standards for subdivisions were discussed as well as the Capital Improvement Plan. Current road projects were reviewed.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark, Development Services Director, met with the Commissioners to discuss Planning & Zoning matters. Topics discussed included: Planning & Zoning fee schedule, Area of Impact Agreement with the City of Emmett, Lower Bluff Road addressing and County-initiated rezoning of Priority Growth Area 1.

COMPUTER ARTS SERVER DISCUSSION: Emil Drazyich with Computer Arts met with the Commissioners to discuss the county computer server. Emil discussed lack of space on the server county programs are now located and suggested moving some of those programs to a different server. He reviewed the process and cost associated with that change. The Commissioners decided to go ahead with the proposed server change.

PUBLIC WALK-IN: There were no members of the public that met with the Commissioners during public walk-in.

PROSECUTING ATTORNEY MATTERS: David Hargraves, Deputy Prosecutor, met with the Commissioners to discuss Prosecuting Attorney matters. Topics discussed included: Caterpillar motor grader agreement, Meadows at Sand Hollow vacation hearing, sale of tax deeded property and timeframes for reconsideration requests.

Following discussion with Deputy Prosecutor David Hargraves regarding lease documents for two new Caterpillar motor graders that have been acquired by the Road & Bridge Department a motion was made by Commissioner Smith whereas the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Municipal Lease Agreement (the "Lease") with Mountain West Bank (the "Lessor") presented to this meeting. Lessee has determined that it is necessary, desirable and in their best interest to enter into the Lease for the purposes therein specified, and the execution and delivery and hereby approved, ratified and confirmed, and whereas, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment. Lessee designates and confirms that persons executing this Lease are authorized to execute, deliver and witness any and all related documents necessary to the consummation of this Lease. Now, therefore be it resolved that: a. the governing body of Lessee hereby represents that this Lease is to be a "qualified tax-exempt obligation" pursuant to Section 265(b)(3)(C) of the IRS Code of 1986 (the "Code") as amended; and b. Lessee has not issued, and reasonably anticipates that it will not issue Tax-Exempt obligations in the amount exceeding \$10,000,000.00, during the current calendar year. The motion was seconded by Commissioner Pratt and carried unanimously.

At 11:27 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(f) for possible litigation matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Smith, aye, and Commissioner Pratt, aye.

Regular session reconvened at 11:44 a.m.

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

PERSONNEL REVIEW DISCUSSION: The Commissioners prepared reviews of personnel performance. The reviews will be held in September.

INDIGENT APPLICATIONS: At 3:55 p.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 Smith, aye, Commissioner Sherrer, aye and Commissioner Pratt, aye.

07-048	Medical Application
07-053	Medical Application
07-049	Medical Application
07-051	Medical Application

After reconvening in regular session at 4:20 p.m., Commissioner Pratt made a motion to deny 07-049 because of lack of cooperation by the applicant, unable to determine indigency, unable to determine residence, and applicant has other resources; deny 07-051 because of lack of cooperation by the applicant, incomplete application, unable to determine indigency and unable to determine residence; deny 07-053 because the applicant has available resources and unable to determine indigency and deny 07-048 because the application was incomplete and unable to determine indigency. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 4, 2007.

Approved: _____
Chairman

Attest: _____
Clerk