



February 25 & 26, 2008, Emmett, Idaho

Pursuant to a recess taken on February 25, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 25th day of February, 2008, at 8:00 a.m.

Present:	Michele Sherrer	Chairman
	Lan Smith	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

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Commissioner Pratt was absent from the meeting due to attendance at a Resource Conservation and Development Conference.

The Pledge of Allegiance was said.

A motion was made by Commissioner Smith to add Idaho Prepared Conference from BHS (Bureau of Homeland Security) Grant as item E. on the consent agenda. It was seconded by Commissioner Sherrer and carried unanimously.

POTENTIAL SPRING FLOODING DISCUSSION WITH SOUTHWEST

DISTRICT HEALTH DEPARTMENT: David Loper and Laurel Bennett with Southwest District Health Department met with the Commissioners regarding potential spring time flooding. Anita Taylor, Gem County Disaster Services Coordinator, attended the discussion. A fact sheet regarding flood preparation was provided.

INDIGENT HEARING #07-069: At 9:36 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 Smith, aye and Commissioner Sherrer, aye.

While being tape-recorded during executive session, an indigent appeal hearing was held for 07-069. Those present were Commissioners Sherrer and Smith, Clerk Shelly Gannon and Deputy Clerk Diane Wright.

A request for a continuance from legal counsel for the hospital was discussed. The continuance request was

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entered into the record as Exhibit B.

After reconvening in regular session at 9:52 a.m. a motion was made by Commissioner Smith to close the hearing on indigent case #07-069. It was seconded by Commissioner Sherrer and carried unanimously. After discussion regarding the lack of information that has been received and why the hospital's legal counsel has waited so long after the denial to begin to obtain the needed information, a motion was made by Commissioner Smith to deny the request for continuance. It was seconded by Commissioner Sherrer and carried unanimously. A motion was made by Commissioner Smith to uphold the original denial of case 07-069 based on the discussions from the hearing that we cannot determine indigency in this case. It was seconded by Commissioner Sherrer and carried unanimously.

A motion was made by Commissioner Smith to move the Juvenile Probation Bid Opening to 2:00 p.m. this afternoon. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT APPLICATIONS: At 10:44 a.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer 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, and Commissioner Sherrer, aye.

07-061 Final Determination
08-009 Notice of Statutory Lien

After reconvening in regular session at 10:48 a.m., Commissioner Sherrer made a motion to uphold a previous decision and make a final determination to deny 07-061 and to sign notices of lien for 08-009. It was seconded by Commissioner Smith and carried unanimously.

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

CONSENT AGENDA: The Consent Agenda included items A. Shipman Acres Minor Subdivision, B. The Bluff Subdivision Decision & Order, C. Plaza Acres Subdivision Decision & Order, D. Appointment of Abra Lippert to the Mosquito Abatement Board and E. Idaho Prepared Conference Bureau of Homeland Security Grant. A motion was made by Commissioner Smith to approve items A - E on the consent agenda. It was

seconded by Commissioner Sherrer and carried unanimously.

APPROVAL OF MINUTES: The minutes of February 19, 2008 were reviewed. A motion was made by Commissioner Smith to approve the minutes of February 19, 2008 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

JUVENILE PROBATION BID OPENING: Bids received for the Juvenile Probation remodel by Excelsior Construction Company, Mid Valley Construction, Big D Builders, RSCI, KMO, Gafford Construction, CCMG and Commercial Remodeling were opened and read aloud.

A motion was made by Commissioner Smith to turn the bid documents over to Johnson Architects to return recommendation at 4:00 p.m. tomorrow. It was seconded by Commissioner Sherrer and carried unanimously.

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

LYNDA VISTA #2 PRELIMINARY PLAT PUBLIC HEARING: A hearing was held regarding a preliminary subdivision plat application by Bryce Walker to request approval of 6 buildable lots on 43 +/- acres located across the Black Canyon Canal on Walker Trail.

Bryce Walker discussed a no build easement requested that wasn't discussed at the Planning & Zoning Commission hearing. He stated it would comply with the County Hillside Ordinance.

Commissioner Smith stated concern with visual aspects of the hills in the community. Negotiating a building envelope was discussed.

Brad Hawkins-Clark reviewed the application. He discussed a variance for the width of the bridge. Site photos were reviewed. Curvature of the private road and length of a road with a cul-de-sac was discussed.

Annexing subdivisions into a fire district was discussed. Commissioner Sherrer questioned irrigation water for the properties stating that domestic wells can be used for only ½ acre of outside irrigation. A letter was not obtained from the school district indicating where the bus stop would be.

Bryce Walker stated that he envisions a unique project. He feels issues have been addressed.

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How to handle the conditions that haven't yet been met was discussed.

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

A motion was made by Commissioner Smith to approve the preliminary plat as recommended by the Planning & Zoning Commission with the following changes; delete item 2b and item 5, add another condition (as item 5) requiring the applicant to submit to the Gem County Fire District 1 a request for annexation into the district and stipulate #8 to say that a letter must be submitted by the school district and the applicant will make modifications to the plat as required by the school district. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. February 26, 2008.

LETHA OPEN FORUM: An open forum was held at the Letha Fire Station. Those in attendance were Commissioners Sherrer and Smith and Clerk Gannon as well as three members of the public. Topics discussed included fire department annexation for subdivisions, Letha Sewer District hardship permits, Woods Ranch Subdivision, Dewey Road alternative connections, Bishop Road bridge, Shadow Butte Industrial Park, Bi-Mart location, Bramwell Cemetery, remodeling of the Juvenile Probation office (previous Lot of Cars building), demolition of the old jail, greenbelt pathway, transportation Capital Improvement Plan, elections and closed primaries.

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The Pledge of Allegiance was said.

ROAD DEPARTMENT UPDATE: Road Department Supervisor, Kim Reed, met with the Commissioners to discuss Road Department matters.

PLANNING & ZONING UPDATE: Development Services Director, Brad Hawkins-Clark, met with the Commissioners to discuss Planning & Zoning matters.

PUBLIC WALK-IN: Kara Carney and Steve Timpson met with the Commissioners to discuss irrigation issues. Prior to Sandy Sanderson's development they had an irrigation box of their

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own to their property, they now are connected in with the development and there are times they loose water. Kara stated there are compaction and construction issues and their easement is no longer indicated on the plat map.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor, David Hargraves, met with the Commissioners to discuss Prosecuting Attorney matters.

At 11:14 a.m. a motion was made by Commissioner Smith, seconded by Commissioner Sherrer 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, and Commissioner Sherrer, aye.

Regular session reconvened at 11:34 a.m.

ELECTED OFFICIALS LUNCHEON: The Elected Officials met for lunch at Moxie Java. Those in attendance included Commissioners Sherrer and Smith, Sheriff Short and Assessor Himes.

A motion was made by Commissioner Smith to accept Big D Builders bid on the Juvenile Probation remodel for \$130,900.00. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 10, 2008.

Approved: _____
Chairman

Attest: _____
Clerk