



June 22 & 23, 2009, Emmett, Idaho

Pursuant to a recess taken on June 16, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of June, 2009, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

June 22, 2009

The Pledge of Allegiance was said.

A motion was made by Commissioner Sherrer to add ITD (Idaho Transportation Department) Professional Services Agreement #7216 to the consent agenda. It was seconded by Commissioner Pratt and carried unanimously. As it hadn't been reviewed by legal council the motion and second were withdrawn.

INDIGENT HEARING 09-034: At 9:03 a.m. 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

Diane Wright, Vicky Halford with St. Lukes hospital, the applicant and the applicant's spouse were sworn in. The applicant presented their case. The treatment plan was admitted into the record as Exhibit E. Request for continuation had been entered into the record at a previous hearing as Exhibit A. The Application case file was entered into the record as Exhibit B., new information filed by St. Luke's Medical Center was entered as Exhibit C., new information filed by the county was entered as Exhibit D.

Regular session reconvened at 9:28 a.m.

On case 09-034, based upon the new information received, a motion was made by Commissioner Sherrer to reverse the original denial and approve the application. It was seconded by Commissioner Pratt and carried unanimously.

At 9:50 a.m. a motion was made by Commissioner Pratt,

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 Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

Regular session reconvened at 10:04 a.m.

INDIGENT HEARING 09-030: At 10:05 a.m. 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

Diane Wright, Ann Kaley with St. Luke's hospital and the applicant was sworn in. Mark Peterson, legal counsel for the hospital presented the applicant's case. A Stipulation for Continuation was previously entered into the record as Exhibit A. Diane Wright presented the application case file as Exhibit B, new information filed by St. Luke's Medical Center as Exhibit C, new information filed by the applicant as Exhibit D, and new information filed by the county as Exhibit E.

Regular session reconvened at 10:15 a.m.

Based on the new information received since the original denial, a motion was made by Commissioner Sherrer to reverse original denial on case 09-030 and approve the application. It was seconded by Commissioner Pratt and carried unanimously.

INDIGENT APPLICATIONS: At 11:04 a.m. a motion was made by Commissioner Pratt, 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 Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

09-042 Notice of Hearing
09-045 Notice of Hearing
09-058 Medical Application
09-061 Medical Application

After reconvening in regular session at 11:20 a.m., Commissioner Sherrer made a motion to sign Notice of Hearing on 09-042 and 09-045, approve 09-058 and deny 09-061 because Gem County is not the obligated county. 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.

A motion was made by Commissioner Sherrer to add ITD (Idaho Transportation Department) professional services agreement with Keller Associates #7216 for Ola Highway Overlay to the consent agenda as item G. It was seconded by Commissioner Pratt and carried unanimously.

CONSENT AGENDA: The Consent Agenda included item A. Right-of-Way contract for Bishop Road Bridge with Mark and Lynnette Higgenbotham, B. Right-of-Way contract for Bishop Road Bridge with Jeanne and Stephen Spicer, C. Right-of-Way contract for Bishop Road Bridge with David Obermeyer Farms, Inc., D. Valley Office Systems maintenance agreements for Ricoh copiers, E. Gem County Resolution 2009-13 authorizing destruction of records, F. Circuit Breaker applications of property tax reduction for 2009 and G. ITD professional services agreement with Keller Associates #7216 for Ola Highway Overlay.

A motion was made by Commissioner Sherrer to remove item F. on the consent agenda and add it to the agenda at 1:30. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to remove items A., B. and C. on the consent agenda for discussion. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to approve items D., E. and G. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Sherrer to approve items A., B. and C. Commissioner Pratt stated she doesn't support approving A., B. and C. without some type of written documentation from the mortgage holders on the release of the properties for the Bishop Road Bridge project. She understands there is still time to get those items and feels the cart is being put in front of the horse. She realizes the time crunch involved in getting the project done but can't support moving ahead without written rather than verbal approval. Commissioner Sherrer stated she knows that Commissioner Smith and Brian Michaels with Keller Associates have had several meetings and she trusts their judgment. Real estate isn't her expertise so she is relying on the other commissioner's experience. Commissioner Smith stated Right-of-way contracts are between the county and the property owner. Another step is being taken to tie it to the main contract, that step hasn't been done yet. The motion was seconded by

Commissioner Smith and the motion carried with aye votes from Commissioners Sherrer and Smith and a nay vote from Commissioner Pratt for items A and B.

A motion was made by Commissioner Sherrer to recess as a Board of Commissioners and convene as a Board of Equalization. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to approve item F. circuit breaker applications of property tax reductions for 2009. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to recess as a Board of Equalization and reconvene as a Board of Commissioners. It was seconded by Commissioner Pratt and carried unanimously.

APPROVAL OF MINUTES: The minutes of June 8 & 9, 2009 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of June 8 & 9, 2009 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

APPROVAL OF MINUTES: The minutes of June 15 & 16, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of June 15 & 16, 2009 as amended. It was seconded by Commissioner Pratt and carried unanimously.

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

BOARD OF EQUALIZATION: After recessing from Board of Commissioners and convening as a Board of Equalization, by motion, matters for the Board of Equalization were heard, while being tape-recorded.

An appeal by Boise Valley Habitat for Humanity, Inc. for property located at 738 Old Glory Way, 702 E 6th Street and 729 Old Glory Way parcel numbers RP00045904A, RP00045909A, RP00045910A, RP00045912A, RP00045913A, RP00045914A, RP00045915A, RP00045915A, RP00045917A and RP00045918A was heard. Thomas Lay, Executive Director of Boise Valley Habitat for Humanity, stated the organization is a 501C3 corporation. They build affordable housing for families that fit within guidelines. They acquire land and put together volunteers to build the homes. The land in question was donated by the Bank of the Cascades. Their intent is to build affordable housing on the land. He stated that special agreement has been made with Habitat

International to build housing outside of Ada County. Traditional homes rather than manufactured homes would be built.

Deputy Prosecutor Tim McNeese questioned the donations the entity receives. Mr. Lay discussed donation variations. The application process for people applying for housing was discussed. It was clarified that the exemption is only being sought for the time the company owns the property.

Revenue from the sale of homes was discussed. Mr. Lay discussed the process and stated there are no proceeds from the sale of homes. Mr. Lay discussed the comparables used and the reason for the corrected assessment.

Prosecutor Linville discussed a contingency exemption that would allow the county to recoup the taxes if nothing is done with the property in a certain period of time in which case the county would not have received any charitable benefit from the exemption. The Prosecutor's office will draft a contract for the contingency exemption.

A motion was made by Commissioner Sherrer to close the record as it relates to the application for property tax exemption for the Boise Valley Habitat for Humanity for the real property listed previously for the year 2009. It was seconded by Commissioner Pratt and carried unanimously.

The appeal will be discussed further on July 6th at 9:30 a.m.

A motion was made by Commissioner Pratt to recess as a Board of Equalization and reconvene as a Board of Commissioners. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on June 23, 2009.

LETHA OPEN FORUM: Commissioners Smith, Sherrer and Pratt and Clerk Gannon met at the Letha Fire Station for an open forum. There were no members of the public that attended.

June 23 2009

The Pledge of Allegiance was said.

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to discuss Road Department matters. Striping of Frozen Dog Road was discussed. The Road Department has been asked to help with flagging for the Cherry Festival parade the last couple of years. Kim said that some people get very upset toward the

employees flagging at the detour so he won't ask them to do that anymore. Costs incurred for setup and removal of signs for the parade was discussed. Other topics discussed included costs for the Road Department to haul straw from the fairgrounds, borrowing pneumatic rollers and trucks from and/or to other counties. County entities will be charged full costs for labor and equipment minus a discounted amount so that actual costs are tracked.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark met with the Commissioners to discuss Planning & Zoning issues. Mayor Butticci also attended to review a proposed design review overlay map for the City of Emmett which includes portions of Gem County. Turn of the century style design is designated for the historical district in order to preserve what is there currently. The Mayor will provide further information to the Commissioners for their review and input. Appointment of a design review committee was discussed. Other topics discussed included water protection, code enforcement site visit on Davis property on Sales Yard Road and confined animal feeding operation meeting with the Department of Agriculture next week.

PUBLIC WALK-IN: Vaughn Ward, 2010 Congressional candidate, along with his campaign manger Ryan Obarto met with the Commissioners to discuss issues and concerns of local government. Topics discussed included clean water issues, indigent healthcare, enforcement of undocumented individuals, revenue sharing and secure rural schools funding, healthcare issues, extraction of natural resources and nuclear energy.

Tracy Reed talked with the Commissioners regarding requesting and distributing bike safety manuals from the Idaho Transportation Department.

PROSECUTING ATTORNEY MATTERS: Tim McNeese, Deputy Prosecutor, met with the Commissioners to discuss Prosecuting Attorney matters. Topics discussed included franchise agreement with cable companies, Ola Community Center agreement, Bishop Road Bridge Right-of-Way agreements waiting for partial releases from the bank and Xerox cotracts.

At 11:12 a.m. 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) for indigent matters with a roll call vote as follows:

Commissioner Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

Regular session reconvened at 11:37 a.m.

A motion was made by Commissioner Sherrer to add (the) reconsideration of (a) previous denial on indigent case 09-041 to the agenda. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to rescind denial of the request for appeal on indigent case 09-041 and direct the clerk to schedule the hearing. It was seconded by Commissioner Pratt and carried unanimously.

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

ZONING & SUBDIVISION AMENDMENT DISCUSSION AND POSSIBLE

DECISION: Zoning Ordinance proposed amendments were reviewed. Definitions of fire official, road vs. street, private roads, recreational vehicles, building assembly and open space were discussed. Also discussed was adding utilities to 11-3-7, descriptions in 11-4-3, 11-4-6 area of zone for Sweet, 11-5-1B prohibited acts, manufacturing matrix, definition of a 1 ½ story height in 11-5-6, 11-6-3B parcels of land without contiguous road frontage, 11-6-3-3 f turnarounds, 11-6-5D animal commercial feedlots, 11-6-5L secondary dwelling. In an effort to avoid holding up the majority of the amendments, it was decided to remove the secondary dwelling section, reserving the section for secondary dwellings when that has been addressed further. Continued discussion included 11-6-5M electricity generating facilities, 11-6-5Q occupancy standard, 11-6-5U roadside stand, 11-6-6 landscaping definitions and landscaping plan and 11-6-9 recreational vehicles. It was decided to remove the recreational vehicles section, reserving the section for recreational vehicles when that has been addressed further. Continued discussion included 11-6-11 stormwater drainage standards, 11-8-13 application for approval of final development plan, 11-9-6 nonconforming use, 11-14-11 penalty for violations of the provisions of this title, 11-16-4 parcels affected by adjustments, 11-19-1 temporary use permits, agricultural worker dwellings and temporary hardship permits.

Subdivision Ordinance amendments were reviewed. Definitions of floodplain, open space, private road and subdivision were discussed. Also discussed was 12-2-7-3 review by hearing examiner and 12-6-1 private roads. Brad will provide previous examples regarding private roads and

further discussion will be held. Continued discussion included 12-6-1 flag lots and residential block lengths.

A motion was made by Commissioner Sherrer to approve section 11-3-7 Public Services-New Use Exemption subsections A., B., C., D., E., F. and G. of the proposed zoning ordinance. Instead of "Emergency" it would be "Public Services - New Use Exemption." Under (subsection) A. "Applicability: Any new use for a public emergency services, utility or law enforcement entity. No other public use is eligible for the exemption outlined in this section." (Subsection) B. strike District, insert "Zone: Said uses are permitted in any "A", "C" or "I" strike district, insert "zone up to 10,000 sq. ft. gross building size insert or improvement footprint. A Special Use Permit is required for any structure over 10,000 sq. ft. or if the structure is located within any "R" zone." (Subsections) C., D., E., F. and G. have no changes. The motion was seconded by Commissioner Pratt. Commissioner Sherrer added to the motion (for subsection A.) to put a period after entity, prior it had a comma and strike "including, but not necessarily limited to, ambulance, fire or sheriff." The addition to the motion was seconded by Commissioner Pratt and carried unanimously.

Zoning Amendments will be discussed further on July 13, 2009 at 9:00 a.m.

The Board recessed at 5:45 p.m. to 9:00 a.m. on June 29, 2009.

Approved: _____
Chairman

Attest: _____
Clerk