



September 14 & 15, 2009, Emmett, Idaho

Pursuant to a recess taken on September 8, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 14th day of September, 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:

**September 14, 2009**

The Pledge of Allegiance was said.

**INDIGENT HEARING 09-053:** At 9:05 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 Smith, aye, Commissioner Sherrer, aye and Commissioner Pratt, aye.

Additional information received from the applicant was admitted into the record as Exhibit D.

Regular session reconvened at 10:07 a.m.

A motion was made by Commissioner Sherrer to continue the hearing on case 09-053. It was seconded by Commissioner Pratt and carried unanimously.

**WESTON PARK ESTATES RECONSIDERATION:** Wendy Weston, applicant, and Doyle Fackler with Last Chance Ditch Company met with the Commissioners to discuss conditions of approval for the Weston Park Estates Minor Subdivision.

Wendy stated they would like to be able to flood irrigate as well as use pressurized irrigation. An easement for access to the lateral on the property was discussed.

Doyle stated there are the two laterals on the property. One lateral serves three property owners, the other carries down to Mill Road. Doyle said he isn't able to clean the ditch from the property and, per a letter from Road Department Supervisor Kim Reed, the Road Department doesn't want him cleaning the ditch from the road. He provided statutes regarding right-of-way, which he said explains the ditch company's rights.

Commissioner Smith stated that his understanding from the past is that the ditch companies haven't wanted anything to do with the laterals and they have been left to the land owners.

Doyle stated he was unaware there would be a landscape buffer. The drawings he had received didn't provide information indicating dimensions and definitions of what a landscape buffer is.

Wendy stated that all properties have access to irrigation water and installation of a pressurized irrigation system has been completed. Pressurized irrigation plans have been reviewed but are not approved by Last Chance Ditch Company because of additional concerns by the ditch company.

Flood irrigating was discussed. Doyle stated his concerns with flood irrigation are regarding current flooding issues with neighbors downstream to Mill Road. He stated the Weston's aren't being responsible with the drain water. He stated parcels with 3 or more splits are pressurized due to flooding and fluctuations in pressure.

Brad read a letter from the Last Chance Ditch Company dated February 13, 2008 including the first bullet point regarding Water Delivery.

Wendy stated she provided plans to Last Chance Ditch Company and was given no further requirements. She said Last Chance Ditch Company offered to take them to look at other systems but she didn't need to do that. She feels she has a system that works and doesn't encroach on anyone else.

Both Wendy and Doyle agreed sentence #1 of the February 13, 2008 letter from Last Chance Ditch Company has been met. Both Wendy and Doyle agreed sentence #2 has been met. As far as sentence #3 Doyle stated the plans have not been reviewed. Wendy said she didn't realize the plans for the irrigation system had to be approved before installation.

A motion was made by Commissioner Pratt to deny the request for reconsideration of the requirements from Last Chance Ditch Company regarding the Weston Minor Subdivision. Commissioner Sherrer seconded the motion with discussion. The Commissioners encouraged Last Chance Ditch Company to look at this condition on its own rather than all of the issues that have been brought up. Commissioner Pratt discussed the last paragraph of the letter from Last Chance Ditch Company dated February 13, 2009 which requests that the ditch company be consulted with any questions or concerns and it also states that all plans are subject to

review and approval by Last Chance Ditch Company. The motion carried unanimously.

**FISCAL YEAR 2010 BUDGET APPROVAL:** The Clerk presented the Fiscal Year 2010 budget with the changes discussed during the budget hearing.

A motion was made by Commissioner Sherrer to approve the Fiscal Year 2010 budget in the amount of \$10,900,171. It was seconded by Commissioner Pratt and carried unanimously.

**INDIGENT APPLICATIONS:** At 11:06 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.

09-073 Sign Notice of Statutory Lien  
09-074 Sign Notice of Statutory Lien  
09-053 Final Determination

While being recorded during executive session a Withdrawal Request was entered as Exhibit E for case 09-053.

After reconvening in regular session at 11:14 a.m. a motion was made by Commissioner Sherrer on case 09-053 to deny the appeal and accept the withdrawal request. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to sign Final Determination for 09-053 and sign Notice of Statutory Lien and N1 Lien as applicable for 09-073 and 09-074. 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.**

**CONSENT AGENDA:** The consent agenda included items A. Agreement by Gem County and Gary Briggs for redemption of real property taken by the County through tax deed, B. Bishop Road Bridge Construction Agreement, C. Community Rating System Annual Recertification, D. Computer Arts 2010 Fiscal Year Renewal Contract for Annual Software Maintenance Support and PC Hours, E. Computer Arts 2010 Fiscal Year Law Enforcement Arts & CAD Annual Maintenance Fees, F. Gem County Resolution 2009-17 Authorizing the Execution of documents in connection with the allocation of Volume Cap for Recovery Zone Facility Bonds and Recovery

Zone Economic Development Bonds, G. Recovery Zone Facility Bond Waiver of Allocation Authority.

A motion was made by Commissioner Sherrer to approve the consent agenda items A., B., C., D., E., F. and G. It was seconded by Commissioner Pratt and carried unanimously.

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

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

A motion was made by Commissioner Pratt to add the 1<sup>st</sup> invoice package from Keller Associates for the Ola Highway Stimulus project to the agenda. Being the 1<sup>st</sup> package the information was misrouted to the Road Department to be coded for payment prior to Commissioner approval. It is being added to the agenda to meet timeframes. The motion was seconded by Commissioner Sherrer and carried unanimously.

A motion was made by Commissioner Pratt to approve the 1<sup>st</sup> invoice package from Keller Associates for the Ola Highway Stimulus project. It was seconded by Commissioner Sherrer and carried unanimously.

**MEADOWS AT SAND HOLLOW REQUEST FOR TIME EXTENSION:** Chad Hanson with Clearwater apologized for missing the deadline due to health issues within the office. They would like to move forward with the project but with the economic times they don't feel it is a good time to put a shovel in the ground. A letter dated August 17<sup>th</sup> from Dan Welker with Clearwater requesting the extension was reviewed.

Deputy Prosecutor Tim McNeese stated the letter states 8 reasons the applicant feels a time extension should be granted. Tim doesn't believe Development Services is capable of granting a second extension under the current rules so it was suggested the request be made to the Commissioners.

It was acknowledged that economic conditions are worse than usual. Concerns regarding granting extensions for economic reasons and the precedent that may be set were discussed.

In meeting with Development Services around August 8<sup>th</sup>

or 9<sup>th</sup> on a different issue, Rod Ralphs with Clearwater asked about the deadline. It was discovered the deadline was August 6<sup>th</sup>. Commissioner Pratt stated that a lot has been accomplished since the project changed hands and they worked toward obtaining the extension immediately after learning the deadline had been missed.

Brad stated a lot of the work that has been done would be accepted if the extension were to be granted if the same type project is submitted. Changes in ordinances since the application was made were discussed as well as criteria to be used in to grant or deny the request.

A motion was made by Commissioner Sherrer to deny the request for the Meadows at Sand Hollow for a time extension. It was seconded by Commissioner Smith. The motion carried with two ayes and one nay.

**JOINT CITY/COUNTY MEETING:** A joint City/County meeting was held. Those in attendance from the County included Commissioners Smith, Sherrer and Pratt, Clerk Gannon, Treasurer Goins and Development Services Director Brad Hawkins-Clark. Those in attendance from the City included Mayor Butticci, Councilmen Rogers, Stout and Villanueva and Clerk Lawrence. Proposed amendments to Chapter 1 - Private Property Rights and Chapter 2 - Population and Growth of the Gem Community Comprehensive Plan were presented by members of the Planning Commission. Other topics discussed included paving of the airport runway, city weed and trash code enforcement and a Shadow Butte Corporation Day Proclamation.

**The Board recessed at 6:10 p.m. to 8:00 a.m. on September 15, 2009.**

**LOCAL EMERGENCY PLANNING COUNCIL MEETING:** Commissioners Smith, Sherrer, and Pratt attended the Local Emergency Planning Committee Meeting.

**PUBLIC WALK-IN:** Robin Borg met with the Commissioners to discuss a bacterial infection that she said her son contracted from an inmate in the Gem County jail. Robin said she has talked with the Sheriff and Jail Supervisor. The Commissioners will follow up with the Sheriff.

Dar Olberding met with the Commissioners to discuss a Renewable Energy Enterprise Zone Program.

Trevor Sund met with the Commissioners to discuss the skate park on the Gem Island Sports Complex. He proposed new obstacles to be installed at the skate park. They are

new obstacles from what had been presented to the Commissioners previously. Those presented were more up to date, less expensive options. The city donated a fire hydrant they would like to bolt down. A site visit will be set up. The Commissioners will contact Trevor after the site visit.

Michell Schneider met with the Commissioners to discuss the Gamage property that is up for auction tomorrow. She has been looking at purchasing this property but has not been advised of any property line issues on the property. She has found the property doesn't meet zoning requirements. The Commissioners referred Michell to Development Services.

**PROSECUTING ATTORNEY MATTERS:** The Prosecutor was unavailable for this meeting today.

**APPROVAL OF LEVIES:** The Commissioners reviewed levies for county districts. A motion was made by Commissioner Sherrer to approve the levies as presented for fiscal year 2010. It was seconded by Commissioner Pratt and carried unanimously.

**ELECTED OFFICIALS LUNCHEON:** The Elected Officials met for lunch. Those in attendance included Commissioners Smith and Pratt, Assessor Himes, Clerk Gannon and Treasurer Goins.

**CORPORATE TECHNOLOGIES TECHNOLOGY DISCUSSION:** The Commissioners met with representatives with Corporate Technologies via phone conference to discuss proposed technical services. Assessor Greg Himes also attended. At this time the county has hours contracted with Computer Arts that appear to be able to be used for similar services. Corporate Technologies suggested using those hours until they expire and they could pick up the service after that. The Commissioners discussed advantages to using the proposed services and other ways similar results could be obtained.

**The Commissioner Smith attended a FEMA Scoping Meeting.**

A motion was made by Commissioner Pratt to add Idaho State Department of Agriculture Recovery Act Grant to the agenda. It is being added to this agenda because it was received yesterday and must be returned by next Monday. It was seconded by Commissioner Sherrer and carried unanimously.

Weed Supervisor Jake Wyant discussed details of the grant. Restrictions and requirements for use of the funds and ideas of how the funds will be used were discussed. A proposal must be submitted within 30 days. Jake will discuss the grant at the Weed Advisory Board meeting.

A motion was made by Commissioner Pratt to approve the Idaho State Department of Agriculture Recovery Act Grant. It was seconded by Commissioner Sherrer and carried unanimously.

**Commissioner Smith rejoined the meeting.**

**Commissioner Sherrer was absent from the meeting.**

**INDIGENT APPLICATION:** At 4:55 p.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) for indigent matters with a roll call vote as follows: Commissioner Pratt, aye, and Commissioner Smith, aye.

09-075 Non-Medical Application

After reconvening in regular session at 5:00 p.m. a motion was made by Commissioner Pratt to approve case 09-075 in the amount of \$675. It was seconded by Commissioner Smith and carried unanimously.

**The Commissioners will attend Idaho Association of Counties annual conference next week.**

**The Board recessed at 5:00 p.m. to 8:00 a.m. on September 28, 2009.**

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk