



February 22 & 23, 2010, Emmett, Idaho

Pursuant to a recess taken on February 16, 2010, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of February, 2010, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

February 22, 2010

Commissioner Pratt was absent from the meeting.

The Pledge of Allegiance was said.

CONFINED ANIMAL FEEDING OPERATION (CAFO) ORDINANCE

DISCUSSION: The Commissioners discussed definitions and whether or not the state would acknowledge federal as well as state definitions. Odor control and species covered by the ordinance were discussed. The Commissioners would like to have a discussion with the Zoning Commission during their March meeting to get input on some questions they have recognizing the Zoning Commission had also done extensive research on the issue. Compliance of non-conforming CAFOs, clarification of size and capacity being number of animals as well as acreage, site permit, as well as grammatical and wording changes were discussed. Buffers to keep nitrates on the CAFO property and waste control were discussed. Requiring periodic well testing and a nutrient management plan was discussed. Annual well testing was added to the ordinance. David Loper with Southwest District Health was contacted to determine how the periodic testing could be done and costs associated with the testing. The current 1000' foot and proposed 500' setback requirement was discussed. The Commissioners discussed whether the setback should be from the property line or current residence, their concern being that this could potentially cause neighboring property owners to be unable to build on their property. It was decided that the ordinance would require a setback of 500' from their property line or 1000' from any existing residence, whichever is greater. Also discussed was whether or not a CAFO should be allowed on property zoned A2 and what setbacks from the ordinary high water mark. With the

number of substantial changes the ordinance will be returned to the Zoning Commission once the Commissioners have their questions and concerns clarified. Charging for county cleanup of the mud, manure and twine from county roads in order to keep the taxpayers from paying the costs was discussed. The Road Department Supervisor was asked to keep track of time and equipment costs. A motion was made by Commissioner Sherrer to continue the discussion to March 8th at 7:00 p.m. It was seconded by Commissioner Smith and carried unanimously.

Commissioner Pratt joined the meeting.

INDIGENT APPLICATIONS: At 11:09 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, Commissioner Sherrer, aye and Commissioner Pratt, aye.

10-020 Medical Application
10-023 Cremation Discussion
10-023 Notice of Statutory Lien
10-024 Medical Application

After reconvening in regular session at 11:30 a.m. a motion was made by Commissioner Sherrer to deny 10-020 as the clerk was unable to determine indigency, inability to determine other resources and failure to cooperate; sign statutory lien and N1 as applicable in every county necessary on 10-023 and deny 10-024 because the treatment was not medically necessary. 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: Items on the consent agenda included A. Construction Engineering and Inspection Selection for the Ola Highway Rehabilitation Project, B. Ratification of Request for Funds by Idaho Forest Products Commission Idaho Forest Tours for Educators and Opinion Leaders Project Learning Tree, C. Service Agreement with Elam & Burke for Matters relating to Walter Knox Memorial Hospital Project/Redistributing, D. Bishop Road Bridge, Farmer's Co-Op Canal Change Order #1 and E. Gem County Resolution 2010-08 Supporting the F35s in Idaho.

A motion was made by Commissioner Sherrer to approve items A., B., D., and E. on the consent agenda holding item

C. over for the discussion tomorrow afternoon with Max Long from Walter Knox Memorial Hospital. It was seconded by Commissioner Pratt and carried unanimously.

APPROVAL OF MINUTES: The minutes of February 16, 2010 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of February 16, 2010 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 initialed on the individual claim forms. It was seconded by Commissioner Sherrer and carried unanimously.

BOARD OF EQUALIZATION: There were no issues for the Board of Equalization to consider.

RANCH ROAD PROPERTY COUNTER OFFER DISCUSSION: A counter offer was received for county owned property on Ranch Road. A motion was made by Commissioner Sherrer to reject the counter offer of \$19,000 with conditions. Discussion was had regarding the conditions. The requested documentation, encroachment, easement for utility ingress/egress and improvement of Ranch Road were discussed. The motion was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on February 23, 2010.

OPEN FORUM: An open forum was held at the fire station in Letha. Commissioners Smith and Sherrer and Clerk Gannon were present as well as 2 members of the public. Captain Knute Sandoval attended also. Topics discussed included speed limit signs in Letha, status of unsold lots in the Shadow Butte Industrial Park, a potential pellet plant, Emerald Forest Products stud mill on Boise Cascade grounds that will create 40 jobs, Walgreens, sale of the old Buckner building, replacement of the Bishop Road Bridge, Ola Highway rehabilitation, potential grants through Sage Community Resources for the Letha Sewer District, curlews and bull trout, use of fire district vehicles and visible numbering on homes.

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

DEVELOPMENT SERVICES UPDATE: Development Services Director

Brad Hawkins-Clark met with the Commissioners to discuss planning and zoning matters.

PUBLIC WALK-IN: Bryce Walker met with the Commissioners to discuss the Johnson Creek right of way. The federal government does not recognize Johnson Creek Road as a public right of way. Bryce received a letter from the Bureau of Land Management stating that they will issue a right of way under Title V of the Federal Land Policy and Management Act at no cost to the County if the County will submit an application. The Commissioners will pass this on to the Prosecuting Attorney's office for them to review.

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

WALTER KNOX MEMORIAL HOSPITAL UPDATE: Hospital Director Max Long met with the Commissioners. The agreement for professional services for the hospital restructuring project was discussed.

A motion was made by Commissioner Pratt to approve (item C. from the consent agenda) a contract for professional services with Elam and Burke. The motion carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 1, 2010.

Approved: _____
Chairman

Attest: _____
Clerk