



March 22 & 23, 2010, Emmett, Idaho

Pursuant to a recess taken on March 16, 2010, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of March, 2010, 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:

March 22, 2010

The Pledge of Allegiance was said.

BOARD OF EQUALIZATION: There were no applications for Board of Equalization.

DOWNTOWN GROUND BREAKING: The Commissioners attended a groundbreaking for reconstruction of West Main Street.

Commissioner Smith was absent from the meeting due to a Farmer's Market Meeting.

INDIGENT HEARING 10-011: 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 Pratt, aye and Commissioner Sherrer, aye.

Deputy Clerk Diane Wright was sworn in. Neither the applicant nor a representative from the hospital was in attendance. The application case file was entered into the record as Exhibit A. and information filed by the hospital was entered as Exhibit B.

Regular session reconvened at 11:09 a.m.

A motion was made by Commissioner Pratt to uphold the previous decision on case 10-011. It was seconded by Commissioner Sherrer and carried unanimously.

Commissioner Smith rejoined the meeting.

INDIGENT APPLICATIONS: At 11:34 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 Smith, aye, Commissioner Sherrer, aye and Commissioner Pratt, aye.

10-015	Release of Statutory Lien
10-019	Release of Statutory Lien
10-018	Notice of Hearing
10-024	Notice of Hearing
10-026	Medical Application
10-027	Medical Application
10-032	Medical Application

After reconvening in regular session at 12:03 p.m. a motion was made by Commissioner Sherrer to sign Release of Statutory Liens for 10-015 and 10-019; sign Notice of Hearing for 10-018 and 10-024; approve the medical case on 10-026; approve the medical case on 10-027 and deny 10-032 per the clerk's statement because it wasn't medically necessary and failure to cooperate with the county. 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. 2009 Cherry Crop Declaration of Emergency, B. Gem County Resolution 2010-12 Opposing the Designation of Critical Habitat for Bull Trout, C. Certificate of Residency for Karen Owens, D. Cooperative Law Enforcement Annual Operating Plan & Financial Plan Between Gem County Sheriff's Department and the USDA, Forest Service, Boise National Forest.

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

APPROVAL OF MINUTES: The minutes of March 8 & 9, 2010 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of March 8 & 9, 2010 as amended. It was seconded by Commissioner Pratt and carried unanimously.

The minutes of March 15 & 16, 2010 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of March 15 & 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.

JUVENILE DETENTION FACILITY DISCUSSION: Steve Jett representing the Canyon County Juvenile Detention Center met with the Commissioners. Steve discussed juvenile detention hold costs for juveniles held in the Canyon County detention facility. An increase in daily costs from \$95.00 to \$130.00 per day was proposed. The county would continue to be billed per day and would no longer pay a reservation fee. Prison Rape Investigation Act (PRIA) was discussed.

HEALTH & WELFARE HAZARDOUS WASTE DISCUSSION: A representative from Health & Welfare called to cancel this discussion.

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

SWEET OPEN FORUM: An open forum was held in Sweet. Those in attendance were Commissioners Smith, Sherrer, and Pratt and Deputy Clerk Leandra Rountree as well as several members from the public. Sue Vahlberg and Max Long from Walter Knox Memorial Hospital presented an overview of the consideration of a conversion to a private non-profit corporation with a board of members from the community.

Others topics discussed included the downtown re-development ground breaking, the proposed opening of a small log conversion plant in May, the Weed Department grant, the Bishop Road Bridge project, a grant awarded to the County for energy efficiency which will include new windows as well as light fixtures for the Courthouse as well as some other County buildings, and dust issues on High Valley and Gatfield Road.

March 23, 2010

ROAD DEPARTMENT UPDATE: Road Department Supervisor Kim Reed met with the Commissioners to discuss Road Department matters. Topics discussed included overlay, seal coating, placement of a traffic counter on Brownlee Road, mud

complaints on Silverleaf Road, mud holes on the island, stop signs and yield signs on the railroad tracks on Substation and Plaza Roads, Billing for hauling and placing sand at the fairgrounds was reviewed.

DEVELOPMENT SERVICES UPDATE: Development Services Supervisor Brad Hawkins-Clark, Assessor Himes, Mapper Henderson and Deputy Attorney McNeese met with the Commissioners to discuss metes and bounds descriptions. It was decided to use the description in the shortest form that can still be mapped. Brad will determine if wording will be changed in the ordinance or if it is just a policy change. John would like to see it changed in the ordinance. Greg discussed a citizen who is altering a manufactured home so that it can be classified as stick built.

At 9:22 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)(b) for personnel matters with a roll call vote as follows: Commissioner Pratt, aye, Commissioner Sherrer, aye and Commissioner Smith, aye.

Regular session reconvened at 10:11 a.m.

PUBLIC WALK-IN: Efrian Hernandez and Eduardo Garcia met with the Commissioners to discuss requesting permission to use the soccer fields on the Gem Community Sports Complex for soccer tournaments. Efrian said there would not be problems with alcohol or garbage, stating the league rules state that teams who bring alcohol will be suspended. The Commissioners requested to receive league rules and contact information in writing. The Commissioners discussed deposit fees.

Greg Newberry with Source Capital, Jim Wrigley with Wedbush and Dick Vinson met with the Commissioners to discuss Build America Bonds enacted through the American Reinvestment and Recovery Act. A dollar amount was issued to each state and allocated to counties. He requested \$25,000,000 of the economic development funds to be used in the county for the power plant project and asked the Commissioners to request unused funds from other counties for this use. The bond would need to be issued by the end of the calendar year.

Morris Huffman met with the Commissioners to discuss hosting a ribbon cutting for Emerald Forest Products. Publicity and refreshments were discussed.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tim McNeese met with the Commissioners to discuss Prosecuting Attorney Matters.

At 10:59 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)(b) for personnel matters with a roll call vote as follows: Commissioner Smith, aye, Commissioner Sherrer, aye and Commissioner Pratt, aye.

Regular session reconvened at 11:13 a.m.

Cap One tax deed properties were discussed.

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

CONFINED ANIMAL FEEDING OPERATION ORDINANCE: After holding a workshop with the Zoning Commission where criteria and reasons for some of the information in the ordinance were discussed, the Commissioners continued discussion of the proposed Confined Animal Feeding Operation (CAFO) Ordinance. Information to be used in determining the high water mark was discussed, consideration included using FEMA Zone A maps or the 100 and 500 year flood plain maps. Development Services Director Brad Hawkins-Clark said the county has adopted the FIRM maps. He said core study maps are used also. Well testing, current notice requirements of property owners within a mile of a proposed CAFO, setback requirements for feed storage and wells and nutrient management plans were discussed. Various wording and grammar changes were made. Due to changes it was decided the ordinance will need to be remanded back to the Zoning Commission.

A motion was made by Commissioner Pratt to remand the CAFO ordinance back to the Zoning Commission pending review of a clean copy to be placed on the consent agenda next Monday April 26th with noted changes. It was seconded by Commissioner Sherrer with discussion. Commissioner Sherrer stated that a request for setback information was made to the Farm Bureau wasn't received. Commissioner Pratt amended the motion to remand the CAFO Ordinance back the Zoning Commission for public hearing because of the material changes that have been made to the recommendation that was received from them and that the Board of County Commissioners review a clean copy of the changes and those be placed on the consent agenda for April 5th at which time

final decision to remand would be made. It was seconded by Commissioner Sherrer and carried unanimously.

Joe Morton discussed lagoon setbacks and well regulations stating he has water contamination concerns. Joe and neighbor who wasn't identified discussed testing that has been done that indicates contamination in their area. A petition that was previously signed by neighbors of an existing CAFO was discussed. The Commissioners stated that on advice of legal counsel they have no authority to pursue the petition, it would be a civil rather than a criminal issue.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 30, 2010.

Approved: _____
Chairman

Attest: _____
Clerk