



May 10 & 11, 2010, Emmett, Idaho

Pursuant to a recess taken on May 4, 2010, the Board of Commissioners of Gem County, Idaho, met in regular session this 10th day of May, 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:

May 10, 2010

The Pledge of Allegiance was said.

CASCADE ROAD PRICE DISCUSSION: The Commissioners discussed a request received by a neighbor to the property currently owned by the county on Cascade Road for a lot line adjustment, they would like to purchase an approximately 30 foot strip from that property. Discussion included charging a rate based on the square footage.

OLA ROAD LOCATION VERSUS DEED CLEANUP DISCUSSION - MAPPER

JOHN HENDERSON: Mapper John Henderson met with the Commissioners to provide an update on the progress of cleaning up the deed for Ola Road. The Commissioners directed John to the Prosecutor for direction on the process.

INDIGENT HEARING 10-024: At 10:01 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; Commissioner Sherrer, aye; and Commissioner Smith, aye.

Deputy Clerk Diane Wright was sworn in. Neither the applicant nor a representative from the hospital was present. The case file was entered into the record as Exhibit A and a withdrawal request received from the applicant was entered into the record as Exhibit B.

A motion was made by Commissioner Pratt to uphold the previous denial and accept the applicant's withdrawal request. It was seconded by Commissioner Sherrer carried unanimously.

Regular session reconvened at 10:06 a.m.

ADDITION TO AGENDA: A motion was made by Commissioner Sherrer to add Pat Lucas (Homeland Security Area Field Officer) to the agenda at 11:30 as it was planned and inadvertently not scheduled on the agenda. It was seconded by Commissioner Pratt and carried unanimously.

At 10:10 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 11:14 a.m.

Commissioner Smith was absent from the meeting due to attendance at Shadow Butte Elementary to discuss government with 4th grade classes.

EMERALD FOREST PRODUCTS RIBBON CUTTING CEREMONY DISCUSSION:

Dian Streeby with the Chamber of Commerce met with the Commissioners to discuss arrangements for the ribbon cutting ceremony. Agenda, food & beverages, tables, etc. were discussed in preparation for the ceremony.

HOMELAND SECURITY: Pat Lucas with the Bureau of Homeland Security and Anita Taylor Gem County Disaster Services Coordinator met with the Commissioners to provide an overview of Homeland Security Grants average award over the last 3 years. Commissioner Sherrer requested that reports be reviewed for accuracy prior to being sent to the county to save some time in getting them signed. Training has become a reimbursement grant. Required pass-through percentages were discussed.

Commissioner Smith rejoined the meeting.

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. Boise Valley Habitat for Humanity Annual Renewal Application for Property Tax Exemption, B. Geographic Information Systems Data Product Agreement with Stewart Title Company, C. Idaho EMS Bureau Dedicated Grant Fund Letter of Support for Defibrillator, D. Certificate of Residency for Ross Meyer and Benjamin Williams, E. State/Local Agreement, Key No. Ola Highway: Brush Cr to Power Line Xing, Between Gem County and the Local Highway

Technical Assistance Council, F. Idaho Transportation Department Title VI of the Civil Rights Act of 1964 Program Pre-Award Assurance Checklist for Ola Highway: Brush Cr to Power Line Xing, G. Energy Efficiency and Conservation Block Grant Phase One Contracts, H. Confirmation of Appointment of Rick Michael, Washington County Commissioner, to the Southwest District Board of Health and I. Bishop Road Bridge Change Order #4, Geotextile and Change Order #5 Soft Spots.

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

TEMPORARY HARDSHIP APPLICATION FOR MARY J BROWN: The Commissioners discussed the temporary hardship application request to waive fees received from Mary J. Brown.

A motion was made by Commissioner Sherrer to deny the hardship fee waiver request. 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 initialed on the individual claim forms. It was seconded by Commissioner Pratt and carried unanimously.

INDIGENT APPLICATIONS: At 2:03 p.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.

10-037	Medical Application
10-038	Medical Application
10-040	Medical Application
10-047	Medical Application
10-055	Notice of Statutory Lien
10-056	Notice of Statutory Lien

After reconvening in regular session at 2:34 p.m. a motion was made by Commissioner Pratt to approve 10-037; deny 10-038 because of failure to cooperate, inability to determine indigency, inability to determine other resources; deny 10-040 because of failure to cooperate, inability to determine indigency and inability to determine other resources; approve 10-047; sign Notice of Statutory Lien and N1 Lien as applicable for 10-055 and 10-056. It was seconded by Commissioner Sherrer and carried

unanimously.

CONFINED ANIMAL FEEDING OPERATION PUBLIC HEARING: A public hearing was held to hear a new ordinance of Gem County establishing regulations for the location and operation of Confined Animal Feeding Operations (CAFO). A new public hearing is required since substantial changes were made to the original ordinance heard at the January 14, 2010 public hearing.

Tim McNeese stated that public comment does not need to be kept to new information only. Commissioner Smith asked that comments be kept brief.

Joe Morton asked about written comments that have been submitted. Joe submitted an email document dated May 3, 2010. He received information from the Dept of Environmental Quality regarding bringing existing facilities into compliance with groundwater requirements.

Lagoon setbacks are 1000' from existing residents. He stated that refers to lagoons only, it doesn't address setbacks from feed lots and holding pens.

John Kienitz asked the Commissioners to keep in mind that it is for the entire county, not just one section. On page 9 of the latest proposal Draft #2 B3. He still doesn't feel there is any science to back up the 1000' foot setback. He discussed DEQ setback requirements for public water systems. He feels the 1000' should be kept more in line with DEQs requirements.

Commissioner Sherrer verified those setbacks address public water systems rather than individual wells. 50 feet from property line 100 from septic system drain field 50 feet from a feed lot 50 feet from a road from a public water system.

John Goodsell said his water is just as important as everyone else's, he said what is in the ordinance isn't far off from documentation he has regarding water.

Joe Morton stated he has provided documentation of contamination of antibiotics and nitrates from the feed lot in his area. He said there was an issue with manure storage.

The public comment portion of the hearing was closed.

Brad stated there is a process in the ordinance to expand existing CAFOs. Discussion included the definition of capacity and the handling and processing of waste.

Staff additions provided by Brad in a memo dated 4/26/10 was reviewed.

Written information received from I.C.A.R.E. dated 5/3/10 was reviewed. Discussion included the definition of lagoon, major changes/modification involving and increase in animal numbers, the definition of pasture, data for

decisions regarding well monitoring and allowable vacancy of use.

Comments in Joe Morton's email dated 5.3.10 was reviewed. Discussion included expansion process and building permits on agricultural parcels.

Setback requirements were discussed. Commissioner Sherrer stated that requiring the 1000' setback to more than lagoons make siting a CAFO in the county very restrictive.

Having tried to weigh all information and comments received Commissioner Sherrer made a motion to approve the CAFO ordinance before us, draft number 2, with the changes discussed today. It was seconded by Commissioner Pratt echoing Commissioner Sherrer's comments. Memo from development services be applied to the ordinance, page 2 adopt a better definition of lagoon, capacity suggested language of make improvements or increase in acreage (check wording on the tape for capacity) chapter 2 item B. The motion carried unanimously.

YELLOWSTONE POWER BUILDING PERMIT DISCUSSION: Brad and Brian met with the Commissioners to discuss how the Yellowstone Power building permit was issued without a fire system in the building. On Commercial and Industrial permits Brian refers the applicant to the fire districts. A signature line has been added for the fire district to sign off prior to a permit being issued. Brad stated that zoning requires public input but building doesn't. Use of a night watchman for fire watch will remedy the issue until the fire system is installed. Development Services will route information to the fire district when commercial and industrial permits are requested.

The Board recessed at 5:00 p.m. to 8:00 a.m. on May 11, 2010.

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ELECTED OFFICIALS: Greg Himes discussed the training for the new Manatron system, and personal property tax for the Road Department graders.

DEPARTMENT OF HEALTH & WELFARE - OPTIONS FOR ACCESSIBILITY TO SERVICES: Jerry Waters, Ross Mason with the Department of Health & Welfare, Mayor Butticci, Representative Steve Thayne, and Krista Cole with Elderly Opportunity Agency met with the Commissioners to discuss options for services. Topics discussed included transportation solutions and logistics which included using the Senior Center bus to

transport individuals, appointment times and lengths, anticipated applicants, having the applications available at various locations throughout the County, and the option of having an employee from Health and Welfare come to Emmett and using an office at the Juvenile Probation facility to perform interviews rather than having to transport Gem County citizens to another location. Ross Mason stated that if the Commissioners are interested in having someone come to Emmett, they should draft a joint letter to the director of the agency to request that service to have it on record. Although having someone in Emmett would be the ideal solution, Krista still feels that the transportation needs to be looked at for a short term solution. Since the local office is closing as of Thursday Health and Welfare will be doing a news release, they will also have a recording when you call the current number, and they will place a sign on the current building instructing applicants where to call. Krista Cole will work on getting a committee together to coordinate the concept for providing transportation for those citizens who need Health and Welfare services.

PUBLIC WALK-IN: Morris Huffman met with the Commissioners to discuss the RFP submittal and approval.

Norvil and Beverly Elliott met with the Commissioners to discuss an easement for Bryan and Joanne Elliott. The Commissioners advised them that they have directed the Prosecuting Attorney to draft the easement.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Dick Linville and Deputy Prosecuting Attorney Tim McNeese met with the Commissioners to discuss prosecuting attorney matters. An access easement for Bryan and Joanne Elliott was discussed.

At 10:58 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)(b)(f) for personnel matters and potential litigation with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye and Commissioner Smith, aye.

Regular session reconvened at 11:14 a.m.

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

Commissioner Pratt returned

SOUTHWEST DISTRICT HEALTH FY11 BUDGET DISCUSSION: Patty Foster and Bruce Krosch from Southwest District Health met with the Commissioners to discuss their fiscal year 2011 proposed budget. A budget summary and sources of revenue were discussed as well as the population based county contribution impact. The requested contribution from Gem County for fiscal year 2011 is \$75,558.

Commissioner Pratt left the meeting to attend an RC&D conference.

DEPARTMENT HEADS: Department Heads met with the Commissioners to discuss matters relating to their departments.

ENERGY EFFICIENCY AND ALTERNATIVE ENERGY DISCUSSION: Chris Brand with McKinstry met with the Commissioners to discuss energy efficiency programs. Projects their company has been involved in were reviewed. They stated that counties don't have to take the lowest bid on projects if reasons can be shown why another bid would be better suited for the needs of the project.

The Board recessed at 4:00 p.m. to 8:00 a.m. on May 17, 2010.

Approved: _____
Chairman

Attest: _____
Clerk