



July 16 & 17, 2012, Emmett, Idaho

Pursuant to a recess taken on July 10, 2012, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th day of July, 2012, at 8:00 a.m.

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| Present: | Sharon Pratt | Chairman |
| | Lan Smith | Commissioner |
| | Leandra Rountree | Deputy Clerk |

Whereupon the following proceedings were had, to-wit:

July 16, 2012

Commissioner Sherrer was absent from the meeting due to attendance at the NACo Conference.

The Pledge of Allegiance was said.

FISCAL YEAR 2011 AUDIT REPORT: Jared Zwygart with Bailey and Company met with the Commissioners to present the fiscal year 2011 audit report.

INDIGENT HEARING 12-032: At 10:02 a.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 Smith, aye, and Commissioner Pratt, aye.

There was no applicant present. Deputy Clerk Diane Wright was sworn in. The application case file was entered into the record as exhibit A. and the Clerk's findings and recommendation was entered in as exhibit B.

Regular session reconvened at 10:07 a.m.

Commissioner Smith made a motion to add another condition of denial that the applicant does not appear to be a resident of Gem County and uphold the previous denial on 12-032. It was seconded by Commissioner Pratt and carried unanimously.

INDIGENT APPLICATIONS: At 11:19 a.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 Smith, aye, and Commissioner Pratt, aye.

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| 12-046 | Notice of Hearing |
| 12-052 | Release of Liens |
| 12-056 | Medical Application Discussion |
| 12-063 | Non-Medical Application |
| 12-067 | Non-Medical Application |
| 12-070 | Non-Medical Application |
| 12-071 | Notices of Liens |

After reconvening in regular session at 11:20 a.m. a motion was made by Commissioner Smith to sign notice of hearing on 12-046; sign release of lien on 12-052; deny 12-056 not an Idaho or Gem County resident, Gem County is not the obligated County, inability to determine indigency, inability to determine resources, and failure to cooperate; deny 12-063 no emergency exists; deny 12-067 employment requirement not met and failure to cooperate; deny 12-070 failure to cooperate; and sign statutory and N1 liens as applicable on 12-071. It was seconded by Commissioner Pratt and carried unanimously.

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

CONSENT AGENDA: Items on the consent agenda included A. June Payroll Claims Approval and B. Appointment of John Kilgore, Leon Berggren, Gary Smith, and Will Cook to the Weed Advisory Board.

A motion was made by Commissioner Smith to approve item A. on the consent agenda and remove item B. for further discussion. It was seconded by Commissioner Pratt and carried unanimously.

Item B. was discussed. The incorrect name was placed on the agenda. A motion was made by Commissioner Smith to appoint John Kienitz, Leon Berggren, Gary Smith, and Will Cook to the Weed Advisory Board rather than John Kilgore. It was seconded by Commissioner Pratt and carried unanimously.

MINUTES: The minutes of June 25 & 26, 2012 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of June 25 & 26, 2012 as corrected. It was seconded by Commissioner Smith and carried unanimously.

BABBY FARMS SPECIAL USE PERMIT APPEAL HEARING: While being recorded an appeal hearing for the Babby Farms Special Use Permit was held. Commissioner Pratt welcomed everyone and explained the appeal process.

Commissioner Pratt stated that information received after the submission date will not be considered in the appeal. They acknowledge receipt of the information but will not consider it since it was untimely filed. Commissioner Smith stated that he would like the appellant to show how they feel the Zoning Commission erred in making their decision.

Darrell Carruth spoke representing the appellants. He stated that they feel the application is fictitious due to the fact that there is a discrepancy in the ownership of the property. He also stated that they disagree with the terms of agriculture in the terms of business. The sight triangle, number of animals on the location, and new lighting was all discussed.

Cheryl Harris with Babby Farms stated upon opening they will have 75 animals at this location and stated that additional lighting was placed on the site, but that it does meet agriculture lighting specifications. She clarified that there will be a day camp for disabled children at the location and that the mobile petting zoo can support weddings, family reunions, etc. but these events will not be held on the property. Removal of dead animals and waste was also discussed. The size and capacity of the parking lot as well as the privacy fence that was recently built was discussed. Cheryl stated that she does not feel that the sight triangle has been changed.

Commissioner Smith stated that several issues have been raised that need to be addressed prior to making a decision.

Commissioner Smith made a motion to continue the hearing to July 31, 2012 at 9:00 a.m. It was seconded by Commissioner Pratt with discussion. Commissioner Smith rescinded his motion and made a new motion to close the hearing and continue for discussion and possible decision to July 31, 2012 at 9:00 a.m. It was seconded by Commissioner Pratt and carried unanimously.

GEM PLAN UPDATE: Tim Marks with Gem Plan met with the Commissioners to provide an update for the County's medical insurance policy. Topics discussed included insurance rates, vision insurance, and the loss ratio. Gem County will see a 5% increase in health insurance benefits for

fiscal year 2013. The vision insurance plan was also discussed. Tim will submit a proposal for a vision plan through Gem Plan rather than directly through VSP.

The Board recessed at 5:00 p.m. to 8:00 a.m. on July 17, 2012.

July 17, 2012

The Commissioners attended the Local Emergency Planning Committee Meeting at the EMS Building.

PUBLIC WALK IN: William Smith met with the Commissioners to discuss barking dogs. He stated that he has worked with the Sheriff's office and has not been able to get anything resolved. He has concerns with the Dog Ordinance; he says that his neighbor has 8 dogs and should be required to get a kennel license. The neighbors have been cited once, but it was dismissed. Commissioner Smith stated that they will get with the Sheriff's office or Development Services.

George Cole met with the Commissioners to discuss fees that he was charged while in jail. He has been turned over to collections for not paying the bill and believes that it is unconstitutional to be charged fees while in jail. He doesn't feel that he owes the fees and would like the fees waived. He feels that he is being profiled by the Sheriff's Office. Commissioner Pratt stated that they would need additional information but she doesn't think the fees would be waived.

Lee Rigdon met with the Commissioners to discuss a property in Letha. She had questions regarding tenant rights. The Commissioners stated that she should contact an attorney for legal advice.

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

BUDGET DISCUSSION: The Commissioners worked on the Fiscal Year 2013 budget.

The Board recessed at 5:00 p.m. to 8:00 a.m. on July 23, 2012.

Approved: _____
Chairman

Attest: _____
Clerk

