

REGULAR SESSION, APRIL 2, 2007

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

INDIGENT

Commissioner Edwards moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Williams seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director and Linda Leguineche Assistant Director joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 11:40 a.m. Commissioner Williams moved to deny 07-2-3132. Commissioner Edwards seconded motion. Motion carried.

DATA – TEL CONTRACT

Commissioner Edwards moved to allow the chair to sign the contract with Data-Tel Product Purchase & Software License Agreement. Commissioner Williams seconded the motion. Motion carried.

RESIGNATIONS

Chairman Faulkner reviewed the notice from Suzanne Jensen resigning from the Planning and Zoning Commission effective the end of May. The Board reviewed letters of resignation from Lisa Butler, Building and Grounds and Scott Thompson, Building Inspector.

PLANNING AND ZONING

Lori Capps, P&Z Administrative Assistant, joined the meeting. Lori reported that the Planning and Zoning that they conducted four hearings at their last meeting. P&Z Commission recommended that .95 on one acre parcel and 19.75 on twenty acre parcels.

COUNTY ELECTED OFFICIALS

The Board met with the County elected officials, all were present. The group discussed the county web-page, committee for the personnel manual, employee luncheon and a new building for the assessors and treasurers office.

VACATION – DUNCOMBE SUB-DIVISION

The Clerk reported that the hearing for the vacation of the road

FAIR HOUSING PROCLAMATIONS

Commissioner Edwards & Williams moved and seconded to allow the Chair to sign the Proclamation declaring April Fair Housing Month. Motion carried.

MINUTES

Commissioner Williams moved to approve the minutes from March 22, 2007 and March 26, 2007. Commissioner Edwards seconded the motion. Motion carried.

LT. SAM GIBBS-JAIL

Sam Gibbs, Jail Administrator discussed the agreement with Secures to upgrade the inmate phone service. Lt. Gibbs stated that the jail needs a good exhaust system for shower in cell 6 & 7 area. The kitchen floor is in need of repair with vinyl or painted. The Board asked Lt. Gibbs to bring in quotes for the exhaust and floor to the next meeting. The jail meal menu is being reviewed by a nutritious the fee will be \$700.00 for initial review and \$100.00 per hour for any corrections.

JAIL INSPECTIONS

The Board conducted an inspection of the main jail and the annex.

SHARED EMPLOYEE AGREEMENT

Paul Kroeger, County Attorney meet with commissioner to discuss the changes that he feels need to be done before the commission signed the shared employee agreement. Paul will return to the commission with the changes when they a completed.

DUCOMBE SUB-DIVISION-STREET VACATION-PUBLIC HEARING

Petitioners Bergland and White withdrew their petition requesting the vacation of a portion of Hillside East in the Duncombe Sub-Division and the public hearing was cancelled.

ORDINANCE 89 AMENDING ORDINANCE 87 HEARING

Commissioner Faulkner moved to open the public hearing on Ordinance 89 Amending Ordinance 87. Paul Kroeger, County Attorney explained the amendments that where being made to the ordinance. No others in attendance at the hearing. Commissioner Williams moved to close the hearing. Commissioner Edwards second motion. Motion carried.

ORDINANCE 89

AN ORDINANCE OF THE COUNTY OF GOODING, STATE OF IDAHO, AMENDING SECTION 1, INTERIM MORATORIUM, OF ORDINANCE NO. 87 OF THE COUNTY OF GOODING, STATE OF IDAHO, TO ALLOW THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR BUILDING PERMITS FOR REMODELING EXISTING BUILDINGS, FOR NEW BUILDINGS ON LEGALLY DIVIDED PARCELS AND FOR BUILDINGS ON LOTS LOCATED WITHIN A PLATTED SUBDIVISION WITHIN THE AREA OF IMPACT OF THE CITY OF GOODING AND PROVIDING AND EFFECTIVE DATE.

Commissioner Williams moved to except Ordinance 89. Commissioner Edwards second motion. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

Attest: _____
Denise M. Gill, Clerk

REGULAR SESSION, APRIL 6, 2007

Chairman Faulkner convened the regular session for the purpose of indigent appeal hearings with Commissioner Williams, and Commissioner Edwards present.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director and Linda Leguineche Assistant Director joined the meeting for indigent appeal hearings. The board vacated executive session and returned to regular session at 12:30 p.m.

Commissioner Williams and Edward moved and seconded to recess for lunch. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

Helen P. Edwards, Chairman

Terrell Williams, Commissioner

Tom Faulkner, Commissioner

Attest: _____
Denise M. Gill, Clerk

REGULAR SESSION, APRIL 9, 2007

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

GEM PLAN-JIM GUTHRIE

Jim Guthrie, from the Gem Plan (Government Employees Medical Plan) reviewed the foundation and the status of the Gem Plan.

IDAHO BOUNTY COOPERATIVE

Jim Scott from the Idaho's Bounty Cooperative Development requested the Board to support the effort of the Co-op to preserve the small family farms and the skills needed to grow crops and raise animals for food. Commissioner Edwards and Commissioners Williams moved and seconded a letter of support of the Idaho Bounty Cooperative's plan and effort to apply for a grant. Motion carried.

PATTY BAUSCHER

Patty Bauscher, Gooding County Assessor, joined the meeting. Ms Bauscher reported that the dairy industry contributes about two million to county taxes from the facilities dairy site, barn, equipment and employee housing. This does not include personal homes of the dairy owners.

PLANNING AND ZONING

Judy Davis, P&Z Administrator, and Paul Kroeger, Civil Attorney joined the meeting. The group discussed posting of the building inspector's position. The Board would like to have about a two week overlap of inspectors for training purposes. Judy reported that Cities have been informed of the Building Inspectors resignation. Judy discussed the need to inspect CAFO's for compliance when they have requested enlargements permits. Judy reviewed other counties variation allowance; Elmore, Jerome has no variation allowance, and Twin Falls County has 5% variation allowance. Mr. Kroeger suggested that Board pass a resolution that would clarify and give the administrator direction on the subdivision ordinance that would address the variation allowance.

The Board recessed for lunch at 12:35 p.m. and returned to regular session at 1:30 p.m.

JUVENILE PROBATION

Carol Johnson, Juvenile Probation officer joined the meeting. Ms. Johnson requested to go a conference in Miami, FL for training in Post Traumatic Stress Syndrome. The conference runs June 9-15, 2007. Full conference registration is \$570.00, rooms are \$135.00 per night, airfare \$630.00. Estimate \$1700.00 three days and \$2300.00 for seven days. This does not include meals. Ms. Johnson plans is to use Lottery Funds for this training. The Board asked for more details on the trip for the next meeting.

SHERIFF

The Sheriff requested to have a separate telephone line for anonymous tips for drug enforcement. The Board granted the request.

GOODING COUNTY MONEY PURCHASE PLAN

Commissioner Edwards and Commissioner Williams moved and seconded to sign Amendment No. 4 to the Gooding County Money Purchase. Motion carried.

CAFO ORDINANCE

Members of the community joined the meeting to discuss the changes to the proposed CAFO ordinance. The proposed ordinance and changes by Planning and Zoning were reviewed and discussed.

CAFO COMPLIANCE OFFICER

The Board requested Vern France to join the meeting to discuss the possibility of him being the compliance officer for Gooding County. Mr. France will let the Board know of his decision.

CLAIMS

Commissioner Edwards moved to approve the claims. Commissioner Williams seconded the motion. Motion carried.

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|------------|------------|---------------|-----------|-------------|-----------|------------|----------|
| General | 211,207.76 | Fair | 6,722.32 | Revaluation | 1,214.17 | Road & Br. | 196.56 |
| Ambulance | 24,419.39 | Public Health | 5,689.42 | Jr. College | 87,900.00 | Vetrans | 2,250.00 |
| Dist.Court | 4,911.86 | Indigent | 17,828.83 | Weeds | 1,917.25 | Waterways | 752.01 |
| TOTAL | 369,750.90 | | | | | | |

INDIGENT

Commissioner Edwards moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Williams seconded the motion. Roll call vote: Edwards- Aye, Williams - Aye, Faulkner - Aye. Beverly Johannsen, County Services Director and Linda Leguineche Assistant Director joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 11:40 a.m. Commissioner Williams moved to deny 07-3-3-3138, 07-3-3137, 07-3-3141, 06-12-3105(A), 06-12-3107 and 07-1-3116. Commissioner Edwards seconded motion. Motion carried.

Commissioner Williams and Edward moved and seconded to recess for lunch. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

Helen P. Edwards, Chairman

Terrell Williams, Commissioner

Tom Faulkner, Commissioner

Attest: _____
Denise M. Gill, Clerk

REGULAR SESSION, APRIL 23, 2007

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and the Clerk, Denise Gill present.

EXECUTIVE SESSION

Commissioner Edwards moved to go into executive session pursuant to IC§67-2345 for legal matters. Commissioner Faulkner seconded motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. The Board vacated executive session at 10:15 a.m.

ROOF RFP

Chairman Faulkner opened two-sealed RFP's for the courthouse roof as advertised. The Board reviewed RFP from Plew's Construction and Extreme Roof. Extreme Roof's RFP was not to the specification requested. Commissioner Williams moved to accept the RFP from Plew's Construction conditioned upon their proof of Idaho Public Work license. Commissioner Edwards seconded motion. Motion carried. Plew's provided Public Works Contractors License on this date.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director, Linda Leguineche Assistant Director and Paul Kroeger, Gooding County Civil Deputy Prosecutor joined the meeting to review indigent cases and claims. The board vacated executive session and returned to regular session at 11:40 a.m. Commissioner Williams moved to deny 07-3-3140, 07-3-3139, 07-3-3144, 07-3-3146, and 07-1-3122(a). Commissioner Edwards seconded motion. Motion carried.

PLANNING AND ZONING

Judy Davis, P&Z Administrator, Terry Ruby, CAFO review committee member and Polly Huggins joined the meeting. The group discussed a letter from Judy Stockham regarding 'takings'. Mr. Kroeger led the discussion on the proposed CAFO ordinance changes regarding what an operator will need to do to receive an animal density variance. Ms. Huggins stated she objected to the five cows per acres. She further stated the nutrient management plans are not available to the public and there is no compliance verification (tracking the manure). Commissioner Williams felt the proposed CAFO will allow too much growth and that there is not enough enforcement in the document. Chairman Faulkner explained that the proposed CAFO ordinance is more restrictive; present ordinance allows seven cows per acre and the new ordinance allows five cows per irrigated acres. He feels that the state legislature needs to make changes. The group discussed the increasing odor problem.. Commissioner Edwards stated that Vern France had declined the position of compliance officer. The Board will hold a public hearing at the Gooding High School, on June 4, 2007 at 6:00 p.m. on the proposed CAFO ordinance.

JUVENILE PROBATION-JABG

Carol Johnson, Juvenile Probation Officer joined the meeting. Carol Johnson requested to attend a Juvenile conference in Miami, FL., June 9-16, 2007. Expenses of the conference will be approximately \$2,300.00 to be paid from the Lottery Funds. The board approved the travel request. Commissioner Edwards moved to allow the Chairman to sign the "Intent to use the JABG" agreement. Commissioner Williams seconded the motion. Motion carried.

HAGERMAN/WENDELL FIRE DISTRICT ANNEXATION

Tim Peterson, Hagerman Fire Chief and Bob Bailey, Wendell Fire Chief joined the meeting. Chief Peterson presented a petition with 99 signatures for and seven against the annexation of said territory now in the Wendell Fire District to be annexed in the Hagerman Fire District. The Hagerman Fire District had a public hearing and the Hagerman Fire District Board approved the annexation. The Chief presented an Order by the Hagerman Fire District Board for the annexation. The Board of County Commissioner's will prepare and Order of Annexation.

TREASURER-TAX DEED

Treasurer Wines presented the file regarding a parcel for tax deed, owned by Polomsky. Treasurer Wines reported that she has had no contact from the Polomsky's. Commissioner Williams moved to sign an Order to have the Treasurer prepare a Tax Deed for the Polomsky's property. Commissioner Edwards seconded the motion. Motion carried.

PLANNING AND ZONING –BUSMAN – APPEAL HEARING

A hearing was held regarding the Planning and Zoning decision to deny John Busman CAFO Siting Permit Enlargement. Mr. John Lothspeich, attorney representing Mr. Busman the appellant, Phil Brown, attorney representing Mr. Thurston, Paul Kroeger, Gooding County Civil Attorney and other individuals were present at the hearing. Mr. Lothspeich pointed out the fact that there were several individuals present at the Planning and Zoning public hearing that were in favor of Mr. Busman application for a CAFO Siting Permit Enlargement. Mr. Lothspeich expanded on facts that were presented at the Planning and Zoning Hearing. Mr. Kroeger objected to letters that Mr. Lothspeich presented to the Board. Mr. Lothspeich read from the Planning and Zoning findings of facts that listed items that Mr. Busman could do to obtain a siting permit in the future. Mr. Brown also objected to the introduction of new information. The Board agreed not to accept new information. Mr. Kroeger stated the Commission did find that the current operation was not in compliance with present laws and the P & Z Commission findings of fact stated that the environmental plan did not address all the issues. Mr. Kroeger further pointed out that existing corrals did not meet set back requirements. Mr. Brown read from existing CAFO ordinance stated that new applications must come in compliance with the CAFO ordinance. He further stated that they could operate under the grandfathered permit and that any expansion was not legal. Mr. Brown stated that Mr. Robinson is no longer a neighbor the Busman's. Mr. Brown also pointed out that photographs in the Planning and Zoning file showed waste leakage. Mr. Brown believed that the CAFO ordinance stated; that if expansion had begun without permits, a permit could not be issued. Mr. Ohlensehlen reviewed exhibit thirteen of the application.

BUILDING AND GROUNDS

Commissioner Williams moved accept the bids for exhaust fans in the jail and the annex. Commissioner Edwards seconded the motion. Motion carried.

TREASURER/CLERK QUARTERLY REPORT

The Board reviewed the Treasurer and Clerk's Joint Quarterly report dated March 31, 2007.

MINUTES

Commissioner Edwards moved to approve the minutes from March 22, 2007, March 26, 2007, April 2, 2007, April 6, 2007 and April 9, 2007. Commissioner Williams seconded the motion. Motion carried.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

Helen P. Edwards, Chairman

Terrell Williams, Commissioner

Tom Faulkner, Commissioner

Attest: _____

Denise M. Gill, Clerk

REGULAR SESSION, MAY 4, 2007

Chairman Faulkner convened the regular session with Commissioner Williams, Commissioner Edwards and Deputy Clerks, Beverly Johannsen and Linda Leguineche present.

INDIGENT

Commissioner Williams moved to go into an executive session pursuant to IC§31-874 to consider indigent matters and indigent appeal hearings. Commissioner Edwards seconded the motion. Roll call vote: Edwards– Aye, Williams – Aye, Faulkner – Aye. Beverly Johannsen, County Services Director, Linda Leguineche Assistant Director and Paul Kroeger, Gooding County Civil Deputy Prosecutor was present during executive session. The board returned to regular session at 12:20 p.m.

Commissioner Edwards moved to adjourn meeting. Commissioner Faulkner seconded motion. Motion carried.

Helen P. Edwards, Chairman

Terrell Williams, Commissioner

Tom Faulkner, Commissioner

Attest: _____

Denise M. Gill, Clerk