



February 19, 2008, Emmett, Idaho

Pursuant to a recess taken on February 12, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th day of February, 2008, at 8:00 a.m.

Present:	Sharon Pratt	Commissioner
	Lan Smith	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

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Commissioner Sherrer was absent from the meeting while attending Muffley v. Gem County, a federal court case regarding personnel.

SHADOW BUTTE DEVELOPMENT CORPORATION: Commissioner Pratt attended a Shadow Butte Development Corporation meeting.

LOCAL EMERGENCY PLANNING COUNCIL MEETING: Commissioner Smith attended a Local Emergency Planning Council meeting.

PUBLIC WALK-IN: David Coburn met with the Commissioners to discuss use of the phase 3 section of the Shadow Butte Industrial Park for grazing of his horses.

A motion was made by Commissioner Pratt to add payment #1 Roadway Improvements for Asphalt to Knife River as item I. on the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutors, Dick Linville and David Hargraves, met with the Commissioners to discuss Prosecuting Attorney matters.

A tax cancellation for a duplicate assessment on parcel PP02179800 was presented to the Commissioners. A motion was made by Commissioner Pratt to cancel the taxes on parcel PP02179800. It was seconded by Commissioner Smith and carried unanimously.

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

CONSENT AGENDA: The Consent Agenda included items A. Sunset View Estates Minor Subdivision Decision & Order, B. Liquor catering permit for Cold Mountain Creek Restaurant, C. Resolution 2008-04 providing authority for Gem County Code Enforcement Officer, D. Resolution 2008-06 authorizing destruction of records, E. Inmate Telecommunication Location Agreement, F. Re-appointment of Carlos Bilbao to the Hospital Board, G. Re-appointment of Alan Dimmick to the Orchard Review Board, H. Re-appointment of Newton States to the Southwest District Health Board. A motion was made by Commissioner Smith to approve items A - I on the consent agenda. It was seconded by Commissioner Pratt and carried unanimously.

APPROVAL OF MINUTES: The minutes of February 11 & 12, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of February 11 & 12, 2008 as amended. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT APPLICATIONS: At 2:13 p.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.

07-061 Final Determination

After reconvening in regular session at 2:39 p.m., a motion was made by Commissioner Smith to direct the Clerk to draft a decision upholding the original decision (denial) incorporating information discussed during executive session to be reviewed at the next meeting. It was seconded by Commissioner Pratt and carried unanimously.

At 2:41 p.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.

92-054 Sign Mortgage Satisfaction

07-021 Sign Release of Statutory Lien

After reconvening in regular session at 2:46 p.m., a

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motion was made by Commissioner Smith to sign Satisfaction of Real Estate Mortgage for 92-054 and sign Release of Statutory Lien for 07-021. It was seconded by Commissioner Pratt and carried unanimously.

INDIGENT HEARING #07-069: At 2:59 p.m. a motion was made by Commissioner Smith, seconded by Commissioner Pratt 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.

While being tape-recorded during executive session, an indigent appeal hearing was held for 07-069. Those present were Commissioners Pratt and Smith, Clerk Shelly Gannon, Deputy Clerk Diane Wright and Deputy Prosecutor David Hargraves.

A request for a continuance of the hearing was discussed.

After reconvening in regular session at 3:29 p.m. a motion was made by Commissioner Smith to approve an extention of the appeal hearing for one week until February 25th and instruct the clerk to request a written reasoning as to why they could not have pursued the action (previous to the hearing) they are outlining currently. The hearing will be continued to February 25, 2008 at 9:30 a.m. It was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on February 25, 2008.

Approved: _____
Chairman

Attest: _____
Clerk