



September 8 & 9, 2008, Emmett, Idaho

Pursuant to a recess taken on September 2, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 8th day of August, 2008, at 8:00 a.m.

Present:	Michele Sherrer	Chairman
	Sharon Pratt	Commissioner
	Lan Smith	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

September 8, 2008

Commissioner Smith was absent from the meeting.

FEMA FLOODPLAIN PRESENTATION: Mary Grunewald McGown and Barbara McEvoy with the Idaho Department of Water Resources presented the Commissioners with a plaque for Gem County becoming the newest National Flood Insurance Program Community Rating System community. There are 23 communities within the State in the program. Mary stated that Gem County has gone beyond the basic requirements. This rating will allow residents to receive a discount on flood insurance. Gem County became a member of the National Flood Insurance program in 1978 and now the Community Rating System in 2008.

A motion was made by Commissioner Pratt to add Memorandum of Understanding with the Gem County Recreation District for Island Maintenance as item B. on the consent agenda. It was seconded by Commissioner Sherrer and carried unanimously.

MERRILL REZONE & DEVELOPMENT AGREEMENT PUBLIC HEARNG: A public hearing was held to hear a rezone and development agreement request by Galan Merrill to rezone 400 +/- acres from A-2 Rural Transitional Agriculture to R-2 Residential Transitional. The development agreement request includes a conceptual site plan, certain types of allowed uses and a project schedule for future development of the property located at 3610 Star Lane.

The Commissioners stated that with the size of the

application they would expect to continue this hearing to October 6, 2008 at 6:30 p.m. Written comments will be accepted until 9/26/08 at the Clerk's Office.

Nancy Merrill provided history of the property. She stated that the Comprehensive Plan has been reviewed and environmental studies have been done. Aerial photos, site photos and initial layout were reviewed. Nancy provided photos taken from the Eagle area of what they intend the development to look like and the development process of the ponds. Proposed amenities include an equestrian area, large ponds, a community park with ball fields, trails, community clubhouse and pool. Neighborhood meetings have been held. She stated the Comprehensive Plan allows for 1200 units, only 400 units are being requested. Land has been set aside for a future school site. A special use permit for gravel extraction was discussed. Nancy stated gravel extraction would be tied into the development rather than as a commercial venture.

Brad Hawkins-Clark, Development Services Director, discussed the rezone and development agreement requests. He stated that the 400 units would vary in size. He reviewed an aerial vicinity map and site photos. He also reviewed a development agreement site plan and proposed uses. Brad reviewed concerns stated by members of the public during the two public hearings were held by the Planning & Zoning Commission. The Planning & Zoning Commission recommended approval with the condition that the Prosecutor's office review the development agreement. Brad reviewed the five required findings to be made.

Exhibits added to the record included a letter dated September 3, 2008 from Richard K. Linville, an email from Wyndy McGinley to the Commissioners dated September 5, 2008 and an email from Lara Goers to Shelly Gannon dated September 5, 2008.

Mike Williams spoke in favor of the application. Mike reviewed his experience in land use planning. He discussed groundwater. Mike stated at a later date the development will come in as a Planned Unit Development. He discussed a traffic impact study for Airport and Star Roads. He stated proposed uses are not detrimental to public health and safety. A development in this area could have 1200 lots. He said the development agreement will tie the gravel operation to the planned unit development. He stated that most of the concerns listed in Exhibit B will be addressed in the development agreement separately addressing each concern.

Mark Butler spoke in favor of the application. He reviewed his experience in land use planning. He stated he this is not a developer's plan but rather a plan of beauty and heart. It has a wonderful mix of uses and lot sizes. He said buffering was considered noting the difference in elevation between this property and the property to the south as well as larger lots in that area. Many of the lots abut open space. He said a bond is secured to ensure holes won't be left undeveloped. Assisted living allows families to live within the same area. Mark stated the comprehensive plan allows for 3 properties per acre. He stated this development will set a wonderful standard for the county.

Richard Andrus, an attorney with Spink Butler representing the Merrills, spoke in favor of the application. He spoke about the concerns of gravel use. He discussed the permit process.

Sean Merrill spoke in favor of the application. He feels a plan has been put together to be proud of. He feels the neighbors will find it to be an amenity rather than a distraction and a good place for the community.

Joyce Baird spoke neutrally of the application. She is concerned about the gravel operation, the lighting and noise.

Suzie Benkstein spoke against the application. She wonders if there is a time period on a planned unit development. She stated she feels threatened by the development and that she moved to the area to live in a rural area. She said zones 1 and 2 must be filled before this property would be able to be developed in zone 3 (zones would refer to Priority Growth Areas). She stated the Merrills are preparing this development to be sold. Suzie's stated she previously lived on a 5 acre parcel which she has sold and now lives on a 1 ½ acre parcel.

Lara Goers spoke in opposition of the application. She is concerned about the noise related to the gravel extraction. She stated the terrain in the area provides amplification that would cause distraction for the current residents in the area. She is not afraid of change or the development but feels berms wouldn't deter the noise. The high water table in the area would require pumps for the ponds. She hasn't seen a timeframe for the gravel extraction. According to her calculations it would take 26 years to extract the ground for one pond. She urged the Commissioners to insist on sound level testing as well as light pollution restrictions. She wonders why do this now

when the intent is to sell. She also wondered about the effects of mosquitoes prior to completion. She feels the development is not harmonious to the area. She prefers planned development to spotty development. She is sure when completed it will be beautiful but had concerns during construction.

Kari Hale spoke in opposition of the application. She stated there is already a standard on South Slope. She feels this would change the character of the area. She is concerned that Merrills are trying to bring their ideas of what beautiful is and impose them on our community. She feels Gem County isn't quite ready for this development.

Ernie Benkstein said the plan sounds good but can't see dealing with the noise for the next 10 years. If he wanted to see this he would have built a home in Eagle rather than here. With the boats on the ponds and other activity there would be a lot of noise even after the development is completed. He said the photos didn't show how many homes are in the area that would be affected.

Lara Goers added that she can hear the high school announcer as well as the noise from the Cherry Festival held in the city park in her home with closed windows.

Susie Benkstein added that she had to call Merrills to ask them to turn their radios down.

Rebuttal will be after the continued public hearing.

A motion was made by Commissioner Pratt to continue the hearing to October 6th at 6:30 p.m. It was seconded by Commissioner Sherrer and carried unanimously. The record will remain open for written comments until September 26th.

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. Computer Arts Fiscal Year 2008-2009 Contract Addendums and B. Memorandum of Understanding with the Recreation District for Island Maintenance. A motion was made by Commissioner Pratt to approve item A. and remove item B. for discussion. It was seconded by Commissioner Sherrer and carried unanimously.

Terms of the Memorandum of Understanding were discussed. A motion was made by Commissioner Pratt to approve the agreement with the Recreation District, item B. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT APPLICATIONS: At 2:15 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, and Commissioner Pratt, aye.

08-041 Release of Statutory Lien
08-043 Release of Statutory Lien
08-045 Medical Application

After reconvening in regular session at 2:29 p.m., Commissioner Pratt made a motion to sign Notice of Statutory Lien for 08-041 and 08-043 and deny 08-045 because the applicant is not indigent and the county is not the last resource. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT HEARING 08-019: At 2:30 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, and Commissioner Pratt, aye.

Neither the applicant nor the patient was present for the hearing. Diane Wright was sworn in. The case file was entered into the record as Exhibit A. The Commissioner's Subpoena, which was served upon the patient, was entered into the record as Exhibit B.

A motion was made by Commissioner Pratt to continue the hearing to Monday September 22nd at 11:30 a.m. to allow the deputy clerk to verify information received this morning. It was seconded by Commissioner Sherrer and carried unanimously.

Commissioner Smith joined the meeting.

CLAIMS APPROVAL: The claims presented were reviewed. A motion was made by Commissioner Pratt to approve claims as signed on individual claim forms. It was seconded by Commissioner Sherrer and carried unanimously.

ROAD FUNCTIONAL CLASSIFICATION MAP DISCUSSION: Brad Hawkins-Clark, Development Services Director; Kim Reed, Road Department Supervisor and David Hargraves, Deputy Prosecutor met with the Commissioners to discuss changes to

the Functional Classification Map. A resolution will be drafted to adopt the changes.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 9, 2008.

JOINT CITY/COUNTY MEETING: A joint city/county meeting was held. Those in attendance from the county were Commissioners Smith, Sherrer and Pratt, and Clerk Gannon. Those in attendance from the city were Mayor Butticci, Clerk Lawrence and Councilmen Agenbroad, Henderson, Rogers and Stout. Topics discussed included: the cooperative manner in which the police department and sheriff's office are working together, the police department adding a second drug dog, the September 11th memorial, reviewing the community review, the bridge at the Gem Island and the county budget hearing.

September 9, 2008

ELECTED OFFICIALS: The Elected Officials met. Those in attendance included Commissioners Sherrer, Smith and Pratt, Clerk Gannon and Assessor Himes. Topics discussed included Board of Tax Appeals, tax assessments for Section 423 Housing, State of the County address, accepting credit cards in the Motor Vehicle department, repayment of funds borrowed from the Motor Vehicle Trust Funds and the General Election ballots.

PUBLIC WALK-IN: Tom Grover and Nissa Watts met with the Commissioners to discuss the school bond election. Tom introduced himself. He discussed the committee that was put in place to review the needs and options for the bond. A copy of the ballot was provided. Nissa stated that our community is the only community in our area that operates on state funds alone. Many other communities throughout the state operate on a levy. Tom reviewed the decision for the ballot being an advisory ballot stating a yes vote would be authorizing the school board up to \$20,000,000, he stated that the lessor options would put us back in the same position. He reviewed each of the items in the \$20,000,000 option.

Jefferson Jenkins met with the Commissioners to discuss his plans for Huck N' Finns. He will obtain an alcoholic beverage license and serve snack items.

APPROVAL OF LEVIES: The Commissioners reviewed the County and District L-2s. A motion was made by Commissioner Pratt to approve the levies as presented. 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.

RECREATION DISTRICT FESTIVAL OF LIGHTS DISCUSSION: Abra Lippert met with the Commissioners to discuss the Festival of Lights which will take place on December 5, 2008. The Recreation District will be putting up LED lights. Lights will be put on the top of the building and the tank the end of October. The boy scouts will block off the intersections.

BUTTE ROAD RE-NUMBERING DISCUSSION: The Commissioners discussed parameters for correcting addressing errors throughout the county.

APPROVAL OF MINUTES: The minutes of September 2, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of September 2, 2008 as amended. It was seconded by Commissioner Smith and carried unanimously.

PROSECUTING ATTORNEY MATTERS: David Hargraves, Deputy Prosecutor, met with the Commissioners to discuss Prosecuting Attorney matters.

DEPARTMENT OF ENVIRONMENTAL QUALITY: The Commissioners toured the Sand Hollow Landfill with representatives of the Department of Environmental Quality and requested the Environment Protection Agency to cover the costs of an assessment of the landfill.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 15, 2008.

Approved: _____
Chairman

Attest: _____
Clerk

