



September 22 & 23, 2008, Emmett, Idaho

Pursuant to a recess taken on September 15, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of September, 2008, at 8:00 a.m.

Present:	Michele Sherrer	Chairman
	Sharon Pratt	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

Commissioner Sherrer signed the plat and mitigation agreement for Elsie Estates Minor Subdivision on September 18, 2008.

September 22, 2008

SHERIFF AND EMS FEE INCREASE PUBLIC HEARING/SOLID WASTE FEE

INCREASE: A public hearing was held for the purpose of hearing public comments regarding the establishment or increase of fees in the Emergency Medical Services and Sheriff's Department Fees by an amount in excess of 5% of the amount of the fee last collected and for explaining the reasons for such action.

Mark Rekow spoke in favor of the EMS fee increase due to increased costs to provide service.

There was no public input in favor, neutral or in opposition of the fee increases.

A motion was made by Commissioner Pratt to increase fees for Emergency Medical Services and Sheriff's Department Fees. It was seconded by Commissioner Sherrer and carried unanimously.

The motion was amended by Commissioner Pratt to approve Resolution 2008-16 which includes Emergency Medical Services and Solid Waste System Users and Gem County Resolution 2008-17 which includes Sheriff's Department Services. The amendment was seconded by Commissioner Sherrer and carried unanimously. The Solid Waste Fees were not included in the public hearing as the increase was not in excess of 5%.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Sherrer to approve the claims as approved on individual claim forms. It was seconded by

Commissioner Pratt and carried unanimously.

INDIGENT APPLICATIONS: At 11:02 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)(d) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye, and Commissioner Pratt, aye.

08-047	Medical Application
08-053	Non-Medical Application
08-051	Notice of Statutory Lien
08-053	Notice of Statutory Lien
08-054	Notice of Statutory Lien
08-055	Notice of Statutory Lien
07-022	Catastrophic Assignment
07-050	Catastrophic Assignment
07-072	Catastrophic Assignment

After reconvening in regular session at 11:16 a.m., Commissioner Pratt made a motion to deny 08-047 because Gem County is not the obligated county, deny 08-053 because the applicant is not indigent, the county is not the last resource and the applicant has anticipated future income, sign the approval from September 15th for 08-054, sign Notice of Statutory Lien for 08-051, 08-053, 08-054 and 08-055, sign catastrophic assignment of 18.9% for 07-022, sign catastrophic assignment of 88.2% for 07-050 and sign catastrophic assignment of 79.4% for 07-072. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT HEARING 08-019: At 11:35 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 previously entered into the record as Exhibit A and the Commissioner's Subpoena, which was previously served upon the patient, was entered into the record as Exhibit B. Subpoena Duces Tecum dated 9/8/08 was entered into the record as Exhibit C and Notice of Hearing on Denial dated 9/8/08 was entered as Exhibit D.

After reconvening in regular session at 11:50 a.m., a motion was made by Commissioner Pratt to uphold the

previous denial of 08-019 due to the applicant's failure to produce information needed to determine indigency. It was seconded by Commissioner Sherrer and carried unanimously.

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

CONSENT AGENDA: There were no items on the consent agenda.

APPROVAL OF MINUTES: The minutes of September 15, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of September 15, 2008 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

MERRILLS REZONE & DEVELOPMENT AGREEMENT WORKSHOP:

Commissioners Sherrer and Pratt and Brad Hawkins-Clark, Development Services Director met to discuss the Merrill rezone and development agreement for clarification and to answer the Commissioner's questions. Commissioner Sherrer stated that minutes from the Planning & Zoning hearing have not been received. Recommendations from the Planning & Zoning Commission were discussed. Requiring traffic counts in the development agreement were discussed as well as the locations of the traffic counts. Weight limits on the trucks hauling gravel was discussed. The Service Agreement between the City of Emmett, Idaho and Merrills Egg Farm, LLC was reviewed and discussed. Methods of ensuring timeframes for the gravel pit were discussed. Discussion included a traffic study for Shadow Butte Industrial Park. Motorized vs. non-motorized boat motors were discussed. Throughout the workshop various references and clarifications were made with the Comprehensive Plan and Gem County Ordinances. The hours of operation for extraction of gravel were discussed. Private versus public amenities were discussed. The mix of senior housing and equestrian was discussed. The necessity of a regional pump station was discussed. Weed abatement for the arena was discussed. Requiring an economic analysis as well as a groundwater analysis was discussed. Annexation into the city limits upon availability of city services was discussed.

EXTENSION OFFICE PROCEDURES DISCUSSION: Rikki Wilson, Extension Director, met with the Commissioners to discuss the approval and submission process for payroll. The possibility of allowing an employee to work part time was

also discussed. The County Extension Budget for the University of Idaho was signed.

LETHA OPEN FORUM: Commissioners Sherrer and Pratt and Clerk Gannon met at the Letha Fire Station for the open forum. No members of the public attended.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 23, 2008.

September 23, 2008

ROAD DEPARTMENT UPDATE: Kim Reed, Road Department Supervisor, met with the Commissioners to discuss administrative Road Department matters.

PLANNING & ZONING UPDATE: Brad Hawkins-Clark, Development Services Director, met with the Commissioners to discuss Planning & Zoning matters. Development Services FY2009 budget was also discussed.

PUBLIC WALK-IN: Kathleen Hunt met with Commissioner Sherrer to discuss the Heavy Industrial Zoning designation as well as other Planning & Zoning issues.

PROSECUTING ATTORNEY MATTERS: David Hargraves, Deputy Prosecutor met with the Commissioners to discuss Prosecuting Attorney matters. The process for the Avimor Subdivision Fire Department Annexation Public Hearing was discussed.

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

AVIMOR SUBDIVISION ANNEXATION INTO EAGLE FIRE DISTRICT

PUBLIC HEARING: A public hearing was held to consider a petition for annexation of territory, located in both Boise and Gem Counties into the Eagle Fire Protection District. This hearing was held at the Horseshoe Bend Court Annex with both Boise and Gem County Board of County Commissioners. Gem County Commissioners Sherrer and Pratt and Clerk Gannon were in attendance. Boise County Commissioners Day, Lawson and Zimmer and Clerk Swearingen were in attendance.

An email from Knute Sandahl, Captain/Training Officer from Gem County Fire District #1, was entered into the record as Exhibit A and a letter from Eduardo Balli, Gem

County Fire Protection District #1 Fire Commissioner, was entered into the record as Exhibit B.

Dan Richter spoke on behalf of Suncor. He reviewed a map of the property describing the area, approximately 6000 acres, that will be mostly developed stating that the development will be centered around and served by Highway 55. He said eventually there will be a fire facility in the development.

Chief Friend from the Eagle Fire Department stated that they currently respond to accidents and fires in this area and they are able to provide quick access with what is already in place. He said he had talked with the Boise County Assessor to determine that the value of the Boise County property is \$25.00 per acre. He stated the Eagle Fire Protection District is currently putting together a development agreement with private developers. The fire facility will be located to the north of where homes are currently being built.

Dan Richter said the core area would have 5,000-6,000 homes. He said there is not a lot of Gem County in the core where homes would be built in the next 10-15 years. He described some areas of the property that would not be developed.

There was no one who spoke in favor of the annexation petition.

John Lerma, attorney for the Eagle Fire District spoke neutrally for the petition. He reviewed Idaho Code 31-1412(4) stating that taxpayers within the boundaries of the property may object to the annexation. He stated there has been no petition from other districts.

Rick Welch spoke opposing the annexation. He said Gem County has the same situation with the Middleton Fire District. He said that Sheriff's dispatch has difficulty deciphering districts. He stated that levy rates vary throughout the state. He said that Gem County can protect the 5,000 acres of property located within Gem County and he would like to see the land remain in Gem County.

Dan Richter said he doesn't understand the technicalities of dispatch calls. He said there will be a state of the art facility with a station right on the property. He stated that continuity throughout the development is important for a sense of community. Suncor would like the land developed as one big community rather than several small developments.

Danny Friend said that 911 calls feed into Boise including cell phones, he doesn't see dispatching as a concern. He said it doesn't seem financially responsible

to have several stations out there.

Commissioner Lawson asked if one station would be enough for the amount of homes.

Danny Friend stated that besides a station at Avimor and one at Dry Creek there are several in the area. He said that the department has 37 employees and 45 volunteers. The department is staffed 24 hours a day 7 days a week and they are able to provide EMT services.

A motion was made by Commissioner Pratt to close the joint hearing of the annexation request by Suncor. It was seconded by Commissioner Lawson and carried unanimously.

Gem County set October 6th at 8:30 a.m. to for discussion and possible decision.

Boise County set October 6th for discussion and decision also, the time will be determined.

INDIGENT APPLICATIONS: At 3:49 p.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, and Commissioner Sherrer, aye.

08-056 Non-Medical Application

After reconvening in regular session at 3:51 p.m., Commissioner Pratt made a motion to approve 08-056. It was seconded by Commissioner Sherrer and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 29, 2008.

Approved: _____
Chairman

Attest: _____
Clerk