



October 14, 2008, Emmett, Idaho

Pursuant to a recess taken on October 7, 2008, the Board of Commissioners of Gem County, Idaho, met in regular session this 14th day of October, 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:

October 14, 2008

PUBLIC WALK-IN: There were no members of the public that met with the Commissioners.

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

INDIGENT APPLICATIONS: At 11:30 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 Sherrer, aye, Commissioner Pratt, aye, and Commissioner Smith, aye.

08-050	Medical Application
08-051	Medical Application
08-058	Notice of Statutory Lien
08-059	Notice of Statutory Lien
08-060	Notice of Statutory Lien
08-061	Notice of Statutory Lien
09-001	Notice of Statutory Lien
09-002	Notice of Statutory Lien

After reconvening in regular session at 11:42 a.m., Commissioner Smith made a motion to deny 08-050 due to lack of cooperation, incomplete application, failure to interview, unable to determine medical indigence, the county is not the last resource; deny 08-051 due to lack of cooperation, unable to determine medical indigence and the

county is not the last resource; sign Notice of Statutory Lien and N1 Lien as applicable for 08-058, 08-059 and 08-060; sign Notice of Statutory Lien and N1 Lien as applicable for 09-001 and 09-002. It was seconded by Commissioner Pratt and carried unanimously.

CLAIMS: The claims presented for fiscal year 2008 were reviewed. A motion was made by Commissioner Pratt to approve the claims as approved on individual claim forms. It was seconded by Commissioner Smith and carried unanimously.

The claims presented for fiscal year 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the claims as approved on individual claim forms. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to add the vote on Last Chance Ditch Company bylaw revision and the Upper Payette Cooperative Weed Management Agreement to the consent agenda. 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. Last Chance Ditch Company bylaw revision and B. Upper Payette Cooperative Weed Management Agreement.

A motion was made by Commissioner Pratt to approve the consent agenda approving the Last Chance Ditch Company bylaw revision and the Upper Payette Cooperative Weed Management Agreement. It was seconded by Commissioner Smith and carried unanimously.

APPROVAL OF MINUTES: The minutes of September 22 & 23, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of September 22 & 23, 2008 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

The minutes of September 29, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of September 29, 2008 as amended. It was seconded by Commissioner Sherrer and carried unanimously.

The minutes of October 6 & 7, 2008 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of October 6 & 7, 2008 as amended. It was seconded by Commissioner Smith and carried unanimously.

MERRILLS REZONE & DEVELOPMENT AGREEMENT

DISCUSSION/DECISION: A public hearing continued from October 6, 2008 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.

Commissioner Sherrer stated that an email from Holger Uhl with a foreclosure complaint as an attachment and an email from Kathy Hall with a letter and two development agreements have been received. The Commissioners also received a draft of the development agreement from the Prosecutor's Office. The email from Holger Uhl including the foreclosure complaint was entered into the record as Exhibit L. It was decided that the development agreements are drafts at this point and would not be entered in the record.

A motion was made by Commissioner Smith to close the public hearing and continue with deliberation. It was seconded by Commissioner Pratt and carried unanimously.

Issues discussed included gravel extraction, Priority Growth Area 3 of the Gem Community Comprehensive Plan (Comp Plan) and Area of City Impact concerns. Allowable uses in this area as defined in the Comp Plan were discussed including single family units being allowed in mixed use only under a special use permit.

Deputy Prosecutor Dick Linville would like to meet with the legal counsel for the Merrills to review the items in the development agreement that are in disagreement. Dick spoke regarding different drafts of the development agreement. He stated the development agreement would be recorded against all of the property listed in Exhibit 1. Dick would also like to look into the foreclosure complaint and be able to advise the Board of the impacts of that complaint.

Whether or not the Board should control to whom the property can be sold was discussed. The Commissioners did not feel there were any standards for control of this issue

by the Board. Indemnification is an issue to be discussed at a future point.

The Conditions of Approval were reviewed. Staff documented changes and corrections to be made to the Conditions of Approval.

Discussion and possible decision will be continued to Monday October 27, 2008 at 9:30 a.m.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 20, 2008.

Approved: _____
Chairman

Attest: _____
Clerk