



March 14 & 15, 2005, Emmett, Idaho

Pursuant to a recess taken on March 1, 2005, the Board of Commissioners of Gem County, Idaho, met in regular session this 14th & 15th day March, 2005, at 8:00 a.m.

Present:	Sharon Pratt	Chairman
	Michele Sherrer	Commissioner
	Lan Smith	Commissioner
	Susan Howard	Clerk

Whereupon the following proceedings were had, to-wit:

March 14, 2005

Pledge of Allegiance was said.

DEPARTMENT HEAD REPORTS: Dennis Pulley, Road & Bridge Supervisor, reported they are still working on South Slope Road. They have received a letter from some of the property owners asking that they don't pave the South Slope Road during their fruit retail market season for their orchards. The Department should be able to work with them. Dennis had a request to keep up Timber Flat Road during the winter if someone moves there. They are beginning the preparation on Butte Road for the building of the new bridge.

Jake Wyant, Noxious Weed Supervisor, reported they have gotten the roadside residuals on, but they need rain to get it moved into the soil. Tomorrow Jake is going to training for weed-free hay certification. He has been getting help from the Patriot Center Boys Home. His staff will be getting GPS training from the BLM. He went over his schedule for the month. He is doing interviews for a seasonal worker, due to start on March 16, 2005. There is an individual who is studying to get his license and would like to have the seasonal Montour position. They should know about their grants by the last week in March. They will probably get from 60% to 80% of what they asked for. They are working on purchasing a boat, with a 15 hp motor. They would like to start their four 10-hour day work week in April.

Martin Joyce, Landfill Supervisor, reported they had HAZMAT training and they will be having more training, all at no cost. His paperwork is all in to DEQ for compliance. Everything looks good. They had an accident with the baler bucket and an electrical box was damaged. They have been very busy, especially on Saturdays. They had 2,057 vehicles for the month, which is up 300 from last year.

Debra Smith, Planning & Zoning Administrator, had left their monthly report on the Commissioner's desk. Most of the miscellaneous fees were for researches. There are five subdivisions in process. Their new office person is working out well. There is a situation with one of the prospective property owners who has put money down on two lots in Shadow Butte Industrial Park. Debra attended training in Idaho Falls concerning subdivisions.

Janelle Schneider, Juvenile Probation Officer, reported they have 72 juveniles on the departmental caseload, with 21 new petitions. There were no probation violations and there are 2 juveniles in detention. Janelle went over some of the meetings they have gone to. She and PA Tim Fleming met with teachers from Carberry Elementary School and talked about truancy and other topics. She said that three of her juveniles are being parented by grandparents. There is still an opening for a deputy juvenile probation officer in her office.

Mark Rekow, Ambulance Director, reported there were 61 transports, with 49 of those going to Walter Knox Hospital. They had 17 non-transports. This is up from last year. There were 2 air-ambulance transports from Walter Knox last month. Mark is scheduled for a paramedic refresher class during March and April in Payette. He will be going to an advanced diving class with the Sheriff's department next month. He would like to go to a terrorist class in April/May. He will be applying for a FEMA grant for a new ambulance.

Chuck Shambaugh, Maintenance Supervisor, reported that the pumps in the boiler are being changed one at a time. He is working on information on building stairs on the west side of the Courthouse. There is a man who has volunteered to refinish the benches outside the Courthouse. The elevator had a problem that was checked out by the maintenance service.

ELECTED OFFICIALS: Greg Himes, Assessor, reported the Motor Vehicle Office took in \$87,834.40 in January and \$64,704.99 in February. There is currently \$199,366.56 in the Motor Vehicle Building Fund. The title companies would like to have connection to the Assessor's information. Gregg's office is busy signing up people for circuit breakers. Greg is the new project director for the Title V grant.

Connie Goins, Treasurer, reported that she is really enjoying her job as Gem County Treasurer. There were 52 warrants of distraint with collections on 45 of them. There are 9 warrants from the sub-roll. There are 16 pending issues for late taxes. They have collected on 2 of them. February property tax collections were \$107,718.09. They have had computer problems that are still not totally cleared up. Discussion was had on the elevator switch not being turned on for the elevator to go down to the basement after hours.

Clint Short, Sheriff, reported their jail inspection by the State turned out great. They currently had 8 State inmates and 2 Boise County inmates. There is a total of \$10,320 due from the State and \$1,280 from Boise for inmate board, for a total of \$13,797 total incarceration fees. There were currently 39 inmates and up to 50 last week. Incarceration fees will now be part of court orders and can be added to the collection program through the courts. They have had computer problems, but they are all back up and going. The malnourished horses are still being fed by the County. There are 36 on County property, 19 with private individuals, and 33 at the humane society. Court will be in April concerning the horses. The Humane Society may be willing to take part of the horses to adopt out as payment for their expenses. The sheriff got a no contact order for the owner of

the horses because of liability concerns. The horses are all looking great. Discussion was had on the Fire District drills.

Susan Howard, Clerk, let everyone know there would be Worker's Comp training in March for all supervisors and Drug Policy training in April for all supervisors and employees. There is also a join City/County meeting tonight at 5:00 pm.

Commissioners asked that everyone spot-check their County vehicles to make sure County policy is being followed and they are not being smoked in.

SEASONAL WEED DEPARTMENT POSITION: A motion was made by Commissioner Sherrer to approve hiring a seasonal worker for the Weed Department to work in the Montour area for a 5-month period. It was seconded by Commissioner Smith and carried unanimously.

ROAD & BRIDGE PLANT MIX BID: A motion was made by Commissioner Sherrer to approve a bid from Central Paving, Inc., to piggyback on the Ada County Highway District bid for 1/2" plant mix at \$27.00 per ton FOB plant from the Joplin Road Plant and 1/2" plant mix \$25.50 per ton FOB plant from the Apple Street Plant. It was seconded by Commissioner Smith and carried unanimously.

VALIC AMENDMENT: Through motion and unanimous approval, an amendment, with a Certificate of Resolution, was signed for the County's Deferred Compensation Plan through AIG VALIC (Variable Annuity Life Insurance Company) under Internal Revenue Code ("IRC") in lieu of the default provision to provide for the involuntary distribution of vested accrued benefits of \$5,000 or less, are modified to no mandatory distributions. Participation consent to the distribution now shall be required before the Plan may make the distribution.

INDIGENT APPLICATIONS: A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:

05-007 Application needed a postponement of hearing.

Catastrophic Fund reimbursement for 04-030 at 52.5%, 04-037 at 80.3%, 04-047 at 81.4%, 04-076 at 82.1%, 04-021 at 84.1%, 04-064 at 40%, and 04-059 at 67.3%.

04-088 Application for medical expenses for a consultation.

04-089 Application for a release of statutory lien because of approval of Medicaid.

05-008 Application needed an appeal hearing decision signed to uphold a previous denial.

05-016 Application for medical expenses.

05-023 Application for rent assistance.

05-024 Application for rent of \$450 and medical assistance needed a lien signed.

05-025 Application for medical expenses needed a statutory lien signed.

05-015 Application needed a release of statutory lien signed.

05-018 Application needed a release of statutory lien signed.

05-026 Application for medical expenses needed a statutory lien signed.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to sign a postponement of hearing for 05-007, to sign CAT reimbursement percents for 04-030 at 52.5%, 04-037 at 80.3%, 04-047 at 81.4%, 04-076 at 82.1%, 04-021 at 84.1%, 04-064 at 40%, and 04-059 at 67.3%, to approve 04-088, to sign a release of statutory lien for 04-089, to sign an appeal hearing decision to uphold a previous denial for 05-008, to postpone the decision on 05-016 for a directive from legal counsel, to deny 05-023 per withdrawal of application and no emergency exists, to sign a statutory lien and UCC lien for 05-024, to sign a statutory lien and UCC lien for 05-025, to sign a releases of statutory lien for 05-015 and 05-018, and sign a statutory lien and UCC lien for 05-026. It was seconded by Commissioner Smith and carried unanimously.

The Board recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m.

COMPUTER ARTS - NETWORK PROPOSAL: Alan Hunt from Computer Arts stated that when they put the new server in last fall, there were a couple of concerns and they did a network assessment for the County. He went over those concerns and presented a proposal for \$2,149.53 to help the situation. A motion was made by Commissioner Sherrer to approve the proposal of \$2,149.53 with the limitation of up to 36 hours. It was seconded by Commissioner Smith and carried unanimously.

KASKEL MINOR SUBDIVISION REVIEW: The Kaskel Acres Subdivision plat was reviewed. The Planning & Zoning Department is in favor, with several stipulations. The stipulations discussed were: to put on the map a note saying there are no covenants, to include the legal description for the entire piece of property the splits are being taken from, to continue the 20' irrigation easement on the south side of the property to the canal and allowing all applicable property owners to use the water in the canal, to put an indication of a minor subdivision on the map, to change the date of the map from 2004 to 2005, to turn off the contour signs on the final plat, to require fire suppression plats.

INDIGENT APPLICATIONS: A motion was made by Commissioner Smith, seconded by Commissioner Pratt, and carried unanimously to go into executive session under Idaho Code 67-2345(1)(d). Deputy Clerk Sue Spencer presented the following indigent applications:
05-016 Application for medical expenses.

A motion was made by Commissioner Sherrer, seconded by Commissioner Smith, and carried unanimously to come out of executive session.

A motion was made by Commissioner Sherrer to deny 05-016 as the services are not medically necessary per the second opinion and allow the application to be reopened for the second opinion option if requested in writing within twenty-eight days. It was seconded by Commissioner Smith and carried unanimously.

P & Z ORDINANCE ENFORCEMENT PROCESS DISCUSSION: Prosecuting Attorney Timothy Fleming, Deputy Prosecutors David Hargraves and Richard Linville, and Planning & Zoning Administrator Debra Smith met with the Commissioners concerning P & Z violations. They need to start with a written complaint from the public to P & Z or directly from P & Z. If no progress is made, the complaint can be sent to the Sheriff's Office and then on to the Prosecutor's Office to proceed with criminal proceedings.

PAYROLL CLAIMS APPROVAL: A motion was made by Commissioner Pratt, seconded by Commissioner Sherrer, and carried unanimously to approve the Payroll Claims Approval Report for the March 7, 2004, payroll.

The Board recessed at 5:00 p.m. to reconvene at 8:00 a.m. on March 15, 2005.

CITY/COUNTY OPEN FORUM: An open forum with County and City elected officials was held on Monday, March 15, 2005, at 5:00 pm. Those in attendance from the City of Emmett were Mayor Marilyn Lorenzen, Councilmen Tony Villanueva, Tito Gonzalez, and Bob Towery, and Clerk Marge Lawrence. Those in attendance from the County were Commissioners Pratt and Sherrer, Clerk Howard, Treasurer Connie Goins, and Assessor Greg Himes. Janet Monti from the Messenger Index was also in attendance.

Topics of discussion were County rights-of-way for the City sewer lines, a regional airport, a north/south highway, the continued Black Canyon Partners Development hearing, Building Official Contract review, Arts Commission, and the Blaser Park bears.

March 15, 2005

Pledge of Allegiance was said.

INDIGENT HEARING: During executive session and being tape-recorded, an appeal hearing was held for Indigent Case #04-085. Those in attendance were Commissioners Pratt, Sherrer, and Smith, Clerk Howard, Deputy Clerk Sue Spencer, Deputy Prosecuting Attorney, and the Indigent. The hearing was closed and after coming out of executive session, through motion, the decision was taken under advisement.

PUBLIC WALK-IN AND INPUT: Kelly Taylor from the baseball/softball league met to discuss a proposed Sponsorship Agreement for advertisement signs for businesses who help fund or provide materials for the baseball field dugouts on Gem Island Sports Complex. Discussion included the term of the agreement, where the signs will be displayed, the size of the sign, the cost, maintenance, and who signs the agreement.

ASPHALT MATERIALS BID ACCEPTED: A motion was made by Gem County Commissioner Sherrer to approve the offer to piggyback off of the Jerome Highway District bid of March 10, 2005, to KOCH Pavement Solutions, including asphalt materials at the cost of \$173/ton

for CRS-2. It was seconded by Commissioner Smith and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Timothy Fleming and Deputy Prosecutor David Hargraves met to discuss legal issues. Several items were discussed. No decisions were made.

CLAIMS: The claims presented were reviewed. A motion was made by Commissioner Sherrer to pay the claims as presented and noted in the Claims Report Form. It was seconded by Commissioner Smith and carried unanimously.

Commissioner Pratt left the meeting because of illness.

The Board recessed at 12:00 p.m. for lunch with the Farm Bureau to reconvene at 1:30 p.m.

INDIGENT CASE #04-022: A motion was made by Commissioner Sherrer to uphold the previous decision of denial for Indigent Case #04-022 and to adopt the Findings of Fact, Conclusions of Law, and Order. It was seconded by Commissioner Smith and carried unanimously.

CH2M HILL PROPOSAL ACCEPTED FOR SHADOW BUTTE INDUSTRIAL PARK: A motion was made by Commissioner Smith to accept the proposal by CH2M HILL as provided in the March 8, 2005, letter to provide planting and design for the wetlands mitigation at Shadow Butte Industrial Park in the amount not to exceed \$3,977. It was seconded by Commissioner Sherrer and carried unanimously.

SHADOW BUTTE INDUSTRIAL PARK UPDATE: An update was given on Shadow Butte Industrial Park. DEQ approval has been received and bids should be out by March 30, 2005. The engineers are still working on the rights-of-way and the railroad crossing. A three-month extension start date has been asked for, with a completion date twelve months out from the start date. John Evans, realtor, should have the sales agreements finished next week. There are still a couple of businesses showing interest in purchasing lots in the Park. Everything for the final plat has been submitted. A letter needs to be sent to Qwest to authorize them to go forward with a proposal for telecommunications service to the Park. The 404 permit is still being worked on. The project schedule was presented and gone over.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 21, 2005.

Approved: _____
Chairman

Attest: _____
Clerk