



January 12 & 13, 2009, Emmett, Idaho

Pursuant to a recess taken on January 6, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 12th day of January, 2009, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

January 12, 2009

A motion was made by Commissioner Pratt to add appointment of Brian Revard to the Fair Board to the consent agenda and Reorganization of the Board of County Commissioners to the agenda at 9:00 a.m. It was seconded by Commissioner Smith and carried unanimously.

SWEAR IN ELECTED OFFICIALS: Gem County Commissioners Lan Smith and Sharon Church-Pratt, Gem County Prosecutor Richard Linville and Gem County Sheriff Chuck D. Rolland were sworn in on the front steps of the Courthouse.

REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS: A motion was made by Commissioner Pratt to elect Commissioner Smith Chairman and Commissioner Sherrer Vice-Chair of the Board of County Commissioners. It was seconded by Commissioner Sherrer and carried unanimously.

INDIGENT HEARING #08-055: At 10:00 a.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 Sherrer, aye
Commissioner Pratt, aye, and Commissioner Smith, aye.

Diane Wright, Deputy Clerk, was sworn in. A request was received to continue the hearing.

After reconvening in regular session a motion was made by Commissioner Sherrer to continue the hearing to February 23rd at 10:00 a.m. It was seconded by Commissioner Pratt and carried unanimously.

TRANSPORTATION MULTI JURISDICTIONAL PARTNERSHIP: This will be discussed during a future meeting.

INDIGENT APPLICATIONS: At 11:06 a.m. 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) for indigent matters with a roll call vote as follows: Commissioner Sherrer, aye
Commissioner Pratt, aye, and Commissioner Smith, aye.

08-055 Notice of Continuance
09-002 Medical Application Appeal
09-006 Notice of Hearing
09-007 Notice of Hearing
09-015 Notice of Hearing
09-016 Medical Application
09-023 Medical Application

After reconvening in regular session at 11:30 a.m., Commissioner Sherrer made a motion to sign Notice of Continuance for 08-055; deny appeal for 09-002 due to untimely filing; sign notice of hearing for 09-006, 09-007 and 09-015; deny 09-016 unable to determine the obligated county, unable to determine medical indigency and unable to determine that the county is the last resource; and deny 09-023 because the applicant is not medically indigent and the county is not the last resource. It was seconded by Commissioner Pratt 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. Imagine Technologies Telephone Maintenance Agreement, B. Remote Access Agreement with Stewart Title of Boise, Inc., C. Idaho Bureau of Homeland Security Grant Application, D. Tax Cancellations for parcels RPE18500040640A and RP00372000 and E. Appointment of Brian Revard to the Fair Board. A motion was made by Commissioner Sherrer to approve the consent agenda. It was seconded by Commissioner Pratt and carried unanimously.

Assessor Himes and Jerrod Broner met with the Commissioners to discuss a tax cancellation for Mr. Broner whose home burned down February 18th 2008. The cutoff date for applying for the exemption is the 4th Monday in June. Idaho Code states that the Commissioners can cancel taxes for loss occurring after the 4th Monday of June or when the value of the loss cannot be determined until after the 4th Monday of June. The Assessor's office sent a letter providing information regarding the exemption in February. Mr. Broner stated he had received the letter. Assessor

Himes was asked to provide calculations for the cancellation for the home structure only excluding the land and improvements for next week's consent agenda.

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.

BOARD OF EQUALIZATION - WILLIAM & LINDA HOLSTEIN: After recessing from Board of Commissioners and going into Board of Equalization, by motion, matters for the Board of Equalization were heard, while being tape-recorded.

An appeal by William A. and Linda J. Holstein for property located at 11685 N. Hwy 52 Horseshoe Bend Parcel No. OC00407602A was heard. William Holstein stated his concern is the fair market valuation being placed on his house in relation to others. He explained that an error on the garage doors has been corrected. He stated that the occupancy permit prorated the house value after that date but has done nothing for the land. The land value increased over 30%. He presented advertisements that stated homes could be built for \$47.00 - \$66.00 per square foot in Ada County but he stated they will build anywhere. His assessment reflects an above-average rating but he believes his home is below average even though it is new. He discussed the quality of the furnishings of the interior of the home. He said corners were cut to get the home for the price they paid. His cost for building the home totaled about \$190,000. This included about grading, pit run, a driveway to be used for construction, etc. He doesn't know what the home is insured at. He has 2x6 construction and good insulation.

Assessor Greg Himes asked if Mr. Holstein has a bank appraisal on the property. Mr. Holstein replied that he had not. Assessor Himes stated that he believes the appeal can only be on the assessment. He believes the land would have to have been appealed with the regular appeal process in June. The house was prorated upon occupancy on the occupancy roll. Changes were made on the heating and garage doors. Assessor Himes clarified that the fireplace section on the assessment indicates 2 which includes the wood stove and the flue separately. The corrected value of \$234,940 is the value that the Assessor's office will be defending. Comparable properties were reviewed. Assessor Himes stated he can't point back to an actual sale price that would justify \$74.00 per square foot. He stated that RP00383906 is an Adair home which has a value of \$94.22 per square foot. Assessor Himes stated that he offered to have

an appraiser look inside the home to see if a change from the above average rating should be changed.

Commissioner Pratt said she would like to have an appraiser look inside to see if the home should be appraised at above average. Mr. Holstein stated that his wife doesn't like to have people in the house. Commissioner Sherrer stated that if Mr. Holstein is unwilling to cooperate in allowing the county to view the home she would be inclined to uphold the Assessor's valuation. Commissioner Pratt said that it would be difficult to overturn a valuation without being able to verify the grade. Mr. Holstein stated he would be happy to provide any receipts and documentation requested.

A motion was made by Commissioner Sherrer to uphold the assessor's value of \$234,940. It was seconded by Commissioner Pratt with discussion.

Commissioner Pratt asked if Mr. Holstein would be willing to provide an opportunity for the County Assessor to visit the property to physically verify the information that has been provided. Mr. Holstein stated the value of his marriage is more important and he feels he has already gone above and beyond what he should have to do.

The motion carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on January 13, 2009.

JOINT CITY/COUNTY MEETING: A joint City/County meeting was held. Those in attendance from the County included Commissioners Smith, Sherrer and Pratt, Sheriff Rolland, Treasurer Goins, Assessor Himes, Clerk Gannon, EMS Director Mark Rekow and Development Services Director Brad Hawkins-Clark. Those in attendance from the City included Mayor Butticci, Councilmen Rogers, Agenbroad, Villanueva, Henderson, Clerk Lawrence, Emmett Fire Chief Shannon Crays and Police Chief Steve Nebeker.

Including the Emmett Fire Department under the same medical director as Gem County EMS was discussed. Currently the City uses Dr. Lee out of Mercy Medical Center and the County uses Dr. Smith and Dr. McGuffey out of Walter Knox Memorial Hospital. The benefits of having both entities under one medical director and one set of protocols as well as using a medical director within the community were discussed. Other topics discussed included the combined Development Services Agreement and standards for the City Area of Impact.

January 13, 2009

ELECTED OFFICIALS: The Elected Officials met. Those in attendance included Commissioners Smith, Sherrer and Pratt, Treasurer Goins, Sheriff Rolland, Prosecutor Linville and Clerk Gannon. Prosecutor Intern Ross Pittman also attended the meeting. Topics discussed included the State of the State Address, property tax collection statistics, office supply ordering through Office Depot, FY2010 budget preparation, SILD and Community Service Programs, outcome of two Board of Equalization appeals to the Board of Tax Appeals, replacement of the Bishop Road Bridge, WIFI access in the courtrooms, electronic case management service for the court and Prosecutor's offices and confidentiality and sexual harassment clauses. The Treasurer's report was reviewed.

PUBLIC WALK-IN: John Peterson and Gregg Hansen with Gem County Wildlife Services Predator Control met with the Commissioners to discuss county funding and work performed by Wildlife Services in FY2008.

Members of the public met with the Commissioners to discuss a Confined Animal Feeding Operation (CAFO) on Terry Jones property located at 9288 Silverleaf Road. Joe Morton requested enforcement of Gem County Code 11-6-5 regarding the CAFO operation.

Brad Hawkins-Clark, Development Services Director, stated that Code Enforcement Officer Mark Heath has done site visits. Brad reviewed code, stating the Gem County definition of a feed lot may be different than the Department of Agriculture definition. The Zoning Ordinance is what Brad and Mark are able to enforce.

Commissioner Smith stated the property is in an agricultural area.

Joe said that Brad says the case is weak because it is a calving operation. He said the Department of Agriculture classifies it as a beef operation. He stated the mud and debris on the road should be controlled also stating that body parts and bones of cows are strewn around.

Prosecutor Dick Linville said that the Prosecutor's office reviews information brought to them to determine if illegal activity exists. If there is additional information it should be submitted.

David Hargraves from the Prosecutor's Office stated that nitrate studies will be done by the State.

Joe stated that several homes are within 1000' feet of the dead animals.

Brad stated that he, Mark and a representative from the Department of Agriculture would need more information from the operator of the property. Commissioner Smith stated that Brad will provide an answer as to whether

action can be taken under the county ordinance by the end of January. Brad will also set up a meeting with state agencies. That meeting may not happen by the end of January.

Greg Kambish stated that he feels the property is managed inadequately for health purposes. He discussed mud on the road and said the operation isn't up to dairy code.

John Rosti said he doesn't expect people to live up to his standard but wants to see them abiding by code or at least trying. He said he wants to see things cleaned up.

Larry Goodell discussed issues created by flies.

Drinking water standards and the Emmett North Bench Nitrate Priority Area was discussed.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutors, David Hargraves and Tim McNeese, met with the Commissioners to discuss legal matters.

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

GEM COUNTY RECREATION DISTRICT GEM SPORTS COMPLEX MAINTENANCE AGREEMENT DISCUSSION: This discussion will be held at a future meeting.

DEPARTMENT HEADS: The Commissioners met with the Department Heads. Those in attendance included Commissioners Smith, Sherrer and Pratt; Clerk Gannon; EMS Director, Mark Rekow; Juvenile Probation Director, Janelle Schneider; Maintenance Supervisor, Chuck Shambaugh; Weed Supervisor, Jake Wyant; Landfill Supervisor, Martin Joyce; Road Department Supervisor, Kim Reed and Rikki Wilson, Extension Educator. Topics discussed included State of the State address and budgeting for FY2010. Each department head reported for their department.

ZONING ORDINANCE AMENDMENTS WORKSHOP: Members of the Zoning Commission met with the Commissioners to discuss amendments to the Zoning & Subdivision Ordinances. Those in attendance included Zoning Commission members Fran Yett, Reese Perrin, Jack Kilgore and Dale Reynolds; Development Services Director, Brad Hawkins-Clark; Prosecuting Attorney Deputies David Hargraves and Tim McNeese; and contractor Terri Ottens. Areas discussed included one-time agricultural land divisions, lots reduced in size due to road dedication, flag lots 11-6-2(h) zoning commission chose 300', Commissioners felt that was short.

Dan Drooger and Tim Simpson met with the Commissioners

to discuss and obtain approval for fireworks and a beer garden on the Gem Island Sports Complex for the 4th of July and Celebrate Emmett Celebration. They have spoken with Emmett Fire Chief Shannon Crays and Gem County Fire Chief Rick Welch. It will be added to the next week's consent agenda.

A motion was made by Commissioner Sherrer for the Chairman to sign the permit for the test firing to be held Saturday January 17th. It was seconded by Commissioner Pratt and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on January 20, 2009.

Approved: _____
Chairman

Attest: _____
Clerk