



August 24 & 25, 2009, Emmett, Idaho

Pursuant to a recess taken on August 18, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 24th day of August, 2009, at 8:00 a.m.

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

Whereupon the following proceedings were had, to-wit:

August 24, 2009

The Pledge of Allegiance was said.

DESIGN REVIEW DISCUSSION: Development Services Director Brad Hawkins-Clark met with the Commissioners to discuss design review for the City of Emmett and portions of Gem County. He discussed the process by which standards and design characteristics were chosen. The discussion will be continued at 9:00 a.m. on September 1st.

INDIGENT HEARING 09-053: At 10:03 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 Pratt, aye, Commissioner Sherrer, aye and Commissioner Smith, aye.

Deputy Clerk Diane Wright and the applicant were sworn in. The Application Case File was entered into the record as Exhibit A, new information filed by the County as Exhibit B and new information filed by the applicant and provider as Exhibit C.

Regular session reconvened at 10:32 a.m.

A motion was made by Commissioner Pratt to continue the hearing to September 14th at 10:00 a.m. It was seconded by Commissioner Sherrer and carried unanimously. The motion was amended to 9:00 a.m. and carried unanimously.

INDIGENT APPLICATIONS: At 11:04 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 Pratt, aye, Commissioner Sherrer, aye and Commissioner Smith, aye.

08-024 Catastrophic Assignment at 45.6%
08-045 Catastrophic Assignment at 3.0%
08-055 Release of Statutory Lien and Final
Determination
09-013 Release of Statutory Lien
09-042 Release of Statutory Lien
09-045 Release of Statutory Lien and Final
Determination
09-051 Release of Statutory Lien
09-060 Release of Statutory Lien
09-061 Release of Statutory Lien
09-062 Release of Statutory Lien
09-063 Release of Statutory Lien
09-065 Medical Application

After reconvening in regular session at 11:14 a.m., Commissioner Pratt made a motion to assign catastrophic assignment at 45.6% on 08-024; assign catastrophic assignment at 3.0% on 08-045 and; sign Release of Statutory Lien on 09-013, 09-042; sign Release of Statutory Lien and Final Determination on 09-045; sign Release of Statutory Lien on 09-051, 09-060, 09-061, 09-062 and 09-063; and deny 09-065 because the applicant is not medically indigent, the county is not the last resource and lack of cooperation. It was seconded by Commissioner Sherrer and carried unanimously.

At 11:15 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 Smith, aye, Commissioner Pratt, aye and Commissioner Sherrer, aye.

After reconvening in regular session at 11:16 a.m., Commissioner Pratt made a motion to accept the withdrawal request by the hospital and uphold the initial determination of denial on 08-055 and sign the Release of Lien and Final Determination. 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: The consent agenda included items A. Idaho

Community Development Block Grant Professional Services Contract for the Ola Community Center, B. Pathology Contract with Ada County, C. Acceptance of Road Right-of-Way for a portion of Tom's Cabin Road and West South Slope Road, D. Certificate of Residency for Tanya Personette, E. Old Dam Road Closure September 3rd and September 10th for High School and Junior High School Cross Country meets.

A motion was made by Commissioner Sherrer to add Request for Payment #1 for the Ola Community Center to the consent agenda. It was not previously added to the agenda because it was attached to the back of the block grant contract. The motion was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to approve items A., B., D., E. and F. on the consent agenda and remove item C. pending receipt of a legal description. It was seconded by Commissioner Pratt and carried unanimously.

A motion was made by Commissioner Sherrer to approve item C. on the consent agenda. It was seconded by Commissioner Pratt and carried unanimously.

APPROVAL OF MINUTES: The minutes of July 27 & 28, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of July 27 & 28, 2009 as amended. It was seconded by Commissioner Pratt and carried unanimously.

APPROVAL OF MINUTES: The minutes of August 3 & 4, 2009 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of August 3 & 4, 2009 as amended. It was seconded by Commissioner Smith and carried unanimously.

APPROVAL OF MINUTES: The minutes of August 17 & 18, 2009 were reviewed. A motion was made by Commissioner Pratt to approve the minutes of August 17 & 18, 2009 as amended. It was seconded by Commissioner Smith and carried unanimously.

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

EMPLOYEE MEETING: A meeting was held to review the proposed fiscal year 2010 budget. Positions that were cut or reduced were reviewed. Other cuts to the budget and revenue sources were discussed. The benefits of a hiring and salary freeze were discussed. Employees were asked not

to spend anything that isn't needed. Discussion included watching revenues throughout the year. It was stated that although funds may be budgeted, that does not automatically indicate revenues are there to spend the budgeted amount. The Commissioners stated that employees will have until the end of October rather than the end of September to zero out all compensatory time accrued through August this year. Employees were reminded to turn in insurance forms by September 11th.

GCAT MINOR SUBDIVISION: Development Services Director Brad Hawkins-Clark discussed his meeting with Jerry Davis regarding existing fencing and further fencing requirements. Jerry said he has put up 150 feet of new fencing since he was instructed to do so and he will continue updating the property and the fencing as he is able to afford to do it. Commissioner Pratt pointed out that the fencing currently is in violation of the ordinance which requires 8 foot fencing. Communication by prior Development Services staff regarding the fencing was reviewed. It was confirmed by legal counsel that county code requires property to be brought up to code prior to allowing a change of use. Conditions of approval in Exhibit B. were reviewed.

A motion was made by Commissioner Sherrer to approve the GCAT Minor Subdivision with Exhibit B as conditions of approval adding, under (condition) i., e. the Debbie Smith letter dated April 29, 2005; on item iv. providing a license agreement allowing the private business sign to remain in the right of way until the road is widened or the sign is replaced; and adding condition xv. that a well maintenance agreement between lots one and two is provided for and signed before the plat is signed; and item vi. will not provide for parking within the dedicated right of way. It was seconded by Commissioner Pratt with discussion.

A time limit for compliance with ordinance referenced in Debra Smith's letter was discussed. Inserting a new condition #16 rather than adding Debbie Smith's letter as e under condition i. was discussed.

An amended motion was made by Commissioner Sherrer to approve the GCAT Minor Subdivision with Exhibit B with the following changes: item iv. adding a license agreement allowing the private business sign to remain in the right of way until the road is widened or the sign is replaced; item vi. will not allow parking within the right of way; adding additional condition xv. that a well maintenance agreement between lots one and two is provided and signed;

and item xvi. adds the subdivision language and the three conditions that are a part of Debbie Smith's letter dated April 29, 2005. It was seconded by Commissioner Pratt. Further discussion included stipulating that the business owner will not park in or put vehicles in the right of way however customer vehicle parking in the right of way won't be regulated by the conditions. The motion carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on August 25, 2009.

OLA OPEN FORUM: An open forum was held in Ola. Several members of the public attended. Representatives from the Department of Health and Welfare and Southwest District Health discussed monitoring of wells. High fluoride levels have been found in the Sweet area. Methods and costs for testing for fluoride, arsenic, nitrates, uranium and bacteria were discussed. Other topics discussed included the budget, the Ola newsletter, cost of paving the road from Ola to Timber Flat Road, dust testing, weed spraying, Fire Department repeater on Crown Point, land for fire station in Sweet, Red Zone letters and parking an ambulance in Sweet.

August 25, 2009

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

EMPLOYEE MEETING: A meeting was held to review the proposed fiscal year 2010 budget. Positions that were cut or reduced were reviewed. Other cuts to the budget and revenue sources were discussed. Discussion included watching revenues throughout the year. It was stated that although funds may be budgeted that doesn't automatically indicate the revenues are there to allow spending the budgeted amount. The benefits of a hiring and salary freeze were discussed. It was clarified that the Commissioners won't do the hiring for all county positions as had been rumored but that the Commissioners will review positions that become vacant in the departments that report to them to determine if the position can remain vacant for the year and, in order to keep expenses as low as possible, they asked other Elected Officials to do the same. Charging fees and the Gem Island Sports Complex was discussed. The

Commissioners stated that employees will have until the end of October rather than the end of September to zero out all compensatory time accrued through August this year. Employees were reminded to turn in insurance forms by September 11th. There was a discussion regarding insurance premiums and factors that cause rate increases.

PUBLIC WALK-IN: No members of the public met with the Commissioners.

PROSECUTING ATTORNEY MATTERS: Prosecutor Dick Linville and Deputy Prosecutor David Hargraves met with the Commissioners. Red Flag Rules issued by the Federal Trade Commission restricting billing information to prevent identity theft was discussed as well as the status of the Mosquito Abatement lawsuit in which the county the Mosquito Abatement District have been ordered to pay attorney fees. The Mosquito Abatement District is appealing the decision, due to the cost involved the county isn't appealing the decision further.

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

AMBULANCE BILLING FOR JAIL INMATES DISCUSSION: This discussion will be held next week as the Emergency Medical Services Director was unable to attend.

The Board recessed at 5:00 p.m. to 8:00 a.m. on September 1, 2009.

Approved: _____
Chairman

Attest: _____
Clerk