



September 8, 2009, Emmett, Idaho

Pursuant to a recess taken on September 1, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 8th day of September, 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:

**September 8, 2009**

The Pledge of Allegiance was said.

**ELECTED OFFICIALS**: The Elected Officials met. Those in attendance included Commissioners Smith, Sherrer and Pratt, Assessor Himes, Treasurer Goins, Clerk Gannon and Prosecutor Linville. Topics discussed included the fire in the foothills, the budget hearing, the Heath trial, Gary Briggs tax deed property and pool car repairs. The Treasurer's Report was reviewed. The Assessor discussed filling a position that will become vacant in his office.

**INDIGENT HEARING 09-059**: At 9:58 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 and the applicant's spouse were sworn in. The Application Case File was entered into the record as Exhibit A, new information filed by the hospital as Exhibit B and new information filed by the county as Exhibit C.

Regular session reconvened at 10:07 a.m.

A motion was made by Commissioner Pratt, having reconsidered the appeal on case 09-059, that the previous denial be overturned and approve the application. It was seconded by Commissioner Sherrer with the addition that approval be for the month of May. The motion carried unanimously.

**PUBLIC WALK-IN**: Gary Briggs met with the Commissioners to discuss his tax deed property. He said he wasn't aware

that the taxes weren't being paid on the property. He said the mortgage company takes care of a portion of the taxes but not on this property. His dad, who passed away in 2008, was taking care of the bills. He said that his parents have property in Boise County and he was able to make payments to them. He said he had discussed with the Treasurer that he could make \$80 monthly payments to get it caught up. Commissioner Smith stated the taxes on the property are 3 years behind. Treasurer Goins discussed the tax deed process including letters that are sent and the posting of the property that was done by the Sheriff. Commissioner Pratt explained that in order to redeem the property the back taxes as well as current year taxes must be paid. Treasurer Goins explained that interest accrues daily on the unpaid balance. Prosecutor Linville stated that the property has been transferred to the county and it can be sold at any time within 14 months. According to recent changes in state legislation the Commissioners have 14 months to sell tax deed property. The Prosecutor said the only way to redeem the property is to pay the amount in full. He advised that if the Commissioners are inclined to enter into an agreement it should be done in writing signed by both parties. Assessor Himes provided information indicating what would be owed through March 1, 2010. The Prosecutor and Commissioners discussed an agreement allowing monthly payments so that the total amount owing would be paid by December 31<sup>st</sup>, 2009. Mr. Briggs will meet Deputy Prosecutor Tim McNeese to review and sign the agreement tomorrow. It will be added to the consent agenda to be considered for approval next week.

**PROSECUTING ATTORNEY MATTERS:** Prosecutor Linville and Deputy Prosecutor Tim McNeese met with the Commissioners to discuss legal matters. Tim will look into the Red Flag Rules information sent over last month.

At 10:59 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)(f) for litigation matters with a roll call vote as follows: Commissioner Sherrer, aye, Commissioner Pratt, aye and Commissioner Smith, aye.

Regular session reconvened at 11:12 a.m.

**INDIGENT APPLICATIONS:** At 11:34 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 Smith, aye, Commissioner

Pratt, and Commissioner Sherrer, aye.

09-059 Sign Final Determination  
09-072 Sign Notice of Statutory Lien

After reconvening in regular session at 11:36 p.m., Commissioner Sherrer made a motion to sign Final Determination for 09-059 and sign Notice of Statutory Lien and N1 Lien as applicable for 09-072. 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.**

**Commissioner Sherrer was absent from the meeting.**

**CONSENT AGENDA:** The consent agenda included items A. August Payroll Claims Approval, B. GCAT Minor Subdivision Decision and Order, C. Spill Prevention Control and Countermeasures (SPCC) Plan for the Gem County JAG Transfer Station, D. Resolution 2009-16 Secure Rural Schools Funding Allocation, E. Certificate of Residency for Kyle Hannan, F. Fair Board employee compensatory time, G. Federal Aid Equal Employment Opportunity requirements checklist for Bishop Road Bridge, H. Zoning Ordinance Amendments, I. Subdivision Ordinance Amendments, J. Gem County Mosquito Abatement Fiscal Year 2010 Budget.

A motion was made by Commissioner Pratt to remove item G. from the agenda as it was approved last week. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to remove item H. for discussion and approve items A., B., C., D., E., F., I. and J. It was seconded by Commissioner Smith and carried unanimously.

Square footage for the secondary dwelling portion of the ordinance was discussed.

A motion was made by Commissioner Pratt to add section 11-6-5 L to the Zoning Ordinance amendments with the modification on the square footage which is in #5 under L increasing the square footage to 1100 square feet from 1000 square feet. It was seconded by Commissioner Smith and carried unanimously.

A motion was made by Commissioner Pratt to approve Title 11 Zoning Regulation as amended adding 11-6-5-L and 11-6-10 and remanding 11-6-9 back to the Zoning Commission for their review. It was seconded by Commissioner Smith and carried unanimously.

**APPROVAL OF MINUTES:** The minutes of September 1, 2009 were

reviewed. A motion was made by Commissioner Pratt to approve the minutes of September 1, 2009 as amended. It was seconded by Commissioner Smith and carried unanimously.

**DEPARTMENT HEADS:** Weed Department Supervisor Jake Wyant, Maintenance Supervisor Chuck Schambaugh, Emergency Medical Services Director Mark Rekow and Extention Director Rikki Wilson met with the Commissioners. Topics discussed included the budget hearing, water bill due dates, weed management, new ambulance specifications, flu pandemics and vaccinations, damage caused by people driving on the grass at the Gem Island Sports Complex and Living on the Land site visits. The video Everyday Creativity was watched.

**2010 CENSUS NEW CONSTRUCTION PROGRAM DISCUSSION:**

Development Services Administrative Assistant Jennifer Kharrl met with the Commissioners to discuss county participation in the 2010 Census New Construction Program. Jennifer said this could be done with the help of the mapper in the Assessor's office. Digital information is being requested. The reports will be completed by Development Services and will be signed by the Commissioners.

**Commissioner Sherrer rejoined the meeting.**

**FISCAL YEAR 2010 BUDGET PRESENTATION PREPARATION:** The Commissioners prepared the budget presentation.

**GEM COUNTY FISCAL YEAR 2010 BUDGET HEARING:** A public hearing was held for the purpose of considering and fixing a final budget for the upcoming fiscal year. Commissioners Smith, Sherrer and Pratt, Clerk Gannon, Treasurer Goins, Assessor Himes and Prosecutor Linville were present as well as Representative Thayne, several county department heads and two members of the public.

The public hearing notice was read. Commissioner Smith reviewed a powerpoint presentation which included information regarding cuts and holdbacks that were made to the current budget; decline in the new construction roll; reductions in positions; the county unemployment rate; Sales Tax, Revenue Sharing and Liquor revenue trends; new laws mandating county indigent and college tuition expenditures and employee health care.

Commissioner Pratt commended the Elected Officials diligence in working through the budget process and discussed concerns about recent information received from the Governor's office about the state budget and revenues.

Commissioner Smith stated that potential grants that

have not yet been awarded have not been put in the budget this year as they have in the past, rather the budget will be opened and grants awarded will be added to the budget to avoid having items in the budget that are not definite.

Commissioner Sherrer discussed two changes to the proposed budget. The first being how the part time reduction in the Assessor's office is distributed, this change involved salary and benefit lines in the Assessor's General Fund budget and the Revaluation Fund in even amounts so as not to change the bottom line of the budget. The second change involved the Juvenile Justice Block Grant. Anticipated grant funds were budgeted in the amount of \$4,000, the actual award was \$4,400. The budget will be amended to include the additional \$400 for both expenses and revenue.

It was discussed that with position reductions some departments may find it necessary to change office hours. Specifically Development Services and the Fair offices were discussed. Appreciation for county employees was expressed by the Commissioners stating that they have received no raises for the next fiscal year and have taken a furlough day without pay during the current fiscal year.

Joe Morton asked about the Extension Office position cut and it was clarified that cut began as a part time cut and became a full time cut. It was stated that no department has received an increase in personnel. Departments that didn't have cuts in positions were discussed. Joe also asked how moving target revenue reductions were anticipated and considered. The Commissioners stated that those revenues were budgeted very conservatively.

A motion was made by Commissioner Sherrer to close the public hearing. It was seconded by Commissioner Pratt and carried unanimously.

**The Board recessed at 6:40 p.m. to 8:00 a.m. on September 14, 2009.**

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk