



October 05 & 06, 2009, Emmett, Idaho

Pursuant to a recess taken on September 28, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 5th day of October, 2009, at 8:00 a.m.

Present:	Lan Smith	Chairman
	Michele Sherrer	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

October 5, 2009

The Pledge of Allegiance was said.

INDIGENT HEARING 09-041: At 9:04 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 Smith, aye and Commissioner Sherrer, aye.

Neither the applicant nor representatives from the hospital were in attendance. A letter from the hospital requesting continuance of the hearing was admitted into the record as Exhibit G.

Regular session reconvened at 9:07 a.m.

A motion was made by Commissioner Sherrer to continue hearing on case 09-041 to December 14th at 10:00 a.m. It was seconded by Commissioner Smith and carried unanimously.

EXECUTIVE SESSION - MATTERS OF TRADE OR COMMERCE: At 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)(e) for matters of Trade or Commerce with a roll call vote as follows: Commissioner Smith, aye and Commissioner Sherrer, aye.

Regular session reconvened at 10:01 a.m.

IBM MAINTENANCE DISCUSSION: Assessor Himes, Treasurer Goins and Deputy Clerk Diana Stewart met with the Commissioners to discuss maintenance of the AS400 system. Currently the AS400 houses the tax and assessment information. The Clerk's financial information has been moved to a new server. The State Tax Commission presented the Manatron

system to the Assessor and the Treasurer which is an alternative to the AS400. The Manatron system would also take the place of the upgraded AS400 Micor system budgeted for in fiscal year 2010. Timeframes and costs associated with changing to Manatron were discussed. Other counties who have converted to the Manatron system and glitches that have been worked out were also discussed.

FISCAL YEAR 2009 BUDGET ADJUSTMENT PUBLIC HEARING: While being tape recorded a public hearing was held to open the Fiscal Year 2009 budget for the purpose of adjusting various funds due to unanticipated revenue and/or expenses. The hearing notice was read and Gem County Resolution 2010-01 was reviewed. Treasurer Goins was in attendance and requested a copy of the resolution.

A motion was made by Commissioner Sherrer to approve Gem County Resolution 2010-01. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT APPLICATIONS: At 11:01 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 and Commissioner Smith, aye.

09-053	Sign Release of Statutory Lien
09-064	Sign Release of Statutory Lien
09-065	Sign Release of Statutory Lien
09-067	Sign Release of Statutory Lien
09-069	Sign Notice of Statutory Lien
09-069	Medical Application
09-070	Medical Application
09-071	Medical Application
09-072	Medical Application
09-073	Medical Application
97-048	Sign Release of Statutory Lien

After reconvening in regular session at 11:41 a.m. a motion was made by Commissioner Sherrer to sign Release of Statutory Lien on 09-053, 09-064, 09-065 and 09-067; approve 09-069; sign Notice of Statutory Lien on 09-069 to include the business; deny 09-070 because the county is not the last resource and lack of cooperation; approve 09-071; deny 09-072 because the applicant is not indigent and the county is not the last resource; deny 09-073 because the applicant is not indigent, the county is not the last

resource, failure to interview, lack of cooperation and incomplete application; and sign Release of Statutory Lien for 97-048. It was seconded by Commissioner Smith with discussion. It was clarified that case 09-069 already has a lien on personal property the additional lien will include the property. The motion 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. Renewal of Intermountain Hospital contract for Fiscal Year 2009-2010 and B. University of Idaho College of Agricultural & Life Sciences Cooperative Extension System budget for Fiscal Year 2010.

A motion was made by Commissioner Sherrer to approve the consent agenda. It was seconded by Commissioner Smith and carried unanimously.

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

APPROVAL OF MINUTES: The minutes of September 14 & 15, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of September 14 & 15, 2009 as amended. It was seconded by Commissioner Smith and carried unanimously.

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

EXECUTIVE SESSION - POTENTIAL LITIGATION: At 3:30 p.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 Smith, aye and Commissioner Sherrer, aye.

Regular session reconvened at 3:54 p.m.

TAX DEED PROPERTY DISCUSSION: Properties that have been taken on tax deed were discussed.

Parcel RP00383702 located at 8355 W. Highway 52 was previously owned by Gary Briggs. Mr. Briggs has entered

into an agreement with the county to pay the delinquent taxes by the end of December 2009 in order to redeem the property.

Parcel RP00189010, is a 10' x 184.5' parcel located in Sweet, Idaho with an unknown owner. Selling the property as an odd lot parcel is an option however there would be more cost than auctioning the property. This property will be auctioned off on January 11th at 2:00 p.m. Notification will be sent to property owners within 300' of the property.

Parcel RP00183201, a .116 acre parcel located at Lot 5, Block 3 in Letha, will be auctioned off on January 11th at 2:00 p.m. Notification will be sent to property owners within 300' of the property.

Parcel RP00426603, a .838 acre parcel located on Plaza Road will be auctioned off on January 11th at 2:00 p.m. Notification will be sent to property owners within 300' of the property.

Parcel RP00368204, a 5.190 acre parcel located on Ranch Road has been listed for sale with Evans Realty.

The Board recessed at 5:00 p.m. to 8:00 a.m. on October 6, 2009.

October 6, 2009

Commissioner Smith was absent from the meeting due to attendance at a Hospital meeting.

ROAD DEPARTMENT UPDATE: Bruce Drewes with the Local Highway Technical Assistance Council (LHTAC) T2 Center met with Commissioner Sherrer. A Road Master award was presented to Neal Capps of the Road Department. Commissioner Sherrer thanked Neal for his dedication to the program. Road Department Supervisor Kim Reed will meet with the Commissioners this afternoon to discuss road department matters.

PLANNING & ZONING UPDATE: Development Services Director Brad Hawkins-Clark met with Commissioner Sherrer to discuss Planning & Zoning matters. Topics discussed included ordinance protection of commercial orchards for the Orchard Review Board, economic profile will be printed this week, Confined Animal Feeding Operation ordinance hearing next week, revenues were up for September, possible Keller contract amendment regarding commercial and industrial inspections, community pathway system, American Planning

Association training.

Commissioner Smith joined the meeting during the Planning & Zoning Update.

PUBLIC WALK-IN: John Spicer met with the Commissioners to discuss a right of way/alley on the back side of his property. He has put a driveway around his house using the alley and he has cleaned the property up. He wants to buy the strip of fire lane from the county that he uses. His neighbor has told him he is going to move the property and put up a gate. Commissioner Smith stated that if the county were to vacate the property the neighboring property owners would each get half of the property, he said if the property is sold it would go to the highest bidder. Commissioner Smith said they would discuss this with the Prosecutor and he will stop by Mr. Spicer's property to look at it.

Trevor Sund presented a drawing of obstacles he is proposing at the skate park. The drawing will be added to next week's consent agenda.

Shawn Charters met with the Commissioners to discuss progress on the Ola Community Center project and schedule a second public hearing to provide progress information to the public. She also provided closeout documents for the Shadow Butte Industrial Park.

Terry Dice met with the Commissioners to discuss work being done up third fork road. He said the Forest Service has torn up the area. He has been camping up there for about 40 years; he wouldn't have an issue if the work was done above the campground. He talked with John at the Forest Service who said they ran information in the newspaper letting the public know they were reclaiming the area. Terry stated the mountain has caved down where the road used to be and roads and trails have been torn out. He talked to a state department who said they are aware of the work being done and referred him to the Commissioners. Commissioner Smith had a packet of information about the work being done in the area. He stated there were two public hearings held at the beginning of the year, stating the work is a result of damage from ATVs widening and breaking down the roads. RS2477 roads were discussed. Terry stated road 618 is the road he camps off of. Terry feels the Forest Service is mismanaging the land and allowing it to be torn up. The Commissioners will talk with John with the Forest Service and Brian with Senator Crapo's office.

Bryan Wewers with Idaho Power met with the

Commissioners to discuss economic development issues. He stated there isn't currently power capacity to serve potential customers at the Boise Cascade plant and the Shadow Butte Industrial Park. He discussed growth and other substations that have taken the capacity. Power options and installation timeframes were discussed.

Larry Goodsell met with the Commissioners to discuss Confined Animal Feeding Operations (CAFO). He said there is a final draft of the CAFO ordinance and the Zoning Board meeting will be held next week regarding the ordinance. He said the ordinance requires 2500 head of cows in order for the setbacks to apply. He stated that he has lost cows because of disease of his neighbor's cows. Larry stated that animal carcasses are not removed timely. He feels the ordinance should recognize small, medium and large CAFOs. The 1000' setback requirement was discussed. Prosecutor Linville requested that Larry talk with Development Services and have the code enforcement officer go out and document the issues. Prosecutor Linville told Larry that the county can act on nuisance issues and advised him that he can pursue civil action on his own if his neighbor is causing problems to his property.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tim McNeese met with the Commissioners to discuss county legal matters. Topics discussed included vacating a right of way on Fouria Drive and additional barriers at the skate park.

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

ROAD DEPARTMENT UPDATE: Road Department Supervisor Kim Reed met with the Commissioners. The airport runway repaving project was discussed. The Gem County Road Department worked a total of 1342 hours on the project. The total expense to the road department was \$101,342.87 which included equipment expense of \$66,348.10 and labor expense of \$34,994.77. The City of Emmett will reimburse the county with labor on county road projects and use of equipment. Other topics discussed included seal coating Sales Yard and Plaza Roads next year, shoulder work on Ola Road and digging out the pond at the Gem Island Sports Complex.

CONFERENCE CALL - AMERICAN RECOVERY & REINVESTMENT ACT FUNDING OPTIONS WITH ZION'S BANK: The Commissioners met with representatives with Zion's Bank to discuss funding

options for economic development. John Evans with Evans Realty was also in attendance. Currently two wood product businesses are looking to move into Gem County. Funding options include upgrading energy transmission lines to each location.

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

Approved: _____
Chairman

Attest: _____
Clerk