



November 23 & 24, 2009, Emmett, Idaho

Pursuant to a recess taken on November 20, 2009, the Board of Commissioners of Gem County, Idaho, met in regular session this 23rd day of November, 2009, at 8:00 a.m.

Present:	Michele Sherrer	Commissioner
	Sharon Pratt	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

November 23, 2009

The Pledge of Allegiance was said.

A motion was made by Commissioner Sherrer to add a bid proposal from Cesco for a loader to the consent agenda. The notice of bid stated the Commissioners would consider the proposal on November 23rd. It was seconded by Commissioner Pratt and carried unanimously.

COUNTY FUEL BID OPENING: The one fuel bid received was opened. The bid was received from B & W Fuels providing a total bid of .069 bidder's margin over daily rack price, plus tax, freight and additional fee for off-site delivery.

A motion was made by Commissioner Sherrer to accept the one proposal received from B & W Fuels. It was seconded by Commissioner Pratt and carried unanimously.

SAGE COMMUNITY RESOURCES: Pat Engel and Amy Twilegar with Sage Community Resources met with the Commissioners to discuss services Sage Community Resources provides. Grant administration services for county taxing districts were discussed including timeframes for requesting the county to sponsor a grant and grant administrator selection was discussed. An energy efficiency grant the county is applying for was discussed.

APPLICATION FOR CANCELLATION OF PROPERTY TAXES DUE TO HARDSHIP FOR DONALD G. MAUS: A hardship application by Donald G. Maus for property located at 3848 W. Central parcel number RP00479401 was heard. The applicant request is for cancellation of tax years 2008 and 2009 for \$3,325.66. The financial statement and long term escrow information that Mr. Maus provided were discussed. Mr. Maus stated he is struggling physically and financially. The property is owned outright. Treasurer Connie Goins stated that taxes for 2008, including interest, hasn't been paid and taxes for 2009 are now due. She stated the

property currently has a homeowner's exemption. Commissioner Pratt stated that property isn't in danger of the tax deed process until 3 years worth of taxes are delinquent. Mr. Maus stated that in the last few years he has picked up odd jobs occasionally and stated his wife doesn't work. Commissioner Pratt stated she is leaning toward waiting to consider a hardship on the property until the property is in danger of being lost. Commissioner Sherrer agreed and suggested Mr. Maus look into getting his medical issues resolved so he would be able to work. Connie reminded Mr. Maus that payments can be paid towards the tax balance as well.

A motion was made by Commissioner Pratt to deny the request for cancellation of taxes due to hardship because he (Mr. Maus) is not in danger of losing his property, he has one more year. It was seconded by Commissioner Sherrer and carried unanimously.

RIVER RANCH ESTATES TIME EXTENSION REQUEST: A time extension request for River Ranch Estates by Steve and Jeanette Mednicoff was heard. Jeanette stated that the several companies they have worked with on the project have gone out of business, which has caused delays. They want to be able to complete the project. Brad stated that one time extension has been given through Development Services staff. He reviewed the process if an extension is granted as well as what the process would be if they were required to start over. Steve stated that they are requesting a 24 month extension rather than a 12 month extension to allow a larger timeframe with the current economic conditions. They will continue to work diligently. They discussed what they plan to have completed in certain timeframes. Costs associated if the project were to be phased was discussed. The Commissioners stated they would be inclined to approve a 12 rather than 24 month extension.

A motion was made by Commissioner Pratt to approve a 12 month extension based on the discussion that was had and showing good cause on the improvements and the work that has been done to comply. It was seconded by Commissioner Sherrer with the extension taking effect once the first extension has expired (December 17, 2009). The motion carried unanimously.

INDIGENT APPLICATIONS: At 11:06 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 Sherrer, aye, and Commissioner Pratt, aye.

10-009 Non-Medical Application

After reconvening in regular session at 11:31 a.m. a motion was made by Commissioner Pratt to deny application 10-008 because an emergency does not exist, the County is not the last resource, applicant has anticipated income and the applicant does not meet non-medical employment requirements, deny 10-009 because an emergency does not exist, the County is not the last resource, applicant has anticipated income and the applicant does not meet non-medical employment requirements. It was seconded by Commissioner Sherrer and carried unanimously.

Deputy Clerk Diane Wright discussed Idaho Code 31-3414 regarding Non-medical Indigent Assistance repayment which requires non-medical indigent assistance be repaid to the county. In addition to monetary repayment of non-medical indigent assistance this code also provides a work repayment option.

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. State of Idaho Department of Water Resources Assignment of Permit, Assigning Permit No. 65-22918 to City of Emmett, Idaho, B. Summary of Decision Findings for Zoning Amendments to Title 11, Chapter 6, Gem County Code, C. Gem County Ordinance 2009-07 amending Title 11, Chapter 6, Section 9 of the Gem County Code (Zoning Ordinance), and D. Cesco bid proposal for a loader.

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

APPROVAL OF MINUTES: The minutes of November 09 & 10, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of November 09 & 10, 2009 as amended. It was seconded by Commissioner Pratt and carried unanimously.

The minutes of November 16 & 17, 2009 were reviewed. A motion was made by Commissioner Sherrer to approve the minutes of November 16 & 17, 2009 as amended. It was seconded by Commissioner Pratt and carried unanimously.

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

APPLICATION FOR CANCELLATION OF PROPERTY TAXES DUE TO

HARDSHIP FOR DORIS SCHLEGEL: A hardship application by Doris Schlegel for property located at 1475 American Avenue parcel number RP00246754A was heard. The applicant request is for cancellation of tax year 2009 for \$856.46. Doris Schlegel stated she is having a hard time finding a job. Treasurer Goins stated there are no delinquencies on this parcel. The first half of 2009 is due December 20th. Wells Fargo paid the taxes last year. Doris stated the mortgage hasn't changed, with the current economy her down payment and the little bit of equity she had is now gone. Commissioner Sherrer stated that the county doesn't take property until taxes are 3 years delinquent. Connie stated that a mortgage lender won't allow taxes to go delinquent. Commissioner Pratt stated she is leaning toward denying the request since there is a 3 year timeframe before she would be in danger of losing the home to the county on tax deed.

A motion was made by Commissioner Pratt to deny the application for cancellation of property taxes due to hardship. It was seconded by Commissioner Sherrer and carried unanimously.

PROPOSED COMMERCIAL SUBDIVISION REVIEW FEES: Justin Walker with Keller Associates, Inc. and Development Services Director Brad Hawkins-Clark met with the Commissioners to discuss proposed changes to the contract with Keller Associates for engineering services related to commercial subdivision review fees. Rates for the review process were discussed. This would follow the current residential process. The Commissioners will discuss the proposed changes with the Prosecutor's office prior to making a decision.

At 4:52 p.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, and Commissioner Pratt, aye.

10-010 Burial Application

After reconvening in regular session at 4:58 p.m. a motion was made by Commissioner Pratt to approve application 10-010. It was seconded by Commissioner Sherrer and carried unanimously.

OLA OPEN FORUM: Commissioners Sherrer and Pratt and Clerk Gannon held an open forum in Ola. Several members of the public also attended. The progress of the Ola Community Center renovations were viewed and discussed. Other topics discussed included the State of the County address which will be held December 11th, county revenue sources, a \$2,000

grant awarded for a church in Ola, Walgreen's construction plans, county population, shoulders on the Sweet-Ola highway, proposed grant for construction of a fire station for Fire District #2, a stud mill being built by Emerald Forest Products, status of businesses building at the Shadow Butte Industrial Park and an open house being held to provide information about tax deed properties that will be sold at auction.

The Board recessed at 5:00 p.m. to 8:00 a.m. on November 24, 2009.

November 24, 2009

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

PLANNING & ZONING UPDATE: Development Services Director Brad Hawkins-Clark and Road Department Supervisor Kim Reed met with the Commissioners to discuss a road mitigation agreement for a special use permit for Jay Ferguson. The Commissioners decided to add the mitigation agreement to the consent agenda for next Tuesday. Other topics discussed included the USDA grant, the joint comprehensive plan meeting, Fire District #2 road dedication, and a public hearing to change the fee schedule.

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

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tim McNeese met with the Commissioners to discuss legal issues. Topics discussed included Fire District #2 road dedication, tax deed property and odd lot property procedures, and the Confined Animal Feeding Operation (CAFO) ordinance.

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

Approved: _____
Chairman

Attest: _____
Clerk