



March 15 & 16, 2010, Emmett, Idaho

Pursuant to a recess taken on March 9, 2010, the Board of Commissioners of Gem County, Idaho, met in regular session this 15th day of March, 2010, at 8:00 a.m.

Present:	Lan Smith	Chairman
	Michele Sherrer	Commissioner
	Shelly Gannon	Clerk

Whereupon the following proceedings were had, to-wit:

March 15, 2010

Commissioner Sherrer was absent due to attendance at a state Resource Conservation and Development meeting.

The Pledge of Allegiance was said.

BUDGET ADJUSTMENT PUBLIC HEARING: With no public present, the Commissioners reviewed adjustments to the fiscal year 2010 budget. A motion was made by Commissioner Sherrer to approve budget adjustments on Gem County Resolution 2010-10. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT HEARING 09-066: At 10:04 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.

Deputy Clerk Diane Wright was sworn in. Neither the applicant nor a representative from the hospital was in attendance. The hospital filed a letter of request to continue this case pending insurance determination.

Regular session reconvened at 10:07 a.m.

A motion was made by Commissioner Sherrer to continue (Indigent) case 09-066 to June 14<sup>th</sup> at 10:00 a.m. per the request of the hospital. It was seconded by Commissioner Smith and carried unanimously.

INDIGENT APPLICATIONS: At 11:05 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.

10-007 Additional Medical Services  
10-011 Notice of Hearing  
10-025 Medical Application  
10-029 Medical Application  
10-031 Non-Medical Application  
10-033 Notice of Statutory Lien  
10-034 Notice of Statutory Lien  
10-035 Notice of Statutory Lien

After reconvening in regular session at 11:21 a.m. a motion was made by Commissioner Sherrer to sign Notice of Hearing on 10-011 changing the time from 10:00 to 11:00 on the 22<sup>nd</sup> of March; deny 10-025 because the application was filed untimely, services were not emergent, the applicant is not medically indigent, the county is not the last resource, services were not medically necessary, services were available from the state, federal or local health programs; deny 10-029 because the county is not the obligated county, Valley County is; deny 10-031 because no emergency exists and the county is not the last resource; sign Notices of Statutory Lien and N1 as applicable for 10-033, 10-034 and 10-035. It was seconded by Commissioner Smith and carried unanimously. Additional information will be obtained on 10-007.

**WADE DISHION ADULT MISDEMEANOR PROBATION QUARTERLY REPORT:**

Wade Dishion met with the Commissioners regarding Adult Misdemeanor Probation. The fourth quarter report was reviewed including case load, treatment programs, fine payments and drug testing. Probation violations and absconded cases were also reviewed. Wade feels some cases that should be referred for supervised probation are going to unsupervised, he has spoken with the Judge about pre-sentence services and level of service investigation. Wade discussed electronic monitoring and use of interlock funds for cost deferment.

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

**CONSENT AGENDA:** Items on the consent agenda included A.

Quit Claim Deed for Assessor's Parcel RP00426603 from Gem County to N. Bryan and Joanne B. Elliott, B. Manatron, Inc Agreement for licensed software, hardware and services, C. Government Survey Data Product Agreement for Ringel Land Survey - Dave Ringel, D. Waterways Agreement between Idaho Department of Parks and Recreation and Gem County, E. Certificate of Residency for Heather Hyde, F. Gem County Resolution 2010-09 Formalizing a previous decision made by motion setting the fee for a check returned to the Gem County Treasurer for insufficient funds or closed account at \$20.00, G. Gem County Resolution 2010-10 adjusting the fiscal year 2010 budget, H. Gem County Resolution 2010-11 Fair Housing Resolution, I. Gem Community Joint Comprehensive Plan Chapter 5 - Education.

A motion was made by Commissioner Sherrer to approve the consent agenda items A., C., D., E., F., and H. removing B. and I. for discussion. Item G. was a duplication of an agenda item this morning. The motion was seconded by Commissioner Smith and carried unanimously.

Discussing item I., changes were made to the Education chapter of the Comprehensive Plan during the joint city/county meeting last week. A motion was made by Commissioner Sherrer to reconsider the previous approval of the Gem Community Comprehensive Plan Education Chapter concurring with the new proposed language. It was seconded by Commissioner Smith and carried unanimously.

Discussing item B., after talking with Assessor Himes the Manatron contract was pulled from the agenda pending language clarification.

**WARRANT OF DISTRAINT FOR ASSESSOR'S PARCEL MH0073000:**

Deputy Prosecutor McNeese, Gem County Fire District #1 Fire Chief Welch, Treasurer Goins, Code Enforcement Officer Heath and Assessor Himes met with the Commissioners to discuss property in the warrant of distraint process. Connie Goins said there is a pickup with a value of approximately \$1000 that the mobile home owner is willing to sign over to cover the taxes. Connie discussed possible removal of the mobile home to keep it from coming up as a warrant of distraint again next year. She said the removal fee would be around \$700 with an additional charge if there is asbestos. Commissioner Sherrer wondered why the county doesn't recover the taxes from the sale of the pickup. At this point there are no nuisance complaints. Connie asked the Fire Chief if the trailer could be taken somewhere and burned. Rick said it could be dismantled and pieces burned

but it could not be pulled out and set on fire. Mark thinks the nuisance would be the property owners problem. Currently there are \$171 owing to the county for taxes and warrant of distraint costs. Connie said the property owner has asked the city attorney how she could go about evicting the mobile home from the property. Tim McNeese said the property owner has eviction rights. It was discussed if it could be taken to Clay Peak and what the cost would be. The Assessor said the mobile home would not have a value but the canopy and shed would be assessed. It was decided that the truck would be sold to pay the taxes and another discussion will be held to decide what to do once we know how much money we have to work with.

**SECONDARY DWELLINGS IN A1 ZONE DISCUSSION:** Development Services Director Brad Hawkins-Clark met with the Commissioners to discussed secondary dwellings in A1 Zones. The current ordinance allows secondary dwellings on 40 acre lots. The discussion included allowing secondary dwellings on legal lots less than 40 acres. Brad will draft language for the ordinance revision, the discussion will continue at a future meeting to get Commissioner Pratt's input.

**LYNDA VISTA #2 TIME EXTENSION REQUEST:** With Development Services Director Brad Hawkins-Clark present, the Commissioners discussed a request received from Bryce Walker for a 12 month time extension for Lynda Vista #2 Subdivision. This is a second extension request for the subdivision. Development Services granted an extension approximately a year ago. The Commissioners discussed criteria for allowing an extension. Due to questions the Commissioners have for the applicant, discussion will be held over to tomorrow afternoon. Brad will contact the applicant.

A motion was made by Commissioner Sherrer to postpone pending further discussion with the applicant until tomorrow at tentatively 1:30 p.m until Brad can check his calendar. It was seconded by Commissioner Smith and carried unanimously.

**OLA ROAD AND OLA TRANSFER STATION DISCUSSION:** This discussion will be held tomorrow afternoon.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on March 16, 2010.**

**March 16, 2010**

**Commissioners Smith and Sherrer attended the Local Emergency Planning Committee Meeting.**

**PUBLIC WALK-IN:** Justin from Keller Associates said that LHTAC has rated the Local Highway Rural Investment Program (LHRIP) projects, Gem County's project didn't rate in the top 10.

Justin said that the Idaho Transportation Department has postponed the bid for the Ola Highway Rehabilitation project. He said there was a group of projects that they have postponed.

Justin said he met with the City of Emmett to discuss an RV dump facility. The Commissioners stated the county has approximately \$8,000 or \$9,000 to contribute. The county currently has a dump station that is failing so a new one is needed.

Norvil Elliott talked about building houses across the river from where he lives, referring to the Honey Lane area. He thought that was a flood plain. When he was Commissioner they turned down development there because of the likelihood of flooding. The Commissioners discussed a flood plain audit that has been done. The county is now part of the Community Rating System which helps to reduce home insurance rates.

Traffic on Plaza Road, there is a lot. He is worried about people picking berries alongside the road, especially those with small children. He doesn't want to limit the berry picking but would hate to see someone get hit. He doesn't feel reducing the speed limit would help. He suggested there be a sign that people pick berries at their own risk, no parking etc. Morris Huffman said there is also one on Substation Road. The Commissioners will talk with the Sheriff this afternoon.

Railroad crossing needs to be fixed again on Plaza Road. The holes get pretty deep. He said the bushes and trees need to be trimmed down also for visibility. Due to the reduced usage of the tracks he questions the need for the stop sign, he wonders if a yield sign would be appropriate. Commissioner Smith talked with the Road Supervisor who said a new crossing will be installed this month.

Morris Huffman met with the Commissioners about the

date for the Ribbon Cutting for Emerald Forest Products. It was decided it would be held May 21<sup>st</sup> at 10:00 a.m.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor met with the Commissioners to discuss Prosecuting Attorney Matters.

At 11:07 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)(b) for personnel matters with a roll call vote as follows: Commissioner Smith, aye and Commissioner Sherrer, aye.

Regular session reconvened at 11:50 a.m.

Further Prosecutor matters will be discussed this afternoon.

**ELECTED OFFICIALS LUNCHEON:** Commissioners Smith and Sherrer, Clerk Gannon, Sheriff Rolland, Prosecutor Linville and Treasurer Goins met at Timbers 2 on the Golf Course for lunch.

**Commissioner Pratt joined the meeting.**

**LYNDA VISTA #2 TIME EXTENSION REQUEST:** Bryce said he has invested a lot into the project. Engineering work for a road and a bridge over the canal has been done. He said with the one year extension he would have a year from the deadline to complete the project which Bryce said would fit within his timelines as he would like to complete it during the end of 2011.

A motion was made by Commissioner Sherrer to approve the proposed time extension on Lynda Vista Subdivision #2 due to the information that there has been engineering work done subsequent to the first extension. The motion was seconded by Commissioner Pratt and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor met with the Commissioners to discuss Prosecuting Attorney Matters.

At 1:58 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)(b) for personnel matters with a roll call vote as follows: Commissioner Smith, aye, Commissioner Sherrer, aye and Commissioner Pratt, aye.

Regular session reconvened at 2:15 p.m.

Other topics discussed included ordinance violation by Toni Pulley for an illegal secondary dwelling, adult supervised probation, supervised vs. unsupervised probation, District 3 Interoperability Governance resolution and tax exemption legislation.

**OLA ROAD AND OLA TRANSFER STATION DISCUSSION:** Assessor Himes and Mapper John Henderson met with the Commissioners to discuss the legal description of the Ola Transfer Station and Ola Road. The Assessor's office will look into survey options and costs.

**The Board recessed at 5:00 p.m. to 8:00 a.m. on March 22, 2010.**

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

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