



May 15 & 16, 2023, Emmett, Idaho

Pursuant to a recess taken on May 9, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 15<sup>th</sup> day of May, 2023, at 8:30 a.m.

Present:	Bill Butticci	Chairman
	Mark Rekow	Commissioner
	Kirk Wille	Commissioner
	Shelly Tilton	Clerk

Whereupon the following proceedings were had, to-wit:

May 15, 2023

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda as presented. It was seconded by Commissioner Rekow and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters including the Prosecutor's office copier lease and an addendum that will be on a future agenda, Avimor prosecution services agreement, an upcoming agreement for Ada County Sheriff's office to do policing in Avimor and the Area of City Impact public hearing held last week and continued to next week.

**GEM COUNTY WEED CONTROL BUILDING ADDITION FUNDING:** Commissioner Butticci stated that, having received the bid from Riteway Building LLC, discussion needed to be had as to whether or not to find funding for the project or reject the bid. Architect Bill Slabaugh reviewed the bid and found it to meet the criteria in the bid request. The Commissioners discussed the need for the addition. Weed Department Supervisor Larry Shippy discussed the need for a shower in case a chemical spill occurred and something needed to be washed off. He discussed the inconveniences of holding meetings or having discussions with tight quarters and poor available space with what is currently available. Commissioner Rekow asked about the lot size being sufficient, Larry said there was plenty of room there for the addition. ARPA funding was discussed. Previously \$85,000 had been approved for the project.

## Commissioner Minutes 05-15 & 16-23

A motion was made by Commissioner Wille to amend the ARPA funding approval for the Weed Control Building Addition in the amount of \$154,000. It was seconded by Commissioner Rekow and carried unanimously.

**GEM COUNTY WEED CONTROL BUILDING ADDITION AWARD OF BID:** With funding decided, a motion was made by Commissioner Rekow for the Weed Control Building Addition to award the bid to Riteway Buildings LLC in the amount of \$153,678.51. Larry will verbally advise Riteway Builders of approval with a Notice of Award to follow. It was seconded by Commissioner Wille and carried unanimously.

**FARMER'S COOP CANAL CHANGE ORDER 1 FROM GABBERT & EDWARDS CONSTRUCTION LLC:** County Road Supervisor Neal Capps met with the Commissioners to discuss a change order from G&E Construction LLC for the Farmers Coop Bridge.

A motion was made by Commissioner Rekow to accept the change order proposal for the Farmers Coop Bridge project in the amount of \$25,032 from G&E Construction as presented. It was seconded by Commissioner Wille and carried unanimously.

**CONSENT AGENDA:** A. Albu Minor Subdivision Plat and B. Fical Year 2024 Public Defense Financial Assistance Application Change Sheet.

A motion was made by Commissioner Rekow to approve items A and B on the consent agenda as presented. It was seconded by Commissioner Wille and carried unanimously.

**FAIRGROUNDS GRANDSTAND CANOPY CONCRETE WORK APRA FUNDING REQUEST:** Commissioner Butticci discussed the work needed to complete the concrete for the grandstand canopy.

A motion was made by Commissioner Wille to approve the ARPA request for \$3,360 to apply the grout to the columns on the fairgrounds canopy project. It was seconded by Commissioner Rekow and carried unanimously.

**MINUTES APPROVAL:** There were no minutes reviewed.

**PUBLIC WALK-IN:** There were no members of the public present.

Commissioner Wille was absent from the meeting.

**PAYETTE RIVER AND COUNTY CANAL WATER SAFETY AND MONITORING:** Disaster Services Director Jeff Ulmer talked with the Commissioners about river and canal safety. The Gem Community Health Coalition would like to invest money and effort for

## Commissioner Minutes 05-15 & 16-23

signage along the river. Jeff said that 2 local officers, who are on the coalition, say they are sighting people who are in the river and the canals. Gem County deputies are not sighting anyone. They are working on the wording for signage and not sure what that should be, it would depend upon if people are allowed to be in the river and canals or not allowed at all. He said in Ada County the river is not allowed to be used during certain dates. It was discussed that certain accesses to the river is what is able to be closed rather than the river itself. Commissioner Butticci said the county doesn't own or manage the river. He thinks safety educational signage would be appropriate. He discussed the snow melt and river levels that are unsafe. Showing active river flows and what is safe and unsafe for education would be a way to help people make safer choices. People jumping from bridges and being in the lane of traffic while on the bridges was discussed. Commissioner Rekow asked if Jeff had talked with other counties about what they do for water safety. He had only talked with Ada County, the Commissioners were interested to know what other counties are doing. Commissioner Rekow discussed knowing water levels for jumping into water and the dangers when it is too shallow.

**COMMUNITY BIBLE CHURCH/COUNTY BUILDING ADA ACCESSIBILITY:** County Americans with Disabilities (ADA) Coordinator Larry Robertson met with the Commissioners to discuss ADA Accessibility options for the Community Bible Church the county purchased. Adding a lift and/or ramps was discussed including possible locations for them to be placed.

**COURTHOUSE SECURITY DISCUSSION:** Commissioner Butticci discussed asking the architect to draw up the design and plans for the security vestibule for the front of the courthouse. Funding for the project were discussed.

Commissioner Wille rejoined the meeting.

**The Commissioners recessed at 12:00 p.m. for lunch to reconvene at 1:30 p.m.**

**RILEY REZONE PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Riley Rezone request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen (attending via telephone), Road and Bridge Supervisor Neal Capps, applicant Kyle Stratton and two members of the public. Commissioner

## Commissioner Minutes 05-15 & 16-23

Butticci read the notice of public hearing. Those wishing to testify were sworn in.

There were no conflicts or declarations pertaining to this meeting such as site reviews or other conversations outside of this hearing.

Development Services Director Jennifer Kharrl asked to have the packet of information be added into the record. She stated there were 4 letters of concern received that are included in the packet as well as a request for a condition from the Gem County Road Department.

A motion was made by Commissioner Rekow to add the packet of information as presented by Ms. Kharrl. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application. Approval of the rezone is recommended with conditions and addressing the road department concern. She stated the development agreement doesn't include the road department concern so it would need to be added by motion if that is what is decided.

Applicant, Kyle Stratton, had no opening comment.

David Mast spoke neutrally about the application. He is in favor of landowner rights but is concerned about ground water. He is sad the land is going from 5 acre to 1 acre lots, he feels it will disrupt quality of life. He wishes as subdivisions go in sewer was on a public system. He is also concerned about well water.

Archie Stiles has concerns about water rights. He said Gem County is a sea of septic tanks and drainfields discussing the number of homes that have been added in the last several years relating to the number of additional septics and wells in the area. He is concerned as not all people are able to take care of an acre of land as they don't have the time, money and equipment to take care of it. He said something needs to be done differently than is being done now.

Irrigation water was discussed. Kyle Stratton said he has met with Emmett Irrigation and there is an agreement that includes pressurized irrigation and a pipe for water under Edgemont Road. He said that maintenance hasn't been done in that area for a long time and he feels what will be done will take care of an old issue.

Jennifer showed a map of the property and the route of the irrigation water being discussed. She discussed the septic process and requirements for Southwest District Health Department. She said a water quantity and quality study will be done. Kyle stated that study has been completed.

Road Department Director Neal Capps discussed access to the property, stating that only one access is approved for the

## Commissioner Minutes 05-15 & 16-23

development. The access is onto Edgemont. Neal has no additional concerns with that access.

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

Commissioner Wille said he has reviewed the packet and the letters of concern. He feels the applicant has a good plan to address concerns and irrigation. He has no concerns. He stated that this application comes under the current comprehensive plan rather than the revision that is in the final stages of approval.

Commissioner Rekow has reviewed the packet he stated there are always concerns and worries with irrigation, traffic and roads adding that if the road director feels there won't be a problem, he feels the packet complies with the request.

Commissioner Butticci verified the road and bridge letter needs to be added to the motion.

A motion was made by Commissioner Wille to approve the rezone request by Kyle Stratton to rezone 8.265 acres from A2 Rural Transitional Agricultural (5 acre minimum) to R2 Residential Transitional (1 acre minimum) on Edgemont Road with the addition of adding the requirements for Road and Bridge to the Development Agreement as presented. It was seconded by Commissioner Rekow and carried unanimously.

**ADMINISTRATION TIME:** The Commissioners worked on various administrative items.

**EMPLOYEE BENEFIT BROCHURE AND COMPENSATION POLICY:** Clerk Tilton and Chief Deputy Clerk Leandra Rountree discussed and reviewed a brochure highlighting benefits provided by Gem County. The brochure will be added to the county website, distributed to current employees and provided to all new employees during new hire orientation.

Leandra also reviewed an Valley County's administrative pay policy. She would like the county to have a similar plan to aid her in answering department questions regarding salary changes. Leandra wondered about the frequency of changing the salary levels. Cost of Living Increases and movement within each quartile were discussed. The need for regular performance evaluations in order to provide merit increases was also discussed.

**FISCAL YEAR 2024 BUDGET DISCUSSION:** Health District, Drug Court and Tort Fund budgets were discussed.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on May 16, 2023.**

**May 16, 2023**

Commissioner Butticci was absent from the meeting.

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC):** Commissioners Rekow and Wille attended the LEPC meeting.

**DEVELOPMENT SERVICES/BOARD OF COUNTY COMMISSIONERS PLANNING:**

Deputy Prosecutor Tahja Jensen and Development Services Director Jennifer Kharrl met with the Commissioners to discuss land use hearings and decision making. Sources of Planning and Zoning Power including constitutional, statutory and county code sources were reviewed. The county's legislative, quasi-judicial and appellate decision making roles were discussed. The public meeting process including due process, pre-hearing statements, bias and ex parte communication were discussed. Making a hearing record including a process outline, decisions based upon evidence presented at the hearing, considerations for the record and what to include in a decision was discussed. Idaho's Administrative Procedure Act was reviewed.

**ADMINISTRATION TIME:** The Commissioners worked on various administrative items.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on May 22, 2023.**

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

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