



February 21, 2023, Emmett, Idaho

Pursuant to a recess taken on February 16, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 21st day of February 2023, at 8:30 a.m.

Present:	Bill Butticci	Chairman
	Mark Rekow	Commissioner
	Kirk Wille	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

February 21, 2023

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC): Commissioner Rekow and Commissioner Wille attended in person at the EMS building. Commissioner Butticci was absent from this meeting due to working at the fairgrounds.

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.

CONSENT AGENDA: A. Certificate of Residency for Junior College tuition for McKayla White, B. Farmer's Coop bridge Idaho Power temporary power pole quote and C. Geographic mapping services subscription agreement with Sentry Dynamics, Inc.

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

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

FARMER'S COOP BRIDGE CRANE QUOTES: Road and Bridge Supervisor Neal Capps reviewed 2 quotes that were received for crane work on Farmer's Coop Bridge. The quote from Bragg Crane was \$6000 for mobilization, \$6000 for demobilization, the crane for \$500/hour and the rigger for \$75/hour. He advised that the Road Department could not meet items 6, 7, 13 & 19 conditions on the Bragg Crane quote. The Inland Crane quote was \$6500 for

mobilization, \$6500 for demobilization, the crane is \$500/hour and the rigger is \$75/hour. He recommends approval for the Inland Crane bid due to the inability to meet the requirements from Bragg Crane. He advised that they solicited 3 quotes, but only received 2.

A motion was made by Commissioner Rekow to accept the Inland Crane bid for the Farmer's Coop bridge project as presented. It was seconded by Commissioner Wille and carried unanimously.

EXECUTIVE SESSION REGARDING ACQUIRING AN INTEREST IN REAL PROPERTY:

At 10:56 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-206(1)(c) for matters of real estate with a roll call vote as follows: Commissioner Rekow, aye and Commissioner Wille, aye, Commissioner Butticci, aye.

Regular session reconvened at 11:07 a.m.

DECISION REGARDING ACQUIRING INTEREST IN REAL PROPERTY: A motion was made by Commissioner Wille for Mr. Capps to proceed with the materials and negotiations as presented. It was seconded by Commissioner Rekow and carried unanimously.

ROSE ADVOCATES UPDATE: Executive Director Veronica Vasquez provided updates with their organization. Items that she talked about were services they provide, hours of operation, number of clients they service and an upcoming annual soup bowl event. Toni Judy talked about public awareness of their organization. She would like to see more outreach with law enforcement with recommendations of their services. Veronica talked about public education they provide. Toni talked about a First Responders Trauma training she attended and would like to have it brought in for Gem County First Responders. Commissioner Butticci suggested that she reach out to the Police Chief, the Sheriff, Chief Welch and Chief Christiansen for coordination of the training. Veronica asked about the county budget to help their clients.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen discussed various county legal matters including a Memorandum of Understanding for snow grooming with Valley County.

EXECUTIVE SESSION: At 11:41 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-

206(1) (b) for matters regarding personnel with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye, and Commissioner Butticci, aye.

Regular session reconvened at 11:44 a.m.

INDIGENT CASE ADJUSTMENT REQUEST: At 11:46 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-206(1) (d) for indigent matters with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye, and Commissioner Butticci, aye.

Regular session reconvened at 12:18 p.m.

INDIGENT CASE ADJUSTMENT DECISION: A motion was made by Commissioner Wille that on case# 11-029 to deny the request for partial payment of \$30,000. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Rekow that on the various cases presented by the Indigent Clerk to adjust those cases as presented. It was seconded by Commissioner Wille and carried unanimously.

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

ROEHTLE REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Roehle Rezone request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharl, Development Services Coordinator Stephanie Crays, Deputy Prosecuting Attorney Tahja Jensen, Road Bridge Supervisor Neal Capps and applicant Jeremy Roethle. Commissioner 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 Kharl asked to have the packet of information be added into the record which includes the notice of Public Hearing, the application, the Zoning Commission recommendation for approval, the staff report, the Zoning Commission minutes and 1 agency letter.

A motion was made by Commissioner Rekow to enter the packet into the record that was described by Jennifer Kharl from Development Services. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the Roehle Rezone request. The property

owner, Jeremy Roethle, is seeking approval to rezone his property from R-3 Rural Residential (2-acre minimum) to A-2 Rural Transitional Agriculture (5-acre minimum). The property proposed to be rezoned is 13.36 +/- acres and lies fully within the Priority Growth Area 1 of the County Residential Areas as designated on the Future Land Use Map in the Comprehensive Plan. She discussed the location of the property.

Applicant, Jeremy Roethle advised that he wants to rezone his property for it to be agriculture land. There were no others present in favor, neutral or opposed that wished to speak.

There were no questions or concerns from the Commissioners.

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

The Commissioners have no objections to this request.

A motion was made by Commissioner Rekow to approve the rezone request by Mr. Roethle to rezone the 13.36 +/- acres from R-3 to A-2 as requested and to accept the Zoning Commission and staff recommendations. It was seconded by Commissioner Wille and carried unanimously.

CHARTERS ESTATES PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Charters Estates Preliminary Plat request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Development Services Coordinator Stephanie Crays, Deputy Prosecuting Attorney Tahja Jensen, Road Bridge Supervisor Neal Capps, Zane Cradic and Becky Yzaguirre from T-O engineers. There were also various members of the public present. Commissioner 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 Kharrrl asked to have the packet of information be added into the record which includes the notice of Public Hearing, the application, the Zoning Commission recommendation, the Zoning Commission minutes and agency letters. There were no letters from the public.

A motion was made by Commissioner Rekow to enter the packet into the record that was described by Jennifer Kharrrl. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the Charters Estates Preliminary plat request. The applicant, T-O Engineers, on property owned by Linda E. Charters, has applied for a Standard Subdivision Permit application to construct a single-family residential development on approximately 10.08 +/- acres on Jordan Lane. They propose 9

buildable lots. The average building lot size is 1.11 acres. The property is zoned R-2, Residential Transitional (1-acre minimum). The site is designated Area of City Impact on the Joint Comprehensive Plan Future Land Use Map. She advised that all lots meet the minimum requirements. She advised that there is a letter from the city waiving their requirements. She advised that the Zoning Commission and staff recommend approval.

Applicant Becky Yzaguirre from T-O engineers talked about the location of the subdivision. She advised that the property is located in the Area of City Impact and has been compliant with the subdivision Ordinance. She advised that they received a waiver from the city to forego curbs, gutters, sidewalks and storm drains. She talked about the lot sizes and advised that they are not requesting a zone change. She talked about water, CC&R's, a private road maintenance agreement. She talked about a right-a-way, the approach, roads, dust abatement requirements and the landscape plan. She advised that they will comply with all conditions set forth by the different agencies. She also advised that they addressed concerns with neighbors with a proposal for installing a new 4-inch pressure pipe. She discussed the direction of the pipe and location, which will be 5 feet on the Simmons property and will run parallel to the property line. She also talked about fencing. She advised that the Simmons' want the pipe on their property so they can maintain it. She talked about the boundary line and advised that the road will be gravel. Road and Bridge Supervisor Neal Capps talked about the road width and a right-a-way. This will be a private road since there are less than 10 homes. Commissioner Wille is concerned with the lack of sidewalks. Commissioner Butticci believes that sidewalks would be good. Jennifer talked about a pedestrian sidewalk plan. She advised that they did not receive anything in regards to a bus stop plan.

Neutral, Edith Minium talked about her property location. She expressed concerns with having a right-of-way to the pump if it is moved onto the Simmons property. She also advised that she has a pipe on the Charters property with 4 watering heads and would like it to be moved onto her property. There were no others present that were in favor, neutral or opposed that wished to speak.

Applicant Zane Cradic from T-O Engineers talked about the location of the surrounding properties and that they are working through an agreement to relocate the pipe. He advised that for Edith to get an easement on Simmons property, she would have to work with them directly. He advised that the intent is that irrigation would work the same as it currently is.

Jennifer advised that the private road would be 24 feet wide.

Developer Tim Kristovich is not opposed, but not excited about putting in a walking path due to cost. He is willing to do it if required.

Road and Bridge Supervisor Neal Capps does not have any concerns with the landscape or roads.

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

Commissioner Butticci talked about the water access. Jennifer talked about a walking path and that it is not a requirement listed from Keller Associates. Commissioner Butticci talked about moving the water pipe onto Edith's property. Commissioner Rekow wants to make sure that everyone has access to water and agrees with a walking path. He believes that the overall project is good. Commissioner Wille would like a condition of approval be added for a walking path.

A motion was made by Commissioner Wille to approve the preliminary subdivision plat for Charters Estates subdivision application by Becky Yzaguirre on property owned by Linda Charters to request approval of 9 buildable lots on approximately 10.08 +/- acres located at 1461 Jordan Lane with the addition of 2 conditions or approval. #1, movement of the irrigation line from the Charters property to the Simmons property and #2 the addition of a walkway along Charters Lane per the engineer's recommendation from Keller Associates. It was seconded by Commissioner Rekow and carried unanimously.

MINUTES: The minutes for February 13, 14 & 16, 2023 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for February 13,14 & 16, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

PUBLIC DEFENSE COMMISSION ANNUAL REVIEW AND UPDATE: The Commissioners met with Jennifer Roark with the Public Defense Commission (PDC) via Zoom. She talked about various training programs throughout the state, the annual review process and the financial assistance process. She advised that the county should be receiving some funding through the Tax Commission. She talked about the future of the PDC and will provide updates when she learns more.

She reviewed a caseload report that was provided to the Commissioners for FY2022 and discussed how caseloads are managed and caseload transition from the previous public defender. She advised that there are no concerns with caseload limits at this time in Gem County. There was discussion on how the new Public Defender's office was chosen and the changes that were made. Deputy Prosecuting Attorney Tahja Jensen talked about the

budgeting and contract process and the financial position the county is in. Clerk Tilton advised that budgets are discussed and reviewed each year and the Public Defender can ask for it to be reviewed throughout the year as well. Jennifer expressed concerns with how conflict attorneys are selected.

PUBLIC DEFENSE CONFLICT DISCUSSION: This discussion will be moved to next week's agenda.

GEM COUNTY MOSQUITO ABATEMENT DISTRICT ANNUAL REPORT: Deputy Director Cody Johns reviewed the weekly reports graph. He advised that they flew an aerial in July for mosquitoes. He advised that they trapped less mosquitoes this year. He talked about the drone, that they had 15 positive samples for the season, which is low, that call volumes were down and office support. He talked about the 3-year West Nile virus comparison. He reviewed the 2022 mosquito abundance chart. He talked about public outreach that they will be doing, service requests, larvaciding products, adulticide usage, larvaciding and cost comparison of products. He discussed the increase of work with the growth in the county. He has budgeted for 2 aerials this year. He advised that they are not receiving impact fees and have some expenses and is hoping that the Commissioners would consider some funding to help with increased costs and maintenance expenses. He discussed staffing and a conference he will be attending. He discussed work done at Shadow Butte and potentially the need to fog the bus stop areas. He provided the Commissioners the 2023 Comprehensive Plan for Mosquito Abatement for review.

The Board recessed at 5:00 p.m. to 8:30 a.m. on February 27, 2023.

Approved: _____
Chairman

Attest: _____
Clerk