



February 27 & 28, 2023, Emmett, Idaho

Pursuant to a recess taken on February 21, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 27st 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 27, 2023

Commissioner Butticci attended via phone for all meetings.

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 discussed various county legal matters including courthouse security, concerns with how a private property owner is using their land, an upcoming training with the Sheriff and a Communications Plan.

INDIGENT MATTERS- EXECUTIVE SESSION: At 9:19 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 9:33 a.m.

INDIGENT MATTERS- RELEASE OF LIENS: Deputy Clerk Sarah Story is asking the Commissioners to sign release of liens for the following cases. These cases were approved for adjustment on 2/21/23.

Case #'s to release are: 98-006, 99-009, 99-044, 99-066, 99-072,

00-012, 00-012 (2nd case), 00-028, 01-012, 01-020, 01-026, 01-039, 01-045, 01-049, 01-057, 01-061, 02-025, 02-032, 02-039, 02-040, 02-063, 02-074, 02-076, 02-083, 03-010, 03-015, 03-024, 03-026, 03-046, 03-053, 03-056, 03-057, 03-058, 03-063, 03-073, 03-075, 03-076, 04-002, 04-005, 04-028, 04-036, 04-039, 04-054, 04-083, 04-083 (2nd case), 05-003, 05-036

A motion was made by Rekow to sign the multiple Release of Liens for the indigent cases as presented. It was seconded by Commissioner Wille and carried unanimously.

INDIGENT SUBORDINATION AGREEMENT REQUEST: Deputy Clerk Sarah Story advised the Commissioners that a lender is asking the Commissioners to agree to a subordination agreement on case# 11-106. If approved, Sarah will bring back a new Notice of Lien at a later day after their closing date.

11-106 Subordination Agreement & Temporary Release of Lien

A motion was made by Commissioner Wille to sign the Subordination Agreement as presented and to authorize a temporary release of lien for case# 11-106 as requested. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC DEFENSE CONFLICT COUNSEL DISCUSSION: Public Defender Jay Kiiha advised that they have 5 attorneys for conflict work and are finding it difficult to find attorneys willing to take felony cases that are not willing to take an immediate plea. He would like to put more contracts out there to find additional attorney's and to increase the chargeable amount from \$75 to \$100 an hour. He advised that attorney's do not want Gem County cases because of the decreased case load in Gem County and it is not profitable for them. He suggests the courts assign the cases in a rotation basis to Conflict Attorney's and not the Public Defender's office. Deputy Prosecuting Attorney Tahja Jensen discussed the current process for assigning conflict council, the steps to take if the process changes, the budget and timely invoicing. Jay advised that it is a conflict if he is making the decisions as to who is on the roster for conflict attorneys. Tahja advised that the Clerk, possibly the court supervisor and possibly the Judge need to be included in this discussion if the responsibility is to be transitioned to the courts. Jay discussed how other counties budget and assign conflict attorneys. Commissioner Wille discussed the contract with the Public Defender. Tahja advised that the items that need to be addressed are the contractual amount and the process for assigning conflict attorneys. Jay also talked about attorney's

needing to be mindful of their own caseloads. There was discussion on local attorneys. Commissioner Wille will reach out to Clerk Tilton to discuss the budget and to schedule a meeting with all affected parties.

CONSENT AGENDA: A. Bell Estates Minor Subdivision Findings, Conclusions, Conditions, Order, B. Gem County Mosquito Abatement District 2022 year-end report, C. Gem County Mosquito Abatement District 2023 Comprehensive Mosquito Surveillance and Control Plan, D. Weed Department request of items to surplus, E. Certificate of Residency for Junior College tuition for Liam Ireland, F. Appointment of Shane Row to the Hospital Board, G. Re-appointment of Tom Carlsen and Anita Taylor to the Gem County Mosquito Abatement Board, H. Agreement between Idaho Department of Parks and Recreation and Gem County for Boating Safety Program Enforcement and I. Sharp Electronics c/o Valley Office System statewide copier and printer contract equipment placement form for a copier at the Prosecutor's office.

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

EXPENSE CLAIMS APPROVAL: The claims presented were reviewed. Commissioner Rekow made a motion to approve the claims as presented and as initialed on the individual claim forms. It was seconded by Commissioner Wille. Commissioner Butticci recused himself due to not being present in the office to sign the claims. The motion carried unanimously.

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

BOARD OF GUARDIANS ANNUAL REPORT: Deputy Prosecuting Attorney Tahja Jensen advised that the annual report was approved by their office. Vaughn Mendenhall (Vice-Chair) advised that they appreciate the funding from the county and only have 1 ward at this time. Barrie Smith (Secretary/Treasurer) talked about their required re-certification. He expressed concerns with potential wards that are not in-patient, with some of them have behavioral issues. Vaughn talked about their responsibilities when they are assigned a ward. Commissioner Rekow discussed funding for the Board of Guardians. Board member Janet Monte talked about family and friends helping the person in need. Vaughn advised that the first step is to see if a family member is willing/able to take on the person. He advised that they get \$25 per month from Department of Health and Welfare to take care of the ward. The Commissioners expressed gratitude for their services. Barrie advised that they are looking for 1 more Board member,

preferably with law enforcement or medical background.

MINUTES: The minutes for February 21, 2023 were reviewed. A motion was made by Commissioner Wille to approve the minutes for February 21, 2023 as submitted. It was seconded by Commissioner Rekow. Commissioner Butticci recused himself due to not being in person and unable to review the minutes. The motion carried unanimously.

COURTHOUSE ATTIC ASBESTOS ABATEMENT PROPOSALS: Building and Grounds Supervisor Chuck Shambaugh advised that he contacted 5 contractors, 4 did an on-site visit, but only 2 bids were received. He reviewed the bids from Abatement Pro (aka Pacific Technologies) in the amount of \$21,565 and Ideal Demolition in the amount of \$17,700. He discussed the scope of work that needs to be done and advised that the boiler needs to be shut off in order to do this work, which may have to wait until April.

A motion was made by Commissioner Wille to accept and approve the bid by Ideal Demolition in the amount of \$17,700 for removal of asbestos on the boiler pipe in the attic. It was seconded by Commissioner Rekow and carried unanimously.

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

SILVER SAGE ESTATES PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Silver Sage 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 and Bridge Supervisor Neal Capps, property owners James and Patty Gibson, Amy Rosa and Gary Milburn from Sawtooth Land Surveying and various members of the public. Commissioner Rekow 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 for approval, the staff report and impact agency letters.

A motion was made by Commissioner Wille to enter the packet as presented into the record. It was seconded by Commissioner Butticci and carried unanimously.

Jennifer reviewed the Silver Sage Preliminary Plat request. The applicant, Sawtooth Land Surveying, LLC, on property owned by GGI Madden, LLC, has applied for a Standard Subdivision Permit application to construct a single-family residential development on approximately 54.02 acres on Kirkpatrick Road. The property is currently bare and zoned A-3, Rural Agriculture. The site is designated Agriculture/Natural Resources on the Joint Comprehensive Plan Future Land Use Map. The applicant is proposing 7 building lots with individual wells and septic systems on each lot. She advised that there is 1 new private road proposed through the development, there are 2 waiver requests for the length of the private road and the length of the block and that staff and the Zoning Commissioner recommend approval.

Amy Rosa from Sawtooth Land Surveying talked about the number of lots, the waivers that they are requesting, roads and that there would not be any water shares from Squaw Creek Ditch.

Jennifer clarified that there is a waiver request for a secondary access point to the subdivision because of the length of the private road. There were no others present that wished to speak in support.

Neutral, Leann Carlson from Squaw Creek Ditch Company wants to make sure that the culvert is put in on time so it does not impede any water flow to any of the shareholders. There were no others in neutral or opposed that wished to speak.

Commissioner Rekow expressed concerns with the road condition on Kirkpatrick Road. Road and Bridge Supervisor Neal Capps talked about the road condition, upcoming work to the road and that it can handle the additional traffic volume. Commissioner Butticci asked about the culvert installation. Property owner James Gibson talked about the condition of the culvert and the size. Neal and Amy reviewed the map that shows the entry way into the culvert and the culvert size. Amy advised that the culvert is addressed on the construction plans and will be submitted at a later stage if this is approved.

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

Commissioner Butticci would like to add a condition for a waiver for the turn-arounds and the 2nd access. Jennifer advised that a condition can be added to ensure that all requirements are met for the ditch company. There were no other concerns.

A motion was made by Commissioner Wille to approve the Preliminary Subdivision Plat for Silver Sage Subdivision by Sawtooth Land Surveying on property owned by GGI Madden, LLC, to request approval of 7 buildable lots on approximately 54 +/- acres located on Kirkpatrick Road with the addition of an

additional condition of approval being a letter from Squaw Creek Ditch Company that all requirements have been met and to include a waiver from the Fire District for the secondary access. It was seconded by Commissioner Butticci and carried unanimously.

ORIZABA MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Orizaba Minor Subdivision. The applicant, Sawtooth Land Surveying, on property owned by Alejandro Orizaba and Maria C. Hinojosa, has applied for a minor subdivision to create three (3), single-family lots on approximately 18.68 +/- acres located in the A-2, Rural Transitional Agriculture zone. The property is bare and a new private road will be done for access to all lots. The new lots are proposed to each have an individual well and septic. The site is designated Area of City impact, on the Joint Comprehensive Plan Future Land Use Map. Items that she talked about were the location of the property, a private road and a waiver letter from the city. She advised that the length of the private road is 1960.45 feet long. She advised that the property owners were out of compliance with the county because of junk and vehicles on the property, but is now in compliance after clean-up. She talked about nearby and neighboring properties. Road and Bridge Supervisor Neal Capps talked about the private road and the approach.

A motion was made by Commissioner Rekow to approve the Orizaba Minor Subdivision as presented. It was seconded by Commissioner Wille and carried unanimously.

QUARTERLY EMERGENCY MANAGEMENT SERVICES (EMS) UPDATE AND CONTRACT REVIEW, FIRE/EMS BUILDING LOCATION DISCUSSION AND CITY IMPACT FEES FOR EMS SERVICES DISCUSSION:

Deputy Chief Len McCaulou reviewed the durable inventory for 2023 for Gem County EMS. He will email a copy to Deputy Prosecuting Attorney Tahja Jensen for it to be added to the updated contract. He also reviewed the quarterly report for Q4 2022, compared the call volume from previous years, the increase of calls they are receiving, staffing and scheduling. He also talked about a current EMT class and that they are adding 5 new EMT's for the Sweet/Ola area and 6 in the Emmett area.

Fire Chief Rick Welch advised that they have outgrown their space and want to move forward with their planning for a new building. He advised that they are actively looking for a new site, but would like to stay close to the same location they are now to maintain a 5-mile radius for calls. He is asking the Commissioners to consider a proposal to let EMS/Fire build on the county RV Park by the fairgrounds. Commissioner Rekow acknowledges the need for a new location, that there has been a

lot of interest in that property and other options that they have been looking at for it. There was discussion on the horse arena. Rick talked about other properties that they have looked at and advised that they need about 3 acres. He talked about the difficulty in getting voluntary help, the need to have more full-time staff and the need for additional staff on the Fire side which will probably take a couple more years. He talked about a new fire truck they have and that they don't have a place to store it in the city. He advised that they do not have any construction funds except for the impact fees that have been received. He advised that they have a piece of property on Cascade, but it is not an ideal location for a new station. They may sell that property to put the funds toward a new purchase. He is asking for the Commissioners support with building a new station. He talked about Gem County being based on fee collections and not being a taxing district. Commissioner Butticci advised that they need to consider the Fair Board in regards to the RV Park. Earl Defur Chairman of the Commissioners for Fire 1 asked about others interested in the RV Park. Commissioner Butticci advised that this property is Prime Commercial. He advised that the Extension Office may be moved to that location as well.

Rick talked about City Impact fees. Commissioner Butticci advised that the city is not interested. He stated that the Mayor advised that the city cannot comply with the requirements that were put in place by Legislature. Rick talked about the fees that they receive from the county and that it does help them to meet their needs. He advised that the ambulance runs in the city is more than 50% of their calls and that they will not be able to keep up without the fees from the city. He is asking if there is any fees that they can charge the city with the amount of calls that they receive within the city. Commissioner Butticci advised that he tried to get on their agenda, but it was denied by the city. Rick would like to present to the City Council so they understand the services they provide within city limits. Commissioner Butticci is in support of that. Earl does not believe that the City Council has a full understanding of the situation. Rick advised that the surrounding EMS departments are part of a taxing district. Rick will attempt to get on the agenda for the City. Deputy Prosecuting Attorney Tahja Jensen advised that she is willing to respond to the Mayor's response in regards to not wanting to consider impact fees within the city for EMS. Rick also talked about the difficulties of hiring and retaining new employees because of their starting salary.

SHERIFF DEPARTMENT CROWN POINT REPEATER SITE DISCUSSION: Sheriff Wunder advised that they are pulling their repeater off Crown

Point and that the backup repeater will likely go on Freezeout. He talked about other repeaters that are still there and advised that he will report this change to Bureau of Land Management. He advised that this change will have little effect on coverage, but in the future, they may need to consider other locations if there is more development out by Pearl. He advised that Speedy Quick got permission to go through a different property to access their equipment.

INDIGENT MATTERS- RELEASE OF LIENS: Deputy Clerk Sarah Story is asking for the Commissioners to sign a release of lien for case# 11-029. This case has been paid in full.

11-029 Release of Lien

A motion was made by Rekow to sign the Release of Lien for case# 11-029 as presented. It was seconded by Commissioner Wille and carried unanimously.

The Board recessed at 5:00 p.m. to 8:00 a.m. on February 28, 2023.

February 28, 2023

IDAHO OFFICE OF EMERGENCY MANAGEMENT NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) OVERVIEW FOR SENIOR OFFICIALS CLASS (LOCATION: GEM COUNTY EMERGENCY OPERATIONS CENTER): The

Commissioners attended the Idaho Office of Emergency Management National Incident Management System (NIMS) overview for senior officials class at the Gem County Emergency Operations Center.

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

ADMINISTRATION TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 6, 2023.

Approved: _____
Chairman

Attest: _____
Clerk