



March 6 & 7, 2023, Emmett, Idaho

Pursuant to a recess taken on February 28, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 6th day of March, 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:

March 6, 2023

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

LITIGATION MATTERS- EXECUTIVE SESSION: At 9:00 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)(f) for matters of litigation with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye, and Commissioner Butticci, aye.

Regular session reconvened at 9:17 a.m.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen discussed various county legal matters including land matters.

INDIGENT MATTERS- EXECUTIVE SESSION: At 9:30 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 9:34 a.m.

INDIGENT MATTERS: Deputy Clerk Sarah Story is asking the Commissioners to approve case# 23-002 and to sign release of

liens for the following cases. These cases were approved for adjustment on 2/21/23.

23-002 Cremation

Release of Liens: 06-015, 06-019, 06-021, 06-041, 07-015, 07-031, 08-052, 10-014, 10-027, 10-058, 11-031, 11-087, 13-032, 13-071, 13-076, 14-026, 14-028, 14-079, 15-001, 15-040, 15-049, 15-050, 15-059, 16-003, 16-005, 16-007, 16-008, 16-013, 16-014, 16-015, 16-024, 16-025, 18-017, 18-018, 19-037, 20-032, 20-037, 20-038

A motion was made by Commissioner Rekow to approve case# 23-002 for cremation. It was seconded by Commissioner Wille and carried unanimously.

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

NOXIOUS WEED DEPARTMENT BUILDING ADDITION PLANS: Noxious Weed Supervisor Larry Shippy talked about plans he received for the addition of the building. One of the plans includes two office spaces, the other includes one office space. He discussed the need to go out for bid. Commissioner Wille suggested going out for bid for both plans. Larry talked about the concrete pad, the need for an ADA bathroom and concerns with staying within the original budget. Deputy Prosecuting Attorney Tahja Jensen talked about the guidelines in Idaho Code in regards to who does the work. Commissioner Butticci would like demolition to be done in-house and to go out for bid for the rest of the work for both options. Larry talked about the square footage for both plans. Commissioner Rekow talked about the need to know what the ADA requirements are.

A motion was made by Commissioner Wille for the Noxious Weed Department to move forward with the addition to the building and to go out for bid for option A and option B. It was seconded by Commissioner Rekow and carried unanimously.

LETHA SEWER DISTRICT SEWER UPGRADE FUNDING DISCUSSION: Richard Berglund met with the Commissioners to discuss borrowing authority for the sewer district. Jeremy Peirsol from Rural Community Assistance Corporation discussed a project for a new sewer pond that they need to build so they can fix the current pond that has a leak. He talked about the cost for this project, a possible matching loan and who would give that authority for the loan. Deputy Prosecuting Attorney Tahja Jensen talked about how the Sewer District is set up as a separate taxing district and also being a non-profit. There was discussion on the

process of the sewer district obtaining a bond if as a taxing district and/or as a non-profit entity. Clerk Tilton clarified an election would only be held on behalf of the taxing district, the county doesn't manage elections for non-profit entities. Commissioner Butticci advised that they should get legal counsel for guidance. Commissioner Wille talked about the challenges with being a non-profit. Tahja talked about legal implications for changing their status. Jeremy talked about the timeline for their project, the timeline for getting on the ballot and the number of projects that are going on throughout the state which affects the number of awards. Clerk Tilton talked about wording for ballots and asked them to include the Clerk's office early in the process to ensure that it is within legal requirements. Jeremy advised that the Sewer District Board is doing very well.

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

ROAD DEPARTMENT UPDATES: Road and Bridge Supervisor Neal Capps provided updates on various projects they are working on. Other items that he talked about were the Co-op canal bridge, the lease for the Ola property, street names, a traffic count, approach permits, equipment maintenance and road maintenance. He talked about an Idaho Power program with chemicals and protection for radar signs.

QUOTE FROM DEADWOOD CONSTRUCTION LLC FOR METAL INSTALLATION ON THE ROAD DEPARTMENT BUILDING: Road and Bridge Supervisor Neal Capps advised that 3 bids were received, but they were not received timely. This will be added to next week's agenda.

CONSENT AGENDA: A. Request for tax and/or fee cancellation for Homeowner's Exemptions on various parcels, B. Request for tax and/or fee cancellation to amend request# 1289 previously approved, C. Amended opioid settlement participation subdivision and special district participation forms for settlements with chain pharmacies Walmart, CVS and Walgreens and opioid manufacturers Teva Pharmaceutical Industries and Allergan, D. Mobilization mini grant award form for Lidar Equipment and Sam Trailer for Sheriff Reservices and E. Letter of intent to provide Gem Soil and Water Conservation District funding for Fiscal Year 2024.

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

GEM COUNTY SPECIAL EVENTS APPLICATION FOR USE OF GEM COUNTY ISLAND SPORTS COMPLEX FOR BOY SCOUTS OF AMERICA NATIONAL YOUTH

LEADERSHIP TRAINING: Commissioner Butticci advised that this is for youth leadership training for the Boy Scouts and that they are non-profit.

A motion was made by Commissioner Rekow to approve the Boy Scouts of America Youth Leadership training at the Island Sports Complex on March 24th & 25th for approximately 30 participants and to waive the fees. 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.

IRON BACK UP INTERNET CONTRACT REVIEW AND BROADBAND PROJECT IN HIGH VALLEY DISCUSSION: Dave Taylor with Idaho Public Safety Communication Commission (IPSCC) advised that phase 3 is now in affect and Gem County is part of that phase. He is working with Legislature and trying to update Idaho Code to increase 911 fees. The intent is to take the grants that are connected to the county and move them to the state for them to take over. He talked about how the fee increase will affect the county. Commissioner Butticci talked about the 1st IRON contract for backup for the county. He would like more information on the service from IRON and also broadband for High Valley. Steve Tolman, Network Manager, talked about the service that is currently set up for the City of Emmett. He advised that the county may need to be tied into it, since it doesn't appear to be already. Commissioner Butticci explained the difference between EMS, City Fire and Rural Gem County Fire. Steve advised that the county has not been set up at this time and options for installing a devise for the county. Information Technology (IT) Supervisor Corbin Vickery discussed options to get the county set up. Steve will set up a meeting with Mike Knittle from the City of Emmett and Corbin to get this done. Jaynie Bentz, General Manager, reviewed the contracts and who was included. Commissioner Butticci expressed concerns with not having an active back-up system. He would like to know how the system works and how to activate the back-up if there is a loss in connection. Andy Binder, President & CEO for Idaho Regional Optical Network (IRON) explained how interconnection happens with other counties to get that back-up. He advised that Gem County is a grant fee fund county. He also talked about core services and the cost. He advised that IRON can support 911 for their internet needs and that this service will eventually remove 911 trunk lines. He talked about upcoming technology for the future. Jaynie advised that IRON is a non-profit provider only and advised who is serviced by IRON. Corbin talked about communication with the Sheriff's Department once installation is

complete. Jaynie advised that Valor Health is not currently on their list for this program. Commissioner Wille will reach out to Valor. Steve talked about how IRON is set up when the county is on the core backbone, that it is a redundant and reliable network and that they are a statewide network. There was discussion on how to get other entities connected throughout the county.

Commissioner Butticci expressed the need to get broadband and internet in Ola and Sweet. Jaynie advised that there is a plan in place for that. Andy advised they have been awarded a grant that project and are in the process of negotiating with the state. He talked about how the fiber will be located and how much fiber they are expecting to receive. Jaynie advised that this is a 3-year project She talked about access points, community involvement and the layout of the route. Commissioner Butticci talked about a possible plan to put a tower in Ola. Jaynie will provide an updated service order to the Commissioners.

BUILDING PERMIT FEE INCREASE DISCUSSION: Development Services Director Jennifer Kharrl is proposing a 50% increase to the building permit fee. She advised that it is more in line with surrounding counties for fees. There was discussion on increases for future years. The Commissioners agree with a 50% increase initially.

A motion was made by Commissioner Wille to move forward with a public hearing for the building permit fee schedule of 50%. It was seconded by Commissioner Rekow and carried unanimously.

AVIMOR ANNEXATION COMMENT LETTER: Development Services Director Jennifer Kharrl advised that Avimor is asking for support for a maintenance agreement if annexed. There was discussion on other impacts on agencies and how court matters would be handled.

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

JORDAN FARMS MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Jordan Farms Minor Subdivision application. The property owner, Walker Building, LLC, has applied for a minor subdivision to create four (4), single-family lots on approximately 10.00 +/- acres located in the R-2, Rural Residential zone. The property is currently bare and 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 a prior rezone application, private roads and a right-a-way.

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

MINUTES: The minutes for February 27 & 28, 2023 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for February 27 & 28, 2023 as amended. It was seconded by Commissioner Wille.

TRAVEL TIME FOR PUBLIC DEFENSE INVOICING: The Commissioners discussed travel time for conflict public defense. Deputy Prosecuting Attorney Tahja Jensen advised that they will want to compare invoices with other attorney's that take cases involving travel; some attorneys attend their court proceedings via Zoom. She advised that the current contract is silent and that it needs to be clearly put in the contract. Clerk Tilton advised that a couple of other counties she checked with have started paying for travel times due to the challenge of getting attorneys to do conflict work, others aren't paying travel time. She reviewed the rate some counties are paying for conflict attorneys. The Commissioners agree with paying for travel time and will work on getting the contract updated.

A motion was made by Commissioner Wille to approve the payment for travel time for Conflict Public Defense. It was seconded by Commissioner Rekow and carried unanimously.

ADMINISTRATION TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 7, 2023.

March 7, 2023

ADMINISTRATION TIME: The Commissioners were in and out of the office during the day working on various administrative items.

The Board recessed at 5:00 p.m. to 8:00 a.m. on March 13, 2023.

Approved: _____
Chairman

Attest: _____
Clerk