



April 5, 2021, Emmett, Idaho

Pursuant to a recess taken on March 22, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 5<sup>th</sup> day of April 2021, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bill Butticci	Commissioner
	Bryan Elliott	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

April 5, 2021

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

**MATT & BARBARA BUTTERWORTH PROPERTY TRANSFER DISCUSSION:** Matt Butterworth spoke about his request for an exchange of property near Montour. In April 2008 Matt had written to the Commissioners for the property transfer. That Board denied the property transfer request per a May 21, 2008 letter that was presented. He explained the details of the request and spoke of the county's records and possible previous dumping on the property. There was discussion on who is responsible for clean-up on the property. Matt stated that prior to owning the property he was advised that the property was an old county gravel pit. Barbara Butterworth spoke of their current property lines. Commissioner Elliott discussed lands in the past that had private dumps prior to regulations. Commissioner Butticci advised that more research needs to be done on this request. Matt advised that they are not looking for compensation. There was discussion on timelines for a decision. Deputy Prosecuting Attorney Tahja Jensen spoke of all the departments involved.

**COVID DISCUSSION:** Valor Health Marketing Manager Staci Carr provided updates on the current 30-day trend, 7-day trend, the number of patients seen in Urgent Care & Emergency Room, a recent vaccine clinic, the number of vaccines distributed and an upcoming vaccine clinic. Deputy Prosecuting Attorney Tahja

Jensen spoke of the need to vaccinate the inmates.

**CONSENT AGENDA:** The consent agenda included: A. Local Highway Technical Assistance Council Ola Highway Powerline Rd. to 2<sup>nd</sup> Fork Rd. report and pay request #14, B. Approval of certificate of residency for Junior College tuition for Michelle Greeley and Allen Ellsworth, C. Bureau of Land Management (BLM) Right-of-Way assignment for Johnson Creek Road, D. Iron Idaho Regional Optical Network master services agreement for regional backup dispatch services, E. Facility usage/indemnity agreement for use of Catholic Hall for elections, F. Ratification of Professional Services agreement with Stuart Holderby for Building Official Services that was signed March 22, 2021.

A motion was made by Commissioner Butticci to approve items A-F as presented. It was seconded by Commissioner Elliott and carried unanimously.

**GEM COUNTY DRUG-FREE WORKPLACE POLICY WORDING AMENDMENT**

**REGARDING DILUTE RESULTS:** Deputy Chief Leandra Rountree spoke of proposed language changes in the drug-free workplace policy (item 8, page 4) on "negative dilute".

A motion was made by Commissioner Elliott to add the amendment regarding dilute results on item 8, page 4 of the Gem County Drug-Free Workplace policy. It was seconded by Commissioner Butticci and carried unanimously.

**GEM COUNTY FAIRGROUNDS GRANDSTANDS CONCRETE BIDS:** Commissioner Butticci reviewed the details of the bids received for fairgrounds grandstands concrete which were from Precision Concrete, Inc., Innovative Concrete Construction Inc. and Smally Construction LLC. Smally Construction LLC was the lowest bid at \$33,800.00. Commissioner Elliott discussed the need for an inclusive bid that includes the prep work. Commissioner Butticci will verify with the bidders on the cost of prep work and this discussion was tabled until next week.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke about various Gem County legal matters. Items discussed included a Comprehensive Planning Request for Proposal (RFP) draft, water studies, jury trials, public hearings, COVID funding, the professional services agreement for the mediation and an Information Technology (IT) equipment install.

**INDIGENT APPLICATIONS:** At 10:49 a.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1) (d) for indigent matters with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye,

and Commissioner Rekow, aye.

21-013	Emergency Medical Application
21-015	Notice of Lien
21-014	Release of Lien

Regular session reconvened at 10:54 a.m.

Commissioner Elliott made a motion that on case 21-013 to deny because the applicant is not medically indigent and the county is not the last resource. On case 21-015 to sign notice of lien and on case 21-014 sign release of lien. It was seconded by Commissioner Butticci and carried unanimously.

**INDIGENT HEARING 21-003:** At 11:15 a.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Butticci, aye and Commissioner Elliott, aye and Commissioner Rekow, aye. Indigent Director Sarah Story was sworn in.

Regular session reconvened at 11:19 a.m.

A motion was made by Commissioner Elliott to grant a continuation for 2 weeks for the applicant to hopefully respond. It was seconded by Commissioner Butticci and carried unanimously.

**ROAD DEPARTMENT UPDATE:** Road & Bridge Supervisor Neal Capps provided updates on multiple projects that they are working on. Items he discussed included repairs, project concerns, irrigation, culvert crossings, run-off, guard rails, tree clean-up, grader maintenance, new projects and budget. He also talked about signage for road closures. Road & Bridge Assistant Director Jason Brown talked about challenges with the public at road closure locations, increase time for jobs, signage needs, grading issues, safety and communication to the public. There was also discussion on parking blocks. Shop Foreman Steve Posten talked about prep work for summer projects and machine maintenance.

**2021 HOT MIX ASPHALT BIDS:** Road & Bridge Supervisor Neal Capps reviewed bids from Thueson Construction, SUNROC Corp and Idaho Materials for hot mix asphalt. He recommends approval for Thueson Construction for \$46.00 per ton.

A motion was made by Commissioner Butticci that on the 2021 hot mix asphalt bid to award to Thueson Construct at \$46.00 per ton from their Notus pit. It was seconded by Commissioner Elliott and carried unanimously.

**2021 CULVERT CROSSING ASPHALT PATCHING BIDS:** This will be placed on the agenda for next week.

**INFORMATION TECHNOLOGY (IT) POSITION INTERVIEW:** The Commissioners conducted an interview for the Information Technology (IT) position.

**The Commissioners recessed at 12:45 p.m. for lunch to reconvene at 1:30 p.m.**

**JMH FARMS REZONE AND DEVELOPMENT AGREEMENT PUBLIC HEARING:** While being recorded, a public hearing was held for the JMH Farms rezone and development agreement request. Due to social distancing, this meeting was held virtually via GoToMeeting. Those present were Development Services Director Jennifer Kharri, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, property owner Anthony Hafen, Josh Beach from Sawtooth Land Surveying and Gem County residents Mike & Pam Zimmering, Brian Morrow, Gregory Kershul and Amy Simonsen. Those wanting to present were sworn in. Commissioner Rekow read the notice of public hearing.

There were no indications of conflict from the Commissioners, nor were there any declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

The applicant, Sawtooth Land Surveying LLC, on behalf of the property owner, JMH Farms LLC, seeks approval to rezone their property from A-1 Prime Agriculture (40-acre minimum) to A-2 Rural Transitional Agriculture (5-acre minimum). The property proposed to be rezoned is 40 +/- acres in size, and lies fully within the Priority Growth Area 3 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

Development Services Director Jennifer Kharri asked to add the packet of information into the record which includes the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, a revised finding (b) from the staff report and Zoning Commission recommendation. She advised that staff miscounted the number of parcels that shared the proposed private road. She clarified that there are only 2 sharing in addition to this parcel, not 3. She advised that there is a letter from Road & Bridge Department with concerns, letters from Idaho Transportation Department and Emmett School District were received with no concerns and 3 letters of concerns from the public.

A motion was made by Commissioner Butticci to enter the packet that was received into the record. It was seconded by

Commissioner Elliott and carried unanimously.

Jennifer reviewed the details of the requested rezone and that staff and the Zoning Commission recommends approval with a development agreement with conditions. Commissioner Elliot spoke about his concerns of growth not happening outward in a logical orderly fashion. Jennifer explained how the priority growth areas are designed.

Josh Beach from Sawtooth Land Surveying on behalf of the applicant spoke about the traffic impact study that was completed. No other attendees spoke in-favor or neutral. In opposition, Amy Simonsen advised that she submitted a letter which outlined her concerns on the road. Brian Morrow also spoke of road & safety issues. Jennifer provided the definition of essential public services. Pam Zimmering shared her concerns with the road traffic. No others wished to speak and there was no rebuttal. Jennifer advised that road studies are sent to Road & Bridge Supervisor Neal Capps and then sent to the county engineer. She also talked about a concept/project plan. There was discussion on keeping the public hearing open until they have an opportunity to review the traffic study and project plan. Deputy Prosecuting Attorney reviewed the definition of a project plan.

A motion was made by Commissioner Butticci to continue the public hearing to review the traffic plan that has been completed and have it submitted as an exhibit, and if the applicant could provide a project plan of the site with a continuation date set for April 26<sup>th</sup> at 1:30pm. It was seconded by Commissioner Elliott and carried unanimously.

**MINUTES:** The minutes from March 15, 2021 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for March 15, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

The minutes from March 22, 2021 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for March 22, 2021 as amended. It was seconded by Commissioner Butticci and carried unanimously.

**ZOOM KIOSK PRESENTATION:** The Commissioners were provided a presentation of Zoom Kiosk equipment that is currently used in the District courtroom to conduct virtual court proceedings.

**PROPERTY LEASE FOR MOTOR VEHICLE DEPARTMENT:** Assessor Hollie Ann Strang spoke of 3 potential spaces for Motor Vehicles to lease. One of these is in the Albertson's parking lot. Assessor Strang stated she has concerns with parking at this location. The other 2 locations are in the Dollar Tree parking lot which was a

previous gym space and the previous Department of Labor office, these options offer better parking. Deputy Prosecuting Attorney Tahja Jensen spoke of the lease agreement process. Assessor Strang's 1<sup>st</sup> preference would be the previous Department of Labor office. She advised that renovations could be made inside the office. She will work with Tahja on a lease agreement.

**MOTOR VEHICLE STAFF COMP TIME PAYOUT AND CARRY OVER:** Assessor Hollie Ann Strang spoke of an employee that has 61.65 hours of comp time and 199 hours of vacation hours due to state computer issues. She advised that another employee is going to be out of the office for an extended period of time which would cause a hardship on the county. She is asking to pay out the 61.65 hours of comp time to the employee.

A motion was made by Commissioner Elliott to authorize Hollie Ann Strang to pay out 61.65 hours of comp time for Debbie Reyes. It was seconded by Commissioner Butticci and carried unanimously.

Assessor Strang also spoke of another employee that has 80 hours of comp time and 80 hours of vacation time and that she is scheduled for an extended time off in the near future. She is asking to carry over 40 hours of vacation time in addition to the 40 allowed in county policy and also carry over her comp time past her anniversary to be used during her needed time off.

A motion was made by Commissioner Butticci to allow the Assessor to carry over an additional 40 hours of vacation time for their employee to be used by August 31, 2021. It was seconded by Commissioner Elliott and carried unanimously.

**IDAHO STATE TAX COMMISSION PENDING RECOMMENDATION TO STATE BOARD OF EQUALIZATION FOR RATIO STUDY REGARDING VALUATION COMPLIANCE:**

Assessor Hollie Ann Strang advised that Gem County is out of compliance on 3 out of 5 items of the study due to the market. She will work on bringing it back into compliance, specifically residential. She spoke of ways to keep the constituents informed of the increase. Assessor Strang discussed the State Tax Commission program that allows calculation of future taxes; however, that program does not account for specials including, landfill fee and the recreation district. She talked about creating an internal spreadsheet showing a 3% increase as an estimate. She spoke of her concerns on using this internal spreadsheet which may increase the Treasurer's workload. She advised that this would be done in mass instead of an individual bases.

**MEMORANDUM OF AGREEMENT BETWEEN THE IDAHO TRANSPORTATION**

**DEPARTMENT (ITD) AND GEM COUNTY ASSESSOR'S OFFICE FOR PROCESSING OF IDAHO DEALER TITLE APPLICATIONS BY ITD AND PAYMENT OF FEES TO**

**THE COUNTY:** Assessor Hollie Ann Strang talked about mail out renewals, internet renewals and dealer titles. She advised that she is interested in handing over the Idaho Dealer Title applications to ITD and stated that reimbursement may be given back to the county. This would be a 6 month agreement.

A motion was made by Commissioner Butticci to move forward with the Memorandum of Agreement with the Idaho Transportation Department and Gem County Assessor's Office for processing of Idaho dealer title applications by ITD and payment of fees to the county. It was seconded by Commissioner Elliott and carried unanimously.

**JAIL FIRE SUPPRESSION EQUIPMENT/MAINTENANCE:** Deputy Chief Dave Timony spoke of a quote for an automatic kitchen fire suppression system for \$12,600.00 from Iridium Protection LLC dba Taylor Brothers Fire and Safety. Commander Katie Rolland advised that they do not have the funds in their building and maintenance budget, but that this is necessary. The Commissioners discussed how this would be paid.

A motion was made by Commissioner Elliott to authorize the Sheriff Department to accept the Iridium bid of \$12,600.00 for the retro-fit of the kitchen fire suppression system. It was seconded by Commissioner Butticci and carried unanimously.

**INTERIM NOXIOUS WEED DEPARTMENT SUPERVISOR POSITION:**

Commissioner Butticci spoke of the open supervisor position at the Weed Department. He advised that he had asked Jason McLeod to act as the interim Weed Department supervisor with a pay adjustment to \$42,000.00. He advised that Jason would report directly to the Commissioners. Staffing was discussed. Jason spoke about challenges with radios in more remote areas. The hiring process timelines were also discussed.

A motion was made by Commissioner to appoint Jason McLeod as the interim Weed Director with salary compensation to be retro-active from March 20, 2021. It was seconded by Commissioner Elliott and carried unanimously.

**The Board recessed at 4:45 p.m. to 8:30 a.m. on April 12, 2021.**

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

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

