



April 10 & 11, 2023, Emmett, Idaho

Pursuant to a recess taken on April 4, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 10<sup>th</sup> day of April, 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:

April 10, 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.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen recommends workshop meetings with Development Services Director Jennifer Kharrl for land use planning, including Idaho Code for land use issues, scripts for the Commissioners and staff reports. They will be scheduled on Tuesdays at 10am. She also talked about training for Department Heads. Commissioner Butticci suggests training on policies, such as expenditures. Tahja also talked about a Resolution for a threshold spending amount for Department Heads. There was discussion on the budget. Tahja advise that she and Jennifer are meeting with the city to discuss an easement agreement on Substation Road by 12<sup>th</sup> Street and also the City of Area Impact that she drafted. She advised that she is down 2 board members on the Board of Guardians. She also advised that there will be a pre-bid meeting for the Noxious Weed Department addition. Commissioner Butticci advised that the canopy at the fairgrounds is almost complete.

**PROPERTY EXEMPTIONS FOR RELIGIOUS AND CHARITABLE ENTITIES, HOSPITALS, SCHOOLS OR EDUCATIONAL ENTITIES, IRRIGATION WATER AND STRUCTURES, COOPERATIVE TELEPHONE LINES, ELECTRICAL AND NATURAL GAS ASSOCIATIONS, SOIL DISTRICTS, OPERATING PROPERTY AND SEWER DISTRICTS:** Assessor Hollie Ann Strang presented a list of properties to the Commissioners that are eligible for property

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tax exemptions which include religious and charitable entities, hospitals, schools or education entities, irrigation water and structures, cooperative telephone lines, electrical and natural gas associations, soil districts, operating property and sewer districts. She advised that a couple of churches came off the list from last year due to being sold.

A motion was made by Commissioner Wille to accept the property exceptions for religious and charitable entities, hospitals, schools or education entities, irrigation water and structures, cooperative telephone lines, electrical and natural gas associations, soil districts, operating property and sewer districts as presented. It was seconded by Commissioner Rekow and carried unanimously.

### **PROPERTY EXEMPTION REQUEST FOR VALLEY FAMILY HEALTHCARE, INC.:**

Assessor Hollie Ann Strang is asking for approval for property tax exemption for Valley Family Healthcare, Inc. She advised that they acquired a dental clinic on Locust Street which will be billing on a sliding scale based on income and that it falls within the requirements for tax exemption.

A motion was made by Commissioner Rekow to approve the property tax exemption for Valley Family Healthcare as presented. It was seconded by Commissioner Wille and carried unanimously.

**COURTHOUSE BATHROOM REMODEL ARPA FUNDING REQUEST:** Building and Grounds Supervisor Chuck Shambaugh advised that 4 bathrooms were redone to upgrade standards and to provide a healthy environment. He is asking for ARPA funding in the amount of \$22,914.99.

A motion was made by Commissioner Wille to approve the \$22,914.99 for ARPA funds for the remodel of the bathrooms. It was seconded by Commissioner Rekow and carried unanimously.

**CONSENT AGENDA:** A. Donation of old jail refrigerator to the Senior Center, B. Quote from G&E Construction for South Slope Roadway excavation, C. Gem County Special Events application for use of Island Sports Complex for Youth Appreciation Day with fee waiver request and E. Idaho State Department of Agriculture Gem County Cooperative Weed Management Area disbursement agreement state cost share funds for 2023.

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. Commissioner Butticci recused himself for Item C as he was the sponsor for that application.

**LETTERS OF SUPPORT FOR THE GEM SOIL & WATER CONSERVATION DISTRICT FOR PAYETTE RIVER IRRIGATION IMPROVEMENT PROJECT FOR A PIVOT OFF OF PIONEER AVE, SQUAW CREEK IRRIGATION IMPROVEMENT PROJECT FOR A PIVOT IN SWEET ON SQUAW CREEK AND SQUAW CREEK STREAM BANK RESTORATION PROJECT:** The Commissioners reviewed the requests for letters of support.

A motion was made by Commissioner Rekow to approve the letters of support for the Gem Soil & Water Conservation District and the Squaw Creek Stream Bank restoration project. It was seconded by Commissioner Wille and carried unanimously.

**MINUTES:** There were no minutes to review.

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

**DEPARTMENT HEADS:** Commissioner Butticci spoke about on-line trainings, phishing emails, the on-line auction, training for Department Heads, invoicing, the Youth Appreciation Day and the canopy at the fairgrounds.

Landfill Supervisor Martin Joyce talked about a broken down truck, increase in customers, revenue, roads and brush. Noxious Weed Supervisor Larry Shippy talked about spraying, a 4-wheeler that is on order, their building expansion and a seasonal employee that began last week. Juvenile Probation Supervisor Shannon Carter talked about their review, their caseload, the Diversion Program and drug testing. She advised that the labs are taking about 30 days now and is looking at possibly using a different lab. Building and Grounds Supervisor Chuck Shambaugh talked about work at the Island, their seasonal employee and work in the attic. Emergency Operations Manager Jeff Ulmer talked about river awareness signage, studies on the Payette River for building approval and a tabletop exercise. Rebecca Mills from the Extension office talked about various programs and classes they offer and the budget. Commissioner Butticci advised that she contact Clerk Tilton regarding questions about the budget. Rebecca advised that she would like to schedule a time to meet with the Commissioners to discuss some concerns and will contact Clerk Tilton to get on the agenda. She asked which trainings they need to take. Commissioner Rekow advised to take whatever they can, especially if they apply to your position. Rebecca also talked about in-person trainings that she attended. Deputy Prosecuting Attorney Tahja Jenson talked about ICRMP training which is currently voluntary, but could change. There was discussion on tracking attendance. Tahja also talked about Information Technology trainings which are required.

**INDIGENT APPLICATIONS/MATTERS- EXECUTIVE SESSION IDAHO CODE 74-206(1) (D)**

: At 11:42 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.

Case# 23-003 Cremation Application

CAT Assignments for CAT cases: 1G-2010-00006, 1G-2011-00004, 1G-2011-00013, 1G-2012-00002, 1G-2012-00003, 1G-2012-00004, 1G-2012-00005, 1G-2012-00006, 1G-2012-00020, 1G-2012-00022, 1G-2012-00024, 1G-2012-00025, 1G-2013-00014, 1G-2013-00016, 1G-2013-00019, 1G-2013-00024, 1G-2016-00009, 1G-2020-00006, 1G-2020-00007, 1G-2020-00009, 1G-2020-00011, 1G-2020-00013, 1G-2020-00014, 1G-2020-00015, 1G-2020-00016, 1G-2020-00017, 1G-2021-00001, 1G-2021-3, 1G-2021-5, 1G-2021-6, 1G-2022-1, 1G-2022-3, 1G-2022-4, 1G-2022-6 and 1G-2022-7.

Regular session reconvened at 11:46 a.m.

A motion was made by Commissioner Rekow to approve case# 23-003 and to sign the CAT assignments 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 and carried unanimously.

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

**FISCAL YEAR 2023 BUDGET ADJUSTMENT PUBLIC HEARING**: While being recorded, the Commissioners held a public hearing to review the Fiscal Year 2023 budget adjustment request. This meeting was held in person. Clerk Tilton and Deputy Prosecuting Attorney Tahja Jensen were present. There were no members of the public present. Commissioner Butticci read the notice of public hearing.

Clerk Tilton provided a list of expenses that were unanticipated at the time the budget was approved that need adjustments including salaries, disaster preparedness equipment, the opioid settlement money, travel for Historic Preservation Committee members, grant funding, Indigent reimbursement payment, fair judge expenses, courthouse AC unit, courthouse

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external lighting, AED's, body cameras and cell phones for the Sheriff's Department and e-911 phone maintenance. Commissioner Butticci talked about the bathroom repairs at the Community Bible Church, which is a county owned property. There was discussion on how this this cost would be covered. Clerk Tilton advised that there is more revenue than was budgeted from the lease line which could be made available for the repair costs through the budget adjustment.

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

A motion was made by Commissioner Wille to approve Gem County Resolution 2023-06 with the addition of \$1500 additional funds for the repair at the Community Bible Church bathroom and to be funded out of the lease income line for that facility. It was seconded by Commissioner Rekow and carried unanimously.

**DARK SKY DISCUSSION:** Development Services Director Jennifer Kharrl provided a memo to the Commissioners for review. She advised that she tried to use the City of Emmett Ordinance for a guideline for creating an Ordinance for the county, but had difficulty. She advised that she checked with other cities and counties, but there were not a lot of Ordinances for other counties. Most other counties have Dark Sky standards. She advised that Logan Simpson can roll this into the code updates if wanted. Deputy Prosecuting Attorney Tahja Jensen advised that there is a national Dark Sky certification which requires certain criteria to be certified. Jennifer is looking for guidance on how the Board wants to move forward. Commissioner Butticci advised that the most common concerns from the public is light shining onto adjacent properties for both residential and commercial. He talked about enforcement, lumen ratings, the direction of the lights and the use of a lumen meter. Building Official Matthew Humphrey advised that he has not seen any light plans for review. There was discussion on this being complaint driven and giving the public a certain amount of time to be compliant. Code Enforcement Officer Larry Robertson advised that he has addressed light complaints in the past. Commissioner Butticci talked about being grand-fathered in and how to rectify that. Matthew talked about a Dark Sky Ordinance based on the angle of the light. Larry talked about the need of having something measurable to enforce compliance. Commissioner Wille talked about there being different aspects of Dark Sky and advised that some standard needs to be in place in order to enforce. Commissioner Butticci talked about people having excessive light. Tahja reviewed the language in the City Code. She talked about Logan Simpson being familiar with rural Idaho

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counties and the language with special use permits. Matthew talked about the difficulty with getting light plans. Commissioner Butticci advised that Dark Sky Ordinances are pretty popular and is needed in Gem County. Tahja suggested to include what type of lights would comply. There was discussion on the reasons why people use excessive lighting. Commissioner Butticci advised Jennifer to go to Logan Simpson and see what they have done with other counties. Matthew will check with the city to understand their enforcement process. Tahja advised that Dark Sky is currently in the Comprehensive Plan, but has not made it to an Ordinance. Commissioner Wille talked about the brightness of LED's. Commissioner Rekow talked about lighting on business signs and excessive bright lighting on various types of vehicles.

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

**The Board recessed at 5:00 p.m. to 9:00 a.m. on April 11, 2023.**

**April 11, 2023**

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

**COMMUNITY BIBLE CHURCH BUILDING TOUR:** The Commissioners went on a tour at the Community Bible Church, which is a county owned property.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on April 17, 2023.**

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

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