



June 13 & 14, 2022, Emmett, Idaho

Pursuant to a recess taken on June 6, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 13<sup>th</sup> day of June 2022, at 8:30 a.m.

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

Whereupon the following proceedings were had, to-wit:

June 13, 2022

**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.

**FARMERS CO-OP BRIDGE & ROAD ALIGNMENT:** The Commissioners reviewed a Farmers Co-op Bridge & Road alignment packet that was provided to them. Topics that were discussed included options that can be taken in order to complete the realignment project and the negotiator list. Deputy Prosecuting Attorney Tahja Jensen talked about the legal process. Road and Bridge Supervisor Neal Capps advised that he has talked to some of the negotiators. There was discussion on the survey. Tahja advised that this property is currently for sale. Commissioner Butticci would like to move forward as soon as possible before that property is sold. Commissioner Rekow will be the point of contact throughout this process.

A motion was made by Commissioner Butticci to move forward with the Farmers Co-op bridge and road alignment with a negotiator being hired. It was seconded by Commissioner Elliott and carried unanimously.

**IMPACT FEE PROCESS DISCUSSION:** Deputy Prosecuting Attorney Tahja Jensen talked about reporting, amendments to the Comprehensive Plan, expenditure of impact fees, budgeting options, projects that qualify for the impact fees, building permit fees, project lists and the need for annual reporting. She advised that this coincides with the budgeting process. She talked about the

process for expending the fees, timelines and growth driven projects. She also talked about increases in costs and changes in the economy. There was discussion on the annual joint committee meetings. Development Services Director Jennifer Kharrl talked about the process on dispersing funds. Clerk Tilton talked about how EMS fees are handled. Justin from Development Services advised that invoicing for the impact fees is not financially beneficial and the need to update the Capital Improvement Plan (CIP). Tahja advised about the requirements of the advisory committee. Planning and Building Assistant Justin Vanderbilt talked about challenges with reporting. He advised that they have been working with Computer Arts, but have not received anything from them. A reporting system needs to be created, even if it is for temporary use. Jennifer advised that most of the other counties that collect impact fees have in-house programs for reporting. Jennifer will reach out to Canyon County and Ada County to learn more about their programs. Commissioner Butticci will reach out to Computer Arts to discuss reporting needs and to determine if they can meet the needs of Gem County. Tahja talked about administrative fees per application. Justin talked about how the transactions occur and how inefficient the current process is for invoicing the different agencies for administrative fees. The Commissioners believe the administrative fees should not be billed at this time due to it costing more to go through the invoice process.

**EXECUTIVE SESSION:** At 10:05 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Butticci 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 Butticci, aye, Commissioner Elliott, aye and Commissioner Rekow, aye.

Regular session reconvened at 10:23 a.m.

**CONSENT AGENDA:** A. Request for tax and/or cancellation for Assessor's parcel RP07N03W133038, B. Letter of engagement with Marla Henken with Henken Law, LLC and C. Duplicate title application for 1988 Ford F-250 VIN 1FTHF26H1JPA08384.

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

**FIX THIS SYSTEM ADDENDUM 1 TO AUCTION AGREEMENT:** Commissioner Butticci advised that an addendum is needed to the agreement with Fix This System for the county auction. He advised that an additional 20 hours is needed, which would bring the agreement to a total of 40 hours at \$60.00 an hour. This is due to

managing the auction taking more hours than anticipated. The auction is now over.

A motion was made by Commissioner Elliott to add the addendum to the auction agreement for Fix This System for an additional 20 hours and to be paid out of professional services. It was seconded by Commissioner Butticci and carried unanimously.

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

**PROSECUTING ATTORNEY MATTER**: There were no items to discuss.

**PUBLIC WALK-IN**: Mark Hair met with the Commissioners to discuss multiple concerns with a neighbor. He advised that the property is being used as a junk yard and that it is right in front of their house. He stated that he is trying to sell a part of their property, but can't because of the eye sore since there is no privacy fence on the property. He has made 3 different complaints with Code Enforcement, but states that nothing has been done. He is requesting that the county enforce the code. Commissioner Butticci advised that legal is working with Development Services on this matter.

Marty Fry talked about concerns with guns with citizens that have mental conditions.

Annette Smith spoke on concerns with the intersection by her house which is Bowman Road and Highway 52. She advised that she sent an email to the Commissioners regarding her concerns. Commissioner Rekow advised that they will talk to the Road and Bridge Supervisor. Commissioner Elliott advised that Highway 52 is a state highway and that the county has no jurisdiction for that highway. She also talked about the Comprehensive Plan.

**DEPARTMENT HEADS**: Commissioner Butticci advised that the auction is complete. Landfill Supervisor Martin Joyce talked about various projects they are working on. Rebecca Mills from the Extension Office talked on various programs that are going on and fair. Noxious Weed Supervisor Larry Shippy spoke on various projects they are working on. He also talked about blackberry bushes along roadways and a 2022 agreement with the State of Idaho. He talked about possibly loaning out back-pack sprayers to homeowners for spraying. Deputy Prosecuting Attorney Tahja Jensen suggests that Larry reach out to other counties to see what their process is.

Buildings and Maintenance Supervisor Chuck Shambaugh talked about the UPS and various projects they are working on. Juvenile Probation Supervisor Shannon Carter talked about caseload, electronic monitoring, an upcoming audit and an upcoming

conference.

**TIRE DISPOSAL FEE:** Landfill Supervisor Martin Joyce advised that the price for tire disposal has increased from \$1.99 to \$2.99 per tire which the county has to pay. He advised that Gem County is currently charging customers \$2.50 for tires without rims and \$3.50 for tires with rims. He spoke on future options for tire disposal and requested to begin the process to increase the fees charged so that costs are covered. No action was taken.

**REQUEST FOR ADDITIONAL ARPA FUNDING FOR SCALE REPLACEMENT:** Landfill Supervisor Martin Joyce is asking for an additional \$6000.00 in ARPA funding for the scale project. He advised that the prices have increased.

A motion was made by Commissioner Elliott to approve \$6000 more ARPA dollars for the funding for the scale replacement at the landfill to not exceed \$11,000. It was seconded by Commissioner Butticci and carried unanimously.

**SCHOOL DISTRICT REQUEST FOR A TEMPORARY BIN:** Emmett School District Maintenance Director Josh Rountree is asking for approval for a large roll off bin to be placed at the high school during demolition of the gymnasium bleachers. He advised that the school district is responsible for the disposal of the old bleachers and that he will work with Landfill Supervisor Martin Joyce throughout the project. Landfill Supervisor Martin Joyce advised that they have worked with the school before. He advised that the landfill would drop off the bin and pick it up.

A motion was made by Commissioner Butticci to allow 1 roll-off bin for the demolition of the high school bleachers. It was seconded by Commissioner Elliott and carried unanimously.

**FEE/DEPOSIT WAIVERS FOR HIGH SCHOOL SOCCER AT THE ISLAND:** Buildings & Grounds Supervisor Chuck Shambaugh met with the Commissioners to discuss a special events application for the Emmett High School boys soccer practice. He advised that they are asking for a fee waiver.

A motion was made by Commissioner to approve the special events application at the Island for the Emmett High School soccer practice and to waive the fees. It was seconded by Commissioner Elliott and carried unanimously.

**FEE/DEPOSIT WAIVERS FOR MIDDLE SCHOOL CROSS COUNTRY MEET WITH FEE WAIVER REQUEST:** Buildings & Grounds Supervisor Chuck Shambaugh met with the Commissioners to discuss a special events application for the Emmett Middle School Cross Country meet. He advised that they are asking for a fee waiver.

A motion was made by Commissioner Butticci to approve the special events application at the Island for the Middle School cross country meet and to waive the fees. It was seconded by Commissioner Elliott and carried unanimously.

**The Commissioners recessed at 12:15 p.m. for lunch to reconvene at 1:30 p.m.**

**ZONING & SUBDIVISION ORDINANCE REQUEST FOR PROPOSAL (RFP)**

**SELECTION:** Development Services Director Jennifer Kharrl talked about the opening for the RFP that was done last week. Logan Simpson is the only RFP that was received. She received responses from Logan Simpson in regards to questions from last week. She talked about timelines, clarification of what the phases entailed and document compilation. Commissioner Elliott is in support of the module style (Phase 3A) and to focus on the critical needs first such as Land-Use and the Subdivision Ordinance. There was no need for a motion due to there being only 1 proposal received.

**FISCAL YEAR 2023 BUDGET DISCUSSION:** Clerk Tilton and Chief Deputy Clerk Leandra Rountree met with the Commissioners to discuss the budget for ADA Compliance and the EMS department.

**JOINT MEETING WITH ZONING COMMISSION AND LOGAN SIMPSON TO REVIEW DRAFT OF THE COMPREHENSIVE PLAN REVISION:**

This meeting was held virtually via Zoom and in person. Mariam McGilvray from Logan Simpson met with the Commissioners and Debra Jones, Dan Eichelberger and Justin Vickery from the Joint Zoning Commission to review the draft of the Comprehensive Plan (COMP) revision. Items that she talked about were the project schedule, community engagement phases, plan structure and the draft future land use map. She also talked about a national soil survey. Jennifer advised that they have had discussions with the city in regards to area of city impact, annexation and the Ordinance. There was discussion on the process of properties being annexed into the city. Mariam reviewed the category descriptions for recreation & natural resources, agriculture & ranching, prime agriculture, important agriculture, rural, county residential, transition residential, business mixed use, rural community and area of city impact/planning area overlay. Other items that she talked about were benefits of the Future Use Land map. She would like to get feedback on the Draft Comp Plan that was provided to the Commissioners. Commissioner Butticci advised that he was able to review it and he liked it. He has no questions at this time. Mariam recommends review of the Comp plan yearly internally and every 5 years do a thorough review for changes that may be

needed.

There was discussion on the effects of losing agriculture land and the need to balance that with the growth. She advised that they have not added entry corridors into the plan. Commissioner Butticci advised that most entry corridors are with the city. Commissioner Elliott talked about the need for a good Transportation Plan. He expressed concerns with the traffic on the 2 major thoroughfares in Gem County. Jennifer spoke on proposed bypasses by the state. She advised that there was no action taken. Commissioner Rekow likes how the draft Comp Plan is written. She advised that the plan will be presented to the public for public comment in mid-July.

**The Board recessed at 5:00 p.m. to 9:00 a.m. on June 14, 2022.**

**June 14, 2022**

**EXPENSE CLAIMS APPROVAL:** The claims presented were reviewed. Commissioner Rekow made a motion to sign the claims as presented and as initialed on the individual claim forms. It was seconded by Commissioner Elliott and carried unanimously.

**FISCAL YEAR 2023 BUDGET DISCUSSIONS:** Clerk Tilton and Chief Deputy Clerk Leandra Rountree met with the Commissioners to discuss the Fiscal Year 2023 budget. Items that they discussed were Development Services, Landfill, the Clerk's office and the general fund.

**COUNTY ORDINANCE AMENDMENT REGARDING PENALTY CHANGES AND STATE CODE COMPLIANCE PUBLIC HEARING:** While being recorded, the Commissioners reviewed the county Ordinance amendment regarding penalty changes and state code compliance. Those present were Prosecuting Attorney Erick Thomson, Deputy Prosecuting Attorney and Deputy Prosecuting Attorney Denyce Udink-Thompson. There were no members of the public present. Commissioner Rekow read the notice of public hearing. Those wishing to testify were sworn in.

Prosecuting Attorney Erick Thomson advised that most of these changes were made to change the penalty for first time offenders and to make them misdemeanors instead of jail time. He advised that there was some language clean-up, language amendments and and advised that they added a few potential violations. He provided clarification on who could be in violation in section 1-4-2: "Application of Provisions". Commissioner Elliott believes that these changes are good. Commissioner Rekow appreciates the time and effort that was put forth on this document. There were no others that wished to

Speak.

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

A motion was made by Commissioner Butticci to move forward with the County Ordinance Amendment regarding penalty changes and state code compliance as presented. It was seconded by Commissioner Elliott and carried unanimously.

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

**FISCAL YEAR 2023 BUDGET DISCUSSIONS:** Clerk Tilton and Chief Deputy Clerk Leandra Rountree met with the Commissioners to discuss the Fiscal Year 2023 budget. Items that they discussed were the Fair, Information Technology, the Sheriff's Department and the general fund.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on June 21, 2022.**

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

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