



**July 18 & 19, 2022, Emmett, Idaho**

**Pursuant to a recess taken on July 12, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 18<sup>th</sup> day of July 2022, at 8:30 a.m.**

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

**Whereupon the following proceedings were had, to-wit:**

**July 18, 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 Rekow and carried unanimously.

**FISCAL YEAR 2023 BUDGET DISCUSSION:** Clerk Tilton met with the Commissioners to discuss the Fiscal year 2023 budget. It was listed on the agenda incorrectly as 2022.

**CONSENT AGENDA:** A. Brockett Rezone Findings, Conclusions, Conditions and Order, B. Gem County Ordinance 2022-06 Road Naming Ordinance Title 11 and 12 Amendment, C. Whispering Sands Minor Subdivision Findings, Conclusions, Conditions and Order and D. Runyon Commercial Minor Subdivision Findings, Conclusions, Conditions and Order.

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

**GEM COUNTY EMERGENCY OPERATIONS LEASE WITH THE CITY OF EMMETT:**

Commissioner Butticci advised that the city is asking for the lease to now be \$600 per month which covers the cost for the back-up generator, depreciation of the IT equipment that is used, cleaning and increase of utilities. He advised that the county currently pays \$200 per month. He advised that this is a 3-5 year need until the Emergency Operations Center can be brought back in-house. This office is not ADA compliant.

A motion was made by Commissioner Butticci to approve the increased lease payment to \$600 a month for the EOC to the City

of Emmett for FY2023. It was seconded by Commissioner Rekow and carried unanimously.

**EXECUTIVE SESSION FOR PERSONNEL MATTERS:** At 10:16 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)(a) for matters regarding personnel with a roll call vote as follows: Commissioner Butticci, aye, and Commissioner Rekow, aye.

Regular session reconvened at 10:25 a.m.

**GEM COUNTY EMERGENCY MANAGER POSITION:** Commissioner Butticci advised that interviews have been completed. He advised that the salary range is \$17.40-\$20.16. This topic will be brought back for decision after obtaining further information from the Clerk.

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

**PUBLIC WALK-IN:** Terry Haun met with the Commissioners regarding safety concerns on Highway 16. He spoke on the increase of traffic, noise and truck traffic. He is proposing that the Commissioners send a letter to the State Legislature, the Governor and the Transportation Departments regarding the issues on the highway. He would like to see more presence from the Sheriff's Department. Commissioner Butticci said he would like to see the speed limit slowed down in certain sections. There was discussion on the Transportation Plan. Road and Bridge Supervisor Neal Capps talked about the Truck Route Ordinance. He advised that Idaho Transportation Department will not allow the Ordinance information to be put on their signs. Terry will attend the Highway 16 discussion scheduled for tomorrow.

**OLA EQUIPMENT OPERATOR POSITION:** Road and Bridge Supervisor Neal Capps advised that this position was previously approved for \$41,080 and is requesting to keep that wage the same for a new Equipment Operator in Ola. He advised that this is not an entry level position and that applicants will need certain qualifications.

A motion was made by Commissioner Butticci to approve the Road and Bridge Supervisor to go out for the Ola Equipment Operator position with a salary of \$41,080. It was seconded by Commissioner Rekow and carried unanimously.

**NOTICE TO PURCHASE CONCRETE FOR STIFF LEG BRIDGE:** Road and Bridge Supervisor Neal Capps clarified that the request is for the purchase of a Precast Concrete Stiff Leg Bridge. He advised that this is for the Farmers Co-op and that this will be a

formal bid. He talked about funding for this bridge and does not know the start time of this project, he will be doing this project in-house. He also talked about anticipated costs, the design of the bridge, surrounding properties and timelines for the project.

A motion was made by Commissioner Butticci to move forward with the purchase of the Precast Concrete Stiff Leg Bridge for the Farmers Co-op bridge replacement. It was seconded by Commissioner Rekow and carried unanimously.

**EXECUTIVE SESSION TO CONSIDER ACQUISITION OF REAL PROPERTY-**

**OFFSITE PROPERTY VISIT:** At 11:20 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)(c) for matters of real estate with a roll call vote as follows: Commissioner Butticci, aye and Commissioner Rekow, aye.

Regular session reconvened at 11:35 a.m.

**CONTRACT WITH REAL ESTATE AGENT FOR ACQUISITION OF REAL**

**PROPERTY:** The Commissioners will reach out to a realtor.

A motion was made by Commissioner Butticci to move the Executive Session to consider acquisition for real property and to contract with a real estate agent for acquisition of real property to 3:00 p.m. tomorrow July 19<sup>th</sup>. It was seconded by Commissioner Rekow and carried unanimously.

**EXECUTIVE SESSION FOR PERSONNEL MATTERS:**

At 11:36 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, and Commissioner Rekow, aye.

Regular session reconvened at 12:00 p.m.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters.

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

**STEVENS RANCHETTES PRELIMINARY PLAT PUBLIC HEARING-CONTINUED:**

While being recorded, the Commissioners held a continued public hearing to review the Stevens Ranchettes preliminary plat. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharri, Development Services Coordinator Stephanie Crays, Deputy Prosecuting

Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, applicant representative Kurt Smith and various members of the public. Commissioner Rekow advised that this is to review new evidence from Development Services. Those wishing to testify were sworn in.

Jennifer advised that they met with the impact agencies that the Commissioners wanted more information from. She advised that she and Road and Bridge Supervisor Neal Capps met with the School District Transportation Supervisor, Fire District #1 Fire Chief Rick Welch and Keller Associates. She advised everyone preferred the u-shaped road. Fire Chief approved the cul-de-sacs, however, they prefer the u-shaped road. She talked about an abbreviated traffic study that was completed. She advised that she talked to the school district about requirements for bus stops.

Road and Bridge Supervisor Neal Capps believes the u-shaped road is the best option. He advised that he reviewed the traffic study and does not have any concerns, however, it still needs to be reviewed by Keller.

Applicant representative Kurt Smith advised that they revised the plan to include a u-shaped road, a road study, easements, a bus stop on Idaho Blvd, a mailbox cluster and a storm drain narrative. Commissioner Butticci stated that all their requests were met. There were no others in favor or neutral that wished to speak.

Opposed, Richard Rice would like the Board to wait until the Comprehensive (Comp) Plan meeting tomorrow evening to make a decision. Connie Lindley talked about the frontage and backage roads, bus lanes and the Comp Plan. There were no others that are opposed that wished to speak.

Jennifer talked about the Comp Plan, Subdivision Ordinance and how they look at requirements. She advised that they are asking for landscaping. With the new Comp Plan, there will be code updates moving forward. Commissioner Butticci advised that they have to follow the code as it is written today.

Applicant, Kurt Smith advised that the bus stop will be adjacent to Idaho Blvd and that it will have a 12ft wide lane for loading and unloading.

Shauna Davis from the School District advised that they typically do not pull off the road for loading and unloading, that it is safest to stop in the middle of the lane. She talked about where she would like to see the bus stop located. She advised that they would only go into a subdivision if it is for the safety of the children or to expedite the route.

Commissioner Rekow asked about the conditions. Jennifer advised that Conditions 1-4 have been completed.

A motion was made by Commissioner Butticci to close the

public hearing. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Butticci agrees with the u-shaped road and that their requests have been met. He advised that the bus stop has been addressed. He would still like to see a spot for the kids to gather while waiting for the bus and the turn lane to be addressed. Commissioner Rekow advised that they have to look at the law to come to an appropriate decision. He would have liked to see Idaho Transportation Department's opinion on this, but there was nothing submitted. He also talked about safety and the u-shaped road.

A motion was made by Commissioner Butticci to approve the preliminary subdivision plat for Stevens Ranchettes Subdivision and to accept the Findings of Facts from the Zoning Commission and to accept Exhibit B with the condition an addition that upon a traffic impact study review by Keller Associates, the recommendation would determine whether there is a turn lane required on Idaho Blvd or not and a condition that there is a bus stop area for the children to gather will remain and to go with the u-shaped replat as recommended from the July 8<sup>th</sup> meeting from the supporting agencies. Jennifer advised that the bus stop with an area for the kids to gather is already listed as a condition of approval. Commissioner Butticci advised that it can be removed as an added condition. It was seconded by Commissioner Rekow and carried unanimously.

**LERA ESTATES PRELIMINARY PLAT PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Lera Estates preliminary plat. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Coordinator Stephanie Crays, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Amy Rosa with 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 Kharrl 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, the staff report, the Zoning Commission minutes, letters of concern and impact agency letters. There was no letter received from Idaho Department of Transportation (ITD).

A motion was made by Commissioner Butticci to enter the

packet that was described by Jennifer Kharrrl from Development Services into the record. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer reviewed the Lera Estates preliminary plat request. The applicant, Sawtooth Land Surveying, LLC, on property owned by Vince Lera, have applied for a Standard Subdivision Permit Preliminary Plat application to construct a residential subdivision on approximately 96.00 acres of land located on Bowman Road. The applicant proposes to create 18 single-family building lots. The property is zoned A-2, Rural Transitional Agriculture. The subject property lies within the Agriculture/Natural Resources designation on the Joint Comprehensive Plat Future Land Use Map. Items that she talked about were the land location, a right-of-way, a substandard lot, access and that Fire Chief Welch supports approval without an additional access. She also talked about flood risks and concerns.

Amy Rosa with Sawtooth Land Surveying advised that their engineer has been working with the irrigation companies. She also talked about a bus stop & fencing along the right-of-way ditches. There were no others in favor that wished to speak.

Dan Tilson with Enterprise Ditch Company is neutral. He spoke of a letter that was submitted and what it stated. He talked about ditches that go through the property. He also talked about easements, what their role is in protecting the ditches, delivery of water, the effects of developing the land and flooding. He stated that they have not received anything from Lera or Sawtooth, so they have not approved this yet. They have not seen an irrigation design either. Jennifer advised that the Zoning Commission is recommending approval, but there are conditions that have to be met before the final plat is signed. Brady Hicks from the Reed Ditch Company talked about water from the ditch backing up. He advised that they have not been contacted by the developer as well. There were no others neutral that wished to speak.

Opposed, Dan Tilson is a neighbor and expressed concerns with traffic, the speed limit, the high water table and the changes that it will make to his life. Erienne Harding expressed concerns with flooding, irrigation, shallow wells and traffic. Deborah Beck would like to know who is paying for their fencing. Annette Smith expressed concerns with the lack of a turn lane, the intersection and traffic. Brady Hicks expressed concerns with the roads, artesian wells and traffic. Greg Gibson advised that there has not been any information from Canyon Drain Ditch. He also expressed concerns with traffic and water levels. Kathy Hunt expressed concerns with the growth, infrastructure, traffic, wells, water levels and safety for kids with a bus

stop.

Amy with Sawtooth Land Surveying is also concerned with the bus stop and also has questions on the fencing.

Road and Bridge Supervisor Neal Capps advised that a traffic study was completed in 2020 and that they lowered the speed limit below the recommendation. He talked about concerns with the 2 bridge structures, a bus stop and that there is room for growth on that roadway. He talked about the life span of the bridges. Jennifer advised that every application is sent to ITD, but they rarely get anything back on subdivision applications. Neal advised that Bowman Road is a major collection and the bridges are concrete structures. Dan reviewed the layout of the property. Brady talked about drainage and fences. Amy advised that they need to know if they need to have their client get bids for fences. Dan is looking into possibly building fences to protect the Enterprise ditches and to maintain a maintenance schedule. Commissioner Butticci would like to leave this hearing open so they can get information from Canyon Ditch Company and ITD. He states that the fencing needs to be a condition.

A motion was made by Commissioner Butticci to continue this public hearing to August 2, 2022 at 10:30 a.m. to address and gather information from ITD on the intersection of Bowman Road and Highway 52 and the Canyon Ditch Company on their ditch that runs through the properties. It was seconded by Commissioner Rekow and carried unanimously.

**COMPREHENSIVE PLAN REVIEW STAFFING DISCUSSION:** Development Services Director Jennifer Kharrl advised that they have not had time to review the new Comprehensive (Comp) Plan. She is asking to close the office to review the plan either ½ or 1 day a week. Commissioner Butticci is in support and stated that the applications need to be low priority. She advised that the Prosecutor's Office and Road and Bridge Supervisor Neal Capps need to be involved during this review process. Deputy Prosecuting Attorney Tahja Jensen advised that this needs to be priority and that specific times need to be assigned for the Comp Plan only. Commissioner Butticci supports assigning a specific time for just Comp Plan review. Jennifer will decide on the day and/or times that the office will be closed to the public and will notify the public.

**ZONING ORDINANCE CONTRACT:** Deputy Prosecuting Attorney Tahja Jensen talked about the contract with Logan Simpson for the Zoning Ordinance. She will update the contract and have this put back on the agenda for discussion & approval for next week.

**GEM COUNTY EMERGENCY MANAGER POSITION:** A motion was made by

Commissioner Butticci to move forward to make a verbal offer to one of the candidates for the EMC position. It was seconded by Commissioner Rekow and carried unanimously.

**ASSESSOR WAGE DISCUSSION:** Assessor Strang advised that she currently has 2 open positions in her office. She has someone that is possibly interested in the Mapper position whom has 36 years of experience. She would like to offer the position at \$55,000 plus 3 weeks of vacation since they would not need much technical training. This would closely match what they are making in a different county. She stated that the current budgeted salary for the Mapper is \$48,300 depending on experience. In the mean time she is asking for an independent contractor to help with the role until a permanent Mapper is hired. There is currently not anyone in the office that knows the entire Mapper job. Commissioner Butticci is in support of a temporary independent contractor but would like her to go through the regular process at the approved and posted salary for hiring a permanent employee.

She advised that she has received 3 applications for an appraiser, 1 that is a certified appraiser that has experience. She would prefer to have someone that is certified. It takes 1 year to become certified. Commissioner Butticci would like her to interview all 3 applicant and determine their experience.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on July 19, 2022.**

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC):** The Commissioners attended the Local Emergency Planning Committee meeting. This was attended virtually.

**FISCAL YEAR 2023 BUDGET DISCUSSION:** Clerk Tilton and Chief Deputy Leandra Rountree met with the Commissioners to discuss the Fiscal Year 2023 budget.

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

**HIGHWAY 16 SAFETY DISCUSSION:** Several officials met to discuss safety on Highway 16. Commissioner Rekow talked about a letter that was posted on Facebook from the Governor's office regarding Highway 16, the growth and that there are more issues with all roads in the county. Commissioner Butticci would like to hear thoughts on how to make Highway 16, Freezeout Road and Highway 52 safer. Sheriff Wunder talked about the causes of the current accidents. He does recognize that speed is an issue throughout the county. He talked about the increase of traffic stops. He



has been in contact with ISP for more assistance on Highway 16 & Highway 52 and that there are staffing issues.

Terry Haun spoke on the increase of traffic, noise and truck traffic. He would like to have the speed limit lowered from the top of the hill to Mill Road. He also suggests that a letter be sent to the State Legislature, the Governor and the Transportation Departments regarding the issues on the highway. Sheriff Wunder would like a stop light at Mill Rd and Highway 52. Deputy Chief Len McCaulou from EMS talked about current problems at that intersection.

Road and Bridge Supervisor Neal Capps advised that there is a scheduled meeting with Idaho Transportation Department (ITD) to address problems with Mill Road and Highway 52 which is a priority with traffic issues. He also identified other intersections that have been identified as priority locations. He spoke of other issues that he is seeing on the roads throughout the county such as speed, volume of traffic and road conditions. He talked about radar signs that are used, challenges with working with ITD such as signs, speed limits and the expansion of Highway 16.

Commissioner Butticci advised that there are curved areas that are 55 mph on Highway 16 to help reduce roll-overs. He advised that ITD wants to maintain movement and they base their decisions on crash data. He advised that he met with ITD about a year ago and identified problem areas. Commissioner Rekow advised that ITD would not reduce the speed because of not wanting to hold up traffic. He talked about problems with the pull-out lane going up the hill.

Captain Will Barry talked about safety concerns with patrolling and making traffic stops on Highway 16. Clerk Tilton will research as to how they were able to get a light at Highway 16 and Substation Road.

There was discussion on possible bypasses. Chief Christiansen from City Fire talked about the problem with inattentive driving. Jeff Ulmer talked about challenges with recovering from other drivers mistakes due to the hill structure when driving up/down Freezeout Hill. Assistant Chief Mike Welch from Fire District 1 suggests that each entity write a letter on their letterhead with their concerns, thoughts and ideas. The Commissioners agree and would like those letters as soon as possible.

City of Emmett Information Technology Manager Mike Knittel advised that he does not know if there will be a turn lane for the commercial development on Highway 16 but there will only be 1 access. Terry Haun talked about speed limits and signs differences in other areas of the Treasure Valley. Deputy Prosecuting Attorney Tahja Jensen advised that the process to

get changes made with ITD can be very difficult. Neal expressed frustration on getting ITD to completed needed maintenance on the roads and that there is crash data on the LHTAC website. Len talked about how many near misses that occur.

**EXECUTIVE SESSION TO CONSIDER ACQUISITION OF REAL PROPERTY-OFFSITE PROPERTY VISIT:**

At 3:17 p.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)(c) for matters of real estate with a roll call vote as follows: Commissioner Butticci, aye and Commissioner Rekow, aye.

Regular session reconvened at 3:47 p.m.

A motion was made by Commissioner Butticci to enter into a contract with Teena Turner for the purchase of real property. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Butticci to authorize the chairman to sign any documents needed for the purchase of real property. It was seconded by Commissioner Rekow and carried unanimously.

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

The Commissioners will attended a Comprehensive Plan draft review workshop at the Emmett Middle School from 6:00 p.m. to 8 p.m.

**The Board recessed at 8:00 p.m. to 8:30 a.m. on July 25, 2022.**

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

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