



August 21 & 22, 2023, Emmett, Idaho

Pursuant to a recess taken on August 15, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 21 day of August, 2023, at 8:30 a.m.

Present:	Bill Butticci	Chairman
	Kirk Wille	Commissioner
	Mark Rekow	Commissioner
	Laure McCann	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

**August 21, 2023**

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda for Monday, August 21 & Tuesday, August 22, 2023 as presented. It was seconded by Commissioner Wille and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor Tahja Jensen met with the Commissioners to discuss legal matters. Tahja discussed finalizing the Public Defense contract and what is required. Commissioner Butticci expressed his desire to secure the Island facility at night. He will contact the Sheriff's department to lock the gate in the evening and ask the groundskeeper to open it in the morning. He also discussed a complaint from the public regarding mosquito spraying that will be referred to the Mosquito Abatement District, since the County has no jurisdiction over that agency. Commissioner Wille shared that he met with the mayor to discuss the EMS impact fee collection for Emmett. Tahja mentioned that Ola has received a lot of water from the storm and there may be issues with the roads in the aftermath of the fire.

**EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (F) - PENDING**

**LITIGATION MATTERS:** No executive session was required.

**BULK FUEL PURCHASE/FUEL BID DISCUSSION:** Road and Bridge Supervisor Neal Capps reviewed the options for the Bulk Fuel purchase. He stated that a piggy back from ITD fuel vendors was not an option because we don't have the volume to make it beneficial. He discussed the length of the proposed fuel

contract and suggested a year to year contract versus a 3-year increment because of the fluctuation of fuel prices. Tahja discussed the split of dyed diesel and unleaded gas bids and feels that awarding the contract to two separate vendors may cause issues. Neal discussed the fuel card versus pin number to access fuel. Commissioner Rekow asked about the 24 hour availability of fuel and if that is a provision of the contract. Neal stated his preference for a sole source contract for diesel and gas because it would provide the best service. The Commissioners agreed. Tahja discussed the details and challenges of soliciting a sole source contract and suggested a competitive bidding process with the provision for onsite weekly delivery.

A motion was made by Commissioner Wille to make the changes to the request for bid as discussed and move forward with the bidding process. It was seconded by Commissioner Rekow and carried unanimously.

**TRANSFER OF COUNTY EXTENSION POOL CAR TO THE ASSESSOR'S OFFICE:**

Commissioner Butticci discussed the Assessor's request for an additional vehicle for the appraisers. During budget discussions the Extension office had requested to dispose of the vehicle they have. Assessor Strang would like to have that car.

A motion was made by Commissioner Rekow to transfer the County extension pool car to the Assessor's office. It was seconded by Commissioner Wille and carried unanimously.

**PUBLIC WALK-IN:** Michelle Schneider expressed her concerns on behalf of Ron and Becky Baucke and Kevin Carney regarding increased traffic in their area; specifically large trucks from the gravel pit. She is concerned about irresponsible driving that includes speeding, cell phone use, and rolling through stop signs. The trucks are too big for the road and they drop gravel. She is also concerned about the damage to the aquifer by the gravel pit digging and their use of water from the aquifer. Some neighbors have had their wells go dry and were forced to dig deeper. The water from their wells looks muddy and rust filled. She also cited the threat to wild life from dewatering aquifers. She has an issue with the new Gem Comprehensive plan and City Area of Impact, because people were not notified of what was happening. She is aware that notices are printed in the weekly paper, but claims that many residents don't receive the paper and the technology required to access the information online is not available to everyone. She suggested email and texts. She feels the County website is not consistently kept up to date, and sited some county fees that are not current. She complained about bulk propane storage in

their area that is currently too close to residences according to County Code. She is also concerned about the increase of rail car storage on the train tracks. She said that they use to store 1 or 2 cars but the storage has increased and become a hazard and an eye sore. She is also concerned about the ponds in the area that have no one to monitor use and feels that they attract a seedy element. She was upset that when she tried to discuss these issues with Commissioner Rekow in private, he suggested that she come to the Commissioners public walk-in. She feels that she and her neighbors can no longer enjoy their property because of these concerns. Commissioner Butticci commented that the Commissioners would look into the concerns she stated.

Jayne Waterlin complained about the large trucks on Airport Road and said she was verbally abused by a truck driver. There are 75-100 trucks a day on that road, they don't stop at stop signs and drive way too fast. Airport road is way too dangerous for residents. She said that something has to be done.

Laura Warden expressed concerns about Mosquito abatement. The Commissioners asked her to reach out to the Mosquito Abatement board as that agency is not under the jurisdiction of the County Commissioners. She felt that Mosquito Abatement hasn't addressed community concerns.

Becky Baucke offered additional testimony to the traffic concerns on Airport Road from the gravel pit stating that realtors refuse to show their property because of the increased traffic.

**GEM PLAN UPDATE:** Tim Marks from Mutual Insurance gave an overview of the Gem Plan (Government Employees Medical Plan). Medical inflation is a concern and will affect the costs of insurance premiums. This year's premium increase for the county is 9% due to inflation and increased claims.

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

**BELL REZONE PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Bell Rezone application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Deputy Clerk Laure McCann, and the applicant. There were no members of the public present or on Zoom.

Commissioner Butticci read the notice of public hearing. The Gem County Planning and Zoning has recommended approval with a Development Agreement. 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 Kharrrl asked to have the packet of information added into the record which includes the Notice of Public Hearing, application for rezone, Planning & Zoning Commission's recommendation, Draft Development conditions, Staff Report, an Agency letter from Road and Bridge Department with conditions, and no letters from the public.

A motion was made by Commissioner Rekow to enter the packet and support information into the record as presented by Ms. Kharrrl from Development Services. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application and pointed out that it was submitted prior to the new Comprehensive Plan. The Staff report recommended approval to the Zoning Commission at the July 10 public hearing with the consideration for a Development Agreement for a water study. The Planning and Zoning Commission concurred with the staff recommendation for approval with a Development Agreement for a Water Quality and Quantity study and to include the Road and Bridge letter and their conditions for access.

Applicant, Jason Bell requests a rezone of his property down to 1 acre minimum parcels. He realized after talking to Neal Capps of Road and Bridge that he will need to change the road access and complete a water study survey. He plans to keep the house on the 2 acres and split the remainder into 3 parcels. He presented the potential site map and discussed changes suggested by Neal for access from an easement instead of Central Road that would be subject to the surveyor's approval. He acknowledged that he would bring water and electricity to each lot. There was no neutral testimony and no opposition.

Road and Bridge Supervisor Neal Capps stated that the current site plan does not meet Gem County Road and Bridge approach standards. He recommends that lots have access to the private lane and no access directly onto Central Road.

Commissioner Wille asked if there were any road issues or concerns with the proposed rezone. Neal said there were no road concerns. Jennifer stated that if the Commissioners move to approve the rezone it can be done with conditions for a new site plan, an updated letter from Road and Bridge and the requirement for a water study.

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

Commissioner Butticci stated that questions were answered and it meets the requirements for rezone. Commissioner Rekow felt that it was a simple request and that his concerns for water quality and quantity and traffic were satisfied. Commissioner Wille agreed.

A motion was made by Commissioner Wille to approve the rezone request to rezone 5.298 acres from A2 Rural Transitional Agriculture 5 acre minimum to R2 1 acre minimum at 1725 W. Central Road with a development agreement for a water quality and quantity study and required updated site plan and updated letter of requirements from Road and Bridge. It was seconded by Commissioner Rekow and carried unanimously.

**DMB INVESTMENTS REZONE PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the DMB Investments Rezone application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Deputy Clerk Laure McCann, and the applicant. There were no members of the public present or on Zoom.

Commissioner Butticci read the Notice of Public Hearing. The Gem County Planning and Zoning has recommended approval of the rezone. 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 added into the record which included Notice of Hearing, the Rezone Application, Planning & Zoning Commission's recommendation, Staff Report, Draft Development Agreement Conditions, letter from Road and Bridge Department with no concerns and 1 letter of concern from the public.

A motion was made by Commissioner Rekow to enter the packet of information with supporting documents into the record as presented by Ms. Kharrl. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application. She discussed the details of the agreement. The application was submitted in

January, well before the new Comprehensive Plan was adopted. Staff recommended approval of the application to the Commission with a development agreement to allow for an agricultural land division only. The Commission concurred with the Staff and recommended approval of the rezone with the development agreement to restrict land use to a 5-acre parcel with home and the remainder for ag use only. If further splits are desired the applicant would have to appear before the board with a separate application. Commissioner Wille asked if the rezone was necessary for an ag split. Jennifer confirmed that, in this zone, it was necessary for a 5-acre split. There were no further questions.

Applicant Jake Jensen has the intent to separate a 5 acre piece to purchase the home on the property and continue to farm the remainder of the land. There is no plan at this time to development it further. There were no further questions. Road and Bridge Supervisor Neal Capps had no concerns.

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

Commissioner Wille stated that he has no issue with the rezone as long as the acreage remains agricultural and cannot proceed with development without coming before the board. Commissioner Rekow agreed.

A motion was made by Commissioner Rekow on the Rezone request by DMB Investments to approve the rezone as recommended with the development agreement to restrict the splitting of property to be limited to the house on 5 acres from agricultural land division. It was seconded by Commissioner Wille and carried unanimously.

**CONSENT AGENDA:** A. Gem County Fiscal Year 2024 Indigent Defense Financial Assistance Agreement B. Gem County Resolution 2023-10 Repealing the Gem Community Joint Comprehensive Plan of 2007 and Adopting the 2023 Amended Gem County Comprehensive Plan C. Gem County Special Events Application for use of the Island Sports Complex for Calvary Christian Academy Football with Fee Waiver Request D. Gem County Special Events Application for use of the Island Sports Complex for Boy Scouts Troop 1 annual Family Campout with Fee Waiver Request E. Juvenile Detention Housing Agreement with Canyon County F. Certificate of Residency for Junior College Tuition for Jorge Rivera Gonzalez, Alexandra Rast and Kamila Rangel G. Agreement Between Gem County and Premier Aggregates for Improvements on Sales Yard and Airport Roads.

A motion was made by Commissioner Wille to approve the consent agenda for Monday August 21, 2023, items A. B. D. E. F. and G. as presented. It was seconded by Commissioner Rekow and

carried unanimously. Item C. will be re-submitted when the application is complete.

**REVIEW AND APPROVAL OF MINUTES:** A motion was made by Commissioner Rekow to approve the minutes for August 14 & 15, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

**PUBLIC DEFENSE COMMISSION UPDATE:** Jennifer Roark with the Public Defense Commission met with the Commissioners via telephone to provide an update. Gem County Public Defenders Jay Kiiha and Tom Monaghan and Clerk Shelly Tilton attended via telephone also. Jennifer stated that the PDC is continuing training for public defenders. She has sent an email regarding a Financial Assistance Award letter she has asked the county to sign and return. She discussed content and timeline for county reporting.

**ADMINISTRATIVE TIME:** The Commissioners worked on administrative matters.

**FISCAL YEAR 2024 BUDGET PUBLIC HEARING:** While being recorded, a public hearing was held to consider and approve a budget for fiscal year 2024. Those present included Landfill Supervisor Martin Joyce, Weed Department Supervisor Larry Shippy, EMS/Fire Director Mike Welch, Treasurer Megan Keene, Landfill Assistant Supervisor Tim Adams, Clerk Shelly Tilton, Deputy Clerk Leandra Rountree and Corey Furin from Valor Health Hospital. Deputy Prosecutor Tahja Jensen attended via telephone. No members of the public attended the hearing. Commissioner Butticci opened the hearing by reading the public hearing notice.

Commissioner Butticci discussed the budget timeline and process. Clerk Tilton reviewed the budget and salary increases stating that some employees moved within the Kinds and Levels according to years of service and employees were given a 5% increase. Leandra discussed health insurance premiums.

Commissioner Rekow discussed efforts to support county employees with wages. Commissioner Wille appreciated the departments working well with the Clerk's office to create the budget.

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

A motion was made by Commissioner Rekow to approve the fiscal year 2024 budget as presented. It was seconded by Commissioner Wille and carried unanimously.

**The Board recessed at 6:15 p.m. to 8:30 a.m. on August 22, 2023.**

**August 22, 2023**

Commissioner Butticci was absent from the meeting due to attendance at a Southwest District Health Department meeting.

**ADMINISTRATIVE TIME:** Commissioner Rekow worked on administrative matters.

**DEVELOPMENT SERVICES/BOARD OF COUNTY COMMISSIONERS PLANNING:**

This item was postponed to another date and time.

**ADMINISTRATIVE TIME:** Commissioner Rekow worked on administrative matters.

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

Commissioners Butticci and Wille joined the meeting.

**COMMUNITY BIBLE CHURCH PROPERTY WALK THROUGH:** The Commissioners, City Planner Brian Sullivan and Chief Curt Christensen walked through the Community Bible Church property to evaluate a change of use when the county takes over the property. The Commissioners also met with Architect Scott Windle to discuss potential changes to the site.

Commissioner Wille was absent for the remainder of the afternoon.

**ARPA FUNDING REQUEST FOR FAIRGROUNDS CANOPY:** A motion was made by Commissioner Butticci for an additional \$20,000 of funding for the fairgrounds canopy. It was seconded by Commissioner Rekow and carried unanimously.

**ADMINISTRATIVE TIME:** The Commissioners worked on administrative matters.

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

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