



August 28, 2023, Emmett, Idaho

Pursuant to a recess taken on August 22, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 28 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 28, 2023

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda for Monday, August 28, 2023 as presented. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC DEFENSE CONTRACT-MARK COONTZ LETTER OF INTEREST AND APPLICATION: The Commissioners reviewed the application submitted by Mark Coontz for the Gem County Public Defender Contract. Mark stated that he is excited to come back to help Gem County as Public Defender. He feels that his biggest challenge will be to find an associate to assist him. The budget for public defense was discussed. The Commissioners agreed that Mark is a great applicant and they are confident about his capabilities. Deputy Prosecutor Tahja Jensen discussed the transition process from the current representation. Mark requested a start date of October 1, 2023 and briefly reviewed his plans to prepare for the position. Tahja also discussed the contract terms with a renewal plan depending on when the State plans to take over services. The current building will be sufficient for Mark's use. Tahja stated that with the assignment of Mark Coontz the board stands to gain a public defender with a clear understanding and familiarity of the position in Gem County.

A motion was made by Commissioner Wille to approve the application materials from the Mark Coontz contract and to ask Tahja to prepare a response to Jay Kiiha and Tom Monaghan for

transition. It was seconded by Commissioner Rekow and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tahja Jensen met with the Commissioners to discuss legal matters. Tahja discussed the policy and signage regarding animals in the Courthouse and feels that steps need to be taken to be ADA compliant; she has had an elected official inquire about the current policy. Tahja discussed the damage/vandalism done at the Island and the costs of repairs; she should have more information next week and will update the Commissioners on the progress of the case. Commissioner Wille asked Tahja to review the Counties policies and regulations in regards to firearms and shooting grenades.

EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (F) - PENDING LITIGATION MATTERS: No executive session was required.

MOTOR VEHICLE ADMINISTRATIVE FEES: Assessor Hollie Ann Strang presented a request for a resolution to raise the Motor Vehicle Registration Administrative Fee and the Title Administrative Fee. The Commissioners agreed to move forward with the resolution request and public hearing to raise the Motor Vehicle Administrative Fees.

FLEXIBLE SPENDING ACCOUNT PROPOSED CHANGES: Deputy Clerk Leandra Rountree discussed a release by the IRS announcing the annual inflation adjustment for 2023 and how it will affect the Gem County Flexible Spending Account (FSA). Leandra and Clerk Shelly Tilton discussed the possibility of liability to the County if the contribution limit was raised. Although there is a risk, Leandra stated that most of the time the program works as intended and there is not a problem. The Commissioners felt that with the increased cost of healthcare, it seems that the contribution available and the carryover limit should be raised, as it would benefit the employees and help with employee retention.

A motion was made by Commissioner Rekow to approve the increase to the annual FSA limits as presented. It was seconded by Commissioner Wille and Carried unanimously.

CONSENT AGENDA: A. Gem County Resolution 2023-12 Adopting the Fiscal Year 2024 Budget Including Recovery of Forgone Funds B. Gem County Resolution 2023-13 Authorizing Destruction of Sheriff's Civil Records C. Certificate of Residency for Junior College Tuition for Makenzie Grant and Kaylee Hiebert D. Day Wireless Systems Tower Site Agreement Between Gem County

Sheriff's Office and Idaho Communications Renewal Letter E.
Bid Proposal from DKB, Inc. for Courthouse Attic Reinsulation
Project F. Re-Appointment of Dan Eichelberger to the Planning &
Zoning Commission G. Warren Rezone Findings, Conclusions,
Conditions, Order H. Gem County Ordinance 2023-09 Warren Rezone
I. Farnworth Minor Subdivision Findings, Conclusions,
Conditions, Order J. Special Event Application for Old
Freezeout Road Hill Climb. K. Fiscal year Local Transportation
Project Grant Program Agreement form for Little Freezeout Road
Reconstruction.

A motion was made by Commissioner Rekow to approve the
consent agenda items A. through K. as presented. It was
seconded by Commissioner Wille and carried unanimously.

EXPENSE CLAIMS: The claims presented were reviewed.

A motion was made by Commissioner Rekow to approve the
claims as presented and as initialed on the individual claim
forms. It was seconded by Commissioner Wille and carried
unanimously.

PUBLIC WALK-IN: No members of the public were present.

SOLID WASTE FEE INCREASE PUBLIC HEARING:

**GEM COUNTY RESOLUTION 2023-15 ESTABLISHING A REVISED SOLID WASTE
DISPOSAL SYSTEM USER FEE STRUCTURE AND GATE TIPPING FEE**

SCHEDULE: While being recorded, a public hearing was held to
consider a Solid Waste Fee Increase. Those present included
Landfill Supervisor Martin Joyce, Assessor Hollie Ann Strang,
Clerk Shelly Tilton, Deputy Clerk Leandra Rountree, Treasurer
Megan Keene, and Deputy Prosecutor Tahja Jensen. Commissioner
Butticci opened the hearing by reading the public hearing
notice. He noted that the Public Hearing Notice in The Messenger
Index was posted at 9:30 a.m., while the agenda had the hearing
scheduled for 11:00 a.m. No one attended at 9:30, the hearing
was held at 11:00. No members of the public attended the
hearing.

Commissioner Butticci stated that the Landfill has operated
at a shortfall over several years without raising fees. This
now needs to be addressed to maintain the Landfill. Landfill
Supervisor Martin Joyce reviewed the schedule of fee changes
presented. He discussed some of the changes for in-county and
out-of-county residents. Martin stated that some of the
increases would double, while others had smaller increases.
Martin discussed the \$5.00 minimum charge for Gem County
residents and a \$10 minimum for out-of-county. Martin said that
these fee changes were necessary to bring Gem County in line
with other Counties. Commission Butticci pointed out that the

items that are most difficult to dispose of, have the largest increase which he felt made sense.

There was no testimony in favor, opposed or neutral.

Commissioner Rekow stated that the changes have been discussed for quite some time because the fees have not been adequate. He noted that there has been an increase in people coming from other counties and the fee increases are necessary to keep the landfill operational.

Commissioner Wille asked about the fees for dead animal disposal. Martin explained that a flat rate would be charged as listed with the additional weight fee of \$45.00 per ton. There was no further discussion.

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

The Commissioners all agreed that the fee increases were fair and necessary to maintain the Landfill.

A motion was made by Commissioner Rekow to approve the Solid Waste Fee increases as presented. It was seconded by Commissioner Wille and carried unanimously.

LANDFILL USE STICKER PROGRAM: Assessor Hollie Ann Strang presented the Commissioners with an overview of what it would take to implement a Landfill Use Sticker Program to identify local residents quickly and effectively for household waste dumping. Assessor Strang had met with Shoshone County Solid Waste to discuss their sticker program that they have run successfully for several years. She said that the sticker they use adheres to the car on the inside windshield and each property has the option of getting a maximum of 5 stickers. If the property changes hands, the sticker stays with the property, not the owner and there is a provision for prorating new residents. Commissioner Butticci asked who is responsible for managing the sticker program. Assessor Strang said that it would be the responsibility of the Landfill transfer station. Assessor Strang stated that homeowners must apply for the sticker or pay the tonnage rate. Commissioner Wille suggested sending out the first sticker with the November tax bill. Assessor Strang and Treasurer Megan Keene were concerned that many homeowners who pay their property taxes through their mortgage company don't open their tax bill. The discussion that resulted suggested a bold statement on the outside of the envelope to alert the homeowners about the information inside. Commissioner Wille suggested that it would be a good idea to require that the residents apply for the 4 subsequent stickers. Clerk Shelly Tilton suggested a first-year grace period if they were unaware of the sticker program, allowing people to prove

residency at the gate to receive the sticker. How to get the word out to the public and how renters would receive the stickers was discussed. How and if commercial and bare land would receive a sticker was also discussed, because the free dumping is just for household use, not commercial. Landfill Supervisor Martin Joyce pointed out that the Landfill would still have to identify household and commercial waste. Commissioner Rekow asked if there was anything Shoshone didn't like about the program. Assessor Strang said that they have used the program for 3 years and they love it because they have very tight control of use. Assessor Strang suggested to eventually move towards a bar code system to monitor use.

The Commissioners like the direction of the program and recognize that there are details to work out before it is implemented. The Commissioners asked Martin to move forward with plans for a Solid Waste sticker program. Commissioner Butticci asked presenters to address the concerns mentioned more thoroughly and to come back with solutions as soon as possible so that the program might be initiated at the first of the upcoming year.

No action was taken

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

CHERRY HEIGHTS PRELIMINARY PLAT DECISION: Commissioner Butticci stated that the original Cherry Heights Preliminary Plat public hearing has been closed, this discussion is to review the findings, conclusions and conditions order that was requested. The Planning and Zoning Commission recommended approval with a development agreement on the areas of concern. There were questions on the real cost of acquiring the land to widen the road. Development Services Director Jennifer Kharrrl could not speak to those costs. Jennifer stated that the details of the development agreement between the parties would be negotiated after the findings were decided on. Commissioner Butticci confirmed that the Development Agreement would be submitted by the developer. Jennifer directed the Commissioners to the Conditions of approval; this included the Planning and Zoning Commission's recommendations plus the two conditions that the Commissioners added at the hearing. Commissioner Butticci expressed confidence in the Planning and Zoning Commission and their recommendations. He also said there were still concerns about road mitigation and impact fees. Commissioner Wille agreed and Commissioner Rekow is interested in knowing more about the costs of the road mitigation. Jennifer pointed out that there is already a development agreement for the rezone

with this property, so there wouldn't be a another development agreement. What is currently being discussed would be considered conditions of approval for the Preliminary Plat including the road agreement. Jennifer offered to make changes to the agreement format leaving the content the same, and the Commissioners agreed.

A motion was made by Commissioner Wille to approve the findings, conclusions and conditions of order for the Cherry Heights Subdivision #1 with the amendments to exhibit A as discussed. It was seconded by Commissioner Rekow and carried unanimously.

CHERRY HEIGHTS REZONE DECISION: Commissioner Butticci stated that at the conclusion of the initial public hearing for the Cherry Heights Rezone the findings, conclusions and conditions of order were requested. The Planning and Zoning Commission denied the rezone because it would be expected to produce too much demand on public services and roads. Commissioner Butticci supports the Planning and Zoning Commission's recommendations for denial and wants to address the improvements to Wills Road before moving forward. Jennifer stated that the Planning and Zoning Commission determined that of the 5 findings, #2 and #5 could not be supported. The Commissioners all agreed that Wills Road concerns must be addressed prior to consideration.

A motion was made by Commissioner Rekow to approve the commission's decision for denial of the Cherry Heights #2 rezone. It was seconded by Commissioner Wille and carried unanimously.

REVIEW AND APPROVAL OF MINUTES: The minutes for August 21 & 22 were reviewed.

A motion was made by Commissioner Rekow to approve the minutes for August 21 & 22, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

DISCUSSION REGARDING ROAD DEPARTMENT USE FOR TAX DEED PROPERTIES LOCATED IN PEARL:

Road and Bridge Supervisor Neal Capps discussed 2 properties in Pearl that Gem County has acquired through tax delinquency and the potential uses for them. Treasurer Megan Keene stated that we have 14 months after the acquisition to offer the property for sale or mark for county use. Neal stated one of the parcels could be used for a material lot for the Road and Bridge Department. Commissioner Wille was concerned about road access. Neal mentioned assessing the property for use and using Geotech to dig 10 test holes to evaluate. The Commissioners feel that it is a great step

towards securing County ground for future use, especially with new development in the area.

No action was taken.

PURCHASE OF DUMP TRUCK FOR THE ROAD DEPARTMENT: Road and Bridge Supervisor Neal Capps reviewed the details of the new Dump Truck purchase for the Road Department. The truck that they were initially interest in from Chicago will not be built for another year. There is an opportunity to build a truck through Western Star in Nampa sooner.

A motion was made by Commissioner Wille to move forward with the order of a Western Star 49x Truck. It was seconded by Commissioner Rekow and carried unanimously.

RV PARK PARKING LOT CULVERT FAILURE: Road and Bridge Supervisor Neal Capps discussed an area near the Park and Ride that has a failed pipe on County property that must be repaired. It spans 740 ft across and may require a contractor to repair as the pipe is deeper than the county can address. Neal discussed the options for repair and suggested a 2 phase project. He would like to hire engineers to assess the repair. Commissioner Butticci asked if there would be damage to the asphalt Park and Ride area. Neal felt that there would be some damage to that area because of the large equipment.

A motion was made by Commissioner Rekow to approve the Road Department to seek an engineer to assess the repairs required on the failed culvert. It was seconded by Commissioner Wille and carried unanimously.

YOUTH RISING JUVENILE RESOURCE PROGRAM: Melissa Kelly Chief Programs and Grants Officer and Tasha Locks CEO of Youth Rising are asking for a letter of support for the Youth Rising Assessment Center branch in Emmett Idaho. Their case management plans are geared towards individuals and the community depending on need, and offer a number of youth services such as; Peer support, emotional stress reduction, resume building, interview skills, art instruction, and suicide prevention. Youth Rising receives its financial support through Grant funding, donors and fundraising efforts. Juvenile Probation Director Shannon Carter supports the program and would love to see it in our community to fill the gaps in our current resources. She feels it would be especially helpful to the kids that are struggling but not in the system yet. She pointed out that they are not looking for funding, just support from the county. They are focused on sustainability through Grants and Federal funding.

LETTER OF SUPPORT TO YOUTH RISING 2023 YOUTH ASSESSMENT CENTER RURAL REPLICATION GRANT:

A motion was made by Commissioner Wille to approve a letter of support for Youth Rising as presented. It was seconded by Commissioner Rekow and carried unanimously.

EMERGENCY MEDICAL SERVICES BUDGET SHORTAGE REQUEST: EMS Lead Paramedic Len McCaulou, and Fire District #1 Chief Mike Welch presented a budget shortage request of \$25,000 to finish out the current fiscal year. They discussed the reasons for the shortage. Clerk Shelly Tilton discussed where the funding to cover the shortage would come from in the budget.

A motion was made by Commissioner Rekow to approve \$25,000 to cover Emergency Medical Services' budget shortage. It was seconded by Commissioner Wille and carried unanimously.

IDAHO DEPARTMENT OF WATER RESOURCES (IDWR) GEM COUNTY

GROUNDWATER DATA DISCUSSION: Commissioner Wille discussed the evaluations done by IDWR in our county. Commissioner Butticci asked if a water report could be available to the county every 6 months. It was also mentioned that not many wells are monitored in the Ola, Sweet, Montour area. Commissioner Rekow suggested reaching out to USGS for more information.

Approved: _____
Chairman

Attest: _____
Clerk