



September 12, 13 & 14, 2022, Emmett, Idaho

Pursuant to a recess taken on September 6, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 12th day of September 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:

September 12, 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.

EMS FISCAL YEAR 2022 BUDGET AND FINANCIAL REPORT: Chief Welch talked about the liability insurance increase, increased fuel costs and vehicle maintenance. He advised that he will be approximately \$10,000 short in their budget for this year. He talked about billing issues with Medicare/Medicaid and expected revenue. Deputy Chief Len McCaulou reviewed the call summary report for 2022. He also talked about transports, staffing, an observation program, a reserve program and events contract to cover within the county.

CAPITAL IMPROVEMENT PLAN IMPACT FEE AMENDMENT DISCUSSION: Deputy Prosecuting Attorney Tahja Jensen talked of a new contact to work with that was recommended by Anne Wescott who put the original plan together. She talked about anticipated work that needs to be done and a possible need for a formal bid. There was discussion on the updates that need to be done. Tahja talked about the Sheriff's Department needs. Clerk Tilton wondered if costs for purchasing land to widen roads that eventually need to be widened is something that can be paid for by impact fees. This will be added to the agenda at a later date for further discussion.

GEM COUNTY RESOLUTION 2020-21 RESERVING FORGONE FUNDS: Clerk

Tilton talked about the Indigent fund being dissolved and funds that the state is going to be giving the county in place of levying taxes. She talked about covering costs for Public Defense. She explained that the amount the county decided not to levy in property taxes is now reflected as forgone funds. She advised that they can hold that forgone by reserving it or let it go. In order to reserve it, a resolution is needed. The Commissioners would like to reserve the funds in case of an emergency. Clerk Tilton also talked about levies and the possible need to ask for an extension to present to the Commissioners due to the Tax Commission not having valuation information completed yet.

A motion was made by Commissioner Butticci to move forward with Gem County Resolution 2022-21 to reserve the funds in the amount of \$64,975.00. It was seconded by Commissioner Elliott and carried unanimously.

NACO OPERATION GREENLIGHT IN SUPPORT OF VETERANS: Clerk Tilton talked about a National Association of Counties (NACO) program that is asking the counties to light up their facilities in support of veterans on Veteran's Day. She talked about options for lighting. Commissioner Rekow talked about using the lighting during Christmas as well and permanent types of lighting with color options was discussed. Clerk Tilton will get bids for lighting.

CONSENT AGENDA: A. Payroll Claims approval for 9/7/22, B. Certificate of residency for Junior College tuition denial for Amnesty Frederickson, C. Gem County Resolution 2022-20 Farmer's Co-op Concrete Stiff Leg Bridge contract and proposal, D. Mountain Home Autoranch quote (state contract pricing) for Ford Transit Connect passenger van, E. Memorandum of Understanding between Gem County and Valley County regarding trash disposal for residents along High Valley Road and F. Gem County special events application for use of Island Sports Complex for Mountain West Council Boy Scouts family camp.

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

THANKSGIVING AND CHRISTMAS HOLIDAY CLOSURES: The Commissioners would like to give the day after Thanksgiving off for employees and no additional days off for Christmas since Christmas lands on a Sunday and will be recognized on Monday, December 26th.

A motion was made by Commissioner Butticci to recognize November 25, 2022 as a holiday for Thanksgiving and nothing additional for the Christmas holiday. It was seconded by

Commissioner Elliott and carried unanimously.

PUBLIC WALK-IN: Marty Fry talked about a project that Kiwanis Club is hosting for a "Heroes and Ice Cream" social. This is to honor First Responders. He is asking that the Commissioners spread the word of this event. He would like to have the Sheriff's Department spend a day at the schools to interact with the students.

Joe Mayer advised that he did not get a reply from Idaho Power regarding the 60-minute segment on the power grid. He would like Local Emergency Planning Committee (LEPC) to reach out to Idaho Power. He also talked of safety concerns with plastic water bottles and the need for water in an emergency. Commissioner Elliott suggests contacting Southwest District Health with his concerns.

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 as well as the Indigent claims. It was seconded by Commissioner Butticci and carried unanimously.

DEPARTMENT HEADS: Commission Rekow talked about an upcoming "Heroes and Ice Cream" event, online training, the Harvest Festival, the budget and the day after Thanksgiving and the day after Christmas. Clerk Tilton talked about the salary increase forms. Noxious Weed Supervisor Larry Shippy talked about staffing, a forest contract and various projects they are working on. Landfill Supervisor Martin Joyce talked about the scale and workload. Road and Bridge Supervisor Neal Capps talked on various projects they are working on. Emergency Manager Jeff Ulmer talked about training, the Emergency Operations Plan, Local Emergency Planning Committee bylaws and the 4-Corners fire. Information Technology (IT) Support Specialist Corbin Vickery talked about the server upgrade project. Buildings and Maintenance Supervisor Chuck Shambaugh talked about staffing, the ac unit for the courts and the bathroom upgrade. Rebecca Mills with the Extension Office talked about the fair, the Cooperative Agreement, training and left over surplus items.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Items that she talked about were the Ordinance Revision roll-out, an open position in their office, the Local Emergency Planning Committee bylaws, training, a Communication Plan and the Island.

REVIEW OF RECREATION DISTRICT ISLAND MAINTENANCE AND LITTLE

LEAGUE ISLAND USE MEMORANDUMS AND UNDERSTANDING (MOU): Buildings and Maintenance Supervisor Chuck Shambaugh talked about the maintenance at the island. Commissioner Butticci is fine with the MOU. Deputy Prosecuting Attorney Tahja Jensen will send it the Recreation District for signature and it will be brought back to the Commissioners for a motion.

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

STRATTON REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Stratton Rezone public hearing. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen and Road and Bridge Supervisor Neal Capps. 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.

Neither the applicant nor Sawtooth are present; therefore, the Commissioners want to reschedule the hearing.

A motion was made by Commissioner Butticci to continue the public hearing for Rezone# RZ-22-005 for Kyle Stratton to October 17 at 1:30pm at the Gem County courthouse in the Commissioners chambers. It was seconded by Commissioner Elliott and carried unanimously.

Amy Rosa from Sawtooth Land Surveying joined the meeting.

A motion was made by Commissioner Butticci to retract the previous motion to continue the previous meeting because the applicant has now joined by Zoom. They were having technical difficulties and to make a motion to retract the prior motion and to move on with the hearing. It was seconded by Commissioner Elliott and carried unanimously.

Commissioner Rekow reread 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 advised of a late exhibit that needs to be entered into the record which includes the written Zoning Commission recommendation and the Development Agreement conditions for the water study. It was accidentally omitted from the packet.

A motion was made by Commissioner Butticci to enter the information described by Jennifer Kharrl into the record. It was seconded by Commissioner Elliott and carried unanimously.

She 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 cover sheet, the staff report, the Zoning Commission minutes, a note from a neighbor and agency letters.

A motion was made by Commissioner Butticci to enter the packet into the record as described by Jennifer Kharrl. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer reviewed the Stratton Rezone request. Applicant, Sawtooth Land Surveying, on property owned by Kyle Stratton, is requesting a rezone of his parcel from A-2, Rural Transitional Agriculture (5-acre minimum lot size) to R-2 Residential Transitional (1-acre minimum lot size) for a minor subdivision to create 4 parcels. The property proposed to be rezoned is approximately 4.96 acres that lies fully within Priority Growth Area 1 of the County Residential Area. The Zoning Commission recommends approval with a condition of a water quality/quantity study.

Amy Rosa with Sawtooth Land Surveying, representing applicant Kyle Stratton, advised that the applicant is aware of the water study. She also talked about irrigation. Commissioner Elliott asked about a letter from the Irrigation District. Jennifer advised that they will have requirements at the time of the subdivision application. There were no others present at the hearing to testify.

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

There were no questions or concerns from the Commissioners.

A motion was made by Commissioner Butticci to approve the rezone application RZ-22-005 for Kyle Stratton and accept the Findings of Facts from the Zoning Commission along with Exhibit A, Exhibit B and Exhibit 2 with conditions as presented. It was seconded by Commissioner Elliott and carried unanimously.

GARDNER REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the Gardner Rezone public hearing. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Glenn Flaherty and applicant Larry Gardner. 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 advised of a late exhibit to be entered into the record which is the written Zoning Commission recommendation as it was accidentally omitted from the packet.

A motion was made by Commissioner Elliott to enter the written recommendations including Exhibit A and B into the record. It was seconded by Commissioner Butticci and carried unanimously.

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 cover sheet, the staff report, the Zoning Commission minutes, a letter of concern and agency letters.

A motion was made by Commissioner Butticci to enter the packet into the record that was described by Jennifer Kharrl. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer reviewed the Gardner Rezone request. The property owner, Larry Gardner is requesting a rezone of his property from A-1, Prime Agriculture (40-acre minimum lot size), to A-2, Rural Transitional Agriculture (5-acre minimum lot size). The property proposed to be rezoned is 20.00 +/- acres in size and lies fully within Priority Growth Area 2 of the County Residential Area. She advised that the Zoning Commission recommends approval. She advised that the applicant is wanting to let his children to build houses and for him to stay in his home on one parcel.

Applicant Larry Gardner reviewed the location of the property. He advised that he is retired and does not have the energy to manage the property. He is wanting to let his son build on the 10-acre parcel and his daughters' family to build on a 5-acre parcel after retiring and he would continue to live on the other 5-acre parcel.

Glenn Flaherty, who is a neighbor, advised that Larry has been an excellent neighbor and takes good care of the property and supports his plan. There were no others present to speak.

Commissioner Elliott talked about water quality/quantity studies. Jennifer advised that some 5-acre parcels have been required to have studies done, but not in this area. She talked about when the conditions would be addressed. Commissioner Rekow talked about areas of concern regarding the water.

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

The Commissioner had no further questions or concerns.

A motion was made by Commissioner Butticci to approve the rezone application RZ-22-006 for Larry Gardner and to accept the Facts of Findings from the Zoning Commission with Exhibit A &

Exhibit B as presented. It was seconded by Commissioner Elliott and carried unanimously.

ADDITIONAL COMPREHENSIVE PLAN TASKS: Development Services Director Jennifer Kharrl talked about a rough cost estimate for additional trips for adoption hearings and some add-on tasks in the amount of \$12,300. The budget does not include further in-person meeting with Miriam McGivray with Logan Simpson. Jennifer spoke of the importance of in-person meetings, which only 3 were budgeted for. She also talked about needed revisions. She advised that there is money in the line item and that this will cross over into the next Fiscal Year. Deputy Prosecuting Attorney Tahja Jensen will create an addendum to the contract which will need to be signed which will be added to the Consent Agenda for next week.

A motion was made by Commissioner Butticci to approve the addendum for Logan Simpson in the amount of \$12,300 and to be placed on the Consent Agenda. It was seconded by Commissioner Elliott and carried unanimously.

BROOKSIDE ADVENTURES MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Brookside Adventures Minor Subdivision. She advised that the applicant, Sawtooth Land Surveying, LLC, on property owned by Brookside Adventures, LLC, has applied for a minor subdivision to create four(4), single family lots on approximately 20.32 +/- acres located in the A-2, Rural Transitional Agriculture zone. Items that she talked about were the location of the property, a private road, access, irrigation requirements and that there were no letters of concerns submitted. Neal Capps talked about the drain ditch that runs along this property and the neighboring property. He advised that they shrunk their right-of-way so the county would not be responsible for the drain ditch. There was discussion on access to the ditch for maintenance. Jennifer advised that there is 1 substandard lot, but it may meet the 5-acre lot minimum with the changes to the right-of-way.

A motion was made by Commissioner Elliott to approve the Brookside Adventures Minor Subdivision as presented. It was seconded by Commissioner Butticci and carried unanimously.

PATTERSON FAMILY MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Patterson Family Minor Subdivision. She advised that the applicant, James and Irene Patterson has applied for a minor subdivision to create four (4) single-family lots on approximately 34.6 +/- acres located in the A-2, Rural Agriculture zone. Items that she talked about were the location of the property, a private road and that there

were no written concerns submitted. She talked about a letter from Road and Bridge Department. She advised that it is in the Reed Ditch District. She also talked about the right-of-way. Commissioner Elliott expressed concerns with access for emergency services.

A motion was made by Commissioner Butticci to approve the Patterson Family Minor Subdivision as presented. It was seconded by Commissioner Elliott and carried unanimously.

MINUTES: The minutes for September 6, 2022 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for September 6, 2022 as presented. It was seconded by Commissioner Elliott and carried unanimously.

MAPPING POSITION SALARY AND BENEFITS: Assessor Strang advised that she interviewed 4 applicants for the Mapping position. She spoke of their experience. She would like to offer \$57,000 and 3 weeks of vacation for an applicant that has 36 years of experience in Mapping. This applicant would not need any training to begin working and the start date would be early October. Commissioner Elliott is not comfortable with giving 3 weeks of vacation to start with. Assessor Strang advised that she has a better understanding of the position and will be over-seeing it more closely and that this is not an entry level position. Commissioner Elliott expressed concerns with moral throughout the county. Commissioner Butticci has concerns with where the money would come from. Clerk Tilton advised that \$40,000 is budgeted for the next Fiscal Year the additional funding would have to come out of the funding that was budgeted to give to county employees from the results of the salary survey. This will be moved to tomorrow's agenda for a motion. (This was not discussed further this week).

The Board recessed at 5:00 p.m. to 8:30 a.m. on September 13, 2022.

September 13, 2022

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

AVIMOR WORKSHOP FOR DISCUSSION REGARDING ANNEXATION INTO THE CITY OF EAGLE: The Commissioners met with Avimor to discuss annexation into the City of Eagle. This meeting was held in person and virtually via Zoom, no one attended via Zoom or by phone. Those present were Clerk Tilton, Sheriff Wunder, Deputy Sheriff Dave Timony, Fire Chief Rick Welch, Development Services

Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Emergency Manager Jeff Ulmer, Prosecuting Attorney Erick Thomson and representatives from Avimor.

Avimor President and General Manager Dan Richter talked about an application for annexation in Eagle. Items that he talked about were the history of the Avimor property, the county lines for Avimor, location of development and open space, length of time for this project, the number of total homes (approximately 8700 homes) and mixed-use homes. He advised that there is approximately 6000 acres in Gem County that would be affected with approximately 1500 home with little being commercial. He also talked about proposed uses, water infrastructure, water conservation, waste water, traffic and community services.

Jeff Bower from Avimor talked about Eagle Fire District, police services, prosecution, Emergency Medical Services, schools, a Road Maintenance Agreement and HOA's management. There was discussion on road maintenance.

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

Commissioner Rekow was absent from the meeting due to attendance at an Idaho Counties Risk Management Program (ICRMP) meeting.

INTERVIEW WITH THOMAS MONAGHAN, THOMAS MONAGHAN LAW, PLLC AND JAY JUHANI KIIHA, KIIHA AND ASSOCIATES, PLLC FOR PUBLIC DEFENSE SERVICES:

The Commissioners conducted an interview with Thomas Monaghan and Jay Kiiha for the Public Defense contract. Thomas and Jay provided their background. They would be looking to lease space in Emmett to conduct public defense from. Budget and finances for the contract were discussed. Jay said they would intend to hire someone and continue with their federal case practice along with the contract with Gem County. Commissioner Elliott discussed the importance of the county contract coming first and also the importance of caring about those in our community who would be helped with public defense. The Commissioners discussed the dedicated public defenders who have put great care into the position the county has had in the past which is what the county is looking for. Thomas stated they would have the same attitude, level of importance and standards that has been set by the preceding public defenders. Thomas stated he would halt new private cases while taking on the contract but would see his current cases to completion. He has no problems putting in the hours to make it happen. Jay would keep some of his additional contracts but would be able to meet

the county's needs. Deputy Prosecutor Tahja Jensen discussed the private meeting space provided with the current building used for public defense and advised that there isn't a lot of private meeting space available in the courthouse. They felt it was a great location and it would work well for them.

EXECUTIVE SESSION TO CONSIDER QUALIFICATIONS/CONTRACT

NEGOTIATION: The Commissioners did not go into executive session.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 3:00 p.m. to 2:30 p.m. on September 14, 2022.

September 14, 2022

INTERVIEW WITH MATTHEW WILLIAMS, WILLIAMS LAW PLLC FOR PUBLIC DEFENSE SERVICES:

The Commissioners conducted an interview with Matthew Williams for the Public Defense position. Matthew provided his background. He said he is looking at Gem County Public Defense because it is nice here and he is in a position to relocate. He has looked for office space in the area. The Commissioners discussed county office space across the street from the courthouse that could be leased. Matt believes this position would take the majority of his time so he would look at phasing his private cases out. He discussed his office structure and the difference he sees in the public defense role being more of a reporting role with the county versus the role he had as a county Prosecutor where he was advising commissioners who may not have appreciated advice they were given and lawsuits that arose from that. Reporting required by the Public Defense Commission (PDC) was discussed. Regarding transitioning, he acknowledged he would have to juggle some things at first. He stated he could start relatively quickly but said that October would be difficult to start. He would like to be in the courtroom more. Caseload, budget and PDC funding was discussed. Matthew stated that he would staff the office to ensure the caseload was taken care of correctly. Deputy Prosecutor Tahja Jensen discussed her role in assisting the Commissioners with contracting once they have made their decision.

INTERVIEW WITH JOLENE MALONEY, MALONEY LAW OFFICE FOR PUBLIC DEFENSE SERVICES:

The Commissioners conducted an interview with Jolene Maloney and Rondee Blessing for the Public Defense position. Jolene provided her background and ideas for the

position and proposed a hybrid model for the service. Theresa Martin, who is an attorney in the office currently, would be available in the local office which would continue to provide space for meetings with clients. She said there would be contracted attorneys to handles various caseloads. These attorneys would continue with private cases and each handle public defense caseload for Gem County as well. She feels this would lessen the need for outside conflict counsel. She stated that appropriate management of this by the administrative attorney in their group would keep the caseloads distributed evenly. Jolene said that she would be able to transition in 3-4 weeks. Commissioner Elliott stated the importance of having one main contact. Jolene said that in Payette County she meets and reports to the Commissioners and funnels everything to the other contracting attorneys. She said billing would be done by each of the attorneys once or twice a month depending upon what the county would prefer. The county's budget was discussed and Jolene said that she feels additional funding would be needed to accomplish the hybrid model she is proposing. Differences in processes were discussed.

EXECUTIVE SESSION TO CONSIDER QUALIFICATIONS/CONTRACT

NEGOTIATION: At 4:50 p.m. a motion was made by commissioner Rekow to go into executive session under 74-2061(a) to consider qualifications. It was seconded by Commissioner Butticci and carried unanimously.

Regular session reconvened at 5:13 p.m.

DELIBERATION AND DECISION OF GEM COUNTY PUBLIC DEFENSE SERVICES:

The Commissioners discussed the formats each applicant discussed for managing public defense.

A motion was made by Commissioner Butticci to rank the following applicants for the Public Defender position, #1 Jolene Maloney Law Office, #2 Jay Kiiha and Thomas Monaghan, #3 Matthew Williams and to move forward with negotiations with the Jolene Maloney Law Office; and let the Chairman sign the Notice of Ranking and contract with the #1 ranking. It was seconded by Commissioner Elliott and carried unanimously.

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

Approved: _____
Chairman

Attest: _____
Clerk