



September 19 & 20, 2022, Emmett, Idaho

Pursuant to a recess taken on September 13, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 19th 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 19, 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.

SALARY AND BENEFITS FOR MAPPING POSITION: Assessor Strang advised that the applicant she wants to extend an offer to has been a mapper for 37 years. Commissioner Butticci supports a starting salary of \$55k, which was originally approved, with 1 week of vacation to start. Commissioner Elliott expressed concerns with longevity issues and why this applicant wants to leave their county to come to Gem County. Assessor Strang advised that she is not expecting a long term employee, however, they can start working without training and can train a new person for when they retire. She spoke of reasons why they are wanting to leave their current county and expectations of this employee. Commissioner Rekow expressed concerns with funding for this position. Commissioner Rekow supports a starting salary of \$55k with 1 week vacation up front. Commissioner Elliott agrees, however, he has concerns with reactions from other county employees, but recognizes that the salary range was previously voted on and approved. Commissioner Rekow talked about the vast experience of this applicant. Commissioner Elliott also expressed the importance of managing the employee to ensure the work and training of another employee to do the duties is done.

A motion was made by Commissioner Butticci to move forward with the mapper position with a starting salary of \$55k with 1 week vacation up front on the condition that the funding is

found for that position. It was seconded by Commissioner Elliott and carried unanimously.

COUNTY FACILITY SECURITY DISCUSSION: Commissioner Rekow talked about funding and that the county may need a security consultant. He talked about security in other counties and the increase in population in the county. Commissioner Butticci would like to see what other courthouses do that are similar to Gem County. Deputy Prosecuting Attorney Tahja Jensen talked about the circumstances that brought this need to light, an upcoming on-line training on workplace violence and the need for a county-wide safety policy. There was discussion on an evacuation plan and the panic buttons.

CAPITAL IMPROVEMENT PLAN IMPACT FEE AMENDMENT DISCUSSION: Deputy Prosecuting Attorney Tahja Jensen advised that vehicles could not be added to the Sheriff's Department Capital Improvement Plan (CIP) for Impact Fees because of a 10 year longevity requirement and stated that CIP's are not a huge benefit for law enforcement. She also talked about an inflation index, needed revisions, an Impact Fee advisory committee, CIP's for the Road Department, the need for an Ordinance Revision and utilizing the Impact Fees in the Sheriff's Department. Chief Dave Timony advised that deputies purchase their own weapons. Tahja advised that Impact fees have to be used for growth related items, but it cannot be used for replacements. There was discussion on weaponry and what might be included in that category. Dave talked about the need for new vehicles and funding issues. Tahja will work with Dave to work through what they can use their Impact Fees on. There was discussion on issuing funds to outside agencies and Computer Arts reports.

COURTHOUSE RESTROOM REMODEL BIDS: Buildings and Maintenance Supervisor Chuck Shambaugh advised that the new bids that he received do not have the grab bars. The bids that were received were from Paige Mechanical Group for \$12,790, 2 bids from Dillabaugh's for flooring for \$2832 each and Rocky Mountain Mechanical for \$17,250. He advised that he began removing stalls and will need to order the grab bars.

A motion was made by Commissioner Butticci that for the courthouse remodel to go with PMG in the amount of \$12,790 and for the remodel of the bathroom floors to go forward with Dillabaugh's for the womens restrooms in the amount of \$2832 and for the mens restroom in the amount of \$2832. It was seconded by Commissioner Elliott and carried unanimously.

CONSENT AGENDA: A. Certificates of Residency for Junior College

tuition for Emelyn Ingram and Michelle Greeley, B. Idaho Office of Emergency Management 2020 grant adjustment notice, C. Architectural services proposal for addition to Gem County Weed Control building, D. Consultant agreement for professional services between Logan Simpson and Gem County for Gem County Comprehensive Plan addendum 1 and E. FY23 levy certification.

Clerk Tilton advised that the final numbers from the State Tax Commission have not been received and an amendment may be needed if item (E) is approved. She believes the numbers are correct, but is not able to verify them until the tax commission provides the final corrected information. She suggests that this be put on the agenda for later today or tomorrow.

A motion was made by Commissioner Butticci to approve the consent agenda items A-D as presented and to move item E to September 20, 2022 at 10:30. The motion was seconded by Commissioner Elliott and carried unanimously.

MINUTES: There were no minutes to review.

PUBLIC WALK-IN: Joe Mayer would like to know why his concerns with Idaho Power is not within the scope of Local Emergency Planning Committee (LEPC). The Commissioners advised that they do not oversee LEPC and that LEPC manages their own agenda. Commissioner Rekow advised him to contact the Idaho Office of Emergency Services for further assistance.

ORDINANCE AMENDMENT PROCESS AND SCOPE TIMELINE: Development Services Director Jennifer Kharrl talked about Coordination Calls. Commissioner Butticci will attend those calls. Jennifer advised that Logan Simpson suggests the steering committee be the same as the Comprehensive Plan one. Jennifer talked about how the steering committee works and the steps they take. She advised that Logan Simpson is planning to come to Emmett in late October. Commissioner Elliott spoke on public hearings and challenges with the public. Deputy Prosecuting Attorney Tahja Jensen advised that most public concerns should be addressed by staff and/or Logan Simpson prior to the public hearing and that the steering committee is important to help prepare for the public hearing. Jennifer talked about where they are at in the process. Commissioner Elliott expressed concerns with the Comp Plan and the Ordinance Amendment being done at the same time and with public not feeling that they have input. Jennifer advised that the Comp Plan should be completed first, that there was public comment in July and several ways that the public had opportunities to provide input. She advised that she is expecting small changes after the public hearing. The

Commissioners would like Logan Simpson to keep moving forward.

A motion was made by Commissioner Butticci to move forward with the Ordinance Amendment process and to appoint the original Steering Committee. It was seconded by Commissioner Elliott and carried unanimously.

HAT TRICK FARMS SUBDIVISION: Development Services Director Jennifer Kharrrl reviewed the Hat Trick Farms subdivision request. She advised that the applicant, Sawtooth Land Surveying, on property owned by Brad A. and Amy Mascall, has applied for a minor subdivision to create two (2), single-family lots on approximately 3.48 +/- acres located in the R-2, Residential Transitional zone. Items that she talked about were property location, Emmett Irrigation and advised that there were no letters of concern. Road and Bridge Supervisor Neal Capps talked about a shared access. Commissioner Rekow spoke on concerns with flooding. Jennifer advised that this property is not in the current floodplain.

A motion was made by Commissioner Butticci to approve the minor subdivision for Hat Trick Farms subdivision for Brad Mascall as presented, adding a recommendation to add a notice of concern with flood hazards on future build sites. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Erik Thomson would like to extend an offer to Kim Morrow from the Public Defenders office. He discussed her salary and experience. The discussed the current budget for this position. The Commissioners support the salary request which is within the range that was previously approved.

GEM COUNTY PUBLIC DEFENSE SERVICES CONTRACTING

DISCUSSION/DECISION: Deputy Prosecuting Attorney Tahja Jensen spoke of the hourly rate, Indigent Defense, grants and conflict counsel. She talked about the transition period for the current Public Defender Mark Coonts. She discussed the contracts needed for Jolene Malone. Commissioner Butticci talked about with the differenes in business models. Jolene discussed staffing. Mark Coonts explained his billing process. Clerk Tilton discussed the budget and funding for public defense. Tahja talked about the funding and contracting with an independent contractor. There was discussion on managing the different contracts and billable rates. Jolene advised that according to the Public Defense Counsel (PDC), 3328 hours is needed in Gem County. She talked about all the expenses involved and said she would gather more information on funding. Mark advised that he has 2 more weeks to transition out. This will be moved to tomorrow for further

discussion and possible decision.

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

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

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

Jennifer reviewed the Carlock Rezone request. The applicant, Debbie Carlock Newton, on behalf of the property owner, Carlock Trust, is seeking approval to rezone property from A-1 Prime Agriculture (40-acre minimum) to A-3 Rural Agriculture (5-acre minimum). The property proposed to be rezoned consists of approximately 90.15 +/- acres comprised of 2 parcels. They are requesting this change to correct an error on the map stating that portion of the land being forest land. Staff and the Zoning Commission recommends denial based off of Findings #1 & #5.

Applicant Debbi Carlock Newton advised that the map was used back when she worked at the county. She advised that some of the land is listed as Prime Agriculture, but it is private land and should be listed as Rural Agriculture land except for anything that lies in 12 North and that it affects 4 people. She stated that the lines were originally drawn incorrectly on the map. She advised that they are not planning on subdividing the property and that there would not be a major impact on the roads and school.

Jennifer advised that the Comprehensive (Comp) Plan does not support the rezone at this time. She talked about the guidelines in the area and that there are 14 properties on the

eastern boundary that are private owned, but has some of the land listed as Prime Agriculture land. She advised that she spoke with the Assessor's Office and was advised that there are some properties that have forest land as part of their property. She advised that this was done in 1978. She stated that this may have been a agreement at the time and may not be an error. Jennifer advised that they have to look at the total possible impact for the future. Commissioner Elliott explained that the rezone stays with the property and has to be looked at for the possible impact to the area with these requests. He supports the Zoning Commission recommendation. There were no other members of the public present to testify.

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

Commissioner Butticci supports the Zoning Commission. Commissioner Rekow understands the applicant position, but there is no way to know what the original intention was. He also supports the Zoning Commission.

A motion was made by Commissioner Elliott to uphold the decision of the Zoning Board for the Carlock Living Trust Rezone. It was seconded by Commissioner Butticci and carried unanimously.

MODJESKI 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 Kharrrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Carlos Nelson, applicant Patrick Modjeski and property owners Carole and Michael Modjeski. 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 Kharrrl 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 for approval, the draft Development Agreement with conditions, the Zoning Commission minutes, 2 letters from property owners and an agency letter.

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

Jennifer reviewed the Modjeski Rezone request. The

applicant, Patrick Modjeski, on behalf of property owner, Michael and Carole Modjeski, is seeking approval to rezone a portion of their property from A-2 Rural Transitional Agriculture (5-acre minimum) to R-3 Rural Residential (2-acre minimum). The property proposed to be rezoned consists of approximately 4.75 acres. She advised that staff recommended approval with a Development Agreement to limit the number of parcels. The entire property is approximately 20 acres, but they only want to rezone the front 4.75 acres to R-3 and keep the remaining property zoned A-2.

Applicant, Patrick Modjeski advised that they originally wanted to split up the parcels into 4 parcels, but they were advised they could not and that this type of rezone would be the only way to do it. He also talked about the access road.

Neutral, Carlos Nelson, a neighbor, would like the road to be built all the way through the property to the back. He also talked about concerns with the power grid. There were no others present to speak that was neutral or opposed.

Road and Bridge Supervisor Neal Capps talked about access and an easement road. Patrick talked about a future easement agreement with a different neighbor to possibly access one of the 2-acre lots.

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

Commissioner Butticci believes that the applicant has met all requirements.

A motion was made by Commissioner Butticci to approve the rezone application for RZ-22-007 for Patrick Modjeski as presented by staff with a Development Agreement. It was seconded by Commissioner Elliott and carried unanimously.

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 Elliott and carried unanimously.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on September 20, 2022.

Commissioner Elliott was absent from the meeting.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC): The Commissioners

attended the Local Emergency Planning Committee meeting. This was attended virtually.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

CONSENT AGENDA CONTINUATION: Clerk Tilton discussed the Fiscal Year 2023 L1 form for levy certification. She explained that she is confident in the numbers although she remains unable to verify with tax commission numbers. She said approval today allows the county to meet the legal deadlines; if there is a discrepancy she will put it on the next agenda for amendment.

A motion was made by Commissioner Butticci to approve the levy certification for fiscal year 2023. It was seconded by Commissioner Rekow and carried unanimously.

GEM COUNTY PUBLIC DEFENSE SERVICES CONTRACTING

DISCUSSION/DECISION: There was no further discussion on this topic.

The Board recessed at 4:30 p.m. to 8:30 a.m. on October 3, 2022.

Approved: _____
Chairman

Attest: _____
Clerk