



January 16, 2024, Emmett, Idaho

Pursuant to a recess taken on January 9th, 2024, the Board of Commissioners of Gem County, Idaho, met in regular session this 16th day of January, 2024, at 1:00 p.m.

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

Whereupon the following proceedings were had, to-wit:

January 16, 2024

REVIEW AND APPROVAL OF AGENDA: The Commissioners discussed adding a Joint Powers Agreement with Ada County/City of Eagle for Avimor to the agenda.

Commissioner Wille made a motion that we add the Ada County and Gem County Joint Powers Agreement (Mutual Assistance Compact for Law Enforcement Services) to the Consent Agenda as item G. It was seconded by Commissioner Rekow and carried unanimously.

The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda for Tuesday, January 16th, 2024 as amended. It was seconded by Commissioner Rekow and carried unanimously.

EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (F) TO DISCUSS PENDING LITIGATION MATTERS: Commissioner Rekow made a motion to go into Executive Session at 1:16 p.m. under Idaho Code 74-206(1) (f) matters pending litigation. It was seconded by Commissioner Wille and carried unanimously. The roll call vote was taken as follows: Commissioner Rekow, aye, Commissioner Wille, aye, Commissioner Butticci, aye.

Regular session reconvened at 1:27 p.m.

CONFLICT PUBLIC DEFENSE CONTRACT WITH JOLENE MALONEY: The Commissioners discussed the conflict public defender contract for Jolene Maloney. Deputy Prosecutor Tahja Jensen said she has been appointed on a case and wants to negotiate a new rate of \$85 per hour. Tahja discussed the terms of the contract with the Commissioners and asked that the length of contract be specified. After discussion, the Commissioners decided to negotiate for an open contract. The Commissioners agreed that the rate of \$85 per hour was reasonable due to the complexity of the current case and her experience.

A motion was made by Commissioner Wille that we authorize counsel to prepare a conflict public defender contract for Jolene Maloney at \$85 per hour. 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 got a message that Bill Gigray, an attorney she is looking to talk with about impact fees, was out of the country and is back in the area now; she hopes to hear from him this week.

CONSENT AGENDA: A. Certificate of Residency for Junior College Tuition for Cody Smith B. Christmas Tree Farm Minor Subdivision Plat C. Gem County Ordinance 2024-01 Bell Rezone D. TRBO West Digital Network Trunking Communications Systems Agreement for Portable Radios for the Road Department E. Metroquip AOTE for Meyer Sander for the Road Department F. Idaho State Police Forensic Services and Gem County Coroner's Office Memorandum of Understanding for Toxicology Services G. Ada County and Gem County Joint Powers Agreement (Mutual Assistance Compact for Law Enforcement Services).

A motion was made by Commissioner Rekow to approve the Consent Agenda for Tuesday, January 16, 2024 items A. through G. as presented. It was seconded by Commissioner Wille and carried unanimously.

SOUTHWEST IDAHO RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL MEMBERSHIP RENEWAL:

Clerk Shelly Tilton asked if the Commissioners wanted to consider participating in the Southwest Idaho Resource Conservation and Development Council. Gem County was a member in the past, but has not participated for several years. Commissioner Butticci will speak with local conservation districts to get their opinion and will put this on a future agenda after that discussion.

No action was taken at this time.

LONG MINOR SUBDIVISION: Development Services Director Jennifer Kharrrl presented to the Commissioner the request by Brian and Brandi Long for a minor subdivision to create three single-family lots on approximately 6.13 acres located in a rural Residential zone. There were no letters of concern and 2 agency letters from Last Chance Ditch and Emmett Irrigation. There is some confusion as to which irrigation district has jurisdiction. The owner pays dues to both districts. Applicant, Brandi Long believes that Last Chance has the jurisdiction over this property. There was discussion whether to proceed with the minor subdivision or to resolve the irrigation district issue first.

Commissioner Rekow felt it would be cleaner to resolve prior to moving forward with the subdivision, while Commissioner Wille suggested that they can proceed with the Minor Subdivision request, and continue to resolve the irrigation dispute. The applicant stated that they are not in a hurry to build.

Road and Bridge Supervisor Neal Capps said that the property is adjacent to Cherry Heights and the fencing and irrigation lines will need to be moved for the construction project on Wills Road. After discussion the Commissioners felt comfortable to move forward with the application.

A motion was made by Commissioner Wille that we approve the preliminary plat for Long Minor subdivision as presented. It was seconded by Commissioner Rekow and carried unanimously.

The Findings, Conditions, Conclusion, Order for Long Minor Subdivision was signed.

REVIEW AND APPROVAL OF MINUTES: The Commissioners reviewed the minutes for January 2nd, 2024. A motion was made by Commissioner Rekow to approve the minutes for January 2nd, 2024 as amended. It was seconded by Commissioner Wille and carried unanimously.

LANDFILL FEE DISCUSSION: Assessor Hollie Ann Strang and Landfill Supervisor Martin Joyce were present to discuss the complaints about landfill fees for dry ag parcels. The Commissioners will have further discussion to find what is fair and equitable for these parcels.

REVIEW AND APPROVAL OF MINUTES: The Commissioners reviewed the minutes for January 8th & 9th, 2024. A motion was made by Commissioner Rekow to approve the minutes for January 8th and 9th, 2024 as amended. It was seconded by Commissioner Wille and carried unanimously.

BOARD OF EQUALIZATION, OCCUPANCY: At 4:00 p.m. a motion was made by Commissioner Rekow to recess as the Board of County Commissioners and reconvene as the Board of Equalization. It was seconded by Commissioner Wille and carried unanimously. The roll call was taken as follows: Commissioner Rekow, aye, Commissioner Wille, aye, Commissioner Butticci, aye. While being recorded Board of Equalization was held. Assessor Hollie Ann Strang was sworn in. Assessor Strang reviewed the requests for value changes. Parcel number RPE1225F061140 for Zachary & Naomi Palmer, was occupied on September 1, 2023 adjusted from the Certificate of Occupancy date January 11, 2023. That information was received by the Assessor too late to send out a corrected assessment notice. The Assessor is asking that the new assessed value be \$159,116 and the total taxable

value be \$79,558. Parcel number RPE21000020130 for 749 Old Glory Way LLC was occupied on October 1, 2023 adjusted from the Certificate of Occupancy date of August, 16, 2023. The Assessor is asking that the total assessed value be \$71,131. Parcel number RPE21000020140 for 759 Old Glory Way LLC, was occupied October 1, 2023, adjusted from the Certificate of Occupancy date of August 16, 2023. The Assessor is asking that the total assessed value by \$71,131. Parcel number RPE21000020150 for 769 Old Glory Way LLC, was occupied on November 1, 2023, adjusted from the Certificate of Occupancy date of August 16, 2023. The Assessor is asking for a total assessed value of \$47,420.

A motion was made by Commissioner Wille to accept the adjustments as presented. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Rekow to adjourn the Board of Equalization and reconvene as the Board of County Commissioners. It was seconded by Commissioner Wille and carried unanimously.

The Board recessed at 5:00 p.m. to 8:30 a.m. on January 22ND, 2024.

Approved: _____
Chairman

Attest: _____
Clerk