



January 8 & 9, 2024, Emmett, Idaho

Pursuant to a recess taken on January 2nd, 2024, the Board of Commissioners of Gem County, Idaho, met in regular session this 8th day of January, 2024, 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:

January 8, 2024

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda for Monday, January 8th & Tuesday 9th, 2024 as presented. 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 stated that she was unsuccessful getting a hold of Bill Gigray regarding the Impact Fees. The Commissioners will review the ISP forensic services agreement next week. The Commissioners may also need to address a potential Memorandum of Understanding (MOU) for the County Sheriff's Posse that defines their involvement and relationship with the County.

PUBLIC DEFENSE CHILD PROTECTION CASE DISCUSSION: Deputy Prosecutor Tahja Jensen discussed Public Defense and child protection cases. Tahja stated that any time law enforcement removes a child from their home and they come into the care of child welfare, both parents and children over the age of 12 are appointed public defenders. The new state-wide public defense system excludes them from being handled by the state. This means that the county will need to look at the public defense budget more closely and find additional contractors for child protection cases. Court-Appointed Special Advocates (CASA) is a nonprofit organization that finds volunteer attorneys for these cases. The Idaho Association of Counties (IAC) will need to address this change because the additional cost will affect all counties. Clerk Tilton said it is being discussed by the Clerk's Association and IAC. Mark Coonts is not opposed to a contract for Child Protection cases if it comes to that in the future.

EMAIL SERVER MIGRATION FUNDING - POSSIBLE ARPA FUNDING REQUEST:

Information Technologies Director Corbin Vickery discussed the Email Server Migration Project. He reviewed what is currently in place and what he is proposing, as well as the related cost. Corbin explained how the proposed system would clean up and simplify the server if moved to the cloud. He showed that it would improve security because it will be secured by Microsoft. It will minimize vulnerability, maintain fewer servers and simplify the system; providing enhanced connectivity and reduced downtime. He reviewed the initial cost as well as annual reoccurring expenses that gave two contract options. The Commissioners and Corbin agreed that beginning with the less expensive option would be beneficial to see what the county requires and if the more expensive option is necessary. The Commissioners discussed with Clerk Shelly Tilton where the money might be found in the budget to complete this project.

A motion was made by Commissioner Wille to move forward to approve the email server migration with \$55,000 coming from ARPA funding and \$20,000 coming from the IT depreciation line. It was seconded by Commissioner Rekow and carried unanimously.

CONSENT AGENDA: A. Certificate of Residency for Cecilia Barr for Junior College Tuition B. Payroll Claims Approval for January 5, 2024 C. Request for Tax and/or Fee Cancellation for Various Parcels for Homeowner's Exemption received after the 2023 Board of Equalization D. IDEMIA Identity & Security USA LLC System Maintenance Terms and Conditions Fingerprint Annual Maintenance Agreement. E. HASS Minor Subdivision Findings, Conclusions, Conditions, and Order F. Swader Minor Subdivision Findings, Conclusions, Conditions, and Order G. Bell Rezone Development Agreement H. Bell Rezone finding, Conclusions, Conditions, and Order.

A motion was made by Commissioner Rekow to approve the Consent Agenda for Tuesday, January 8, 2024 items A. through H. as presented. It was seconded by Commissioner Wille and carried unanimously.

GEM COUNTY/CANYON COUNTY FORENSIC PATHOLOGY AGREEMENT

DISCUSSION: The Commissioners discussed the reasons for changing from ADA to Canyon County pathology services.

A motion was made by Commissioner Rekow to approve the Gem County Forensic Pathology Agreement with Canyon County as presented. It was seconded by Commissioner Wille and carried unanimously.

PUBLIC WALK-IN: Mindy Tepol and Frank Todd discussed issues with their irrigation. The ditch under Brill Road has collapsed and Reed Ditch is not addressing the issue. The borrow pit has overflowed and caused the ditch to sink and flood their property. The neighboring ditch users are not managing the water and it is flooding their property. They understand that their ditch is their responsibility but neighbors are damaging it and should also be responsible. She feels that they have received no feedback from the Road and Bridge Supervisor Neal Capps. A neighbor dumped concrete into the borrow pit and they were asked to empty it, not the neighbor. Frank Todd is concerned about the corner where the culvert and concrete ditch has collapsed because it will do more damage to the road. Commissioner Butticci said that the Commissioners would speak to Neal Capps about the culvert, the borrow pit and road issues, but the ditch flow concerns should be addressed to Reed Ditch Company. Mrs. Tepol asked to have the school bus route changed so that Brill Road isn't used. The bus raises a lot of dust and aggravates her asthma. Commissioners suggested that Mrs. Tepol take her concerns about the school bus to the New Plymouth School Board.

DEPARTMENT HEADS-ADA PROJECT REVIEW: The Commissioners reviewed with ADA Coordinator Larry Robertson the status of current projects. Larry reminded department heads that Handicap paint is an annual requirement. The Island Complex is in the flood plain ordinance and no improvements can be made until the flood plain issue is addressed. Commissioner Wille felt that the ADA requirement would trump the flood plain issue, to which Deputy Prosecutor Tahja Jensen disagreed. Building and Grounds Supervisor Chuck Shambaugh said there are more concerns that can be addressed as part of the ADA project. Tahja reminded department heads that all projects must ensure that contract language specifies that the hired company is responsible for meeting ADA requirements. The Commissioners stated that there will be a safety committee to help identify and address different safety issues. The Commissioners also reminded the department heads that the new hiring matrix is in place, and that Monday, January 15th is a holiday.

Disaster Services Manager Jeff Ulmer discussed the all district school evacuation on December 13th, 2023. The evacuation went very well, evacuating 2500 students in an hour. Disaster Services has had 2-3 debriefs since the evacuation. The Homecoming drill was beneficial and really helped in the actual emergency situation. The election of officers for LEPC was completed and the department is working on the State Homeland

Security program and completing grants. The All hazard Mitigation Program and Incident Command System (ICS-300) will be working with each other locally. Road and Bridge Supervisor Neal Capps worked on the last weather event and is preparing the equipment for the forecasted snow this week. Weed Control Supervisor Larry Shippy said that his department is working on equipment and maintenance. He is looking ahead and applying for a grant that provides GPS services for county trucks and spraying. The new truck is scheduled to arrive in a couple of weeks. Building Supervisor Chuck Shambaugh has been working on ice mitigation during the last two storms. Extension Supervisor Rebecca Mills reported that it is enrollment time for the Fair. The Livestock judging team has just returned from a competition in Denver. The fairgrounds have met more ADA requirements than the list that was discussed earlier. Currently the threshold to enter the Extension building is being widened and lowered. Rebecca asked if the fairgrounds could be involved with the evacuation planning. She would like to facilitate with communication and traffic where the Armory building is concerned. Development Services Director Jennifer Kharrl said there would be no Planning and Zoning meeting tonight. The department is currently moving into the new comprehensive plan and working on the New Code amendment draft. She stated that the Island floodway needs to be addressed in the Code amendment, so that the county is not stuck with a facility that can never be updated. The first quarter has been relatively slow except for December, which has been busier with new applications. Landfill Supervisor Martin Joyce talked about improvements to the road at the landfill. The facility has been busy and the department is very happy with the new staff member. The new sticker program that identifies residents is nearing completion. Juvenile Probation Director Shannon Carter announced that the current case load is the largest ever with 52 kids in the system. The panic button installation is nearly complete, with only one more to install. Information Technology Corbin Vickery is working on Email migration and said we are past the bulk of interruptions for that system. There may be some with the new firewall implementation. Fair Board Secretary Debbie Lawrence talked about the evacuation and was impressed with how smoothly it went. She echoed Rebecca Mill's request to be involved with evacuation planning and communications. The Expo building is going through upgrades for use in the winter months. The Fair board announced that the rodeo has been accepted to the Professional Rodeo Cowboy Association, which required a new name for the Rodeo. No name changes will be made to the Gem County Fair, just to the rodeo event. Commissioner Butticci said that the Commissioners will work with the Fair concerning the

presentation of the name change. The Fair board is also updating sponsors and contracts for building rentals.

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

SPRING GRAZING PRELIMINARY PLAT PUBLIC HEARING: At 1:37 p.m. while being recorded, the Commissioners held a public hearing to review the Spring Grazing Preliminary Plat application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Development Services Associate Planner, Olivia Mocnik, Deputy Clerk Laure McCann, and the applicant. Deputy Prosecutor Tahja Jenson was attending via Zoom.

Commissioner Butticci read the notice of public hearing. The preliminary subdivision plat application by Cliff Ohler requests approval of 12 buildable lots on Approximately 73 acres located on N Highway 52. The Gem County Planning and Zoning Commission recommended approval with conditions. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. 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. Jane Fish was present via Zoom as a neutral observer who choose not to testify.

Development Services Director, Jennifer Kharrrl asked to have the packet of information added into the record which included the Notice of Hearing, the Preliminary Plat Application, Planning & Zoning Recommendation for Approval, Staff Report, minutes from the November 13th, 2023 meeting Planning & Zoning Commission meeting, 6 agency letters from Gem County Treasurer, Idaho Power, Water District #65, Keller Associates, Idaho Transportation Department and the Emmett School District, 2 letters of concern and 1 of support.

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

Jennifer reviewed the application. The applicant is requesting a preliminary plat on North Highway 52 which includes 12 buildable lots that are at least 5 acres in size on 3 contiguous parcels. This property is considered a hillside

development. In lieu of the required engineering studies the applicant has chosen to specify no build areas of less than a 10 percent slope. Staff recommended approval to the Planning & Zoning Commission based on all 9 of the required findings being met. The Planning and Zoning Commissioner recommended approval to the Gem County Commissioners by adding 2 conditions of approval which have been met. Commissioner Wille pointed out the applicant has specified a building envelope where the houses will be built, not a "no build" area. Jennifer confirmed that he is correct.

The applicant's engineer, Jesse Christensen, spoke on behalf of the applicant. Initially the applicant was hoping to build more lots on the property, but that wasn't feasible given the slope. There will be an engineered roadway that will serve 10 lots and the other 2 lots will come off of an existing private road. Water will be provided by individual wells and irrigation water will be from the river. Commissioner Wille asked about water quality and quantity. Mr. Christensen referred to the Southwest District Health letter that showed low flow at times, and recommended cisterns or other means that would be left to the discretion of the builder. No other members of the public were present and one caller on Zoom did not wish to testify. Commissioner Butticci discussed the condition of approval for fire truck turn around approval from Fire District 2 which has not been received yet. There is also a condition for an ITD valid permit that has expired. Jesse said that they are working to obtain a new ITD permit and it shouldn't be a problem. Commissioner Wille asked about the allowance for the school bus turn around, to which Mr. Christiansen said that the home driveway will be wide enough to allow for that. Commissioner Wille asked about the private road meeting county standards. Jennifer said it would meet the county standards for a private road but not a public road. She also mentioned that the school bus turn around has been an issue for the existing homes. Jane Fish online asked about CC&R's that specifically addressed agriculture, livestock and business use. Mr. Christiansen has not defined CC&R's for the proposed development. Commissioner Butticci asked about the concern for the low water flow. Jennifer said it was the responsibility of the Southwest District Health to evaluate and it is part of their report. Commissioner Rekow asked about the approach. Jennifer said that the ITD requirements will address the

approach. Commissioner Rekow also felt that a water quality and quantity study should be done or that the low water flow be noted on the plat.

Commissioner Butticci closed the hearing at 2:03 and discussed the bus stop turn around and felt it should be part of the plat. He also felt that a water quality and quantity study should be done. Commissioner Rekow re-iterated his concern for water quality and quantity and felt that the low water flow should be noted on the plat. Commissioner Wille agreed with Commissioner Rekow about the Quantity concern especially.

A motion was made by Commissioner Wille to approve the Preliminary Subdivision Plat for Spring Grazing application by Cliff Ohler to request approval of 12 buildable lots on approximately 73 plus or minus acres, located on North Highway 52 with the addition of a condition of approval to add a notation about water quantity on the plat. It was seconded by Commissioner Rekow and carried unanimously.

EXECUTIVE SESSION PER IDAHO CODE 74-206(1)(D) INDIGENT

APPLICATION CASE 24-007: At 2:38 p.m. a motion was made by Commissioner Rekow to go into executive session to discuss indigent matters. It was seconded by Commissioner Wille and carried unanimously.

The Commissioners ended the Executive Session at 2:43 p.m.

A motion was made by Commissioner Rekow on case number 24-007 to approve for cremation. It was seconded by Commissioner Wille and carried unanimously.

EXPENSE CLAIMS APPROVAL: 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.

COURTHOUSE NEW ENTRY ADDITION: The Commissioners reviewed two proposed renderings of the new Courthouse entry proposed by the Lombard/Conrad Architect firm. The renderings are similar except for color. The first is a darker color and the second is lighter and closely matches the current building.

A motion was made by Commissioner Rekow that we support the lighter color which identifies with the existing building. It was seconded by Commissioner Wille and carried unanimously.

JOINT CODE AMENDMENT REVIEW WITH LOGAN SIMPSON: While being recorded, the Commissioners held a Zoning Ordinance Update

meeting. Jennifer Kharrl introduced some of the research done to address questions from the last review meeting regarding pathway easement and school bus standards. Jennifer Gardner of Logan Simpson attended via phone and reviewed the road and pathway standards used by other counties in the area. Ms. Gardner asked if the county wants to specify width of pathways and give clear parameters for where the pathway can be placed. Gem County's new Comprehensive plan mentions a Pathway Master Plan and could be used as support for the County Code if we choose to include it in Code Ordinance. Commissioner Butticci felt that standard guidelines need to be set for future development so that we have consistency. Jennifer Kharrl felt that we should specify at least a minimum width to be met. There was further discussion with Road and Bridge Supervisor Neal Capps regarding pathway materials, ADA compliance, connectivity, easements and the financial responsibility of construction and maintenance. Neal also discussed raising the light at bus stops to 10 feet minimum height. Jennifer Gardner discussed the placement of the bus stop light on right of way or easement. Jennifer Gardner will update the draft of today's conversation so we can make appropriate revisions and prepare for the public hearings.

January 9, 2024

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

The Board recessed at 5:00 p.m. to 8:30 a.m. on January 16th, 2024.

Approved: _____
Chairman

Attest: _____
Clerk