



October 3 & 4, 2022, Emmett, Idaho

Pursuant to a recess taken on August 26, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 3rd day of October 2022, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bill Butticci	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

October 3, 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 Rekow and carried unanimously.

RETAIL ALCOHOL BEVERAGE LICENSE FOR FOURTH STREET FUSION: While being recorded, Commissioner Rekow reviewed the alcohol beverage license request #38 for Fred Tagart doing business as Fourth Street Fusion.

A motion was made by Commissioner Butticci to approve the retail alcohol beverage license #38 at 105 E 4th Street in Emmett Idaho for Fourth Street Fusion. It was seconded by Commissioner Rekow and carried unanimously.

VACATION TIME CARE OVER REQUESTS FOR WEED DEPARTMENT: Noxious Weed Supervisor Larry Shippy is asking for approval to carry over 43 hours of vacation time for an employee that was not able to take much time off due to work responsibilities. They did take time but was shorter than expected. He advised that he expects the hours to be used up by February.

A motion was made by Commissioner Butticci to approve the carry-over of vacation hours for the Weed Department as presented. It was seconded by Commissioner Rekow and carried unanimously.

VACATION TIME CARE OVER REQUESTS FOR BUILDING & GROUNDS:

Building & Grounds Supervisor Chuck Shambaugh is asking if 21 days of vacation can be paid out. Clerk Tilton advised that if it was paid out, it would be paid at the salary rate and stated

there is not money budgeted for a payout. Via email he advised that he was unable to use the time due to vacation time of another employee. This will be put back on the agenda when Chuck is available to be present for this discussion.

BUDGET ADJUSTMENT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing for a budget adjustment. Those present were Clerk Tilton and Deputy Prosecuting Attorney Tahja Jensen.

Clerk Tilton reviewed various line items that need adjustments and the funding that is being used to cover each one. Commissioner Butticci talked about reimbursement for the CLG grant.

Commissioner Rekow closed the public hearing at 9:47 am.

A motion was made by Commissioner Butticci to accept Resolution 2022-23 with Exhibit A as presented. It was seconded by Commissioner Rekow and carried unanimously.

COURT STAFFING AND SALARY REQUEST: Clerk Tilton advised that one of the court clerks is leaving in January and she would like to post the position with a salary range of \$31K-\$40K depending on experience. This position has a current annual wage of \$46,600. She would also like to distribute the difference in salary from what the current employee is making and what the new employee starts at to retain current employees. She advised that she would still be within budget. There was discussion on the upcoming salary survey.

A motion was made by Commissioner Butticci to allow the County Clerk to post her position at \$31K-\$40K and to use the remaining funds at her discretion for her current employees. It was seconded by Commissioner Rekow and carried unanimously.

CONSENT AGENDA: A. Brookside Adventure Minor Subdivision Findings, Conclusions, Conditions, Order, B. Gardner Rezone Findings, Conclusions, Conditions, Order, C. Gem County Ordinance 2022-09 Gardner Rezone, D. Stratton Rezone Findings, Conclusions, Conditions, Order, E. Gem County Ordinance 2022-10 Stratton Rezone, F. Stratton Rezone Development Agreement, G. Ronald Minor Subdivision Plat and H. Ratification of Datatel Software Assurance Plan Controller software upgrade and support.

A motion was made by Commissioner Butticci to approve the consent agenda items A-H as presented. The motion was seconded by Commissioner Rekow and carried unanimously.

FAIR GROUNDSKEEPER POSITION: Commissioner Butticci talked about 2 part time employees at the fairgrounds. He would like to bring one of them on for 27 hours a week at \$18 with benefits. The

other would work 19 hours a week at \$12 an hour. There was discussion on the budget and what would happen if they go over their hours. There was discussion on needing a 30 day break to be eligible for PERSI benefits.

A motion was made by Commissioner Butticci that for the Fairgrounds Keeper position to be put into 2 part-time positions. One at 27 hours a week at \$18 an hour and the other at 19 hours a week at \$12 an hour and to start on November 1st. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC WALK-IN: Joe Mayer talked about a podcast about emergency response in Florida that he sent to the Commissioners. Commissioner Rekow advised that he will review it. Joe also talked about the LEPC Committee by-laws and how the the committee is run. Commissioner Butticci advised that the Board of County Commissioners does not have authority over LEPC.

Annette Smith met with the Commissioners to discuss a proposed subdivision, substandard lots and roads. Commissioner Rekow advised that they cannot discuss anything that will be coming to them in the future. The Commissioners advised her to talk to Development Services and the Road Department with her questions.

ROAD DEPARTMENT UPDATES: Road and Bridge Supervisor Neal Capps provided updates on various projects that they are working on. Other items that he talked about were Idaho Transportation Department, a letter from the school district, the Comprehensive Plan, insurance claims, meetings with Development Services, the Transportation Plan, training and an upcoming conference. He provided copies of the Road Standards for the Board to review. Commissioner Butticci talked about the canopy for the fairgrounds.

PROSECUTING ATTORNEY MATTERS: There were no items to discuss.

PUBLIC DEFENDER BUILDING LEASE FOR OCTOBER 2022: Deputy Prosecuting Attorney Tahja Jensen advised that Mark Coonts has agreed to stay on through October and he is asking to not pay rent for the month of October.

A motion was made by Commissioner Butticci to waive the October lease payment for the Public Defenders office with Mark Coonts. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC DEFENDER CONTRACT WITH JAY J. KIIHA AND THOMAS MONAGHAN: Deputy Prosecuting Attorney Tahja Jensen provided the contract to the Commissioners for review. She talked about minor changes

that were made. There was discussion on funding for Mark Coonts staying on through October.

A motion was made by Commissioner Butticci to move forward with the Public Defender contract with Jay Kiiha and Thomas Monaghan as presented. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC DEFENDER BUILDING LEASE FOR FISCAL YEAR 2023: Deputy Prosecuting Attorney Tahja Jensen advised that she does not have the lease as of yet. This will be tabled until the lease is received.

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

EL PASO RANCH PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners held a public hearing to review the El Paso Ranch Preliminary Plat request. 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 Bridge Supervisor Neal Capps, applicant Robert Brian Burnett and various members of the public. 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 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, letters of concern, a letter of support and impact 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 Rekow and carried unanimously.

Jennifer reviewed the El Paso Ranch Preliminary Plat request. The applicant, El Paso Investments, LLC, on property they own, have applied for a Standard Subdivision Permit (Preliminary Plat) application to construct a residential subdivision on approximately 72.33 acres and to create 13 single-family building lots. The property is zoned A-3 Rural Agriculture. Items that she talked about were the location of the property and access. She advised that all lots meet the 5-acre minimum requirement. She stated that waivers have been requested for the block length and private road lengths as far

as having a secondary emergency access, but they have not heard back from Middleton Fire yet. She advised that the Zoning Commission recommends approval with conditions that they receive written approval from Black Canyon Irrigation District when the requirements are met and they encourage the developer to fix a broken pipe that is affecting a neighbor.

Applicant Robert Brian Burnett talked about the surrounding properties that are being built. He advised that they have all requirement from all the agencies. He talked about paved roads, pressurized irrigation, wells and water tables. The concerns of sewer and water have been met. He advised that an old irrigation pipe was not broken, but they did fix a leak. He also talked about a location for children to stand when waiting for buses which they are willing to put in. There were no others present in favor or neutral that wished to speak.

Opposed, Brittany Ketcherside talked about the letters of concerns that have been submitted. She expressed concerns with well water, septic systems, effects to the soil, fire prevention for the area and irrigation. Mary K. Fry expressed concerns with traffic and losing farmland. Chance Hamilton expressed concern with the wells. Karen Youngstrom expressed concerns with water, septic, taxes, her warranty deed put in paper that shows that she owns it and she stated she wants a fence to be put up. She talked about a new well she previously had to put in because of the water level. Penny Guillard expressed concerns with wells, septic systems, the aquifer, fire protection, irrigation and nearby subdivisions. Rignee DenBeste does not believe that this subdivision makes sense. She wants it to stay farmland and rural. She expressed concerns on water. Vicki Holmes expressed concerns on water, septic, the amount of development that is going on, the aquifer, hardpan soil areas, the pressurized irrigation system and the plan for irrigation water is to be used for fires. She would like to see development slow down. Janice Yuma expressed concerns with water, layers of the soil and the amount of development. She would like to see a moratorium. She also talked about concerns with extra costs to existing citizens. Becky Schoolcraft expressed concerns with less farm land, water, the roads and the cost for a new well. Deborah Weaver expressed concerns with traffic.

Road and Bridge Supervisor advised that the road is under Gem County jurisdiction. He advised that it has been some time since a traffic study has been done. He talked about the road conditions on areas of concerns and the work that has been done as well as upcoming work. He does not see any issues with the road structure. He talked about the access to the subdivision.

Applicant Robert Brian Burnett talked about right-of-ways and well logs. He advised that the farmers have sold their land

because it is not ideal farm ground to manage. He stated that more water is needed to grow corn than for home use. He also talked about building the roads. He advised that fire suppression is not required, but they did to offer further safety features.

Elwin Butler, the engineer for the project, talked about an existing easement on the northeast corner. He advised that they added an additional 10ft to that easement. It would not be a straight 30ft easement, but would go in and out depending on the hills. Vicki Holmes disagreed and advised that there is a 25ft easement each side straight forward.

Nick Miller from Idaho Department of Water Resources advised that water levels are difficult to predict with the information they have. Commissioner Butticci advised that active wells need to be registered with the state. Neal talked of the current speed limit. Chance Hamilton talked about irrigation. Penny Guillard advised that you have to use well water for cattle because irrigation water has nitrates that shows up in milk. Jennifer advised that a water quality/quantity study has not been done in that area, but the applicant provided water logs. She advised that each septic has to be engineered by Southwest District Health. She also advised that any existing easement could be noted on the plat. Janice Yuma talked about her well level and what effects it.

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

Commissioner Butticci stated that the packet was well done. He believes that everything has been met. He would like a traffic study to be done. Commissioner Rekow agrees but would like a water quality/quantity study completed as well and to have the easement depicted. He talked about the growth and that they have to follow the law when making decisions. Jennifer talked about the language in code when asking for a traffic study.

A motion was made by Commissioner Butticci to move forward for the preliminary plat for the El Paso Ranch Subdivision and to accept the Findings of Facts from the Zoning Commission and the conditions in the packet. Also add to the conditions; #1 a water quality & quantity study, #2 the easement to be depicted on the plat, and #3 to accept the recommendation from the county engineer whether a traffic study is warranted and if not, to do a traffic count. It was seconded by Commissioner Rekow and carried unanimously.

PRIVATE ROAD RENAMING PUBLIC HEARING FOR TRUMP LANE: While being recorded, the Commissioners held a public hearing to review the

private road renaming for Trump Lane. 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, Karen Bruner, Tera Jones, Anthony Jones and Karen Headley. Commissioner Rekow read the notice of public hearing. Those wishing to testify were sworn in.

Development Services Director Jennifer Kharrrl asked to have the packet of information be added into the record which includes the application, a memo from staff and 2 letters of opposition.

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 Rekow and carried unanimously.

Jennifer reviewed the private road renaming request for Trump Lane. She advised that this request does comply with the Ordinance with at least 66% of support of property owners along the private road and that notice was given to all property owners along the road. She advised that 3 names were presented and Seeley was the chosen name. Staff recommends approval of the renaming.

There were no conflicts or declarations pertaining to this meeting such as site reviews or other conversations outside of this hearing.

Applicant, Tara Jones talked about how the road was originally named without any input from the neighbors. She talked about the new Road Naming Ordinance and is now petitioning to have the road renamed. Karen Bruner expressed thanks to allowing them to have a voice with the new process. Anthony Jones talked about their easement and that the Headley's are not the owners of the road. There were no others present in support or neutral that wished to speak.

Opposed, Karen Headley does not want the name changed. She advised that she and 3 other residents are responsible for the upkeep of the lane. They followed the proper guidelines when this was originally named. She talked about the challenges with changing a name, including the struggle for one of the neighbors that runs a business. She does not believe that Karen Bruner and the Jones' should have any say in the name since they do not live on the lane, only are adjacent to it. She advised that there are only 4 owners on Trump Lane and that the Ordinance states "owners" not "adjacent" owners. There were no others present to speak.

Road and Bridge Supervisor Neal Capps advised that the road is a private road. Jennifer advised that there are 2 adjacent pieces of property that were not notified and she does not know the owner of the property, which could affect the percentage.

Deputy Prosecuting Attorney Tahja Jensen expressed concern with the other property owner not being involved. Karen Bruner advised that she was originally required to sign a maintenance agreement for the lane when she built the property since she has access to Trump Lane. Tahja reviewed how the Ordinance is read.

A motion was made by Commissioner Butticci to continue this hearing to October 25th at 10:00 in the Commissioners Chambers. It was seconded by Commissioner Rekow and carried unanimously.

Tahja recommends staff to make the initial contact with the other property owner to explain the situation. Commissioner Rekow asked that all parties agree to not make contact. Karen Headley expressed concerns that the other parties have previously made contact.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. until 8:30 a.m. on October 4, 2022.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

MINUTES: The minutes for September 12-14, 19-20 & 26, 2022 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for September 12-14, 19-20 & 26, 2022 as amended. It was seconded by Commissioner Rekow and carried unanimously.

PUBLIC DEFENDER BUILDING LEASE FOR FISCAL YEAR 2023: A motion was made by Commissioner Butticci to approve the lease agreement between Kiiha and Monaghan for the Gem County Public Defenders law office as presented. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 5:00 p.m. until 8:30 a.m. on October 11, 2022.

Approved: _____
Chairman

Attest: _____
Clerk