



October 16 & 17, 2023, Emmett, Idaho

Pursuant to a recess taken on October 10, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 16<sup>th</sup> day of October, 2023, 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:

October 16, 2023

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Wille to approve the agenda for Monday, October 16<sup>th</sup> and Tuesday, October 17<sup>th</sup>, 2023 with the addition of an executive session at 8:40 for discussion of cyber security. It was seconded by Commissioner Rekow and carried unanimously.

**EXECUTIVE SESSION PER IDAHO CODE 74-206(1)(D) - EXEMPT FROM DISCLOSURE-CYBER SECURITY:** At 8:40 a.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1)(D) regarding cyber security. It was seconded by Commissioner Wille and carried unanimously.

Regular session reconvened at 8:56 a.m.

**EMERGENCY BROADBAND PLAN:** Disaster Services Manager Jeff Ulmer presented the Commissioners with an Emergency Broadband Plan to service Ola and northern Gem County. Jeff stated that after working with Information Technology Director Corbin Vickery it was determined that Starlink is the best option for temporary service. Disaster Services can use the Emergency Grant funds to cover the cost of the equipment and the cost of getting it set up, but it cannot be used for the monthly fees. Commissioner Wille asked if it was a mobile service. Jeff will confirm the plan's mobility. As a more permanent solution, Commissioner Rekow mentioned Alvin Davis's property that has been offered for use, as well as a places in the High Valley area. Commissioner Butticci suggested that there be communication in place for next fire season. Commissioner Wille felt that the county needs this service 24/7 for use in all emergency situations, not just during fire season. Jeff pointed out that the Starlink service would be something that could be used anywhere in the county not

just in Ola. Clerk Tilton mentioned a Cradlepoint device that she and IT Services Tech Rich Gibson are looking at for use at polling places and wondered if this could be a service used for emergencies. This may not be an option as Cradlepoint uses cell towers rather than satellite. Starlink may be a service that could be used for elections. Jeff will talk with other counties using the service to get more feedback. It was also suggested that Corbin check on bandwidth.

**AFTER HOURS COURTHOUSE USE SECURITY DISCUSSION:** Sheriff Donnie Wunder and Chief Deputy Dave Timony met with the Commissioners to discuss security concerns about the use of the courthouse afterhours. Deputy Prosecutor Tahja Jensen stated that a protocol to secure the building when it is used after hours could be created. Planning and Zoning meetings are held in the Commissioners office and conference room on the basement floor with public present, currently no one is tasked with clearing the rooms or building after the meeting. She mentioned that the front door is not monitored when the courthouse is open in the evening. Sheriff Wunder suggested securing the hallway for dispatch so they don't have to worry about who else is in the building during their evening shift. Dave stated that locking the existing metal gate at the base of the stairs would also increase security for our IT department and equipment. There is also a way to limit the function of the elevator to secure the basement floor in the evenings. Commissioner Wille would like to have a protocol in place for security. Commissioner Butticci suggested that it may be an option to use the Community Bible Church facility for Planning and Zoning meetings which would limit the access to our IT and Dispatch services after hours. Commissioner Butticci stated that until something more formal has been put in place, we will have dispatch close the gate and elevator service to the basement floor when the bottom floor isn't in use and have Building and Grounds Supervisor Chuck Shambaugh unlock it in the mornings. Dave suggested that the gate have a key and combination lock for access. Development Services Director Jennifer Kharrl will need to let the Sheriff's Department know if there is a meeting scheduled. Commissioner Butticci will ask Chuck to be sure the gate is functional for use.

**CONSENT AGENDA:** A. Appointment of Susan Morgan and Matthew Tucker to the Hospital Board.

A motion was made by Commissioner Rekow to approve the Consent Agenda for Monday, October 16<sup>th</sup>, 2023 item A. as presented. It was seconded by Commissioner Wille and carried unanimously.

**REVIEW AND APPROVAL OF MINUTES:** The Commissioners reviewed the minutes for October 2<sup>nd</sup> and 3<sup>rd</sup>, and October 10<sup>th</sup>.

A motion was made by Commissioner Rekow to approve the minutes for October 2<sup>nd</sup> and October 3<sup>rd</sup> 2023, and for October 10, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

**PUBLIC WALK-IN:** There were no members of the public present.

**FAIR BOARD FUNDING REQUEST:** Fairboard Chairman Dan Heaton and Fairboard Secretary Debbie Lawrence requested that the funds that were approved for the 2023 budget year for a welder generator be moved to the 2024 fiscal year. The equipment became available too late for the 2023 budget year to purchase it. Clerk Shelly Tilton said that the funds were not figured into the carryover depended on for the 2024 budget so it can be made available through a budgeting opening. The cost of the Generator is \$10,285.57.

A motion was made by Commissioner Rekow to approve the amount specified \$10,285.57 for the purchase of a welder generator for the fairgrounds. It was seconded by Commissioner Wille and carried unanimously.

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

**MOOREHOUSE ESTATES PRELIMINARY PLAT PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Morehouse Estates Preliminary Plat application. This hearing was held in person and virtually via Zoom. Commissioner Butticci read the notice of public hearing. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. Those present were Development Services Director Jennifer Kharrl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Deputy Clerk Laure McCann, the applicant, the engineer, 1 member of the public present and 2 members of the public on Zoom. 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 added into the record which

included the Notice of Hearing, the application, Planning & Zoning Commission Recommendation for Approval, Staff Report, Planning & Zoning Commission minutes, Impact Agency letters from Gem County Road and Bridge, Gem County Treasurer, Idaho Transportation Department, Maxfield Ditch Association (2 letters), Reed Ditch Company, Keller Associates and 3 letters from the public.

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

Jennifer reviewed the application of the Preliminary Plat on Morehouse Road that includes 8 buildable lots located on the northwest corner of West Highway 52 and Morehouse Road. Its zoned A2 which has a 5-acre minimum lot size. Seven of the 8 lots will meet that minimum lot size and 1 is at 4.06 acres, which does comply with code that allows for 1 substandard lot due to dedication of right of way on Morehouse Road. Jennifer stated that revisions have already been submitted by the developer in response to the Keller and Associates requirements. The Staff has recommended approval to the Planning and Zoning Commission. The Commission adopted staff's recommendation with modification of condition number 7, which will now say; "Prior to the boards signature of the mylar", instead of "Prior to submittal of construction drawings". They also asked the surveyor to work to resolve some property line discrepancies.

Lance Warnick, Principal Engineer of Aspen Engineers spoke on behalf of the applicant and property owner requesting approval for the Preliminary Plat. They are here to show that they have met requirements for the Preliminary Plat. Mr. Warnick reviewed the plat application details. He said that the requirements from Keller that stated that the approach to Morehouse between the Highway and where the new road comes into the site be paved, which the developer has agreed to. The developers are working with engineers to meet the requirements from 2 different irrigation companies that supply the properties water. The engineer is suggesting pressure irrigation and each lot will be provided with an individual well. They intend on having a cap and fill septic system to provide more separation from septic and ground water. The engineer will continue to work with the health district regarding the septic systems. The wells in the area are at an average depth of about 58-60 feet but vary throughout the lots. The northerly portion is located in the flood plain and those lots at the time of construction will have to comply with the flood plain ordinance. The

applicant will work with the surveyor to resolve the boundary issues with neighbors, noting that there are 3 existing surveys that show the same boundaries that the developer is working with.

Commissioner Rekow asked about the discrepancy on Lot 4 that doesn't show the drain pipe on the plat. Mr. Warnick felt that it wouldn't be an issue. Commissioner Wille asked if fire approved the secondary access waiver. Mr. Warnick said that the configuration as proposed was acceptable as long as it had a turnaround that met their fire department requirements.

Amanda Samarin on Zoom testified as neutral making no statement.

Annette Smith testified in opposition. She is concerned about the discrepancy in lot lines that may take out a neighboring septic system and the water quality. She is concerned about the substandard lot and its boundaries as well as the flood plain and the possibility of the septic with the high water table contaminating the well water on her adjacent property. Annette also expressed concerns about an overabundance of subdivisions without having the infrastructure to support it.

Jennifer said the 4.06 acre lot is a substandard size due to the right of way dedication to Gem County.

Road and Bridge Supervisor Neal Capps addressed the concerns about infrastructure of the roadway. Neal stated that Morehouse is a local gravel road. The county has asked for the approach to the subdivision to be paved to help maintain that section of road. Jennifer stated that the Impact Fees will help to pay for road, EMS, Fire and Sheriff.

Mr. Warnick agreed with Jennifer and restated the right-of-way dedication. He admitted that there are variations of ground water levels and it is monitored yearly to document the trend. The Cap and Fill system that is proposed requires 15 inches of separation from ground water and provides pre-treatment. The state requires and specifies the distance between septic and wells depending on soils, and they will comply with those requirements. The survey shows the developer is within his property lines and that the septic in question was built over that line. Jennifer stated that flood damage and prevention code requires that any structure be built 2 feet above the base flood elevation as a minimum. The septic requirements will be addressed by Southwest District Health.

Annette Smith also stated concern about the traffic and accidents on Tom's Cabin corner and increased population that will make that worse. Neal stated that the county is working with Idaho Transportation Department on Highway 52 from Mill Road to Bowman Road and will have traffic study results at the

first of next year. The county is working on turn lanes at Bowman Road and Tom's Cabin Road as well as signage and new paint striping.

Joe Samarin testified opposed. He is concerned about the new-found fence lines that, if enforced, will take out the head gate that supplies his property. He has not been contacted by the developer. Jennifer said the Planning & Zoning had concerns about the fence lines and that the developer will need to flag the areas of concern and address them, but it is not likely that the property lines will change. Annette Smith said the head gate was placed two years ago using the historic survey when the irrigation lines were done. They were unaware of the discrepancies in surveys at the time. This issue will have to be addressed before Reed Ditch Company signs off on irrigation plans for the subdivision. Commissioner Butticci asked Reed Ditch to work with the developer to resolve the head gate issue. Commissioner Rekow and Wille had no other concerns.

The hearing was closed at 2:23pm.

Commissioner Butticci has no concerns about proceeding with the Preliminary Plat. Commissioner Wille and Commissioner Rekow agreed.

A motion was made by Commissioner Wille to approve the Preliminary Subdivision Plat at Morehouse application by Cotner Development Company to request approval of 8 buildable lots on Approximately 40.0+ acres located on Highway 52 and Morehouse Road 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 discussed general issues regarding Human Resources. Tahja will be working on drafting ordinance language for use of the Sports Island Complex. Commissioner Butticci is working on finalizing the job description for Information Technology and will have Tahja review it.

**ASHTON LEAVITT SENIOR PROJECT:** Ashton Leavitt, a senior at Emmett High School, presented the Commissioners with his plans for his Senior Project and asked permission to construct a quarter pipe on county property as the Island Sports Complex. Ashton's quarter pipe would be 4' x 8' and made of wood. It would be placed for use at the Island Skate Park but not set permanently in concrete. Butticci asked if it would have an engineer's stamp, that would be necessary to have Gem County take on the liability. Commissioner Rekow asked where it would be built and if would it be secured in place. Ashton said that it would be framed at home and assembled on site, Ashton would

work with the county to meet the requirements the county is asking for. Commissioner Butticci suggested that Ashton work with an engineer and present a complete plan to the Commissioners when he has it ready. No action was taken.

**SWEET OPEN FORUM:** The Commissioners attended the Sweet Open forum at Syringa Hall in Sweet. There were no members of the public present and no items were discussed.

**The Board recessed at 7:20 p.m. to 8:30 a.m. on October 17<sup>th</sup>, 2023.**

**October 17, 2023**

**ADMINISTRATIVE TIME:** The Commissioners worked on administrative matters.

**OLA OPEN FORUM:** The Commissioners attended the Ola Open Forum at Ola Community Hall. There was discussion about the roads and emergency communications.

**The Board recessed at 8:15 p.m. to 8:30 a.m. on October 23<sup>th</sup>, 2023.**

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk