



May 20 & 21, 2024, Emmett, Idaho

Pursuant to a recess taken on May 14, 2024, the Board of Commissioners of Gem County, Idaho, met in regular session this 20th day of May, 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:

May 20, 2024

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda for Monday, May 20th and Tuesday, May 21st, 2024 as presented. It was seconded by Commissioner Wille and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecutor Tahja Jensen discussed legal matters with the Commissioners including human resource issues, compression brakes, floodway violations, crisis intervention changes, land use concerns and the Valor Health Center.

EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (A & B) FOR PERSONNEL MATTERS: Commissioner Rekow made a motion to go into Executive Session at 9:20 a.m. under Idaho Code 74-206(1)(b) for personnel matters. 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. The Commissioners requested that Deputy Clerk Laure McCann be excused from the meeting.

Regular session reconvened at 9:25 a.m.

No action was taken as a result of the Executive Session.

LANDFILL EMPLOYEE VACATION REQUEST: Landfill Supervisor Martin Joyce, Chief Deputy Clerk Leandra Rountree and the Commissioners reviewed a letter requesting that the county reinstate vacation time for an employee who left and returned to the county in another department. Commissioner Butticci stated that he agrees that we should recognize years of service and feels we can offer 1 week of vacation. However, after paying out vacation time to the employee when leaving the County, the time that was paid out

can't be restored. Commissioner Rekow and Commissioner Wille agreed. The Commissioners were interested in researching best practices at other counties and revisiting the current vacation policies and accrual.

A motion was made by Commissioner Wille that we allow this employee to retain their years of service and authorize one week of paid vacation. It was seconded by Commissioner Rekow and carried unanimously.

CONSENT AGENDA: A. Ratification of Approval and Signature of Engagement Letter with Marla Henken of Henken Law, LLC B. Certificate of Residency for Junior College Tuition for Morgan Johnson C. 2024 Gem County Cooperative Weed Management Area (CWMA) Agreement, Conflict of Interest Statement and CWMA Acknowledgement of Project to be Bid.

A motion was made by Commissioner Rekow on the Consent Agenda for Monday, May 20th, 2024 that we approve items A. through C as presented. It was seconded by Commissioner Wille and carried unanimously.

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

PAYNE REZONE PUBLIC HEARING: While being recorded, the Commissioners held a Public Hearing to review the Payne Rezone request. This hearing was held in person and virtually via Zoom.

Commissioner Butticci read the notice of public hearing. The rezone request by Andrew and Amber Payne is to rezone approximately 23 acres from A2 Rural Transitional Agricultural (5-acre minimum) to R3 Rural Residential (2-acre minimum) at 120 W. Sales Yard Road and TBD S. Boise Avenue. The Gem County Planning and Zoning Commission has recommended Approval of the rezone with a Development Agreement. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. Also present were Development Services Director Jennifer Kharrl, Associate Planner Olivia Mocnik, Road and Bridge Supervisor Neal Capps, Deputy Clerk Laure McCann and the applicants. Deputy Prosecutor Tahja Jensen attended via 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 Public Hearing, the Rezone Application, Planning & Zoning Recommendation for approval, Staff Report, Draft Development Agreement Conditions, Draft Minutes from the April 8th, 2024 Planning & Zoning Commission meeting, Draft Board Findings Order if approved today. There were no letters of concern from the public and 1 agency letter from Road and Bridge.

A motion was made by Commissioner Rekow that we enter the packet of information into the record as described by Ms. Kharrl. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application for a rezone of approximately 23 acres from A2 Rural Transitional Agricultural (5-acre minimum) to R3 Rural Residential (2-acre minimum) on 2 adjacent properties at 120 W. Sales Yard Road and TBD S. Boise Avenue. Both properties are located in the county residential area on the 2023 future land use map. This area borders the area of city impact. Staff recommended approval to the Zoning Commission at their April 8th public hearing with the consideration for a development agreement based on the 5 findings being met. After hearing from Staff and the applicant the Zoning Commission concurred and recommended Approval of the rezone to the Commissioners today with a Development Agreement to limit the number of parcels on the property.

There were no members of the public present or attending via Zoom besides the applicants.

The applicants Andrew and Amber Payne testified that they intended to split the property into 2 parcels and had no desire to have a larger subdivision. There was no other testimony in opposition or neutral. Road and Bridge Supervisor Neal Capps testified that Boise Avenue was 18 feet in width and would have no issues serving the additional parcel. There were no other questions or concerns.

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

After a short deliberation in which the Commissioners had no concerns and are in agreement that there were no issues with this rezone.

A motion was made by Commissioner Wille to approve the rezone request by Andrew and Amber Payne to rezone 23.48 acres from A2 Rural Transitional, 5-acre minimum to R3 Rural Residential consistent with the recommended development agreement as presented by the Zoning Commission. It was seconded by Commissioner Rekow and carried unanimously.

INVOICE AND CLAIM FORM FROM KEVIN BEACH FOR WILLIAMSON PUP

TRAILER FOR THE ROAD DEPARTMENT: Road and Bridge Supervisor Neal Capps stated that the used pup trailer from Kevin Beach was disappointing. It was not in good shape and has been maintained poorly. The decision was made not to purchase based on Neal's assessment. There was no action taken.

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

COMPRESSION BRAKE DISCUSSION AND POTENTIAL COUNTY RESOLUTION

WORKSHOP: The Commissioners discussed the issue of compression (jake) brakes and the noise they produce. It has been a continuing issue for residents. Commissioner Butticci expressed his desire to post signage to limit the use of compression brakes when not necessary in residential areas of the county. Deputy Prosecutor Tahja Jensen discussed what can be posted legally. Gary Van Hees, a member of the public attending the discussion, stated that his issue in Letha takes place in a 30 mile per hour zone on flat land, which is unnecessary. Gary shared information and contact information with the Commissioners that he has obtained in his struggle to restrict the noise in his area. Tahja stated that our signage and ordinance has to be in line with State and Federal law and cannot go beyond their restrictions. The county must have a public hearing and establish an ordinance prior to posting signs. The Commissioner's goal of signage is to deter compression brake use and reduce noise. Sheriff Donnie Wunder supported the necessity of training for officers to enforce the signs posted.

INTERVIEW WITH ALLAN HERMANSEN FOR PLANNING AND ZONING

COMMISSION: The Commissioners interviewed Allan Hermansen for the Planning and Zoning Commission. Commissioner Butticci gave an overview of what would be expected of the position. Mr. Hermansen summarized his professional experience.

REVIEW AND APPROVAL OF MINUTES: The Commissioners reviewed the minutes presented. A motion was made by Commissioner Rekow on the minutes for May 13th & 14th, 2024 that we approve as amended. It was seconded by Commissioner Wille and carried unanimously.

MAY 21, 2024

Commissioner Butticci was absent from the meeting due to attendance at a Southwest District Health meeting.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC): Commissioner Rekow and Commissioner Wille attended the Local Emergency Planning Committee meeting at the EMS building.

VALOR HEALTH CENTER: Brad Turpen, Chief Executive Officer of Valor Health Center reviewed the plans to build a facility and to provide primary care to the area. Corey Furin, Chief Financial Officer reviewed the finances of the project. Corey stated that the new clinic is necessary for sustainability and growth and can be justified financially. Brad stated that they will continue to work on the Professional Service Agreement (PSA) and final contracts as the project progresses. He will also work with Jennifer Kharrl of Development Services to address Impact Fees on this project.

No action was taken at this time.

ADMINISTRATIVE TIME: The Commissioners worked on administrative matters.

The Board recessed at 5:00 p.m. to 8:30 a.m. on May 28, 2024.

Approved: _____
Chairman

Attest: _____
Clerk