



February 22, 2021, Emmett, Idaho

Pursuant to a recess taken on February 16, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of February 2021, at 8:30 a.m.

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

Whereupon the following proceedings were had, to-wit:

The Pledge of Allegiance was said.

February 22, 2021

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Elliott to approve the agenda as presented. It was seconded by Commissioner Butticci and carried unanimously.

REVIEW OF COMMITTEE RECOMMENDATIONS PRESENTED LAST WEEK BY GALENA CONSULTING REGARDING IMPACT FEES FOR GEM COUNTY:

Commissioner Elliott expressed concerns that there were no other options presented to the county. Development Services Director Jennifer Kharrl spoke of addressing those concerns in a Development Agreement. Comparisons of other surrounding counties, services and notifications to the more rural locations, special use permits, impact fees vs. Capital Improvement Plan (CIP) fees, road dedication, the Development Agreement and how impact is determined were discussed. Gem County resident Joe Morton spoke of the appeal process if the home owner does not believe there is an impact. Deputy Prosecuting Attorney Tahja Jensen discussed the appeal process and the need to update the Development Agreement section of code. There was also discussion on how to utilize the Development Agreement in regards to dedication and build-out. Tahja discussed the county commitments if an impact ordinance is put into place. Jennifer spoke of the building permit and the Development Agreement process. There was also discussion on the county budget and project prioritization. This discussion will be continued until next week.

WHITSELL SUBDIVISION: Development Services Director Jennifer Kharrl discussed the Whitsell Subdivision request. The applicant, Sawtooth Land surveying, on property owned by Lawrence and Lynanne Whitsell, has applied for a minor subdivision to create (1), single-family lot on approximately 5.00 +/- acres located in the A-2, Rural Transitional Agriculture zone. Today, there is a single, agricultural only parcel with no residential building permits allowed. No additional land divisions are being sought; this is a 1-lot subdivision filed for the sole reason of creating building permit eligibility. The parcel is bare ground with no existing dwelling or outbuildings. Items that she talked about were road access, irrigation, location of the property, traffic and road dedication.

A motion was made by Commissioner Elliott to approve the building permit for the Whitsell Subdivision T.7N., 1W of the NE 1/4 of section 32. It was seconded by Commissioner Butticci and carried unanimously.

COVID DISCUSSION: Emergency Operations Center (EOC) Manager Laurie Boston provided updates on the current positive COVID cases in Gem County, the number of vaccines provided, a working wait-list on Valor's website, an upcoming drive-thru clinic at Valor, her move to the Annex building and other local providers that are administering vaccines. Valor Health Marketing Manager Staci Carr spoke of the vaccine wait-list, a scheduled vaccine clinic, the number of administered vaccines, the 30-day trend, the number of patients seen in Urgent Care and the Emergency Room and that there are no patients in the COVID wing. All attendees would like to keep this meeting scheduled weekly.

CONSENT AGENDA: The consent agenda included: A. Request for tax and/or fee cancellation for Clell and Joyce Bennett for Assessor's parcel RP06N01W059017, B. Professional services contract as conflict council for indigent persons (public defense) with Wollen Law PLLC, C. Re-appointment of Bonnie Diedrich to the Mosquito Abatement District Board, D. Re-appointment of George Holomshek and Bill White to the Waterways Advisory Board, E. Re-appointment of Earl Defur, Anita Taylor, David Shaw and Bill Butticci to the Hospital Board, F. Agreement between Idaho Department of Parks and Recreation and Gem County for the State of Idaho Recreational Boating Safety Program and G. Gem County Resolution 2021-2 authorizing destruction of certain Development Services records that have been retained for the minimum time period required by law.

A motion was made by Commissioner Butticci to approve items

A-G as presented. It was seconded by Commissioner Elliott and carried unanimously.

MINUTES: The minutes from February 16, 2021 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for February 16, 2021 as amended. It was seconded by Commissioner Rekow and carried unanimously.

INDIGENT HEARING 21-004: At 10:33 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Butticci, aye and Commissioner Elliott, aye and Commissioner Rekow, aye. Indigent Director Sarah Story was sworn in.

Regular session reconvened at 10:41 a.m.

A motion was made by Commissioner Butticci to approve case #21-004 per the clerk's recommendation. It was seconded by Commissioner Elliott and carried unanimously.

INDIGENT APPLICATIONS: At 10:44 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

21-010 Medical Application

Regular session reconvened at 10:50 a.m.

Commissioner Butticci made a motion that on case 21-010 to deny because the applicant is not medically indigent and the county is not the last resource. It was seconded by Commissioner Elliott and carried unanimously.

EXPENSE CLAIMS APPROVAL: The claims presented were reviewed. Commissioner Butticci made a motion to sign the claims as presented and as initialed on the individual claim forms as well as the Indigent claims. It was seconded by Commissioner Elliott and carried unanimously.

The Commissioners recessed at 11:30 p.m. for lunch to reconvene at 1:30 p.m.

FAIRGROUND BLEACHER BID OPENING: While being recorded, Commissioner Rekow publicly opened the sealed and clearly marked Request for Proposal (RFP) and read the details of the first

bid for the fairground bleachers from CEW Enterprises Inc. Commissioner Rekow then read the detailed email that was taped to the front of the 2nd bid explaining that this bid was received via email due to mail delivery issues caused by severe weather conditions. It was received by the Clerk and sealed in a secure envelope. He then opened and publicly read the sealed envelope and reviewed the details of the bid from Southern Bleacher Company Inc. Deputy Prosecuting Attorney advised of the options for moving forward with the bids. This item will be put back on the agenda for next week for awardship.

GEM COUNTY JAIL INMATE SERVICES COMMITTEE RECOMMENDATION AND AWARD OF BID:

Deputy Prosecuting Attorney Tahja Jensen advised that there was only 1 bid received, which was from CTS, and that it meets the qualifications for the bid. She talked about the details of the bid and what it included and excluded. She advised that the committee recommends approval of this bid and also talked about revenue that the county receives from the jail. She advised that county funds would not be used for this project, except for some potential manpower. Tahja will prepare a Notice of Award for next weeks meeting.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Items that she discussed were an Indigent case at the Supreme Court, special permitting at the Island, water shares for Last Chance and jury trials.

FLOODPLAIN ORDINANCE AMENDMENT PUBLIC HEARING: While being recorded, a public hearing was held for the Floodplain Ordinance amendment. Due to social distancing, this meeting was held virtually via GoToMeeting. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Andy Waldera from Sawtooth Law, applicants Shellie McReynolds & Stef Dwyer and Paul Anderson (interested party). Those wanting to present were all sworn in.

There were no indications of conflict from the Commissioners, nor were there any declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

Jennifer spoke of the previous hearing and continuation on this topic and that the Commissioners were seeking additional information. She advised that Keller & Associates presented a workshop for the Commissioners. She discussed proposed changes that were presented by the applicant, including fill in the floodplain, fill in the floodway and proposed changes to the

ordinance.

Andy Waldera from Sawtooth Law advised the Commissioners that the applicants support the proposed changes from Development Services. He also spoke of a letter that he sent and wanted to ensure that it was part of the record. The Commissioners reviewed the letter.

A motion was made by Commissioner Butticci to enter into the record the letter from February 12, 2021 from Sawtooth Law Offices as presented. It was seconded by Commissioner Elliott and carried unanimously.

There were no others in favor that spoke. Paul Anderson, who is an interested party that was neutral, asked for clarification of the difference between floodway and floodplain which Jennifer provided. There were no one that spoke against.

Jennifer talked about the map amendment process. Commissioner Elliott expressed concerns on how open-ended the ordinance is and wants staff to work with Keller to update the ordinance to make it more specific to eliminate potential loop holes. Commissioner Butticci spoke of floodplain requirements that he would like to see in the ordinance. Jennifer will work with Keller in regards to the floodplain requirements wording for the ordinance. Commissioner Elliott advised that he would like to see fill from the same parcel addressed more specifically. Commissioner Rekow is in agreeance. Andy also talked about the map amendment process.

A motion was made by Commissioner Butticci to continue this public hearing to March 22nd at 1:30 here in Gem County Courthouse in the chambers. It was seconded by Commissioner Elliott and carried unanimously.

The Board recessed at 3:30 p.m. to 8:30 a.m. on March 1, 2021.

Approved: _____
Chairman

Attest: _____
Clerk