



February 7 & 8, 2022, Emmett, Idaho

Pursuant to a recess taken on January 25, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 7th day of February 2022, at 8:30 a.m.

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

Whereupon the following proceedings were had, to-wit:

Commissioner Butticci attended a Historical Society meeting.

February 7, 2022

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

SELECTION OF CONFLICT ATTORNEYS: Public Defender Mark Coonts talked about challenges with getting conflict attorneys for the county. Deputy Prosecuting Attorney Tahja Jensen talked about different recruiting options and suggests a formalized process be put in place. Mark talked about a possible selection committee and how it would be selected. Commissioner Rekow would like to see how other counties are going through this process. Mark will research and bring it back to the Board.

CONSENT AGENDA: The consent agenda included: A. Access Idaho fee change amendment for credit cards in Driver's License office, B. Request for tax and/or fee cancellation for Assessor's Parcel RPC8882S010020, C. Request for tax and/or fee cancellation for Assessor's Parcel RPC8882A010020, D. Request for tax and/or fee cancellation for Assessor's Parcel RPC82300010020, E. Re-appointment of Lavaughn Mendenhall to the Board of Community Guardians, F. Re-appointment of Larissa Kimball, Lisa Resinkin and Judy Barbera to the Hospital Board, G. Re-appointment of Matt Askew and Megan Thornton to the Fair Board, H. Re-appointment of Nick Petersen, Karen Bruner and Meg Davis to the Historic Preservation Commission, I. Modification to Cooperative Law Enforcement Annual Operating Plan and Financial Plan between

the Gem County Sheriff's Office and USDA, Forest Service, Boise National Forest, J. Transfer of 1999 Ford F350 4x4 and 18 foot car trailer from the Noxious Weed Department to the Road Department, K. Transfer of 2012 Arctic CAT ATV 4x4 550 from the Noxious Weed Department to the Gem County Fairgrounds, L. Pheasant View Minor Subdivision Findings, Conclusions, Conditions, Order, M. Connelly Minor Subdivision plat, N. Connelly Minor Subdivision Capital Improvement Plan Road Mitigation Agreement, O. Payroll claims approval for 2/7/2022, P. Idaho Asphalt Supply Plant access request form, Q. Agreement for professional services with Keller Associates for Farmer's Cooperative Bridge-permanent easement record of survey, R. Federal Surplus Property Program eligibility application for Idaho State Agency Surplus Property Program, S. Transfer of 2007 Ford F150 4x4 pickup from the Road Department to the Gem County Fairgrounds and T. Operation in Funds Financial Summary 10/1/21-12/31/21.

A motion was made by Commissioner Elliott to approve items A-T as presented. It was seconded by Commissioner Rekow and carried unanimously.

MINUTES: The minutes for January 24 & 25, 2022 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for January 24 & 25, 2022 as presented. It was seconded by Commissioner Elliott and carried unanimously.

COVID: Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, the number of deaths in the county and testing. Valor Health Marketing Manager Staci Carr provided trend percentages, urgent care and emergency room numbers and the number of tests completed.

RAPID COVID TESTS FOR THE EMERGENCY OPERATIONS CENTER- ARPA

FUNDING: Emergency Operations Manager Laurie Boston is requesting approval to purchase 100 rapid tests to have on hand for first responders and the jail for no more than \$1500.

A motion was made by Commissioner Rekow to approve the purchase of 100 rapid test for the Emergency Operations Center with ARPA funding. It was seconded by Commissioner Elliott and carried unanimously.

EXPENSE CLAIMS APPROVAL: The claims presented were reviewed. Commissioner Rekow 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.

PUBLIC WALK-IN: No members of the public were present

INDIGENT APPLICATIONS: At 11:00 a.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1)(d) for indigent matters with a roll call vote as follows: Commissioner Elliott, aye, and Commissioner Rekow, aye.

22-009	Medical Emergency
22-010	Medical Emergency
22-006	Release of Lien
22-007	Release of Lien

Regular session reconvened at 11:05 a.m.

A motion was made by Commissioner Elliott to put case# 22-009 in suspension, to approve case# 22-010 and to sign Release of Liens for cases 22-006 & 22-007. It was seconded by Commissioner Rekow and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various legal matters. Items that she talked about were ARPA funding and Juvenile Probation fees.

11300 OLA SCHOOL ROAD EVICTION: Deputy Prosecuting Attorney Tahja Jensen advised that Road and Bridge Supervisor Neal Capps locked the home last week and that there were items left on the premises. She explained the legal process for the county to remove the remaining items. Neal talked about the items that have been left behind inside the home and outside on the property. He also advised that there were no known significant damages to the home except for normal wear and tear. He advised that it needs to be cleaned, painted and new carpet installed. There is a shed that was left on the property that needs to be removed as well that has not been paid off yet. Neal will reach out to Mountain West to see about removing the shed. Tahja talked about updating the language in the lease for future tenants. Neal advised that the previous tenants stated that they would not be back. Tahja will try to reach out to them to get confirmation of that to avoid the need for storage. Otherwise, Tahja will write a letter to them advising them that their items are in storage and to make an appointment to pick up their remaining items by April 1, 2022, and if not, the items will be discarded. Neal talked about timelines for hiring a new employee that will move into that property.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor Neal Capps provided updates on various projects they are working on. Other items that he talked about were paving jobs, clean-up, shop and

machine maintenance and sign replacements.

The Commissioners recessed at 12:10 p.m. for lunch to reconvene at 1:30 p.m.

COUNTY BROADBAND PLAN DISCUSSION WITH ANTHEM BROADBAND: Jason Herr from Anthem Broadband talked about service coverage, grants for bringing fiber to homes, types of technology they use and services they provide. Rachna Vas from Microsoft talked about partnering with Anthem, free Microsoft training and products that the community might need. Tina Wilson with Western Alliance talked about where the county is at with their plan. Jason advised that they currently have services in Gem County. He talked about microcell deployment in regards to getting closer to the customers to get better and faster speed to customers and that they are able to provide wireless service and fiber. He also talked about working with other counties and that their poles would not be accessible to other providers. He talked about the advantages with microcell deployments for rural areas. and that they try to avoid using Idaho Power poles due to restrictions. He also stated that the installation cost is not passed onto the customer, but there is a monthly cost for the service and they have a service agreement. He talked about the towers that they build, their coverage and sharing frequency with other providers. He also talked about providers sharing common towers and the requirements to consider.

Commissioner Butticci attended via telephone.

YOCHAM REZONE REQUEST FOR RECONSIDERATION: While being recorded, the Commissioners discussed the Yocham rezone request. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps and applicants Carter & Katie Yocham. Others in attendance were Lorin Hughes, Chris & Mia Larson, Melonie Harrison, Toni Judy, Katherine Eyler, Darrell Harrison, Andrew Davis and David and Dawn Brotherson. Commissioner Rekow read the notice of public hearing. Those wishing to speak were sworn in.

There were no indications of conflict from the Commissioners. There were no other declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

Development Services Director Jennifer Kharrl asked to add the packet of information into the record which includes the applicants request for reconsideration, the rezone decision from

November 22, the minutes from November 22, 7 letters of opposition and a petition.

A motion was made by Commissioner Elliott to accept the packet as described by Jennifer Kharrl into the record. It was seconded by Commissioner Butticci and carried unanimously.

Jennifer reviewed the details of the rezone request. She advised that on November 22nd a public hearing was held and the Board denied the rezone request based on 3 of the 5 findings which were 2, 4 & 5. She advised that #2 states that the requested amendment is not material detrimental to the public health, safety or welfare. Finding #4 states the uses allowed under the proposed zoning district would be harmonious with and appropriate with the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area. And Finding #5 states the effects of the proposed zone change upon the delivery of services by any political subdivision providing public services including school districts within Gem County planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem Counties planning jurisdiction. She advised that the applicants have addressed the 3 findings.

Applicant Carter Yocham stated that they brought sufficient Findings under #2, #4 & #5 for review. He reviewed the details of Findings #2 and stated that through research, he discovered that prior precedence was made through rezones such as the Guthrie rezone. Applicant Katie Yocham talked about the concerns that were mentioned in that hearing in regards to 1-acre lots and sewer on downslope properties. It was stated in that hearing that Southwest District Health would address those issues. Carter reviewed Finding #4. He again referenced the Guthrie Rezone which was approved with a Development Agreement which included a reduction from 5 lots to 4 lots with a water study done by an engineer. He advised that the request went down to 4 lots because 1 lot would have been substandard. He stated that there was no mention of that rezone being disharmonious with the original feel of that area, nor did it mention that it was at the edge of a Priority Growth Area 1, which is farther from the city lines than their property. Under Finding #5, he spoke of the location of the Guthrie Rezone and their property location in regards to Priority Growth Area 1. Katie reviewed the details of the Holst Rezone which was also approved. She talked about the location of the property and concerns that Commissioner Elliott had with how growth was occurring, but that all the findings were met on that rezone. Katie advised that they have concerns with water and septic just as their neighbors do. She is asking that Southwest District Health be deferred to since

they are the experts prior to a decision being made. She also suggested that they only add 2 additional homes on their property if necessary.

In favor, Lorin Hughes, talked about Southwest District Health mitigating potential risks which eliminates concerns with waste water which was Findings #2. He said that Findings #4, in regards to changing characteristics, he disagrees since there are recently approved requests that are almost the exact nature. There were no attendees in neutral that wished to speak.

In opposition, Melanie Harrison stated that she still has the same concerns such as septic and wells and that other neighbors want to rezone their properties. Kathy Eyler expressed concerns as to what the future effects will be. Darrell Harrison expressed concerns with future effects if approved. Chris Larson does not believe that the other rezones presented by the Yochams' is relevant to their argument. He does not believe that the letter changes anything and is concerned that it will ruin the area. Mia Saffron Larson talked about the different rezones that have been approved and that each rezone is unique. She believes this rezone would change the character of the area. There were no others that wished to speak.

In rebuttal, Carter stated that their intention for this reconsideration is that a precedent be set by the Commissioners through this process. He advised that the issues that were brought up are dealt with other entities and they would like the opportunity to work with those entities should they arise.

Commissioner Elliott talked about Southwest District Health, septic and that he still has concerns with 1-acre lots in regards to public health. He talked about the agriculture size requirement that is defined by federal law which is 5-acres. He expressed his concerns on not growing from the city outward and with public services. Katie expressed concerns with inconsistencies with rezone approvals. Commissioner Elliott advised that having discussions with Southwest District Health is how he bases his decisions. Commissioner Rekow would like to take this under advisement and to issue a written decision.

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

A motion was made by Commissioner Butticci to take this under advisement and to bring back a written findings. It was seconded by Commissioner Elliott and carried unanimously.

Commissioner Butticci was absent from the meeting.

DEVELOPMENT SERVICES BUILDING OFFICIAL STAFFING: Development Services Director Jennifer Kharrrl advised that Building

Inspector Vince Lombardo would like to stay on 20 hours a week as needed until the new inspector is licensed which is a maximum of 6 months. She advised that he has 120 hours of vacation time that he would like to take instead of getting paid out. He would like to work 20 hours a week and use 20 hours of vacation time for each week until vacation time is used up. Clerk Tilton advised that the budget would need to be opened.

A motion was made by Commissioner Elliott to authorize the Building Department to continue employment with Vince Lombardo on a temporary but part-time basis for 20 hours a week for 6 months or less as deemed necessary by the Development Services Director, which would include his benefits and to allow him to use 20 hours of vacation time until accrued vacation time is utilized. It was seconded by Commissioner Rekow and carried unanimously.

THOMAS MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the request for the Thomas Minor Subdivision. Sawtooth Land Surveying, LLC, on property owned by Norma DeCordova, has applied for a minor subdivision to create (1), single-family lot on approximately 15.86 +/- acres locate in the A-2, Rural Transitional Agriculture zone. She advised that this request is not for a subdivision, but to build 1 home. She advised that there would be a condition for a no-build area or the requirement to follow the flood code Title 13. She advised that there were no letters of concerns.

A motion was made by Commissioner Elliott that on the Thomas Minor Subdivision, to approve as presented. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Butticci rejoined the meeting via telephone.

FAIRGROUNDS GRANDSTAND CANOPY-ARPA FUNDING REQUEST: Commissioner Butticci advised that one of the previous quotes that they received was still good for \$196,000 for just the canopy. The Fair Board is satisfied with that quote. There was discussion on installation costs. Commissioner Butticci is asking for ARPA funds to cover the cost of the canopy and installation. Commissioner Elliott would like to see if the fairgrounds could contribute towards the cost. Commissioner Butticci will find out more on installation costs. This topic will be added to the agenda for next week.

Commissioner Butticci was absent for the remainder of the day.

KELLER ASSOCIATES INVOICING DISCUSSION: Justin Walker from Keller Associates discusses challenges they have with invoicing

and options for invoicing. Associate Planner Michelle Baron advised that invoices are paid from the applicants, not Development Services. Justin talked about how other counties handle their billing. Michelle talked about clients that have a remaining balance on their retainer, but the statements aren't reflecting. She also stated that statements that are being sent to the incorrect departments. Road and Bridge Supervisor Neal Capps talked about the point of contact being changed and that all bills are being sent to the Commissioners. Michelle suggested making her the point of contact for all bills if necessary. Justin suggests that 3 contracts be set up to separate the invoices. Justin will produce a detailed summary with each invoice every month for each department.

DISPATCH POSITION SALARY REQUEST: Sheriff Wunder would like to offer the new Dispatcher \$3175.00 a month who has 15 years of experience. Dave provided starting wages from other counties.

A motion was made by Commissioner Elliott to approve the hiring of this particular applicant in Dispatch that has 15 years of experience as requested by the Sheriff's Department. It was seconded by Commissioner Rekow and carried unanimously.

DEPUTY STAFFING AND FUNDING FOR RESERVE DEPUTIES TO COVER SHIFTS: Sheriff Wunder advised that due to having an officer out of the office, they have had to use a Reserve Officer to cover the shift. He is asking to use ARPA funds to reimburse the Reserve Deputy Fund. Clerk Tilton advised that she could earmark \$5000 if wanted. Commissioner Elliott would recommend doing this now instead of earmarking the funds since the funds are available.

A motion was made by Commissioner Elliott to add \$5000 from the ARPA funds to the Reserve Deputy fund to be used at the Sheriff's discretion to cover staffing shortages due to COVID. It was seconded by Commissioner Rekow and carried unanimously.

TEMPORARY JAIL STAFFING COVERAGE AND FUNDING: Sheriff Wunder is asking to pay deputies time and a half to cover jail shifts as needed instead of accruing comp time for over-time hours. This request is due to staff shortages in the jail due to COVID. He advised that they are already having trouble using accrued comp time due to staff shortages. They have had an open Jailer position since October, so there is funds available. He is expecting 4 new employees within the next few months. Clerk Tilton advised that the extra cost for the time and a half could be paid out by their regular line item from the available funds or ARPA funds.

A motion was made by Commissioner Elliott to approve paying

Deputies time and a half as deemed necessary by the Sheriff to staff the jail from available funds from the jail due to not having a Jailer position filled since October. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 5:05 p.m. to 8:30 a.m. on February 8, 2022.

February 8, 2022

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

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

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on February 14, 2022.

Approved: _____
Chairman

Attest: _____
Clerk