



**March 7 & 8, 2022, Emmett, Idaho**

**Pursuant to a recess taken on March 1, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 7<sup>th</sup> day of March 2022, at 8:30 a.m.**

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

**Whereupon the following proceedings were had, to-wit:**

**March 7, 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.

**GEM COUNTY ISLAND SPORTS COMPLEX SPECIAL EVENTS APPLICATION**

**WAIVER PROCESS AND POLICIES:** Deputy Prosecuting Attorney Tahja Jensen talked about the possible need to set guidelines for fee waivers, insurance waivers and what events may be eligible. There was discussion on the Gem County fireworks show. Commissioner Butticci advised that they need to have insurance but that he is in support of some of the fees to be waived since this is a community benefit event. He talked about for-profit vs. non-profit events and educational events. There was also discussion on guidelines for food trucks. The Commissioners will work on each waiver request on a case by case basis at this time. Buildings and Maintenance Supervisor Chuck Shambaugh will work through the applications that he has received and will bring them to the Commissioners for review.

**EXECUTIVE SESSION- ACQUISITION OF REAL PROPERTY:** At 9:28 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)(c) for matters of real estate with a roll call vote as follows: Commissioner Butticci, Commissioner Elliott, aye and Commissioner Rekow, aye.

Regular session reconvened at 9:55 a.m.  
There was not action taken on this topic.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Items that she talked about were a CARE's mobile unit (Children at Risk program), Human Resources, procurements, a bid for the jail control room, the Noxious Weed Department fee structure and the Farmer's Co-op bridge.

**INDIGENT APPLICATIONS:** There were no applications for review.

**NOXIOUS WEED DEPARTMENT FACILITY REQUEST FOR ADDITIONAL OFFICE SPACE AND ADDITIONAL BATHROOM- ARPA REQUEST:** Noxious Weed Supervisor Larry Shippy is asking for ARPA funding for additional office space and an additional bathroom for their office. Clerk Tilton advised that she needs a write-up to explain the reason ARPA funds should be used. She spoke of items that may not be ARPA related. There was discussion on other renovation needs for the building. Larry will work on a letter.

**CONSENT AGENDA:** A. GIS and Use Agreement with Keller Associates with fee waiver, B. Hansen Minor Subdivision plat, C. Busack Minor Subdivision plat, D. Strade Vino Circuit Race special events application and E. Payroll claims approval for 3/7/2022.

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

**PUBLIC WALK-IN:** Michelle Chadwick introduced Cody Johns who is the new Director at Gem County Mosquito Abatement. Cody talked about projects they are working on. Items that he talked about were a drone they are using, public outreach, purchasing a 2<sup>nd</sup> drone, staffing, wages, growth in the county, the 2021 year-end report, traps and bees.

**ROAD DEPARTMENT UPDATES:** Road and Bridge Supervisor Neal Capps and Shop Foreman Steve Poston provided updates on various projects they are working on. Other items that Neal talked about were a new blade they are using, fuel cost and car counter on Pearl Road. Steve advised that he has not found anything wrong with the Ford Taurus from the fairgrounds. Other items that were talked about were machinery maintenance, the Ola house and a truck route.

**MINUTES:** The minutes for February 28 & March 1, 2022 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for February 28 & March 1, 2022 as amended. It was seconded by Commissioner Rekow and carried unanimously.

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

**LETHA MEADOWS PRELIMINARY PLAT PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing for the Letha Meadows preliminary plat 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, applicants Kit & Shaun Kjelstrom, residents Cathy Berglund, Lynn Moore and Gary VanHeef. Commissioner Rekow read the notice of public hearing. Those wishing to testify 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 have the packet of information be added into the record which includes the application, Zoning Commission recommendation, draft Zoning Commission minutes, staff report, impact agency letters and letters of concerns from the public.

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

Jennifer advised that the applicant, Kit Kjelstrom, on property owned by Kjelstrom Trust 11/6/02, have applied for a Standard Subdivision Permit (preliminary plat) application to construct a residential subdivision on approximately 15.32 acres of land and proposes to create 6 single-family building lots. She advised that this is zoned MX, Mixed Use and lies within the Agriculture Natural Resources designated on the Joint Comprehensive Plan Future Land Use Map. She advised that the Zoning Commission has recommended approval of the plat. Items that she talked about were the location of the property, shared access points and a portion of the property that is in the flood plain.

Applicant, Shaun Kjelstrom advised that each parcel would be 2 acres or larger. He advised that they are following all the requirements and conditions. There was no one that was neutral that wished to speak. Opposed, Gary VanHeef expressed concerns with water and wells. Cathy Berglund expressed concerns with water, drainage, sewer and wells. In rebuttal, Shaun advised that they don't know the impact to the wells, but they are working on meeting all of the required conditions.

Jennifer advised that Southwest District Health stated that

only 1 of the lots has a high water table. Shaun advised that they did do ground water monitoring last year. Commissioner Elliott advised that requirements from Southwest District Health will have to be met and that any requirements regarding run-off will have to meet as well. He advised that concern regarding irrigation would have to be handled by the Irrigation District. Road and Bridge Supervisor Neal Capps clarified the access points. Jennifer talked about a landscape plan. Commissioner Rekow expressed concerns with water, sewer, flooding & run-off. Jennifer advised that Southwest District Health has completed their engineering report and the Zoning Commission has recommended approval with conditions to address those issues.

A motion was made by Commissioner Elliott to close the public hearing for the Letha Meadows preliminary plat. It was seconded by Commissioner Butticci and carried unanimously.

Commissioner Butticci & Commissioner Elliott believe that the findings have been met. Commissioner Rekow reiterated his concerns but also believes that the findings have been met.

A motion was made by Commissioner Elliott that for the preliminary subdivision plat for Letha Meadows Subdivision, to approve the request located off of W. Idaho Blvd/Burgland Road Township 06N, Range 03W, Section 2, parcel RP06N03W020035. It was seconded by Commissioner Butticci and carried unanimously.

**BLUE SPRUCE FARMS MINOR SUBDIVISION REVIEW:** Development Services Director Jennifer Kharrl reviewed the Blue Spruce Farms Minor Subdivision request. The applicant, Eagle Land Surveying, LLC, on property owned by Curtis and Lorie Briggs, has applied for a minor subdivision to create four (4), single-family lots on approximately 22.24 +/- acres located in the A-2, Rural Transitional Agriculture zone. She advised that this is a re-plat of Lot 4, Little Rock Estates. She advised that these are 5-acre parcels and talked about the property location and access. Commissioner Elliott spoke of concerns with development in the more rural areas. Jennifer also spoke of a letter from Enterprise Ditch that shows their requirements. There were no other concerns.

A motion was made by Commissioner Butticci to approve the minor subdivision for Blue Spruce Farms at 3752 Littlerock Rd. It was seconded by Commissioner Elliott and carried unanimously.

**SCHOFIELD VARIANCE APPLICATION FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION ON MOTION FOR RECONSIDERATION AND ORDER:**

Commissioner Rekow advised that this is for discussion and deliberation in the appeal for the Schofield variance application. He advised that the Board would not take any testimony from the public and that Commissioner Butticci has

previously recused himself from this discussion. He reviewed the Findings of Fact, Conclusion of Law, Decision on Motion for Reconsideration and Order document. Under Findings of Fact (pages 1-2) he reviewed the steps that were taken through the application process. He talked about the location of the property. He advised that no further information was provided on this application. Commissioner Rekow reviewed applicable law (pages 2-3) and explained what authority the Board of County Commissioners have for reconsideration. He explained what findings are required to be made by the Board when approving a variance and that the Board has considered the applicant's Motion for Reconsideration. Commissioner Rekow stated that the legal standards have been met and agrees with the written findings. Commissioner Elliott spoke of his prior concerns with the existing bridge, but stated that if there is a proper agreement in place, that would satisfy his concerns. Development Services Director Jennifer Kharrl advised that there could be no more than 10 building permits at this time and that the road would remain a private road. Commissioner Rekow advised that his concerns have been satisfied.

A motion was made by Commissioner Elliott to approve a reconsideration of the Boards original decision. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Rekow reviewed the required Findings & Commission analysis Exhibit A, Section 11-13-2.A which ensures that the standards have been met. He also reviewed the Conditions of Approval (Exhibit 2).

Commissioner Elliott advised that he believes all conditions have been met. Road and Bridge Supervisor Neal Capps advised that there is no plans to make this road a county road. Commissioner Rekow had no further concerns.

A motion was made by Commissioner Elliott to adopt the findings of the Zoning Commission attached as Exhibit 1, subject to the conditions set forth in Exhibit 2 which addresses the concerns with the items that the Board had at the time of the application for a development permit and that those will be addressed at the time of an application. For clarification, the Commission Findings is listed as Exhibit A, but will become Exhibit 1. It was seconded by Commissioner Rekow and carried unanimously, with Commissioner Butticci having been recused.

**SQUAW CREEK SOIL CONSERVATION DISTRICT AND GEM SOIL CONSERVATION DISTRICT REQUEST FOR FUNDS FOR FISCAL YEAR 2023:** Gem Soil and Water Conservation District is requesting for the Commissioners to show their intent to budget funds for FY2023. Squaw Creek Soil Conservation is asking for \$4500 and Gem Soil Conservation is asking for \$6500.

A motion was made by Commissioner Butticci that for FY2023 to give Squaw Creek Soil Conservation District \$4500 and for Gem Soil Conservation to give \$6500 and to send a letter of intent. It was seconded by Commissioner Elliott and carried unanimously.

**COURTHOUSE FACILITY CLEANING DISCUSSION:** Commissioner Butticci reviewed the bid from La Victoria Cleaning Services, LLC to perform cleaning services in the courthouse for \$400 per day. He advised that this would be a one-time contract agreement. Building and Maintenance Supervisor Chuck Shambaugh advised that there is money in the budget to cover this cost.

A motion was made by Commissioner Elliott to approve a one-time contract for cleaning services which include cleaning 3 floors, 11 bathrooms, mop all tiling, vacuum all carpeting, dust window sills, blinds, dust just the front desks and take out all trash through all 3 floors. It will be required that they provide proof of their bonding and insurance. It was seconded by Commissioner Rekow and carried unanimously.

**COUNTY BOARD APPOINTMENTS:** The Commissioners reviewed the open County Board positions that need to be filled. Commissioner Butticci advised that the Hospital Board has been filled. The Commissioners will reach out to potential Board members.

**PURCHASE OF AED DEFIBRILLATOR FOR THE COURTHOUSE:** Dispatch Supervisor Lisa Resinkin is asking for an AED defibrillator for the courthouse. There was discussion regarding training and where this would be stored. The Commissioners are in support of purchasing one. The cost is approximately \$2000.00. Clerk Tilton advised that funding could come from the reserve funds. The Commissioners will reach out to EMS for recommendations for a defibrillator.

**FAIRGROUNDS GRANDSTAND CANOPY:** Commissioner Butticci talked about erector bids that have been received. These will be reviewed next week. There was discussion on when the canopy could be delivered. He reviewed the specs of the structure of the canopy. The purchase of the canopy requires a \$49,000 down payment with the rest due at the time of delivery. Total cost of the canopy is \$196,000.00.

A motion was made by Commissioner Butticci to move forward with the canopy for the Gem County Fairgrounds with ARPA funds through Armstrong Steel with a quote for Butticci 2021-12-09(D) in the amount of \$196,000.00. It was seconded by Commissioner Elliott and carried unanimously.

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

**March 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 March 14, 2022.**

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

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