



March 15 & 16, 2021, Emmett, Idaho

Pursuant to a recess taken on March 8, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 15th day of March 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:

March 15, 2021

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 Elliott and carried unanimously.

EXECUTIVE SESSION: At 9:00 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, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 10:10 a.m.

PROPERTY LEASE AGREEMENT WITH PURCHASE OPTION

DISCUSSION/DECISION: There was no discussion on this topic outside of executive session.

PROPERTY APPRAISAL DECISION: There was no discussion on this topic outside of executive session.

HOT MIX ASPHALT MATERIAL BID OPENINGS: While being recorded, Commissioner Rekow read the notice for bid. Road and Bridge Supervisor Neal Capps advised that there were no bids received to open and his recommendation would be to reject the bids and that they go to the open market. This will be added to the agenda for next week.

A motion was made by Commissioner Elliott that all bids being rejected and having received no bids, to authorize

purchase of hot mix asphalt materials on the open market. It was seconded by Commissioner Butticci and carried unanimously.

COVID DISCUSSION: Emergency Operations Center (EOC) Manager Laurie Boston advised on the current weekly positive COVID cases in Gem County, that there are no new deaths, the number of vaccinations provided last week and the state wait-list. Valor Health Marketing Manager Staci Carr talked about the state wait-list form, the 30-day trend, 7-day trend, the number of patients seen in Urgent Care, Emergency Room and the number of COVID tests performed. She provided the number of vaccines that they have given, the number of vaccines that they are expecting to receive and an outreach effort for reaching the rural population and those that do not have internet access. There was also discussion of other providers that are giving vaccines as well. Deputy Prosecuting Attorney Tahja Jensen spoke of vaccines for inmates.

CONSENT AGENDA: The consent agenda included: A. AXON Enterprise, Inc. Sales Terms and Conditions, Master Services and Purchasing Agreement and Addendum to Master Services and Purchasing Agreement Annual Appropriation Clause, B. Local Highway Technical Assistance Council Ola Highway powerline to 2nd Fork Road progress report and pay request 12, C. Request to surplus Sheriff's vehicles, D. Certificate of residency for Junior College tuition for Curtis Christensen and E. payroll claims approval for 3/5/21.

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

MINUTES: There were no minutes to review.

PROSECUTING ATTORNEY MATTERS: At 10:30 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)(b) for matters of personnel with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 10:57 a.m.

CONSOLIDATED TELECOM INC (CTEL) INMATE TELEPHONE AGREEMENT

OPTIONS: Deputy Prosecuting Attorney Tahja Jensen spoke of the options provided and advised that the recommendation is option 1 since it is a set amount. She reviewed the details of option 1 and advised that it meets all requirements.

A motion was made by Commissioner Butticci to move forward

with the Consolidated Telecom Inc. inmate telephone agreement option 1. It was seconded by Commissioner Elliott and carried unanimously.

A motion was made by Commissioner Rekow to recess as the Board of County Commissioners and convene as the Board of Canvassers. It was seconded by Commissioner Elliott and carried unanimously.

CANVAS FOR MARCH 9TH ELECTION: Clerk Shelly Tilton discussed the General Election including the number of votes for each of the school levy questions on the ballot, the overall turnout and the combining of the precincts that was done due to anticipated turnout. Evacuation procedures in the event of an emergency will be reviewed as there was a fire alarm at one of the polling locations on Election Day. There was discussion on the wording on the ballot. Clerk Tilton also spoke of possible upcoming elections.

A motion was made by Commissioner Butticci to accept the canvas for March 9th election results as presented. It was seconded by Commissioner Elliott and carried unanimously.

A motion was made by Commissioner Butticci to adjourn as a Board of Canvassers and reconvene as a Board of County Commissioners. It was seconded by Commissioner Elliott and carried unanimously.

FISCAL YEAR 2020 OUTSIDE AUDIT: Jordan Zwygart from Zwygart, John & Associates PLLC reviewed the audit report for 2020. He talked about various funds throughout the county in the report, and internal controls. Jared said the audit would be finalized once the Fair Board audit is conducted.

A motion was made by Commissioner Elliott that pending the results of the fairground to accept the audit as presented in this draft form for the year ending September 30, 2020. It was seconded by Commissioner Butticci and carried unanimously.

INDIGENT APPLICATIONS: There were no indigent applications to review.

The Commissioners recessed at 11:50 a.m. for lunch to reconvene at 1:30 p.m.

GALENA CONSULTING IMPACT FEE PRESENTATION REVIEW: Anne Wescott from Galina Consulting reviewed their report. Items that she spoke about included that this is a 10-year period, current and future population, Gem County Sheriff's Department and the Capital Improvement Plan (CIP) for Road & Bridge. She explained what items would be eligible for impact fees, the fee

calculations and the land fee by land use. She also talked about project prioritization. Commissioner Elliott expressed concerns of paying for these projects up front. Anne spoke of the options for payments, Road & Bridge inventory and non-impact fee revenues. She talked about timelines she looked at for growth projects. She also discussed street fees, Sheriff Department fees and EMS/Fire fees. She also explained how new builder fees would be calculated in unincorporated areas. She advised that the county would collect the money and would pay out the other affected departments. Commissioner Butticci advised that he was in favor of moving forward. Anne spoke of right-away, mitigation fee and a credit for right-of-way. There was discussion on the cost for each project and how those costs were calculated. She advised that the county could ask for the right-of-way and also include the CIP costs which would make it so the county does not have to give a credit which would be contingent on the approval of the application. Commissioner Butticci advised that the city had never given credit for land while he was serving as Mayor. She also talked about extraordinary impact fees for rural areas and reviewed the impact fee comparisons and explained that impact fees are higher for the more rural areas. She advised of the next steps if the Commissioners wanted to move forward with this plan. Chief Rick Welch and Commissioner Ralph Gurney for Gem Fire District advised that they are in support of this plan. Deputy Prosecuting Attorney Tahja Jensen advised that this would need to be set for a public hearing.

TRUMP LANE APPEAL, SETTLING OF THE RECORD AND DECISION ON MEDIATION REQUEST PUSUANT TO IDAHO CODE 67-6511:

While being recorded, a public hearing was held for the Trump Lane appeal. Due to social distancing, this meeting was held virtually via GoToMeeting. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, appellants Alma Whilhite, Tara Jones and Anthony Jones and respondent Karen Headley. Those joining via virtual were Deputy Prosecuting Attorney Tahja Jensen, Clerk Shelly Tilton and interested party Cherise McClain.

Commissioner Butticci indicated that he had a conflict and recused himself from deliberation. There were no other 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.

Development Services Director Jennifer Kharrl advised that the parties have been provided the proposed record. She reviewed the documents in the record which included the 12 exhibits, the private road application, the appeal to the Zoning Commission, the Zoning Commission decision and the appeal to the County

Commissioners. There were no suggested corrections. Appellant Tara Jones advised that on pages 15, 16 & 17 the transcriber named Karen Bruner as the speaker when in fact it was Alma Whilhite. It was noted for the record. The record was settled.

Deputy Prosecuting Attorney Tahja Jensen spoke of the mediation process and that the affected parties would participate in at least 1 mediation session if mediation is requested by the Commissioner of the governing Board. She advised that the governing Board shall select and pay the expense of the mediator. She also advised that if the Board opted not to order the mediation then the matter would proceed before the Board of County Commissioners on appeal. Commissioner Rekow advised that the appellant has requested the mediation. There was discussion on where the payment for the mediator would come from and potential cost.

Commissioner Elliott made a motion to send this matter to mediation. It was seconded by Commissioner Rekow and carried unanimously.

Tahja will put together a list of mediators for the Commissioners' review.

DEVELOPMENT SERVICES: Development Services Director Jennifer Kharrrl reviewed the request for Wolf Ridge Estates minor subdivision. The applicant, Sawtooth Land Surveying, LLC, on property owned by Nancy Chagares, has applied for a minor subdivision to create four (4), single-family lots on approximately 20.00 +/- acres located in the A-2, Rural Transitional Agriculture zone. Items that were talked about were right-of-away dedication, 2 substandard lots, a lot variance for (2) 5-acre parcels and (2) 4-acre parcels, access, letters of concern, a concern with the sign not being posted (which was removed by an unknown person), posting requirements, other types of public notifications, irrigation and a pre-development meeting with Southwest District Health. There was also discussion on concerns with the roads. Commissioner Elliott advised that he had concerns with the additional substandard parcel. Deputy Prosecuting Attorney Tahja Jensen spoke of the variance process. There was discussion on the letter of concern from Gem Soil and Water Conservation District with concerns of the substandard lots and irrigation. Possible updates to the ordinance regarding variances was discussed. Commissioner Elliott does not agree with the 2nd substandard lot.

Commissioner Butticci made a motion to approve the Wolf Ridge Estates minor subdivision with Exhibits A, B & C as presented. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 4:15 p.m. to 8:30 a.m. on March 16, 2021.

March 16, 2021

LOCAL EMERGENCY PLANNING COMMITTEE: Commissioner Rekow and Commissioner Butticci attended the LEPC meeting via telephone.

The Board recessed at 10:30 a.m. to 8:30 a.m. on March 22, 2021.

Approved: _____
Chairman

Attest: _____
Clerk