



March 22, 2021, Emmett, Idaho

Pursuant to a recess taken on March 16, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd 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 22, 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.

DEVELOPMENT SERVICES STAFFING: Development Services Director Jennifer Kharrrl spoke of the need for additional help for Building Official Vince Lombardo for plan reviews. She discussed the number of plans that still need to be reviewed and how many are coming in. She advised that there are interested individuals that are qualified. She suggests hiring on an independent contract basis. Deputy Prosecuting Attorney Tahja Jensen spoke of the legal aspects of hiring an independent contractor.

A motion was made by Commissioner Elliott to direct the legal department to prepare a document to allow for a contracted part-time building official. It was seconded by Commissioner Butticci and carried unanimously.

FAIRGROUNDS GRANDSTAND DEMOLITION BID: Commissioner Butticci reviewed 3 bids that received by the fair board. He also spoke of the resolution for the material to be taken to the Ada County landfill. He reviewed the details of the bids and alternate bids from AAI Demolition & Asbestos Removal, Ideal Demolition Services and KLH Trucking & Excavation. He recommends KLH & Excavation as the first option and Ideal Demolition Services for the second option if KLH cannot meet the necessary time requirements. There was discussion on the current state of the restrooms and showers at the fairgrounds.

A motion was made by Commissioner Butticci to award the demolition of the grandstands to KLH Trucking & Excavation in the amount of \$19,700.00 which includes the demolition of the grandstands and the canopy with conditions that they haul it to Ada County landfill and if they can't meet the timeline requirements for the construction to move to the 2nd option which is Ideal Demolition Services. It was seconded by Commissioner Elliott and carried unanimously.

IDAHO CERTIFIED LOCAL GOVERNMENT GRANT MEMORANDUM OF AGREEMENT FOR REHABILITATION OF THE OLA SCHOOL BUILDING, PRESERVATION AGREEMENT AND NATIONAL PARK SERVICE'S STATE, TRIBAL AND LOCAL PLANS & GRANTS ENVIRONMENTAL SCREENING WORKSHEET:

Commissioner Butticci reviewed a Certified Local Government (CLG) grant for the school in Ola, he said this is a matching grant. He explained the reimbursement process and advised that the county is responsible for \$10,000.00 which would be in kind for labor done on the building and that he would administer the grant. This grant will be used for siding and structural work to restore the building so that it is usable again.

A motion was made by Commissioner Butticci to approve and move forward with the Certified Local Government grant for the rehabilitation of the Ola School building with the conditions that the Ola PTO Save the Ola School funds will provide the \$10,000.00 in kind labor with funds that they already have. It was seconded by Commissioner Elliott and carried unanimously.

COVID DISCUSSION: Deputy Prosecuting Attorney Tahja Jensen spoke of the state list for vaccines. Commissioner Butticci reviewed a request from the Clerk's office for an additional 24 hours of COVID related administrative paid leave. The Commissioners spoke of the parameters of the pre-approved 50 hours of administrative paid leave. Tahja spoke of how other counties deal with leave in regards to COVID. There was also discussion on employees opting out of vaccinating and workplace exposures. Commissioner Elliott spoke of having a set amount of leave available in order to maintain fairness across the board for all employees. Commissioner Butticci spoke of the need to look at these situations on a case-by-case basis. Commissioner Elliott expressed concerns of COVID leave being open-ended and how it would be paid for.

A motion was made by Commissioner Butticci to approve the additional 54 hours of administrative pay for the clerk's office for COVID related leave. It was seconded by Commissioner Elliott and carried unanimously.

CONSENT AGENDA: The consent agenda included: A. Lower Gem Co-

operative Weed Management Association 2021 Noxious Cost Share Program award letter, B. Gem County Resolution 2021-04 authorizing destruction of Emergency Medical Services records, C. Crescent Moon Minor Subdivision Findings, Conditions, Conclusions, Order, D. Wolf Ridge Estates Minor Subdivision Findings, Conditions, Conclusions, Order, E. Water District 65A budget, F. Local Highway Technical Assistance Council Ola Highway and G. Southern Bleacher Company acknowledgement of order/contract of sale including seller's terms and conditions for fairground bleachers.

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

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke about various Gem County legal matters. Items that were discussed included the consent agenda, a new location for the Motor Vehicle department, an extern at the Prosecuting Attorney's office, a procurement handbook, the Comprehensive Plan Request for Proposal (RFP) and the Joint Planning Commission.

EXECUTIVE SESSION: At 10:47 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Butticci and carried unanimously to go into executive session under Idaho Code 74-206(1)(a & 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 11:13 a.m.

EXECUTIVE SESSION (PURCHASE OF PROPERTY): This meeting was not held.

PROPERTY LEASE AGREEMENT WITH PURCHASE OPTION

DISCUSSION/DECISION: This meeting was not held.

PROPERTY APPRAISAL DECISION: This meeting was not held.

LAND USE MEDIATION REVIEW, DISCUSSION AND APPROVAL: TRUMP LANE:

Deputy Prosecuting Attorney Tahja Jensen spoke about Three Fingers Mediation and a law firm in Boise that she found and that they advised that there should be 2 mediators involved. She also spoke of the cost for mediation. There was also discussion on the need to update the current Ordinance.

A motion was made by Commissioner Butticci to move forward with the mediation at 2 mediators for \$400.00 for both and for Tahja to prepare the documents. It was seconded by Commissioner

Elliott and carried unanimously.

INDIGENT APPLICATIONS: At 11:27 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.

21-011	Emergency Medical Application
21-012	Emergency Medical Application
21-010	Notice of Hearing

Regular session reconvened at 11:33 a.m.

Commissioner Elliott made a motion that on case 21-011 to deny because the applicant is not medically indigent, the county is not the last resource and unable to determine if all services are medically necessary. On case 21-012 to deny because the applicant is not medically indigent, the county is not the last resource, applicant failed to appear for interview and applicant failed to cooperate with the county and on case 21-010 to sign Notice of Hearing. It was seconded by Commissioner Butticci 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.

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

FLOODPLAIN ORDINANCE AMENDMENT PUBLIC HEARING: While being recorded, a continuation of 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, Deputy Prosecuting Attorney Tahja Jensen, Andy Waldera from Sawtooth Law and applicants Shellee McReynolds & Stefani Dwyer.

Jennifer spoke about comments and recommendations from Keller Associates and that staff supports the recommendations. She reviewed the suggestions which included removing flood fringe wording, changing the word "dirt" to "material", the difference between net zero and no-rise and no-rise used in floodways and floodplains. Andy Waldera from Sawtooth Law reverified the proposed changes to ensure understanding. He also

verified that his emails dated March 12 & 15 were part of the record. Jennifer verified that "no-rise" would be in Ordinance 13-5-1. There was discussion on the "no-rise" standards in regards to the floodplain & floodway. Jennifer also talked about the amendments that have been currently added to the draft. Commissioner Elliott would like to have a completed draft with all changes before making a decision. Jennifer clarified why some items were struck from the document. Tahja talked about fill material requirements. There was discussion about what 1-year flood and base flood were. Andy talked about base flood elevation. Jennifer advised of next steps once the draft ordinance was completed.

MINUTES: The minutes from March 1, 2021 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for March 1, 2021 as amended. It was seconded by Commissioner Butticci and carried unanimously.

The minutes from March 8, 2021 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for March 8, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

STANDLEY REZONE: While being recorded, a public hearing was held for the Standley rezone request. 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 and applicant Jim Standley. Those wanting to present were 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.

The applicant, Jim and Carla Standley, are seeking approval to rezone their property from A-1 Prime Agriculture (40-acre minimum) to A-2 Rural Transitional Agriculture (5-acre minimum). The property proposed to be rezoned is 20.00+/- acres in size, and lies fully within the Priority Growth Area 3 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

Development Services Director Jennifer Kharrl asked to add the packet of information into the record which includes the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes and letters from the Road & Bridge Department, Idaho Transportation Department and Emmett School District. 1 letter in support and 2 letters in opposition were also received. Jennifer talked about the details of the requested rezone and advised that staff and the Zoning

Commission recommends approval.

A motion was made by Commissioner Elliott to enter the packet that was received into the record. It was seconded by Commissioner Butticci and carried unanimously. Commissioner Elliott had to excuse himself for the remaining part of the hearing.

Applicant Jim Standley talked about wanting to rezone to 5 acre lots to make it more sellable. He spoke about water, power and roads. There are no others in attendance in favor, neutral or against to testify.

Commissioner Rekow talked about how growth is supposed to grow outward in an orderly fashion. Commissioner Butticci spoke of his concerns of the Priority Growth Areas and that this is a Priority Growth Area 3. Jennifer advised that growth control is handled in Priority Growth Area 3 by limiting the parcel sizes to a minimum of 5 acres. She advised that the request is for 4 total parcels and that there is currently one building on the property. There was discussion on the lack of a site plan. Jim explained where the driveways would be located. Commissioner Rekow spoke of his concerns with growth, roads, water and sewer.

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

Commissioner Butticci agreed that requirements have been made. Commissioner Rekow reiterated his concerns but that the applicant has met all requirements.

A motion was made by Commissioner Butticci that based on the packet presented today with the findings of facts from the Zoning Commission and from the staff report to approve the rezone requested by Jim and Carla Standley at 1720 W. Black Canyon Highway as presented. It was seconded by Commissioner Rekow and carried unanimously.

OPEN FORUM: The Commissioners attended an open forum at the Syringa Hall in Sweet. Items that were discussed were Road Department updates on the Sweet/Ola Highway intersection, a patched railroad track in Montour, a replaced irrigation pipe on Kirkpatrick Road, road grading and the cost of asphalt. Other items discussed were updates on Development Services, Drivers license services, the fairgrounds bleachers, federal money and COVID-19.

The Board will not be meeting on March 29 or 30, 2021 due to it being the 5th Monday & Tuesday of the month.

The Board recessed at 8:15 p.m. to 8:30 a.m. on April 5, 2021.

Approved: _____

Chairman

Attest: _____
Clerk