



April 11 & 12, 2022, Emmett, Idaho

Pursuant to a recess taken on April 5, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 11th day of April 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:

April 11, 2022

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.

COTNER REZONE PUBLIC HEARING: While being recorded, the Commissioners held a public hearing for the Cotner 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, Todd Lakey, John Cotner, Nick Chan, Robert Baker, Connie Keller and Cindy McBride. Via zoom, those in attendance were Christina Allen, Madaline Smith, Karen Wagner and Judy Tallent. 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 other than a phone call that Commissioner Rekow received in which he advised that he could not discuss the matter.

Development Services Director Jennifer Kharrl asked to have the packet of information be added into record which includes the notice of public hearing, the rezone application, the Zoning Commission recommendation, the Zoning Commission minutes, a draft Development Agreement with conditions, staff report, agency letters and 8 letters of concerns with 1 having 31

property home owner signatures and 1 having 12 property home owner signatures.

A motion was made by Commissioner Butticci to add the packet as described by Jennifer Kharrrl. It was seconded by Commissioner Elliott and carried unanimously.

Jennifer advised that the applicant, Cotner Development, on behalf of the property owner, Herve L Baker Trust, is seeking approval to rezone 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 79.00 +/- 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. Staff recommended approval to the Zoning Commission with considerations with a Development Agreement. The Zoning Commission also recommended approval with conditions to include a water quality & quantity study, to comply with the Road and Bridge Department letter which includes a traffic study, to have an irrigation plan, and to meet with the school district regarding a bus stop.

In favor, Todd Lakey reviewed the Comprehensive Plan map Zoning Ordinance and parcel maps that are in the record. He talked about the type of property it is and that it is eligible for this type of residential development. He talked about the history of the property and that this property is the owner's retirement. He advised that this request falls within the guidelines of the Comprehensive Plan. He talked about the character of the area and other properties in the area that are 5-acre lots. He advised that these lots would still be able to be used as agricultural properties. He also talked about the quality of the custom homes that will be built, a water quantity study that was done and that shows that there would be no significant impact. He also talked about a static water level, septic, a traffic impact study and water rights. He advised that the water study was done by reviewing well logs and pumping capacity within a close proximity of the property. Commissioner Elliott expressed concerns regarding the water study. Commissioner Butticci spoke of concerns with contaminants in the water. Todd advised that a water quality study has not been completed at this time. There was no others that wished to speak in favor or neutral.

In opposition, Cindy McBride expressed concerns on wells, other building sites that have been approved within close proximity, traffic, the roads and water run-off. She talked about a possible recession and properties not being sold. Christina Allen expressed concerns with growth. Madaline Smith spoke of concerns with the traffic, water and wells. Judy Tallent talked about concerns with water quality, water quantity

and traffic.

Jennifer talked about drainage and that it would need to be engineered. Commissioner Elliott talked about arsenic levels, the need for a quality study and growth. Road and Bridge Supervisor Neal Capps talked about the length of U.A. Avenue, the type of road it is, concerns with the speed limit, traffic impact, drainage and off-road vehicles. Commissioner Elliott expressed concerns with the width of the road. Commissioner Rekow spoke of concerns with wildlife mitigation and pesticide and chemical container refuse on an adjoining property in the past. Jennifer advised that the Commissioners could put requirements in the Development Plan if they choose to approve this application. Neal talked about the condition of U.A. Avenue and access points.

Todd rebutted and talked about the requirements of the Comprehensive Plan and that they fall within the guidelines for approval. He spoke of the traffic impact study and access. He advised that the water study that was done went out ½ mile. He also talked about an existing well on site, the aquifer and a required engineering report. He advised that the pond is irrigation run-off water and is seasonal. He advised that the land would use irrigation water.

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

Commissioner Butticci would like to take this matter under consideration and make a decision at a future meeting. Jennifer talked about an engineering report and what is included. Commissioner Elliott would like a comprehensive quality study. Jennifer advised that those requirements would need to be included in the Development Agreement. Commissioner Rekow expressed concerns with the pond that has been on the property for years and the effect on wildlife. Commissioner Elliott also talked about concerns with irrigation and drainage. Jennifer talked about the conditions that are already in the Development Agreement which have to be met prior to a subdivision approval.

A motion was made by Commissioner Butticci to bring this back for deliberation on April 25 at 1:30 in the Commissioners chambers. It was seconded by Commissioner Elliott and carried unanimously.

PUBLIC WALK-IN: There were no members of the public present.

DEPARTMENT HEADS: Commissioner Butticci talked about the upcoming Youth Appreciation Day and the Ola School reopening celebration. Commissioner Rekow talked about ICRMP training. Landfill Supervisor Martin Joyce talked about volume of work and

the scales. Road and Bridge Supervisor Neal Capps talked about various projects they are working on and fuel. Juvenile Probation Supervisor Shannon Carter talked about workload. Buildings & Maintenance Supervisor Chuck Shambaugh talked about the UPS install, a power outage and the Island. Noxious Weed Supervisor Larry Shippy talked about workload and various projects they are working on. Information Technology Support Specialist Corbin Vickery talked about the Extension Office, new employee emails, upgrading the email server and email archiving.

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

PROPERTY TAX EXEMPTIONS FOR RELIGIOUS, FRATERNAL, BENEVOLENT, CHARITABLE, HOSPITALS, SCHOOLS OR EDUCATIONAL, IRRIGATION, TELEPHONE, ELECTRICAL AND NATURAL GAS, SOIL DISTRICTS, OPERATING PROPERTY AND OTHER: While being recorded, Assessor Strang reviewed Gem County properties that are exempt from property taxes.

A motion was made by Commissioner Butticci to grant the property tax exemptions as presented by Assessor Hollie Anne Strang. It was seconded by Commissioner Elliott and carried unanimously.

CONSENT AGENDA: A. Payroll claims approval for 4/7/2022, B. Ratification of authorization for the County Clerk to administer the county DUNNS and SAM ID numbers, C. Silver Creek quote, Baseline service agreement, Baseline's guide for network communication and Baseline's cloud network module technical specification for the Gem County Island Sports Complex irrigation system and D. Designate Gem County polling precincts for May 17, 2022 election.

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

MINUTES: The minutes for April 4 & 5, 2022 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for April 4 & 5, 2022 as presented. It was seconded by Commissioner Elliott and carried unanimously.

CONFLICT ATTORNEY POSTING TO THE BAR ASSOCIATION: The Commissioners reviewed a letter to be posted to the Bar Association seeking letters of interest from Conflict Attorney's. Commissioner Rekow and the Board of County Commissioners will be the point of contact.

A motion was made by Commissioner Elliott to do a Conflict

Attorney posting to the Bar Association. 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.

INDIGENT APPLICATIONS: There was no need to go into Executive Session. Deputy Clerk Sarah Story is asking approval to sign a Notice of Lien on case# 22-011.

22-011 Notice of Lien

A motion was made by Commissioner Elliott to sign notice of lien on case# 22-011. It was seconded by Commissioner Butticci and carried unanimously.

YOCHAM DECISION ON MOTION FOR RECONSIDERATION: While being recorded, the Commissioners met to discuss the Yocham decision and a motion for reconsideration. Those present were Development Services Director Jennifer Kharrrl, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps and applicant Carter Yocham. Commissioner Rekow advised that this is a motion for reconsideration for the Yocham rezone. He advised that there would be no public testimony allowed. He reviewed the findings.

Commissioner Elliott advised that if a proper septic system is put in place it would ease his concerns. He talked about the change of character of the area. Road and Bridge Supervisor Neal Capps talked about the approach to the property and that his concerns have been satisfied. Commissioner Butticci is in favor of 1.5-acre lots instead of 1-acre lots to help with septic concerns. Development Services Director Jennifer Kharrrl advised that the Zoning Commission is asking for a Development Agreement (DA) with conditions and a requirement to meet Road and Bridge requirements. She advised that the lot size and number of lots can be entered into the Development Agreement. The Commissioners request to keep the Zoning Commission recommendation for the water quality & quantity study, the compliance with the Road and Bridge letter and limit the acreage size to 1.5-acres. Commissioner Elliott spoke of concerns with caliche areas. There were no further concerns.

A motion was made by Commissioner Butticci for reconsideration on the Yocham rezone with the conditions given to Development Services and to come back with the DA agreement.

It was seconded by Commissioner Elliott and carried unanimously.

VIKING MINOR SUBDIVISION: While being recorded, Development Services Director Jennifer Kharrl reviewed the Viking Minor Subdivision request. The applicant, Shannon Rice, on property owned by Kenneth R Sharp, has applied for a minor subdivision to create three (3), single family lots on approximately 4.05 +/- acres located in the R-2, Residential Transitional zone. Items that she talked about were the location of the property and a proposed private road. Road and Bridge Supervisor talked about the property lines and that part of the property would be dedicated right-a-way to the county. She advised that it is within the City impact area.

A motion was made by Commissioner Butticci to approve the Viking Minor Subdivision at 2888 Waterwheel Road as presented. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Items that she talked about were Conflict Counsel Attorneys and the requirements from the Public Defense Counsel.

COUNTY SERVER UPGRADES AND OFFSITE BACKUP PRESENTATION: Information Technology Support Specialist Corbin Vickery reviewed the details for server upgrades and an offsite backup for the courthouse and the Sheriff's Department. He talked about the current hardware, the expected changes and estimated costs. Wade Ray from Fix This System advised that this upgrade is critical. There was discussion on funding for this project, possibly using ARPA funding and what we are currently paying.

MANAGEMENT BY FIX THIS SYSTEMS FOR PUBLIC SURPLUS AUCTION: Commissioner Butticci talked about a contract with Fix This System with Wade Ray to manage the online public surplus auction for county items. He advised that the contract would be for \$60.00 an hour. Wade advised that we should already be set up with an account. He advised that he would do the set up and get the items posted, but each department would manage their own items once posted, take all of the pictures of the items and provide the details of the items.

A motion was made by Commissioner Butticci to enter into a contract with Fix This System to manage the Public Surplus action at \$60.00 an hour for 20 hours maximum. It was seconded by Commissioner Elliott and carried unanimously.

COUNTY COMMISSIONER SEAT ON THE VALOR HEALTH HOSPITAL BOARD DISCUSSION: Commissioner Butticci suggested the commissioners

give up their voting seat on the hospital board and instead act as a liaison. Commissioner Elliott stated that he has seen a great improvement in communication since having a voting seat and wouldn't want to revert back from that. The Commissioners agreed that they would like to keep the voting seat, but can revisit this at a later time.

GEM COUNTY RV PARK MAINTENANCE, REPAIR AND POSSIBLE REOPENING:

Commissioner Butticci advised that the Fair Board is offering to do the maintenance at the RV Park if it is reopened. Commissioner Elliott expressed concerns with people not leaving the RV Park when they have exceeded the maximum time allowed. There was discussion on managing who is there and how long people stay. Road and Bridge Supervisor Neal Capps advised that there are trip hazards caused from tree roots that will need to be addressed. He also talked about a possible gate system and an irrigation drain. There was discussion on other options for the RV Park such as moving the Extension Office there, a pavilion for programs and/or a building for elections. There was discussion on another property that the county owns nearby. There is no action at this time. The Commissioner will continue this discussion.

The Board recessed at 5:00 p.m. to 9:00 a.m. on April 12, 2022.

April 12, 2022

ADMINISTRATION TIME: The Commissioners worked on various administration items.

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

ADMINISTRATION TIME: The Commissioners worked on various administration items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on April 18, 2022.

Approved: _____
Chairman

Attest: _____
Clerk