



April 26 & 27, 2021, Emmett, Idaho

Pursuant to a recess taken on April 20, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 26th day of April 2021, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bill Butticci	Commissioner
	Bryan Elliott	Commissioner
	Shelly Tilton	Clerk

Whereupon the following proceedings were had, to-wit:

April 26, 2021

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.

BADGER LAND MINOR SUBDIVISION: This request was presented during last week's meeting; however, it was not listed as an action item on the agenda.

A motion was made by Commissioner Butticci to approve the Badger Land Minor Subdivision as presented. It was seconded by Commissioner Elliott and carried unanimously.

IRON STALLION ESTATES MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the request for the Iron Stallion Estates Minor Subdivision. The applicant, Sawtooth Land Surveying, LLC, on property owned by Emma Weaver, has applied for a minor subdivision to create two (2), single-family lots on approximately 11.89 +/- acres located in the A-2, rural Transitional Agriculture zone. Jennifer discussed access to the property. The existing lot will have access remain off of Highway 52; the new lot will have access off of Little Rock Road. She discussed the Fire District's waiver that has not been submitted in writing; it can be made a condition of approval.

A motion was made by Commissioner Butticci to approve the Iron Stallion Estates Subdivision Minor on the condition that Fire District 1 has their approval on the driveway. It was seconded by Commissioner Elliott with discussion. Commissioner

Elliott discussed septic requirements, he wishes it wasn't buyer beware for buildable lots. He feels a lot, prior to be subdivided, should be shown to be a buildable lot with septic and water being concerns that make it buildable. He said there are several lots in the county now that are not buildable because of lack of the ability to put in a septic system. He knows at the present time it is a buyer beware type of thing but being a government requirement they may be putting their life savings into something they are not able to build on. He understands it would be an ordinance change. He wishes there was something that could be done. Jennifer stated that when plats are recorded they are buildable. Buyer beware would be separate parcels being purchased that Development Services has no involvement in. Jennifer suggested going back to administrative splits for property splits. The motion carried unanimously.

ROSE ADVOCATES UPDATE: Rose Advocates was not able to attend this meeting.

COVID DISCUSSION: Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, county jail vaccination schedule and percentages of county residents that have received vaccinations. Stacy Carr from Valor Health provided trend percentages, urgent care and emergency numbers and vaccinations provided. Percentages and types of tests being given were discussed.

GEM COUNTY LOCAL DISASTER DECLARATION EXTENSION: The Commissioners reviewed the draft extension. Commissioner Butticci stated he is in favor of the extension as the September 30th date would take it into the next school year. He also stated that the emergency operations center is still up and feels the declaration should be in effect while determining how to wind that down. Commissioner Rekow discussed issues continuing with COVID. Commissioner Elliott wondered about the need for a continued declaration, he understands it is mostly for financial reasons. He feels the reasons stated in the declaration don't meet emergency definitions. He discussed the loss of income for citizens as well as the county. He would support the extension for financial needs.

A motion was made by Commissioner Butticci to extend our COVID 19 Emergency Declaration by 153 days to expire on September 30, 2021. It was seconded by Commissioner Elliott and carried unanimously.

CONSENT AGENDA: The consent agenda included: A. Badger Land

Minor Subdivision Findings, Conclusions, Conditions, Order, and B. Operation in Funds Summary 1/1/21- 3/31/21.

A motion was made by Commissioner Elliott to approve items A and B as shown. It was seconded by Commissioner Butticci and carried unanimously.

MINUTES: The minutes from April 12, 2021 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for April 12, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

The minutes from April 19-20, 2021 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for April 19-20, 2021 as amended. It was seconded by Commissioner Butticci and carried unanimously.

INDIGENT HEARING 21-010: At 10:35 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 Butticci, aye and Commissioner Elliott, aye and Commissioner Rekow, aye. Indigent Director Sarah Story was sworn in.

Regular session reconvened at 11:02 a.m.

A motion was made by Commissioner Butticci that on case# 21-010 to uphold the original decision of denial. It was seconded by Commissioner Elliott and carried unanimously.

INDIGENT APPLICATIONS: There were no indigent applications to review.

PUBLIC WALK-IN: Lisa Marie met with the Commissioners to discuss missing children in Idaho. She has run for Congress and Governor for Idaho and Sheriff for Ada County. She discussed the Idaho State Police clearinghouse that lists missing children. She showed the Commissioners the website stating that it is not up to date and her concerns that there are not pictures shown for all of the children. She said she ran for Sheriff because missing children are not being found across Idaho. She believes private money needs to be raised to help with the issue. She said Amber alerts are only done if the predator is seen or the vehicle can be identified. Lisa Marie believes there needs to be investigation into why kids are running away, stating there are parents who don't know what to do until their children are gone. She asked the Commissioners to ask the Sheriff about his funding for finding missing children. She is looking to create a calling center for missing children.

FREE TRASH DAY: Landfill Supervisor Martin Joyce met with the

Commissioners to discuss free trash day. He recommends not continuing with this. He doesn't know of any other counties who do it and he isn't sure they can handle it. He said fees were just raised because funding was short at the landfill. He said it is difficult to have so many people and such a long line of people. He said maybe a free tire day would be something to do. Martin discussed a situation where someone came over from Middleton and didn't want the landfill operators moving trash while he was dumping. Commissioner Elliott discussed why free trash day began, thinking maybe it is helpful in getting things cleaned up. Clerk Tilton mentioned that it may have begun as free tire day because that is how it was listed in the budget years ago. Commissioner Butticci wondered if it helped keep trash out of the draws. It was discussed that with the population having greatly increased as well as so many more people now living near Gem County who come to the landfill to dump makes it very difficult to manage at this point. Martin said he isn't finding much dumped in the cycle park, he said many of the draws (ravene's) are better with Little's having fenced much of it. He hasn't checked the west side of the county recently.

A motion was made by Commissioner Elliott to have a Free Tire Day at the landfill, limit of 8 passenger car or pickup tires per household. It was seconded by Commissioner Butticci and carried unanimously. Martin stated it would be held the first Saturday in June.

LANDFILL VACATION TIME CARRYOVER REQUEST: Landfill Supervisor Martin Joyce requested to carryover his vacation time. He had been working 6 days a week and had a lot of comp time to use. He will use the days by the end of May.

A motion was made by Commissioner Elliott to allow the Landfill Director to carryover vacation time to be used by the end of May. 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 joint city/county meeting tomorrow regarding the Joint Planning Commission, filling of upcoming vacancy for a Deputy Prosecutor, there is no update on the child death case, Century Link account audit, county planning and herd districts.

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

JMH FARMS REZONE AND DEVELOPMENT AGREEMENT PUBLIC HEARING: While being recorded, a public hearing was held for the JMH Farms rezone and development agreement request. Due to social distancing, this meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, property owner Anthony Hafen, Josh Beach from Sawtooth Land Surveying and Gem County residents Mike & Pam Zimmering, Brian Morrow, Gregory Kershul and Amy Simonsen. Those wanting to present were sworn in. The hearing was continued to allow the Commissioners to see the traffic plan. Those items were provided to the Commissioners as well as those who were in attendance at the previous hearing. Nothing new has been submitted. Commissioner Elliott discussed a comment that this was a substandard county road, he wondered if Keller had reviewed the road. He stated this is in an agricultural area. Jennifer discussed the process of adding information to the development agreement. Generally the study would happen before the development agreement after the rezone is approved. Road Supervisor Neal Capps discussed the composition of the road stating it is chip seal upon chip seal. Truck traffic was discussed as Commissioner Elliott wondered what it would do the road structure. Commissioner Rekow asked if Gem Avenue would be one to be considered to go back to gravel road, Neal said with the number of houses and traffic flow that wouldn't be one recommended to go back to gravel. Commissioner Butticci discussed the road structure as shown on the Topographic map that was provided.

Josh Beach with Sawtooth Land Surveying spoke on behalf of the applicant to address roads. He said there is an existing easement that will provide access.

Commissioner Butticci discussed the current 400 trips, it was discussed that a car counter would need to be placed to determine what the number really is.

Commissioner Elliot has grave concerns about building in this area stating it is hard to provide the services that are required.

Brian Morrow spoke about the Comprehensive Plan that says that growth should start at the center and radiate out in an orderly fashion, he said this is way out from the center. He discussed Priority growth area 3. He wondered where the 80% is being met to allow growth in area 3. He said there was a car counter out for 24 hours which he understands is a minimum requirement. He brought in a couple of broken pieces of the road from the area as well as pictures of the road. He said that ITD says it is an acceptable roadway and he feels that just because they say it is doesn't mean it is right. He discussed

the width of the road and the bus stop at the end of the road. With cars parked on both sides of Gem Avenue and Black Canyon it doesn't leave much room. Kids also walk to the bus stop creating a safety hazard. He said Neal Capps had stated at the zoning meeting that if there wasn't funding to maintain the road it would go back to a dirt road. He said it is a paved road now and he would like a guarantee of a safe road out there and said it would require more maintenance if it were a dirt road. He discussed the amount of money collected for the VanDeusen area and wonders why so little has been collected and what those funds will be spent on. He has weed and dust issues. He said the split of the Standley property there would be many houses on this road. He said he isn't against development but it shouldn't be allowed until services are brought to standard conditions. The developer should have to pay to bring services out so they should pay to upgrade the road rather than making everyone pay. It was confirmed it was not an ITD report but rather the traffic study that was done. Neal said traffic studies are generally 7 days to include weekends.

Jennifer discussed credits given that reduce the CIP fee being charged to applicants.

Rick Welch discussed road concerns in the area. He wouldn't be happy to have the road go back to gravel. He said he runs the fire service from his home on the weekends. He said the road is narrow and it would make it dangerous. He would like to see requirements changed from 10 lots requiring paved roads reducing to 4 lots. He said developers should be paying for these roads. His main concern is Gem Avenue.

Commissioner Elliott expressed his thoughts that development should pay for itself

Pam Zimmering said they are starting to farm their property. She said they have maintained their dirt driveway to try to keep dust down. She said it is a family, dead end road. She said the traffic report states there have been no accidents but there was one two months ago. She wondered why the two subdividing properties can't look at creating a road. She feels badly for the neighbors who will have roads on three sides of their property.

Amy Simonson discussed concerns she has with her kids walking and riding horses on the road. She said it would be great to have the roads re-routed somehow so that she doesn't have roads on three sides of her property.

A motion was made by Commissioner Butticci to close the public hearing and bring it back on May 3rd at 1:30 for deliberation and decision. It was seconded by Commissioner Elliott and carried unanimously.

HOSPITAL BOARD INTERVIEW WITH KIRK WILLE: The Commissioners conducted an interview with Kirk Wille for the Hospital Board position.

EXPENSE CLAIMS APPROVAL: The claims presented were reviewed. Commissioner Elliott 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 Butticci and carried unanimously.

LETTER OF INTENT WITH EVERGREEN THE SHOPPES AT EMMETT LLC FOR LEASE OF BUILDING FOR MOTOR VEHICLE DEPARTMENT: Assessor Hollie Ann Strang provided costs for items that will be needed for the new building. Negotiated costs for the lease were reviewed and discussed. Options for covering costs of remodel for the building were discussed. Tahja will work with the representative for the landlord.

ADMINISTRATION TIME: The Commissioners worked on various administrative duties.

The Board recessed at 5:00 p.m. to 8:30 a.m. on March 27, 2021.

April 27, 2021

JOINT CITY/COUNTY MEETING - FUTURE/POTENTIAL DISOLUSSION OF THE JOINT PLANNING COMMISSION: The Commissioners attended a joint meeting with the City of Emmett to discuss the future or potential disolussion of the Joint Planning Commission.

Mayor Petrie discussed the benefit of separating the Joint Planning Commission to allow the city and the county to manage growth more efficiently and effectively in their respective areas.

Commissioner Butticci said the commission has served it's purpose over the years but with the growth he would support dissolving the commission to allow each entity to work separately for the benefit of all.

Councilman Nebeker asked how the impact areas would be affected. It was clarified that applications within the city would be approved by the city and then go to the county.

Commissioner Elliott confirmed this would be controlled by ordinance.

A motion was made by Commissioner Rekow to disband the Joint Planning Commission for the County of Gem and the City of Emmett allowing each respective governmental agency to assume their individual responsibilities for a Planning Commission in their respective jurisdiction and for the legal advisors of each

entity to prepare the necessary documents that will affect such dissolution including the drafting of new ordinances and resolutions to execute the same as soon as possible. It was seconded by Councilman Henderson and carried unanimously.

The Board recessed at 7:00 p.m. to 8:30 a.m. on May 3, 2021.

Approved: _____
Chairman

Attest: _____
Clerk