



May 3, 2021, Emmett, Idaho

Pursuant to a recess taken on April 26, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 3<sup>rd</sup> day of May 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:

May 3, 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.

**FUTURE AGENDA:** The Commissioners talked about adding Tuesdays back in their schedule. The Commissioners agreed to start having meetings on Tuesdays going forward.

**REQUEST FOR PROPOSAL FOR COMPREHENSIVE PLAN BIDS:** Deputy Prosecuting Attorney Tahja Jensen spoke of the Request for Proposal (RFP) for the Comprehensive Plan that was provided to the Commissioners. There was discussion on necessary steps, timelines to complete the process and the scoring criteria for awarding the bid. Tahja updated the RFP with all required timelines listed for the Commissioners to sign.

A motion was made by Commissioner Butticci to move forward with the RFP as presented by the attorney. It was seconded by Commissioner Elliott and carried unanimously.

Tahja clarified the process for the dissolution of the Joint Planning Commission.

**PUBLIC DEFENSE UPDATE:** Public Defender Mark Coontz provided various updates on his office. Items that he discussed were the Public Defense Commission (PDC) report, a new case he was appointed to, how he will track the expenses and a Capital Defense attorney that is helping him but that he may need another. He also talked about facility updates and needed

repairs on his office. He asked for the Commissioners to consider having a Misdemeanor Supervised Probation Officer and Supervising Pretrial Release Services here in Gem County rather than using out of county personnel that service multiple counties. He advised that the Sheriff's Department is in support of this. Mark advised how Boise County is set up for this and that this would be a more personalized and streamlined approach. Deputy Prosecuting Attorney Tahja Jensen talked about the positives for having someone local for those services. Commissioner Elliott would like to see how Boise County is set up and suggested that Mark speak with Gem County Juvenile Probation for possibly taking this on. Mark also spoke of cost and feasibility for moving his office from a contract to an office of the county. He spoke of the desire to offer more stability for his employees, cost and funding from the PDC.

**COVID DISCUSSION:** Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, the recovery rate, percentages of county residents that have received vaccinations, the jail clinic, an Emergency Manager Tactical meetings and items that need to move and be set up at the Annex building. Valor Health Marketing Manager Stacy Carr provided trend percentages, urgent care and emergency numbers. Vaccine Coordinator Travis Whittemore provided the number of vaccines provided to the public, inmates and that they are using Johnson & Johnson. Staci advised that the turnaround time for testing is approximately 2-3 days for the non-rapid tests.

**CONSENT AGENDA:** The consent agenda included: A. Iron Stallion Estates Minor Subdivision Findings, Conditions, Conclusions, Order, B. Appointment of Kirk Wille to the Hospital Board and C. Certificate of residency for Junior College tuition for Zeb Atkinson and Talon Painter.

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

**OLA SCHOOL PRESERVATION BUILDING FEE PERMIT WAIVER:**

Commissioner Butticci spoke of a letter received by Superintendent Woods asking to waive the permit and inspection fees for the Ola School Preservation Building.

A motion was made by Commissioner Butticci to have Gem County waive the building permit and inspection fees for the Ola School preservation building in Ola. It was seconded by Commissioner Elliott and carried unanimously.

**FAIR EMPLOYEE VACATION CARRY OVER REQUEST:** A request was

received from a fair employee asking to carry over 41.5 hours of vacation due to having increased workload with the inability to take time off. They advised that they are scheduled to take some time off in May that will bring their vacation time under the County's allotted carry over amount.

A motion was made by Commissioner Butticci to approve the carry-over of 41.5 hours of vacation for the Fairboard employee. It was seconded by Commissioner Elliott and carried unanimously.

**PUBLIC WALK-IN:** Marty Fry asked about the Comprehensive Plan. Commissioner Rekow advised him that the Comprehensive Plan proposal has been signed and is ready to go out for Request for Proposal (RFP). The Commissioners spoke of the timeline for the completion of the process.

**INDIGENT APPLICATIONS:** At 11:08 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, Commissioner Elliott, aye, and Commissioner Rekow, aye.

18-031	Emergency Medical Application
20-014	Emergency Medical Application
20-015	Emergency Medical Application
21-010	Release of Lien
21-011	Release of Lien

Regular session reconvened at 11:18 a.m.

Commissioner Rekow made a motion that on case 18-031 to approve, on case 20-014 to approve and on case 20-015 to approve. On case 21-010 and 21-011 to sign release of liens. It was seconded by Commissioner Elliott and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke about various Gem County legal matters. Items that were discussed included the Trump Lane mediation, the JMH Farms rezone request, the Juvenile Probation position, the upcoming open position in the Prosecutor's Office, the Impact Fee Ordinance draft, the process involved and the Memorandum of Understanding with the Recreation District.

**ROAD DEPARTMENT UPDATE:** Road and Bridge Supervisor Neal Capps provided updates on various projects they are working on. Items that he discussed were materials, safety meetings, a meeting with Farmers Co-op and land splits. Shop Foreman Steve Posten spoke on equipment repairs. Neal also talked about their budget, expressed concerns of unavailability of products and funding

that he has received. Assistant Director Jason Brown provided updates on his projects, a claw that they are using, job efficiency and road conditions. There was discussion on the Commissioners going on a road tour.

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

**JMH FARMS REZONE PUBLIC HEARING:** While being recorded, a public hearing was held for the JMH Farms. 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, Road and Bridge Supervisor Neal Capps, property owner Anthony Hafen, Josh Beach from Sawtooth Land Surveying and Gem County residents, Brian Morrow and Heidi Baker.

Commissioner Butticci spoke of concerns with the property being surrounded on 3 sides, the Comprehensive Plan, Priority Growth areas concerns and also about a minimal study done on traffic. He expressed concerns of the road being able to handle the truck traffic and that he is not in support of this rezone as written. Commissioner Elliott stated that he has the same concerns and that he also does not support this rezone as presented in the concept plan. Deputy Prosecuting Attorney Tahja Jensen spoke of the 5 findings that need to be addressed. Commissioner Rekow spoke of his concerns on traffic, water, sewer and access. He also spoke of concerns from the Road and Bridge Supervisor Neal Capps on the roads. He stated that breaking it up into 5-acre parcels is not an issue for him. Commissioner Butticci reviewed the 5 findings. He stated that Finding #1 probably does comply depending on interpretation. (The requested amendment complies with the Comprehensive Plan text and Future Land Use Map.). Finding #2 does not comply and would be grounds for denial. (The requested amendment is not materially detrimental to the public health, safety or welfare.). Findings #3 does comply based off of testimony. (The subject property meets the minimal dimensional standards of the proposed zoning district.). Findings #4 does change the area, but it complies. (The uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area.), and Findings #5, due to concerns with traffic and road conditions this does not comply and would be grounds for denial. (The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse

impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.). He stated that items #2 & #5 are grounds for denial.

There was discussion on a Development Agreement. Jennifer Kharrl talked about road access and easements. Commissioner Rekow expressed concerns on the study that they received since there is little depth. Commissioner Elliott spoke of his concerns on item #2 and #5 as well. He believes that the integrity of the land would be changed in regards to item #4. He stated that if another concept plan or if the concerns could be mitigated he could then support the request. There was further discussion on the concerns from the Road and Bridge Department. Commissioner Butticci spoke of a possible different access point. Tahja advised the Commissioner the steps for mitigation with a Development Agreement.

A motion was made by Commissioner Butticci that on the JMH Farms LLC rezone to ask for a project plan from the applicant to address item #2 & item #5, the access point to the land being rezoned and the lot size and to address the welfare of the residents that will be surrounded by the 3 roads and the fact that Gem Avenue is not capable of sustaining truck traffic with the development. It was seconded by Commissioner Elliott and carried unanimously.

(Commissioner Butticci was absent for the remainder of the day.)

**IDAHO STATE POLICE MISSING AND ENDANGERED CHILDREN CLEARING**

**HOUSE DISCUSSION:** Lisa Marie met with the Commissioners to discuss missing and endangered children in Idaho and a conversation she has had with the Idaho State Police. She spoke of the current notification system of missing and run away children and that there needs to be faster more immediate notification to the public. She also spoke of funding for new and older cases. She said she will present at a City Council meeting on May 11th. She spoke of the current case in Gem County and that she wants a missing child alert to be created at the county level. She wants the Governor to have a city meeting at the park to show unity.

**MOTOR VEHICLE STAFFING:** Assessor Hollie Ann Strang advised that they are open to the public 40 hours a week and that they will be moving to 50 hours a week when they move to their new location. She advised that they are still needing to close the office to handle workload. She advised that she is currently working over 40 hours. She spoke of the current process for handling the line. She is asking for a temporary full-time employee to be trained, which would allow a seasoned employee to

answer phones, which is currently not being done, review paperwork at the door and back-end work. Currently the only way to speak to someone in the office is by calling Hollie Ann directly. Clerk Shelly Tilton discussed hiring a part-time temporary employee vs. a permanent employee. Assessor Strang discussed Idaho Transportation Department taking some of the procedures away from them which they don't want because it is funding for the county. Clerk Tilton is in support of the extra employee. Assessor Strang advised that the current temp-employee's last day is the end of May. She would like the new employee to start June 1, 2021. Clerk Tilton spoke of the admin fees and the building fund for paying for this position. Assessor Strang advised that they will be taking back issuance of Parks and Recreation tags with the new employee.

A motion was made by Commissioner Elliott to authorize another full-time position on a temporary basis for the Motor Vehicle department at the base pay for an admin position. It was seconded by Commissioner Rekow 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 spoke of quotes that were received by the landlord for construction and that they are willing to go 50/50 with the county, which would be \$7000.00 for the county. She is hoping for a lease agreement next week to ensure getting the office.

A motion was made by Commissioner Elliott to amend the letter of intent with Evergreen The Shoppes at Emmett LLC to approve the 50/50 offer for the tenant improvements to make the area usable. It was seconded by Commissioner Rekow and carried unanimously.

**FISCAL YEAR 2022 BUDGET PLANNING:** Clerk Shelly Tilton talked about the fiscal year 2022 budget. The Commissioners worked on the Commissioners and General budgets.

**The Board recessed at 3:30 p.m. to 8:30 a.m. on May 10, 2021.**

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

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