



May 24 & 25, 2021, Emmett, Idaho

Pursuant to a recess taken on May 18, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 24<sup>th</sup> day of May 2021, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bryan Elliott	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

May 24, 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 Rekow and carried unanimously.

**SOUTHWEST DISTRICT HEALTH AND WESTERN IDAHO COMMUNITY CRISIS CENTER BUDGET PRESENTATION:**

Those present from Southwest District Health were Claudia Coatney, Mitch Kiestler, Troy Cunningham, Charlene Cariou and Nikki Zogg. Nikki spoke on House Bill 316 which was passed into law and discussed the impact on the Indigent process. She reviewed the fiscal year 2022 budget for Southwest District Health; including a budget increase, county contributions, fee revenues, sub-grants, salaries, employee benefits, operating expenses, capital expenses and trustee and benefit expenses. Other items that she talked about were population & market value, budget funding sources and restricted/committed funds. Claudia advised that in the fall there will be a Behavioral Health Therapist at Carberry Elementary.

**SQUAW CREEK SOIL CONSERVATION DISTRICT UPDATE:**

Those present to present from the Squaw Creek Soil Conservation District were Randy Heffner (Chairman) and Arthur Beal (Secretary). Arthur discussed projects that they are working on with the Department of Environmental Quality (DEQ), funding, the water shed, fire mitigation, the Sage Hen closure and problems with algae.

**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 next drive-thru clinic and the possible need for a booster vaccine. Valor Health Marketing Manager Stacy Carr provided trend percentages and urgent care and emergency numbers. This meeting will continue on a bi-weekly basis.

**CONSENT AGENDA:** The consent agenda included: A. Last Chance Ditch Company relinquishment form to relinquish 65 shares, certificate # (s) 207 of water stock to Last Chance Ditch Company, B. Letter of support to Idaho EMS Bureau Dedicated Grant Fund for purchase of a stair chair, C. Letter of support to Idaho EMS Bureau Dedicated Grant Fund for purchase of a video laryngoscope, D. Letter of commitment to the Idaho Department of Commerce for funding to the Western Alliance Economic Development for Development Services, E. Certificate of residency for Junior College tuition denial for Chelsea Brennan and F. 2021 Idaho State Department of Agriculture Lower Gem Cooperative Weed Management Area Disbursement Agreement State Cost Share funds.

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

**PUBLIC WALK-IN:** There were no attendees.

**INDIGENT APPLICATIONS:** There was no need to go into executive session. Deputy Clerk Sarah Story discussed a lien that needed to be released.

21-003      Release of Lien

Commissioner Rekow made a motion that on case 21-003 to sign the release of lien. It was seconded by Commissioner Elliott and carried unanimously.

**INDIGENT HEARING 21-012:** At 11:15 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 Elliott, aye and Commissioner Rekow, aye. Indigent Director Sarah Story was sworn in.

Regular session reconvened at 11:19 a.m.

A motion was made by Commissioner Elliott that on case# 21-012 to uphold the original decision of denial. It was seconded by Commissioner Rekow 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 MAY 18<sup>TH</sup> ELECTION:** Clerk Shelly Tilton discussed the school bond election. She said she had combining precincts due to anticipated turnout for school district elections in the past; however, the turnout being 45.6% she would likely not combine them for bonds in the future. She discussed access to the polling locations, poll workers and election integrity, challenges with signs and literature that was distributed prior to the election and stated that the counting and balancing went smoothly. She talked about the bond needing a super majority, which it did not get. She also talked about e-poll books that were used at the fairgrounds precinct and early voting.

A motion was made by Commissioner Elliott to accept the canvas for May 18<sup>th</sup> election results as presented. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Rekow to adjourn as a Board of Canvassers and reconvene as a Board of County Commissioners. 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.**

**WALKER BUILDING LLC REZONE PUBLIC HEARING:** While being recorded, a public hearing was held for the Walker Building LLC rezone 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, applicant Brandon Walker and representative for the applicant Robert Pelcher. Commissioner Rekow read the notice of public hearing. 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, Brandon Walker, on property owned by Walker Building LLC, is seeking approval to rezone his property from R-3 Rural Residential (2-acre minimum) to R-2 Residential Transitional (1-acre minimum). The property to be rezoned is 2.25 +/- acres in size, and lies fully within the Priority Growth Area 1 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, 1 letter of opposition, agency letters with no concerns and a letter from the Lateral User's Association.

A motion was made by Commissioner Elliott to enter the packet as described by Jennifer into the record. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer reviewed the rezone request and stated that staff and the Zoning Commission recommend approval. She also talked about 3 water studies that have been completed in close proximity of this area and stated that a water study was not required for this property.

The applicant, Brandon Walker, did not wish to speak. Representative for the applicant, Robert Pelcher, spoke in favor of the rezone. He stated that he does not think that there would be any impact with the rezone in regards to traffic and that they are trying to conform to the neighborhood. There were no others to speak in favor, neutral or against. Road and Bridge Supervisor Neal Capps advised that there were no concerns in regards to the roads and traffic. Commissioner Elliott spoke of concerns with water and previous water studies done in the area. Commissioner Rekow spoke of the impact to roads, water, sewer and septic.

Commissioner Elliot reviewed the findings in Exhibit B. Finding #1 The requested amendment complies with the Comprehensive Plan text and Future Land Use Map. Finding #2 The requested amendment is not materially detrimental to the public health, safety, or welfare. Finding #3 The subject property meets the minimum dimensional standards of the proposed zoning district. Finding #4 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 Finding #5 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 acknowledged that all findings have been met with a note that they still have to comply with Southwest District Health. He also spoke of concerns on water, septic & sewer.

A motion was made by Commissioner Elliott to close the public hearing and go into deliberation. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Rekow stated that the findings in Exhibit B

have met all criteria. Commissioner Elliott agreed.

A motion was made by Commissioner Elliott that for the rezone request on the Brandon Walker Property to approve the rezone to a R-2 Residential Transitional. It was seconded by Commissioner Rekow and carried unanimously.

**COMPREHENSIVE PLAN & ZONING ORDINANCE PRE-PROPOSAL CONFERENCE:**

Development Services Director Jennifer Kharrrl advised that they went out for a Request For Proposal (RFP) for Comprehensive (Comp) Plan and Ordinance updates that will be affected.

Ryan Morgan from Keller Associates introduced himself as being here as a support role. Commissioner Elliott spoke of the Joint Planning Commission that was recently dissolved. He stated that the county has different needs than the city and the concerns with large developments. He stated that they are starting over and the need to get perspective from the residents in the county. He wants development to start at the city and move outward in an orderly fashion. He spoke of the impact study that was completed.

Sheri Freemuth with JUB Engineers spoke of her work with Comp Plans in other counties throughout Idaho, her work history, projects that she has worked on, working on the Comp Plan in Payette County, timelines and public involvement. She also spoke about Advisory Committees.

The Commissioners spoke of the areas in Gem County that are affected. There was discussion on areas in Pearl and Montour and developments by Avimor. Deputy Prosecuting Attorney Tahja Jensen spoke of concerns with water and sewer in the Sweet/Ola area. It was clarified that Emmett is the only incorporated city in Gem County and that they are going to develop their own Comp Plan. There was discussion on impact areas. Ryan advised that the Floodplain maps are currently being updated. Tahja spoke of the challenges with the language with the Priority Growth Areas. There was also discussion on public involvement with the Land Use element. Commissioner Elliott expressed concerns on the timelines and his desire that the Land Use portion be done as soon as possible. Sheri provided options on how the Comp Plan could be updated, in regards to time and cost. She advised that Land Use should serve as the vision for the county, but that there are many other elements to consider. Jennifer spoke on staff reports and the need to look at the entire Comp Plan and that the Comp Plan needs to be a complete re-write. Sheri spoke of how the plans are now written, population projections and land area. Jennifer advised that this proposal was sent out to several places, but she has not heard back from any others.

Ryan spoke about the qualification selection and negotiation process. Commissioner Elliott would like to have

over-communication to the public to keep them updated.

**LEASE AGREEMENT WITH EVERGREEN SHOPPES FOR MOTOR VEHICLE**

**DEPARTMENT:** Deputy Prosecuting Attorney Tahja Jensen provided the lease for the Commissioners to sign which has been reviewed by her. She advised that there were clerical errors that were corrected and that the landlord has signed it.

A motion was made by Commissioner Elliott to sign the lease agreement that was approved last week with Evergreen Shoppes noting the clerical error corrections. It was seconded by Commissioner Rekow and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Items that she discussed were Impact Fees, timelines for notice, revision to the Comprehensive Plan and the Ordinance. She stated that she is waiting for timelines from Galena Consulting.

**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.

**FISCAL YEAR 2022 ROAD DEPARTMENT BUDGET REQUEST HOUSE BILL 308**

**ROAD FUNDING:** Road and Bridge Supervisor Neal Capps met with the Commissioners, Clerk Shelly Tilton and Chief Deputy Clerk Leandra Rountree to discuss his recommendations for use of the funding received due to House Bill 308 as well as his request for his fiscal year 2022 Road and Bridge Budget.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on May 25, 2021.**

**May 25, 2021**

**ADMINISTRATIVE TIME:** The Commissioners worked on various administrative duties.

**KAISER MINOR SUBDIVISION:** Development Services Director Jennifer Kharrl reviewed the application for the Kaiser Minor subdivision request. The applicant, Sawtooth Land Surveying, on property owned by Steven and Marcia Kaiser, has applied for a minor subdivision to create three (3), single-family lots on approximately 5.00 +/- acres located in the R-2, Residential Transitional zone. Items that she talked about were location of the property, a required variance and a letter from the Road and Bridge Department.

A motion was made by Commissioner Elliott that on the Kaiser Minor Subdivision to follow the recommendation from staff and to approve as presented. It was seconded by Commissioner Rekow and carried unanimously.

**ERGON PIGGYBACK PURCHASE FOR CHIP SEAL OIL:** Road and Bridge Supervisor Neal Capps spoke of an extension of the 2021 Nampa Highway District #1 Elusion piggyback from Ergon Asphalt & Emulsions for chip seal oil in the amount of \$350.00 per ton and not to exceed \$230,000.00.

A motion was made by Commissioner Elliott to approve the request from Gem County Road & Bridge for the Ergon Asphalt & Emulsion piggyback contract from Nampa Highway District 1 for \$350.00 ton for Chips seal emulsion material, and not to exceed \$230,000.00. It was seconded by Commissioner Rekow and carried unanimously.

**MINUTES:** The minutes from April 26 & 27, 2021 and May 17 & 18, 2021 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for April 26 & 27, 2021 as amended. It was seconded by Commissioner Rekow and carried unanimously.

A motion was made by Commissioner Elliott to approve the minutes for May 17 & 18, 2021 as presented. It was seconded by Commissioner Rekow and carried unanimously.

**ADMINISTRATIVE TIME:** The Commissioners worked of various administrative duties.

**The Board recessed at 12:00 p.m. to 8:30 a.m. on June 7, 2021.**

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

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