



August 2 & 3, 2021, Emmett, Idaho

Pursuant to a recess taken on July 27, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 2nd day of August 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:

August 2, 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.

ECONOMIC DEVELOPMENT DISCUSSIONS- DEPARTMENT OF COMMERCE WORK

PLAN: Economic Development Coordinator Tina Wilson discussed a work plan which includes projects that she has completed, the number of jobs that have been created and projects that she is currently working on. She also spoke on other potential grants, the guidelines for those grants, a potential trail head and funding. Commissioner Butticci clarified that the trail already existed, but this would enhance it for more usability. Commissioner Elliott expressed concerns on liability. Tina spoke about wording that can go into inter-governmental agreements and signage. Commissioner Rekow spoke of concerns of safety, garbage and access for EMS. Commissioner Elliott talked about his concerns on whether this project benefits the residents of Gem County.

ECONOMIC DEVELOPMENT DISCUSSIONS- BROADBAND:

Economic Development Coordinator Tina Wilson advised that broadband will go into the work plan. Items discussed included a roadmap, fiber, grant funds, internet service providers, conduits, leased space and maintenance. She advised that the county needs to have a plan and the steps that need to be taken. Commissioner Butticci expressed concerns on the county not having the skillset or staffing for this project. She talked about how

different cities have set up this model, the creation of an initial backbone to build off of and the infrastructure on how broadband is put into place. She suggested that the Commissioners meet with internet providers separately to understand what their strategic plans would be. Commissioner Elliott talked about the number of houses in the county and their lot sizes. Tina advised that the most expensive part of the process is to open the ground and build the trench. She also talked about budgeting for this project.

COVID UPDATES: Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, percentages of county residents vaccination rate and said that there were 2 deaths in the county. Valor Health Marketing Manager Staci Carr provided trend percentages, urgent care and emergency room numbers and the number of tests completed. Travis Whittemore from Valor Health talked about the number of positive COVID cases. Valor Health CEO Brad Turpen advised on what test they use and capacity problems at other facilities.

CONSENT AGENDA: The consent agenda included: A. Lamore Minor Subdivision Findings, Conclusions, Conditions, Order, B. Road Mitigation Agreement for gravel extraction special use permit between Gem County and John Swander, C. Certificate of residency for Junior College tuition for Hannah Tooley, D. Operation in Funds summary from 4/1/21- 6/30/21, E. Prosecutor's Office surplus property and F. Ola Highway; Powerline Road to 2nd Fork Road progress report and payment request #16.

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

COUNTY CREDIT CARD FOR INFORMATION TECHNOLOGY PURCHASES: Commissioner Butticci is requesting a county credit card for the Information Technology (IT) department for necessary on-line purchases. He advised that Treasurer Megan Keene has found a card that would work. Clerk Shelly Tilton talked about checks and balances, payment timelines, that the card cannot be used for personal purchases and that receipts are required for every transaction. This will be put on the agenda for next week for approval.

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

INDIGENT APPLICATIONS: There was no need to go into Executive Session. Deputy Clerk Sarah Story requested a provider correction on a previously approved case# 20-015.

20-015 30-Day Medical Emergency

Commissioner Butticci made a motion that on case 20-015 to sign an amended approval. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Prosecuting Attorney Erick Thomson introduced the new attorney Denise Thompson. Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters. Road and Bridge Supervisor Neal Capps talked about a proposed subdivision, road section and easement that the county owns, drainage, the request to add fill dirt, a fence or retaining wall and that the requesting party will provide all materials. Neal's recommendation is to approve the fill. Commissioner Elliott expressed concerns on erosion. Tahja talked about public meetings guidelines.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor Neal Capps provided updates on various projects. Items that he talked about were traffic counts, a Resource Advisory grant that was approved, broadband, chip sealing, striping, a pipe failure, grading, culverts, maintenance, winter maintenance policy, Road Standards and Transportation plan and the budget.

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 continued public hearing was held for the JMH Farms rezone request. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharri, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, applicant Anthony Hafen, Gus Porter from Sawtooth Land Surveying and various members of the public. Commissioner Rekow read the notice of public hearing. Those wanting to present 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.

Development Services Director Jennifer Kharri reviewed the history of the JMH Farms rezone request. She spoke of condition #2, being detrimental to the public health, safety and welfare of the area and condition #5 regarding delivery of public services. Road and Bridge Supervisor Neal Capps talked about a potential solution to the Gem Avenue condition. He talked about

the 7 lots, Capital Improvement (CIP) fees, and proposed 2-inch overlay on Gem Avenue to improve the integrity of the existing roadway. He talked about the cost and funding for that project. Gus Porter with Sawtooth Surveying spoke of the disrepair of the current road and that he does not feel that the request from the applicant should be denied because the county has failed to improve the road. He also talked about the CIP fees that would help with the cost of road maintenance. Commissioner Elliott spoke of the current state of the road. Commissioner Butticci advised that projects are prioritized throughout the county. Gus talked about the newly instated fees and that growth would pay for itself.

Neal talked about how they have maintained it. He talked about priority roads and that general maintenance is all that Gem Avenue will get at this point. He also talked about the CIP fees and advised that Gem Avenue is a chip-sealed road which increases the thickness each time. Jennifer explained the difference between the impact fees and the CIP fees. Commissioner Elliott spoke on how long it would take for the Impact Fees to help for the cost for the road and the increased road traffic this rezone would cause. He also talked about the interpretation of Priority Growth areas. Commissioner Butticci spoke about his concerns for the residence that would be affected on 3 sides.

In favor of the rezone, Jim Standley stated that the road is in no worse condition than any other. He talked about chip sealing and that there are not enough homes to put a lot of money into the road. Anthony Hafen advised that he has not seen much deterioration on the road in the last 18 years and the traffic impact study that was completed. He also spoke of the minimal impact to the neighbors. He spoke of the 3 roads that access that property and how they are used. Commissioner Elliott talked about how this will increase traffic. Alan Spencer advised that the road is in the same condition as it was when he moved in 16 1/2 years ago even with more traffic. He spoke of the growth since he moved in and stated that it would be beneficial to the county to approve the request. Colton Ethington stated that they are in favor for the request. Jim Standley stated that he does not see an issue for the house that will be affected on 3 sides.

There were no parties in neutral that chose to speak. In opposition, Brian Morrow talked about the road conditions, his concerns of deterioration caused by truck traffic and changes to the road. He advised that his house is the one that would be affected on 3 sides and the current dust issues that he has.

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

carried unanimously.

Commissioner Elliott hoped to get more information from the Concept Plan to address their concerns but believes that it can be covered with a Development Agreement. He has concerns of the growth, but would be in favor of the rezone but would like a Development Agreement to address their concerns if there is a subdivision request. Commissioner Butticci agrees with the Development Agreement for dust control and road structure. Commissioner Rekow talked about his concerns on the road structure and it being narrow in some locations. He stated that he does not have any issues with 5-acre parcels. He advised that he was disappointed in having only a 24-hour traffic study. He is in support with a Development Agreement to address his concerns. Jennifer will work on the language for the Development Agreement. She talked about road access and infrastructure that is already in place. Anthony Hafen explained how the neighboring properties were broken up and access to the properties. He talked about a Road Use Agreement that was put in place between 3 property owners which will have to be amended with any new property owners if the Development Agreement is approved. Commissioner Rekow spoke of his concerns of water and sewage.

A motion was made by Commissioner Butticci to move forward with the JMH Farms rezone with a Development Agreement to address items 2 & 5 which will be put together by Development Services Director Jennifer Kharrl with the applicant and brought back to the Commissioners. It was seconded by Commissioner Elliott and carried unanimously.

MINUTES: The minutes from July 19-20 & 26-27, 2021 were reviewed. A motion was made by Commissioner Butticci to approve the minutes for July 26-27, 2021 as presented and to approve the minutes for July 19-20, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

FISCAL YEAR 2022 BUDGET DISCUSSION: The Commissioners and Clerk Shelly Tilton discussed the Fiscal Year 2022 budget.

ARPA FUNDING: The Commissioners and Clerk Shelly Tilton discussed ARPA funding that the county received to aid with COVID related county needs.

The Board recessed at 4:00 p.m. to 8:30 a.m. on August 3, 2021.

August 3, 2021

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

MULEY'S ALCOHOL BEVERAGE LICENSE: While being recorded, Commissioner Rekow reviewed the request for an alcohol Beverage license # 35 for Muley's at Ola LLC doing business as Muley's at Ola at 22001 Sweet-Ola Highway, Ola Idaho 83657. The license is for draft and bottled or can beer not to be consumed on the premises and wine by the drink.

A motion was made by Commissioner Butticci to approve the retail alcohol beverage license for Muley's at Ola LLC, 22001 Sweet-Ola Highway, Ola Idaho 83657 as presented, license #35. It was seconded by Commissioner Elliott and carried unanimously.

HIGHLAND SUBDIVISION EAST 12TH STREET BUILD MATERIAL SLOPE AND FENCE APPROVAL: Adam Little is requesting to add material to build a slope on the county parcel that would not interfere with the road that is on East 12th Street for the Highland Subdivision. He states that would only be for slope addition. Neal advised that a drain would need to be made and explained how that would be done. Commissioner Butticci talked about storm water. Adam talked about how the slopes would be built and stated that it would be seeded.

A motion was made by Commissioner Elliott to allow the Highland Subdivision on East 12th Street to put their build material for a slope as requested. It was seconded by Commissioner Butticci with the addition that they meet the requirements for the storm drain requirements from Gem County Road and Bridge and carried unanimously.

DEVELOPMENT SERVICES- SARA JENN MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Sara Jenn minor subdivision. The applicant, James and Carla Standley, on property they own, has applied for a minor subdivision to create four (4, single-family lots on approximately 20 +/- acres located in the A-2, Rural Transitional Agriculture zone. Items that she talked about were the property location. She advised that most of their conditions have been completed and she talked about the approaches. Road and Bridge Supervisor Neal Capps talked about access and Capital Improvement fees. Jennifer explained that there is 1 substandard lot due to road dedication. She explained that Black Canyon Highway has already been dedicated to the county. Neal advised that this section was given to the county by the state. There is an existing house on lot 3. Other items that were talked about were easements and irrigation.

A motion was made by Commissioner Elliott to approve the Sara Jenn minor subdivision as presented. It was seconded by Commissioner Butticci and carried unanimously.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

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

FLOOD DAMAGE PREVENTION ORDINANCE AMENDMENT: While being recorded, a flood damage prevention ordinance amendment was reviewed. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen and Teena Turner. Commissioner Rekow read the notice of public hearing.

Jennifer reviewed the amendments made to the Flood Damage Prevention Ordinance Title 13. She advised that this amendment is required by FEMA anytime there are new maps adopted. In order for the maps to be effective on August 24, 2021, this has to be adopted. She advised that this draft has been reviewed by FEMA and the state National Flood Insurance (NFIP) Coordinator, and includes their comments. She advised that "flood fringe area" has been deleted, "reference level" was replaced with "lowest floor", zone A1-30 was deleted, on page 18 "W & X" were added from FEMA, page 33 line J information was added on subdivision plats and deleted the section on flood way and added it to the flood way section. She also advised that on page 35 (section 13-5-5 A-2) was deleted and updated from FEMA, page 36 is the language that was relocated, page 37 added specifics for accessory structures. She advised that staff recommends approval of the amendments. Once it is approved it needs to be sent to FEMA and the NFIP Coordinator. Commissioner Butticci would like to see consistent language when referencing "basements" and "lowest level". Jennifer will make all necessary grammatical corrections found. This was done as a clean-up and to ensure that the county is in compliance. Teena Turner asked for clarification on various parts of the Ordinance. Jennifer clarified that the existing flood plain code had the incorrect adoption date which was corrected. She also advised that any plat has to have the base flood elevation data included if it is in the floodplain zone. There were no other questions or concerns.

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

Commissioner Butticci is ready to move forward with what has been presented. Commissioner Elliott agreed. Commissioner Rekow read a letter from FEMA which states requirements to avoid

being suspension by NFIP.

A motion was made by Commissioner Butticci to approve the Ordinance amendment to Title 13 Flood Damage Prevention Ordinance as amended with the specific language to include basements and correct the typo. It was seconded by Commissioner Elliott and carried unanimously.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 9, 2021.

Approved: _____
Chairman

Attest: _____
Clerk