



August 9 & 10, 2021, Emmett, Idaho

Pursuant to a recess taken on August 3, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 9th 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 9, 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.

REQUEST FROM NANCY BRATTON FOR HARDSHIP PERMIT FEE

WAIVER/REDUCTION: Nancy Bratton is requesting a reduction or waiver of fees for a hardship permit to allow her family to stay on her property in a 5th wheel due to the home that they were living in being sold. Commissioner Butticci suggested to break up the fee into payments. Development Services Director Jennifer Kharrl advised what the \$225.00 fee covers. She talked about the difference of a RV permit and a temporary hardship permit. This discussion will be added to the agenda next week for discussion and decision.

BRISCOE HOMESTEAD MINOR SUBDIVISION: Commissioner Rekow has recused himself from this discussion. Development Services Director Jennifer Kharrl reviewed the Briscoe Homestead minor subdivision. The applicant, Sawtooth Land Surveying, on property owned by David Briscoe, has applied for a minor subdivision to create four (4), single-family lots on approximately 10 +/- acres located in the R-2, Residential Transitional zone. This site is designated County Residential Area, Priority Growth Area #3, on the Joint Comprehensive Plan Future Land Use Map. Items that she talked about were surrounding properties and the size of the requested lots. Commissioner Butticci talked about possible challenges with septic on 1-acre lots. Commissioner

Elliott expressed his concerns on wells and the bridge access. Jennifer also talked about irrigation to the properties.

A motion was made by Commissioner Elliott to approve the Briscoe Homestead Minor Subdivision with the requirements listed. It was seconded by Commissioner Butticci and carried unanimously.

SUNSET FARMS MINOR SUBDIVISION: Development Services Director Jennifer Kharrrl reviewed the Sunset Farms minor subdivision. The applicant, Sawtooth Land Surveying, on property owned by Sunset Farms and Event Center Inc., has applied for a minor subdivision to create four (4), single-family lots on approximately 10.16 +/- acres located in the R-2, Residential Transitional zone. Items that she talked about were the location of the property, a previous rezone, access and irrigation. She advised that they met the requirements from the Development Agreement.

A motion was made by Commissioner Elliott to approve the Sunset Farms Minor Subdivision with the requirements listed in the packet. It was seconded by Commissioner Butticci and carried unanimously.

CONSENT AGENDA: The consent agenda included: A. Canyon County Drainage District tax roll levy, B. Gem Drainage District tax roll levy, C. Letha Sewer District request for delinquent accounts to be added to the tax rolls, D. Fiscal Year 2022 Public Defense Financial Assistance agreement, E. Certificate of Residency for Junior College tuition for Tanner Stallions, Rosa Mendez and Tucker Nitzel, F. Guthrie Rezone Findings, Conclusions, Conditions, Order, G. Gem County Ordinance 2021-Guthrie rezone, H. Guthrie rezone Development Agreement, I. Northend Ranch Minor Subdivision Findings, Conclusions, Conditions, Order, J. Community Rating System, K. 4Sight Security courthouse camera estimate and L. Payroll claims approval 8/6/2021.

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

MINUTES: There were no minutes to review.

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.

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

attendance.

DEPARTMENT HEADS: The Commissioners met with various department heads. Commissioner Rekow talked about the upcoming budget hearing and COVID concerns. Commissioner Butticci advised that the supervisor position is still open at Noxious Weed. Rebecca Mills from the Extension Office provided updates on the fair and other projects they are working on with the public. Juvenile Probation Supervisor Shannon Carter talked about a part-time secretary, workload, the diversion program, community service and access to their office. There was discussion on the homeless in the county. Landfill Supervisor Martin Joyce talked about flat tires and clean up at Freezeout Hill monument. Road and Bridge Supervisor Neal Capps talked about chip sealing, striping paint, salt shortage and office maintenance. Grounds and Maintenance Supervisor Chuck Shambaugh talked about various projects that they are working on. Information Technology (IT) Support Specialist Corbin Vickery talked about cameras and panic buttons for the new Motor Vehicles office.

The Commissioners recessed at 12:05 p.m. for lunch to reconvene at 1:30 p.m.

INDIGENT APPLICATIONS: At 1:31 p.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.

20-022	Emergency Medical Application
21-015	Release of Lien
21-016	Release of Lien

Regular session reconvened at 1:34 p.m.

Commissioner Butticci made a motion that on case 20-022 to deny because the applicant is not medically indigent, the county is not the last resource, applicant failed to appear for interview and applicant failed to cooperate with the county. On case 21-015 and 21-016 to sign release of liens. 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 COVID in the workplace, the new Motor Vehicle office, the Prosecuting Attorney's office and the jail phone system.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 10, 2021.

August 10, 2021

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

TRUMP LANE APPEAL/MEDIATION DISCUSSION: While being recorded, the Commissioners discussed the Trump Lane appeal/mediation. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Prosecuting Attorney Erick Thomson, Alma Willhite, Tera Jones, Anthony Jones, Attorney Susan Mamura, Karen Headley and Attorney Cherese McClain. Commissioner Rekow read the notice of public hearing.

There were no indications of conflict from Commissioner Rekow or Commissioner Elliott. Commissioner Butticci has recused himself due to conflict with both parties.

Development Services Director Jennifer Kharrrl requested that the Board add the packet of information into the record which is a binder for the appeal which includes the private road application, the appeal to the Zoning Commission, the Zoning Commission packet, a verbatim transcript of the Zoning Commission hearing, the Zoning Commission denial of the appeal, appeal application to the Board, the mediation agreement and a letter from Karen Headley.

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

Jennifer reviewed the timeline and process that had been followed for the Trump Lane naming, appeal and mediation. She advised that the mediation agreement has been submitted for the Boards review.

No one chose to spoke for the appellant.

Attorney Susan Mamura who is representing the Headley's advised that she did not dispute the timeliness of the filing. She advised that her client was not a participant in the 2nd mediation meeting; therefore, the decision was not unanimous. She spoke of the steps that her clients followed in order to purchase and properly place the sign. She advised that the Headley's have made significant improvements to the road and that they did submit 3 names, Trump Lane being the first choice which was approved by Development Services. She advised that there are 16 streets in Gem County that have former president names. She recommends denial of the appeal filed. She states that the decision made should follow the current county policies

and procedures. She advised that mail is being delivered and is recognized by the United States Postal Service and that there have been no indication of crime or vandalism on Trump Lane.

Prosecuting Attorney Erick Thomson provided the options for the Commissioners. He advised that they can remand this decision back to the administrator, uphold the administrator's decision or amend or alter the administrator's decision.

Attorney Cheresse McClain, representing the appellant, advised that she has not had an active role in the appeal, but has spoken to the appellants. She talked about 3 names that were submitted and that the appellants ask that the Commissioners consider one of the other names provided.

Commissioner Elliott spoke of the difficulty of this decision and that the county is planning on changing the Road Naming Ordinance for the future; however, the current ordinance is in place and the name was approved. Since everything was followed according to the current Ordinance, he is in approval of upholding the original decision. Commissioner Rekow hoped that this could have been resolved in mediation, but he agrees that the administrator followed the procedures that are outlined. He is in support to uphold the administrator's decision.

A motion was made by Commissioner Elliott to uphold the administrator's decision that has followed the exact points of the ordinance. It was seconded by Commissioner Rekow and carried unanimously. Commissioner Elliott also requested to add direction to staff to prepare a written Findings, Facts and Conclusions of Law consistent with the Commissioners decision. It was seconded by Commissioner Rekow 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.

ADMINISTRATIVE TIME: The Commissioners worked on various administrative items.

The Board recessed at 5:00 p.m. to 8:30 a.m. on August 16, 2021.

Approved: _____
Chairman

Attest: _____

Commissioner Minutes 8-09 & 10-21

Clerk