



October 4 & 5, 2021, Emmett, Idaho

Pursuant to a recess taken on September 21, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 4th day of October 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:

October 4, 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 Rekow and carried unanimously.

PUBLIC HEARING TO ESTABLISH FEES FOR EVENTS HELD AT THE GEM COUNTY ISLAND: While being recorded a public hearing was held to establish fees for events held at the Gem County Island. Those present were Clerk Shelly Tilton and Deputy Prosecuting Attorney Tahja Jensen. There were no members of the public present. Commissioner Rekow read the notice of public hearing.

The Commissioners reviewed the packet presented with the set fees and were satisfied with them. Deputy Prosecuting Attorney Tahja Jensen spoke on some concerns from the Recreation District. The Commissioners hoped that a representative from the Rec District would be at the public hearing, but they were not.

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

A motion was made by Commissioner Butticci to move forward with Gem County Resolution 2021-16 for the Island fees for events as presented. It was seconded by Commissioner Elliott and carried unanimously.

MEET NEW ADMINISTRATIVE DISTRICT JUDGE, JUDGE VANDERVELDE: Judge Vandervelde, who is the new Administrative District Judge and Trial Coordinator Administrator (TCA) Jamie Robb introduced themselves to the Commissioners. Clerk Shelly Tilton asked about

retention requirement for scanned files. Jamie will research this and get back in touch with Shelly.

COVID: Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, percentages of county residents' vaccination rate and the current capacity at Potter Funeral Chapel. She talked about a new medication that fights the virus, that Valor has been approved for Nation Guard members to help and funding from the state. Valor Health Marketing Manager Staci Carr provided trend percentages, urgent care and emergency room numbers and the number of tests completed.

CONSENT AGENDA: The consent agenda included: A. CISA Cyber Hygiene scanning of county system- Department of Homeland Security Cybersecurity and Infrastructure security agency and Gem County, B. Surplus equipment for Motor Vehicle department, C. Certificate of residency for Junior College tuition for Michelle Karle, John Lindsay and Theresa Campbell, D. Keller Associates report and pay request #18 for Ola Highway Powerline to 2nd Fork Road, E. Idaho Office of Emergency Management 2021 subrecipient agreement for Gem County for 2021 Emergency Management performance grant, F. Ratification of Idaho Office of Emergency Management 2019 grant adjustment notice for Gem County 2019 Emergency Management performance grant signed 9/28/21, G. State of Idaho Department of Health and Welfare subgrant for stair chair and video laryngoscope for Emergency Medical Services (EMS), H. Elk View Estates plat and I. Elk View Estates Capital Improvement Plan and Road Mitigation Agreement.

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

DAY AFTER THANKSGIVING AND CHRISTMAS CLOSURES: There was discussion on a Christmas party, a potluck or possible chamber bucks for county employees. The Commissioners support the closure for the day after Thanksgiving. They will have further discussion on Christmas.

A motion was made by Commissioner Butticci to have the day after Thanksgiving off for county employees. It was seconded by Commissioner Elliott and carried unanimously.

MINUTES: The minutes for September 20 & 21, 2021 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for September 20 & 21, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

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

INDIGENT APPLICATIONS: At 11:02 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.

21-025	Cremation
21-026	Notice of Lien
21-027	Notice of Lien
22-001	Notice of Lien

Regular session reconvened at 11:04 a.m.

A motion was made by Commission Rekow to approve case 21-025 and on cases 21-026, 21-0237 & 22-001 to sign notices of liens. It was seconded by Commissioner Butticci and carried unanimously.

EXECUTIVE SESSION IDAHO CODE 74-206 (1) (a) TO CONSIDER A

CONTRACT FOR PUBLIC DEFENSE CONFLICT COUNSEL: At 11:07 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(a) for matters regarding contract consideration with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye and Commissioner Rekow, aye.

Regular session reconvened at 11:17 a.m.

PROFESSIONAL SERVICES CONTRACT AS CONFLICT COUNSEL FOR INDIGENT PERSONS WITH DONNA M. CASE/CASE LEGAL COUNSEL PLLC:

A motion was made by Commissioner Butticci that the Public Defenders office move forward with Donna M. Case as conflict attorney for child protection cases. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY MATTERS: At 11:23 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Elliott and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for matters regarding personnel with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye and Commissioner Rekow, aye.

Regular session reconvened at 11:36 a.m.

Deputy Prosecuting Attorney Tahja Jensen spoke on various legal matters. Items that she talked about were Human Resources and a Memorandum of Understanding (MOU) with the Extension office.

GEM COUNTY FAIR BOARD GRANDSTANDS CANOPY BID PACKET AND

SPECIFICATIONS: Deputy Prosecuting Attorney Tahja Jensen spoke on the bid packet for the Gem County Fair Board. There was discussion on the recommendations from Keller. Tahja recommends a sealed bid. Commissioner Butticci stated that an engineering specification is needed. Tahja will update the bid packet for the Commissioners to approve.

A motion was made by Commissioner Elliott to make the amendments to the packet that were provided to include notification of contract documents including timeframes and liquidated damages. It was seconded by Commissioner Butticci and carried unanimously

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

Commissioner Elliott was absent for this meeting.

KAUTEN REZONE PUBLIC HEARING: While being recorded, the Commissioners discussed the Kauten rezone request. 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 applicant John Kauten Sr. Commissioner Rekow read the notice of public hearing. Those wanting to testify 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 Kharrl asked to add the packet of information into the record which includes the application, the staff report, the Zoning Commission recommendation, the draft Zoning Commission minutes, impacts letters and a letter of concern.

A motion was made by Commissioner Butticci to enter the packet into the record. It was seconded by Commissioner Rekow and carried unanimously.

Jennifer reviewed the rezone request. The property owners, John J. & Charlotte R. Kauten, are requesting a rezone of their property located at 3901 Wills Road. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-3, Rural Residential (2-acre minimum lot size). The application states the reason for the request is to use the property for residential purposes which would require a minor subdivision. The property proposed to be rezoned is 8.84 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. Items that she talked about were out-buildings and a substandard access.

Applicant, John Kauten Sr., advised that they have completed all the steps required and he widened the easement and another access from the canal. He advised that he can still widen it more if necessary. He states that they are not planning on building. There were no others in attendance to present.

Commissioner Butticci does not have an issue with this rezone as it currently sits. Jennifer advised that the property cannot be sold until they go through the subdivision process with an easement in place.

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

Commissioner Butticci is in favor of the Zoning Commissions decision. Commissioner Rekow is in favor as well.

A motion was made by Commissioner Butticci that the rezone request by John and Charlotte Kauten, rezone #21-007 at 3109 Wills Road, to approve and to accept the findings and facts from the Zoning Commission and conditions in Exhibit B as presented. It was seconded by Commissioner Rekow and carried unanimously.

Commissioner Elliott rejoined the meeting.

LOWER BLUFF ESTATES PRELIMINARY PLAT PUBLIC HEARING: While being recorded, the Commissioners discussed the Lower Bluff Estates preliminary plat. 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, Kevin Borah from Sawtooth Land Surveying and residents Teena Turner and Glenda Kaulmann. Commissioner Rekow read the notice of public hearing. Those wanting to testify 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 asked to add the packet of information into the record which includes the application, the staff report, the Zoning Commission recommendation, the draft Zoning Commission minutes, impact agency letters and 6 letters of opposition.

A motion was made by Commissioner Elliott to enter the packet into the record. It was seconded by Commissioner Butticci and carried unanimously.

Jennifer reviewed the preliminary plat. The applicant,

Sawtooth Land Surveying, LLC, has applied for a Standard Subdivision Permit application (referred to as "Preliminary Plat") to construct a single-family residential development on approximately 16.184 +/- acres on the east side of Lower Bluff Road. There are no existing structures on site. The preliminary plat application proposes ten (10) buildable lots. The average building lot size is 1.62 acres. The property is zoned R-2 Residential Transitional. Items that she talked about were a rezone that was approved in 2020 with a Development Agreement and the studies that were completed. She also talked about a waiver for a secondary access. Commissioner Elliott spoke of concerns from residents with irrigation water and drainage. Jennifer advised that there was a proposed condition of approval for irrigation maintenance for the properties off-site.

Kevin Borah from Sawtooth Land Surveying advised that they had fulfilled the obligation from Planning & Zoning and would like approval. There were no others that wished to speak in favor. In neutral, Glenda Kaulmann expressed concerns of piping, drainage and irrigation. There were no others that were neutral that wished to speak. There were no members of the public in opposition that wished to speak. There were no concerns from the Road and Bridge Department.

Jennifer talked about an irrigation plan that is being worked on with an engineer, the proposed conditions, a 25-ft easement and a lateral for the new development. She also talked about the location of the irrigation ditch and that half of the ditch is on the developers land. Commissioner Butticci expressed concerns of who would be responsible for cleaning the ditches. Commissioner Butticci would like to add a condition to tile the ditch. Commissioner Elliott expressed concerns with drainage. There was discussion on a borrow ditch and ditch maintenance. Road and Bridge Supervisor Neal Capps was sworn in due to being late to the hearing.

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

A motion was made by Commissioner Butticci for the preliminary plat for the Lower Bluff Estates #2 subdivision to approve under the conditions that they have the Fire District letter of approval for the access road and to add to Exhibit B condition #12 that the irrigation drains and the water delivery laterals, which letters reflective to the Hollywood lateral with concerns that all irrigation drains and water delivery laterals, be engineered to meet the needs of the irrigation companies. Also note that there were several letters of concerns from the public on the irrigation systems and water delivery, especially the Hollywood lateral. It was seconded by Commissioner Elliott

and carried unanimously.

REPLACEMENT OF DAMAGED AMBULANCE: Fire Chief Rick Welch advised that the insurance has totaled the ambulance. They will be issuing a check for \$150,000.00 to put toward a new ambulance. He advised that they are having trouble getting a chassis. He found a Horton demo for \$185,000.00 which includes an extended warranty which would meet their needs. The cot and loader that were in the ambulance involved in the accident were certified and will be taken out of the ambulance to be reused. He advised that he would need approximately \$37k-\$38k from the cash reserve funds from the county in order to purchase it and other items that they would need to purchase to make it usable.

A motion was made by Commissioner Butticci to move forward with the 2017 Horton ambulance in the amount of \$185,000.00 with \$150,000.00 coming from the insurance and \$38,000.00 coming from the reserve funds. It was seconded by Commissioner Elliott and carried unanimously.

ARPA FUNDING FOR TRANSPORT VAN: Fire Chief Rick Welch talked about the need for a transport van. He reviewed the details of vans that are available and their costs. In order to get one built that would meet their needs, it would be approximately \$245,000.00. He is asking for authorization for ARPA funding to order a van in the amount of \$245,000.00, which is for the van and equipment. He advised that they could order the van now and the equipment at a later date. The maximum cost for the van is \$125,000.00.

A motion was made by Commissioner Elliott to approve ARPA funding for a transport van and designated or necessary equipment and to not exceed \$245,000.00. It was seconded by Commissioner Butticci and carried unanimously.

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

October 5, 2021

ADMINISTRATION TIME: The Commissioners worked on various administration items.

TOUR OF PRESBYTERIAN CHURCH PROPERTY: The Commissioners went on a tour of the Presbyterian Church.

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

CYBERSECURITY PRESENTATION FROM DATATEL: Ivan Paynter with

Intelisys provided a presentation on cybersecurity. Items that he talked about were different kinds of cyber-attacks that are happening, cyber defense, firewalls, virtual private networks, email gateways and network security. He recommends all organizations should have a Security Information & Event Management system. He also talked about security assessments, penetration tests, behavioral analytics, artificial intelligence, disaster recovery, human firewalls, endpoint detection & response, application security and compliances. He states that someone should be watching the network 24/7, whether it be in-house or a 3rd party. He recommends to have a security assessment and penetration test to see where the network is weak and that a penetration test should be done at least once a year.

COUNTY BROADBAND DISCUSSION: Tina Wilson with Western Alliance met with the Commissioners to discuss broadband in the county. She stated that she has concerns of doing a google survey. She talked about the city and county Comprehensive Plans and the state plans and identifying the unserved & under-served communities with a mapping tool. The mapping tool identifies the accurate speed for the unserved & under-served locations. There was discussion on having the rural locations log into the mapping tool and how to communicate that request to the public. They also talked about the school networks and grants. Commissioner Butticci would like to have the survey done through the mapping tool. Tina talked about the locations of current provider fiber lines.

SUBSTATION ROAD SEWER AND WATER PROJECT: Road and Bridge Supervisor Neal Capps talked about a future water/sewer line on Substation. Clint Seamons, the Public Works Director at the City of Emmett talked about the existing septic at the USDA building and trying to connect it to city utilities. He is asking the Commissioners if they are interested in moving forward with this project. Neal talked about an easement agreement for the county and city to sign if they progressed with this project. Clint explained where the water/sewer would go and that it would have to be pumped to the USDA building due to gravity flow issues. He advised that TO Engineers are the designers of this plan. Neal explained the footprint effects of having the easement. The project is expected to start in the spring. There were no objections from the Commissioners on moving forward with this project.

ASPHALT SUPPLY AND BID DISCUSSION: Road and Bridge Supervisor Neal Capps advised that Thuesen Construction is no longer making asphalt and they were the winners of the bid. Neal recommends

going to the next lowest bidder.

A motion was made by Commissioner Elliott to go with option #2 as provided by Neal and to go with the next lowest vendor if possible. It was seconded by Commissioner Butticci and carried unanimously.

ROAD DEPARTMENT UPDATE: Road and Bridge Supervisor Neal Capps, Jason Brown and Steve Poston from the Road and Bridge department provided updates on various projects that they are working on. Items that they talked about were chip sealing, sand, salt, irrigation at the Island, drainage, winter preparations, machine maintenance, grading and a crusher. Neal advised that they have an open position. He also talked about a safety manual, surplus list and a possible pay-off of a tractor which would save interest costs and grant funding.

The Board recessed at 5:00 p.m. to 8:30 a.m. on October 12, 2021.

Approved: _____
Chairman

Attest: _____
Clerk