



October 12, 2021, Emmett, Idaho

Pursuant to a recess taken on October 5, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 12th 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 12, 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.

INDIGENT APPLICATIONS: There was no need to go into executive session. Deputy Clerk Sarah Story asked to sign a notice of lien for case# 22-002.

22-002 Notice of Lien

A motion was made by Commission Rekow to sign the notice of lien on case# 22-002. It was seconded by Commissioner Elliott and carried unanimously.

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various legal matters.

ADMINISTRATIVE FEE FOR INTERGOVERNMENTAL AGREEMENTS FOR IMPACT FEES: Clerk Shelly Tilton provided information on the administrative process and who is responsible for each step. She believes that it should be at least \$15.00 for the administrative fees. Development Services Director Jennifer Kharrl believes that \$15-\$20 would be reasonable. She advised that she is not currently set up for invoicing. Clerk Tilton will provide her a template. The highest number that Deputy Prosecuting Attorney found in researching other counties was \$15-\$16, but the impact fees for Gem County are higher than

these other counties. The Commissioners are in support of \$16.00. Deputy Prosecuting Attorney Tahja Jensen advised that this is contractual and can be reviewed every year if necessary.

A motion was made by Commissioner Elliott that for the Intergovernmental Agreement a fee for \$16.00 be placed per permit. Commissioner Butticci clarified that this is for Middleton Rural Fire District and Fire District #1. It was seconded by Commissioner Rekow and carried unanimously.

CONSENT AGENDA: The consent agenda included: A. Computer Arts master agreement for software and hardware support, B. Dobie Minor Subdivision Findings, Conclusion, Conditions, Order and C. Payroll claims approval 10/7/21.

A motion was made by Commissioner Elliott to approve items A-C as presented. It was seconded by Commissioner Butticci 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 present.

DEPARTMENT HEADS: The Commissioners met with various department heads. They talked about the Chamber Bucks for Christmas gifts for the employees, the day after Thanksgiving, the new Motor Vehicle building, the need for additional space, the opioid settlement, open positions, the Gem County Comprehensive Plan and COVID precautions

Landfill Supervisor Martin Joyce spoke of a new scale system they are implementing. Road and Bridge Supervisor Neal Capps talked about sanders, salt, a tractor and various projects they are working on. Juvenile Probation Supervisor Shannon Carter talked about case workload, a new employee and end of the year reports.

ROAD DEPARTMENT TIGER MOWER PURCHASE: Road and Bridge Supervisor Neal Capps talked about purchasing a tractor. He advised that \$8600.00 was not budgeted for. He would like to purchase the Tiger tractor with 308 money in the amount of \$154,000.00 and the remainder to come out of the Capital Heavy Equipment fund in the amount of \$26,662.80. The item would be paid in full.

A motion was made by Commissioner Elliott to approve as

described by Neal the usage of the 308 money with a total of \$154,000.00 and the remainder to come out of Capital Heavy Equipment fund in the amount of \$26,662.80 for a pay-off on the Tiger Mower. It was seconded by Commissioner Rekow and carried unanimously.

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

HUMMINGBIRD RANCH SPECIAL USE PERMIT APPEAL PUBLIC HEARING:

While being recorded, the Commissioners reviewed the Hummingbird Ranch special use permit 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, applicants Jeanine & Ben Bowman, family members Michael & Cassandra Yerby. Also attending are the appellants Jennifer & Chris Annin, their representative Shawn Logan and interested party Glenn Haferty. Commissioner Rekow read the notice of public hearing.

Attorney Shawn Logan, representing the appellant, talked about the special event permit that was applied for. He spoke of procedural problems, such as the zoning commission not addressing some of the issues that were presented to them, the notice dates for comments and that residents that were opposed to the application should have been heard at the second hearing. He believes that there should have been consideration given to the complaints of vulgar music, parties in their backyard, the types of parties/events on the property lighting and noise. He believes that if this goes forward there should be some restrictions on noise and vulgar language. He also talked about concerns with traffic on Idaho Avenue and lights.

Applicant Jeanine Bowman talked of the process that she has gone through. She advised that people were able to talk when comments were not supposed to be allowed at the hearing. She stated that they previously used the site for a family motorcycle track. She talked about the changes that she made to address the neighbors' concerns. She spoke of the traffic concerns and that the residents have other options. She also spoke of heightening the berms and insulating the building for noise. She advised that they never received any complaints when they used the land for motorcycle riding. She advised that she has not built the building yet and that with the current restrictions from the Zoning Commission that they could be compliant. There was no rebuttal from the appellant.

Commissioner Elliott expressed how difficult this decision is. He spoke on special use permits and how they are enforced, concerns with non-compliance of the requirement, the current

Nuisance Ordinance and decibel requirements. He is in favor of people being able to enjoy their property as long as it doesn't put a burden on the surrounding properties. He is not against the event center, but has concerns that the requirements would be followed. Commissioner Butticci talked about the requirement restraints, a yearly review with the possibility of the permit being revoked, traffic and noise. Development Services Director Jennifer Kharrrl advised that the first Zoning Commission meeting was closed and then it was brought back as an open meeting for the public to speak. Deputy Prosecuting Attorney Tahja Jensen clarified that the chat feature on Zoom was not captured during the Zoning Commission hearing and that there was chatting going on between those opposed, but those comments were not part of the record. Commissioner Butticci would like to bring this back next week for decision. Jennifer advised that if they over-ruled, they would have to prove there was an error in the findings. Commissioner Butticci has questions regarding procedural errors. Commissioner Rekow advised that he is an advocate for property rights but also understands the concerns of those opposed. He spoke of speeding traffic, the narrow road, the concerns of the neighbors, noise, dust and lights. Commissioner Elliott spoke on the current Ordinance and that the Zoning Commission did their job with their requirements and proposed uses. He has concerns if the proposed uses would be adhered to. Being able to utilize the proposed property, he believes the Zoning Commission completed their job appropriately with the current guidelines.

A motion was made by Commissioner Butticci to continue this until next week to verify the procedural part, which is believed to be correct, and to come back for a decision. It was seconded by Commissioner Elliott and carried unanimously.

VISIT TO NEW MOTOR VEHICLE BUILDING: The Commissioners visited the new Motor Vehicle building.

KICKOFF OF GEM COUNTY COMPREHENSIVE PLAN UPDATE: While being recorded, the Commissioners met to discuss the Gem County Comprehensive (Comp) plan. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Logan Simpson Project Manager Miriam McGilvray, Dan Eichelberger, Deborah Jones and Justin Vickery from the Zoning Commission and various members of the public.

Logan Simpson Project Manager Miriam McGilvray provided updates on the Gem County Comprehensive (Comp) Plan. She talked about the project overview and that it is a 20-year vision. She

reviewed the phases of the plan. She advised that the project is hoping to be completed in July 2022. Zoning Commission Justin Vickery spoke of concerns on how personal property right will be handled. Miriam advised that they will be transparent with the public. She also talked about a steering committee, public events and that there will be many ways for the public to share ideas. There was discussion on project expectations such as engagement with the community, balance with the finished project, transparency, involvement from the non-special interest community, a clear road map & historical component on how we got there, projection accuracy, a good communication plan, having a current plan and making people feel that their voice matters. There was also discussion on how to make the plan useful. Items that they talked about were streamlining the plan, making the Comp Plan a compass and the importance of highlighting other chapters in addition to the Land Use chapter. There was discussion on the current issues in the county. Items that they talked about were the infrastructure, land use matters, the need for tools for the Commissioners to help slow the growth, cumulative growth, septic, water, irrigation, minor subdivisions, industrial land, interfacing with the city and unincorporated communities. There was also discussion on the long-term vision for Gem County. Items that were talked about were wanting to keep it an agricultural community, concerns with over building of houses, making it a sustainable place to live, having a well thought out growth plan, protecting lifestyles & history. They also talked about quality of life, business growth and keeping the community family oriented. Miriam also talked about the next steps which are an internal plan audit, existing conditions analysis, Public Kickoff event and an online questionnaire.

The Board recessed at 5:40 p.m. to 8:30 a.m. on October 18, 2021.

Approved: _____
Chairman

Attest: _____
Clerk