



October 18 & 19, 2021, Emmett, Idaho

Pursuant to a recess taken on October 12, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 18th 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 18, 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 were no applications to review.

REVIEW OF POTENTIAL WAGE DOLLAR AMOUNT FOR INDIGENT CASES: Deputy Clerk Sarah Story explained how potential earned income is calculated on Indigent cases when there is an able bodied adult in the household that has chosen not to work. It is currently calculated at \$7.25 per hour for 40 hours a week. She also advised that if there were small aged children that would need daycare, that was taken into consideration when calculating expenses. She is asking to increase the wage amount to \$10.00 an hour for 40 hours a week to reflect a more reasonable wage expectation for jobs in Gem County. The Commissioners would like to have Sarah contact local service businesses to confirm what their starting wages are to determine the rate the county will use.

CONSENT AGENDA: The consent agenda included: A. State Insurance Fund Idaho Workers Compensation alcohol and drug-free workplace premium credit annual certification, B. Agreement for pathology services between Gem County and Ada County, C. Idaho Counties Risk Management Program Joint Powers Subscriber Agreement, D. Lower Bluff Estates No. 2 Preliminary Plat Findings, Conditions, Conclusions, Order, E. Kauten Rezone Findings, Conditions,

Conclusions, Order, F. Gem County Ordinance 2021-12 Kauten Rezone and G. Wolf Ridge Estates Plat.

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

ARPA FUNDING REQUESTS: Emmett Valley Friendship Coalition (local food pantry) provided a letter with their request for a grant from ARPA funding. Clerk Shelly Tilton talked about the community members the food pantry serves and advised that they did not ask for a specific number. She stated that \$10k may be a good starting point. Commissioner Rekow is in support of funding for their organization. There was discussion on other organizations in the county that may benefit from these funds. The Commissioners would like to give \$10k to the Friendship Coalition and \$10k to the Senior Center with a possible review for next year. Clerk Tilton will try and get a request from the Senior Center in writing.

A motion was made by Commissioner Butticci to approve ARPA funding for the Emmett Valley Friendship Coalition in the amount of \$10,000.00. It was seconded by Commissioner Elliott and carried unanimously.

COVID: Emergency Operations Manager Laurie Boston provided updates on the current weekly COVID numbers, percentages of county residents' vaccination rate and booster shots. Valor Health Marketing Manager Staci Carr provided trend percentages, urgent care and emergency room numbers and the number of tests completed. She spoke of bed availability at Valor.

GEM COUNTY SPORTS COMPLEX MEMORANDUM OF UNDERSTANDING (MOU) WITH EMMETT LITTLE LEAGUE: There was discussion on the Mass Gathering Ordinance and power at the snack shack. Building and Grounds Supervisor Chuck Shambaugh talked about maintenance on the ball fields. Deputy Prosecuting Attorney Tahja Jensen spoke of changes made on the MOU. This will be on the agenda for next week for discussion and approval of changes to be made on the MOU.

REQUEST FOR BID FOR FAIRGROUNDS GRANDSTAND CANOPY BID PACKET: There was discussion on the specifications and descriptions of the grandstands. Deputy Prosecuting Attorney Tahja Jensen advised that all descriptions and specs came directly from Keller. The Commissioners spoke on the height description and paint requirements. The Commissioners are ready for it to be published.

A motion was made by Commissioner Elliott to approve the

bid package as submitted and prepared for the RFP for the fairgrounds metal grandstand canopy bid packet 10.2021. It was seconded by Commissioner Rekow and carried unanimously.

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

PROSECUTING ATTORNEY MATTERS: Deputy Prosecuting Attorney Tahja Jensen spoke on various legal matters. Items that she talked about were compression brakes, code provisions and truck routes.

HUMAN RESOURCES UPDATE: Chief Deputy Clerk Leandra Rountree talked about some changes to Human Resources. Items that she talked about were open positions in the county, FMLA, military leave, Workman's Compensation, insurance claims and new hire rates and terminations.

At 11:18 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)(b) 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 11:35 a.m.

Leandra also spoke of flu shots and an entry level position starting salary spreadsheet. Commissioner Butticci talked about the difference between an entry level rate and a skill set rate. Clerk Shelly Tilton spoke of budget and funding challenges with hiring at a higher salary. Leandra spoke of the Commissioners setting the guidelines for new hire salaries. There was discussion on the county benefits. Leandra also talked about training on a quarterly basis. Deputy Prosecuting Attorney Tahja Jensen talked about various personnel issues and policies.

SALARY FOR FAIRGROUND MAINTENANCE POSITION: Commissioner Butticci spoke of the current budget for this position which was \$36,500.00. Clerk Tilton mentioned that budgeted amount was determined for an existing employee to receive a \$2500 salary increase rather than a new employee to start out at. Commissioner Butticci said he recommends \$33k-\$35k to start.

A motion was made by Commissioner Butticci to set the starting wage at \$33k-\$35k, depending on experience. It was seconded by Commissioner Elliott and carried unanimously.

The Commissioners recessed at 12:15 p.m. for lunch to reconvene at 1:30 p.m.

SCHOFIELD VARIANCE APPEAL HEARING: While being recorded, the Commissioners reviewed the Schofield Variance appeal. This meeting was held virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Associate Planner Michelle Baron, Deputy Prosecuting Attorney Tahja Jensen, Joe Morton representing the appellant, applicants Mike and Julieann Schofield and various members of the public. Commissioner Rekow read the notice of public hearing.

Commissioner Rekow and Commission Elliott have no indications of conflict from the Commissioners. Commissioner Butticci does have a conflict and will recuse himself. There were no other declarations pertaining to this meeting such as site reviews or conversations outside of this hearing.

This appeal is from the original request that is for Mike & Julieann Schofield that have applied for a Variance (VAR) to Gem County Code (GCC) 11-6-3.B to allow for a 30-foot easement, for a distance of 209ft, instead of the required 40ft easement for ingress/egress to parcels of land that they own. The applicant is requesting that the easement width requirement be reduced, for that portion, due to not being able to obtain additional 10ft. The property is zoned A-1, Prime Agriculture. The applicant is requesting the Variance in order for their parcels to be eligible for a building permit.

Development Services Director Jennifer Karrrl asked to have the appeal packet entered into the record which includes the variance application, staff report, the complete Zoning Commission record with written letters from impact agencies and the public, the Zoning Commission decision, the Zoning Commission verbatim transcript and the appeal application.

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

Development Services Director Jennifer Karrrl reviewed the appeal process.

Joe Morton representing 14 neighbors in opposition spoke of the size of the property and parcels. He questioned how the property was originally split and the Sawtooth boundary adjustment. Other items that he talked about were road access and the timeline of this process. He believes that there were errors with the county and that there was missing information to the public. He reviewed portions of the transcript. He advised that the concerns with the neighbors is development of the parcels. He voiced concerns that there were no conditions on the variance. He is asking that the variance be amended with conditions added. He stated that the neighbors are willing to give the easement for the property for their son to build, but not all the parcels.

Jennifer advised that the property boundary review has not been reviewed yet, so it has not been approved or recorded. She advised that the smaller parcels that exist were based on the original legal description. She advised that if the variance goes through there could be a total of 5 homes. She spoke on a maintenance agreement for the bridge. She also advised that all other neighboring properties are site specific to determine if they may need an easement. She advised that this is not a special privilege since they had the easement when they purchased the property, but the code changed. Commissioner Elliott spoke of the requirement of it not being for economic benefit. Jennifer talked about who owns the road and which parts. She advised that the items in the maintenance agreement are generally paid for equally amongst all the neighbors.

Applicant Mike Schofield advised that they are asking for a variance for the ordinance in order to record their deed with the county. He advised that the variance for the 1 lot does not fill the requirements for recording the deed. He advised that he followed the advice of the surveyor for this request. If he were ever to want to build more he would need to apply for a subdivision. He advised of a previous house in 1994 that they built on the property and a parcel split. He advised that that they are trying to deed a piece of the land for their son and possibly will for their other children in the future.

Joe rebutted and spoke of access, the location of the other homes and concerns of everyone being responsible for the cost of repairs to the bridge. He doesn't want to deny the Schofield their property rights, but he would like to see conditions put in place.

Jennifer provided the Commissioners with their options. She advised that if they wanted conditions it would have to be remanded back to the Zoning Commission for a new hearing. Commissioner Elliott stated that he is disappointed that there were no conditions. He expressed concerns with the statement of convenience. Commissioner Rekow understands the right for property owners but also understands the quality of life of others. Commissioner Elliott talked about his concerns of the economic impact for the existing residences regarding the bridge. Commissioner Rekow agreed. Deputy Prosecuting Attorney Tahja Jensen advised that the Zoning Commission cannot condition a road maintenance agreement at this point. Commissioner Elliott would like the Zoning Commission to reconsider the findings in regards to the effects of the surrounding properties. Jennifer advised what steps are taken on Development Agreements. Mike spoke of the building that has been going on around them with concrete trucks crossing the bridge.

A motion was made by Commissioner Elliott to remand this

variance to be looked at again by the Zoning Commission, specifically the application of the first statement of 11-13-2 variance and also B & D on the findings. It was seconded by Commissioner Rekow and carried unanimously.

HUMMINGBIRD RANCH SPECIAL USE PERMIT APPEAL PUBLIC HEARING:

While being recorded, the Commissioners continued deliberation on the Hummingbird Ranch special use permit. 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 & Benjamin Bowman, family members Michael & Cassandra Yerby. Also attending are the appellants Jennifer & Chris Annin, their representative Shawn Logan and interested party Glenn Haferty.

Commissioner Butticci and Commissioner Elliott are ready to move forward with a decision. The Commissioners believe that the Zoning Commission have met their obligations.

Commissioner Rekow abstained from the motion. A motion was made by Commissioner Butticci to uphold the decision for the special use permit with the conditions that were put in for the special use permit. It was seconded by Commissioner Elliott and carried unanimously.

DEVELOPMENT SERVICES: Michael Lewis stated that he is building a home and applied for a permit. He explained of his concerns with financial hardship and health concerns that he is currently recovering from. He explained that he is struggling with the cost of the building permit. He is asking for a reduction in cost for the building permit. He advised that Code Enforcement Officer Vince Lombardo was willing to forego his fee and to do the inspections on the weekends. He advised that he has owned the property for approximately 4 years and has been living in an RV on the property for 1 year. Commissioner Butticci advised that they can break the fee up into 2 payments.

A motion was made by Commissioner Butticci to allow Michael Lewis at 11440 Timber Butte Road to pay the permit fee in 2 installments for a total of \$1290.19 with the first payment due at the beginning and the 2nd payment due at the final inspection. It was seconded by Commissioner Elliott and carried unanimously.

VACATION CARRYOVER REQUEST: The Sheriff's Department is asking for approval for 17-24 hours to be rolled over for this year. Due to staff shortage they accrued comp time. They have scheduled time off in November and will be requesting more time off in December. They are also asking for approval for approximately 44 hours of vacation, 10 hours of comp time and 17

hours of holiday time. This employee has scheduled time off by the end of October, but is not able to take any additional time off due to staff shortages. They will take additional time off in November, pending no complications with staffing.

A motion was made by Commissioner Elliott that for the 2 employees that the Sheriff's Department has requested for vacation time carry-over be approved. It was seconded by Commissioner Rekow and carried unanimously.

The Board recessed at 5:00 p.m. to 8:30 a.m. on October 19, 2021.

October 19, 2021

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC): The Commissioners attended this meeting virtually.

MINUTES: The minutes for September 13 & 14, 2021 & October 4, 5 & 12, 2021 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for September 13 & 14, 2021 & October 4, 5 & 12, 2021 as amended. It was seconded by Commissioner Rekow and carried unanimously.

ADMINISTRATION 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.

ADMINISTRATION TIME: The Commissioners worked on various administrative items.

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

Approved: _____
Chairman

Attest: _____
Clerk