



November 22 & 23, 2021, Emmett, Idaho

Pursuant to a recess taken on November 16, 2021, the Board of Commissioners of Gem County, Idaho, met in regular session this 22nd day of November 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:

November 22, 2021

REVIEW AND APPROVAL OF AGENDA: The Commissioners reviewed the agenda. A motion was made by Commissioner Elliott to approve the agenda as presented. It was seconded by Commissioner Butticci and carried unanimously.

IDAHO STATE TAX COMMISSION PROPERTY TAX ADMINISTRATION: George Brown and Shaunna Roeber with the Idaho State Tax Commission met with the Commissioners to discuss the Tax Commission. George talked about what their office responsibilities are, the appraisal process, the Property Tax Reduction program (PTR), House Bill 389 value restrictions, a Deferral Program and the county median. Assessor Hollie Ann Strang talked about who is being affected by the new PTR guidelines.

BROADBAND WORKSHOP: This workshop will be rescheduled.

CONSENT AGENDA: The consent agenda included: A. FY2021 annual road and street financial report, B. Gem County Sports Complex Ball Field Agreement, C. Certificate of Residency for Junior College tuition for Amanda Zilles, D. Request for tax and/or fee cancellation for Assessor's parcel MHE40200T00530, E. Request for tax and/or fee cancellation for Assessor's parcel RPE4770A00017D, F. Request for tax and/or fee cancellation for Assessor's parcel RP06N01W060115, G. Request for tax and/or fee cancellation for Assessor's parcels RPC88850010010, RPC88850010020, RPC88850010030 and RPC88850010040, H. Bid proposal from PTI for courthouse wall removal, I. Road Department surplus items, J. West Valley Minor Subdivision

Findings, Conclusions, Conditions, Order, K. Eagle Feather Minor Subdivision plat, L. Eagle Feather Minor Subdivision Capital Improvement Program Road Mitigation Agreement, M. JMH Farms Rezone Findings, Conclusions, Conditions, Order, N. JMH Farms Rezone Development Agreement, O. Gem County Ordinance 2021-14 JMH Farms Rezone, P. Request for tax and/or fee cancellation for Assessor's parcel RPC88200000010, Q. Gem Plan District III Board of Trustees nomination form, R. Schofield Variance Appeal, Findings, Conclusions, Conditions, Order, S. 2021 Defending Attorney annual report for Randy Barnum, Barnum, Howell & Gunn PLLC, T. Request for tax and/or fee cancellation for Assessor's parcel MH07N01E168325 and U. Local Highway Technical Assistance Council (LHTAC) FY23 LRHIP application cover sheet.

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

2021 ELECTION BALLOT FOR CATASTROPHIC HEALTH CARE COST PROGRAM

BOARD MEMBER: A motion was made by Commissioner Butticci to nominate Mark Rekow on the 2021 election ballot for the Catastrophic Health Care Cost Program board member. It was seconded by Commissioner Elliott and carried unanimously.

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.

MINUTES: The minutes for November 15 & 16, 2021 were reviewed. A motion was made by Commissioner Rekow to approve the minutes for November 15 & 16, 2021 as amended. It was seconded by Commissioner Elliott and carried unanimously.

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

INDIGENT HEARING 21-023: There was no need to go into executive session. Deputy Clerk Sarah Story advised that the hospital had submitted a withdrawal of application after the agenda had been posted. She is recommending upholding the original decision of denial for medical indigent case# 21-023.

A motion was made by Commissioner Butticci that on case# 21-023 to uphold the original decision of denial. It was seconded by Commissioner Elliott and carried unanimously.

INDIGENT APPLICATIONS: At 11:03 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.

22-002 Medical Emergency
22-004 Release of Lien

Regular session reconvened at 11:07 a.m.

A motion was made by Commissioner Elliott that on case# 22-002 to deny because the clerk was unable to determine if the applicant is medically indigent, unable to determine if the county is the last resource, the applicant failed to appear for an interview and the applicant failed to cooperate with the county. On case# 22-004 to sign the Release of Lien. It was seconded by Commissioner Butticci and carried unanimously.

PROSECUTING ATTORNEY MATTERS: At 11:10 a.m. a motion was made by Commissioner Rekow to go into executive session under Idaho Code 74-206(1) (a) to consider hiring with a roll call vote as follows: Commissioner Butticci, aye, Commissioner Elliott, aye, and Commissioner Rekow, aye.

Regular session reconvened at 11:39 a.m.

Deputy Prosecuting Attorney talked about various legal matters in the county. Items that she talked about were redistricting, truck routes and an upcoming trial.

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

YOCHAM REZONE PUBLIC HEARING: While being recorded, the Commissioners discussed the Yocham 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, Road and Bridge Supervisor Neal Capps and applicants Carter & Katie Yocham. Others in attendance were Chris Larson, Mia Saffran, Melanie Harrison & Darrell Harrison. Commissioner Rekow read the notice of public hearing. Those wishing to speak 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 Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes, agency letters, a

letter of support, letters in opposition and petitions signed by the public.

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

Jennifer reviewed the Yocham rezone request. The applicant, Carter and Katie Yocham, is seeking approval to rezone their property from A-2 Rural Transitional Agriculture (5-acre minimum) to R-2 Residential Transitional (1-acre minimum). The property proposed to be rezoned is 5.37 +/- 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. She advised that the Zoning Commission recommends approval with a Development Agree to require a water quality and quantity study prior to a minor subdivision. She advised that a Development Agreement is the only way to condition a rezone.

Applicant Carter Yocham advised that they are wanting to take 3 acres and split them into 1-acre lots. He spoke on concerns with ground water and water contamination. He also spoke of other properties in the surrounding area that are 1-acre parcels. He addressed concerns of privacy by neighbors. He advised that utilities would not have a detrimental impact. He talked about putting in a common access with 1 neighbor. He believes that their property would attract like-minded people that enjoy the more rural areas.

There were no one present that wanted to speak in favor or neutral. Chris Larson, who is opposed, expressed his concerns and disappointment of the area no longer being rural and advised that another neighbor wants to go through this same process if this is approved. Mia Saffran spoke of wanting to keep the area rural. She expressed concerns on water, noise, the view, wildlife and future development. Melanie Harrison spoke on her concerns with keeping the area rural and future development. She spoke of the neighbors against this and that she feels that they are not being listened to. Darrell Harrison talked about concerns from neighbors that don't want the rezone and want to reclassify the area as agriculture. There was no rebuttal.

Jennifer talked about the guide for growth and public facilities guidelines when limiting growth. Commissioner Elliott expressed concerns on how growth was happening, water and septic. Road and Bridge Supervisor Neal Capps talked about the size of the road, a bridge and drainage. He advised that the road is in good condition.

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

Commissioner Butticci expressed concerns on 1-acre lots not being harmonious with the immediate surrounding area. He spoke of it being far from city services and concerns with sustainability of 1-acre lots. He would like to see 1-acre lots closer to the city limits. He is not in favor of this rezone. Commissioner Elliott agreed with Commissioner Butticci. He has concerns with #4 (the property being harmonious and appropriate for the existing area) & #6 (public utilities). He does not believe that the area is ready for 1-acre lots at this time. Commissioner Rekow advised that they have to look at the evidence provided when making a decision. He expressed concerns with traffic and water. He also spoke on the rights of property owners. He does not support the rezone request.

A motion was made by Commissioner Butticci to deny the rezone application for the Yocham rezone RZ-21-010. The findings are #1, the requested amendment complies with the Comprehensive Plan text and Future Land Use Map, yes. On #2, the requested amendment is not materially detrimental to the public health, safety or welfare. It is detrimental as the public health district has yet to prove by science that 1-acre lots are actually able to sustain the water and sewer if there is a failure. Going forward they will need to get better information on that, but does not support 1-acre lots this far from city services at this time. Item #3, the subject property meets the minimum dimensional standards of the proposed zoning district, yes. Item #4, the uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area. He disagrees with that. 1-acre lots in this current vicinity would be detrimental to the existing character. Item #5, the effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County planning jurisdiction. No, any additional service to Gem County is going to have impact with response for services. It was seconded by Commissioner Elliott and carried unanimously.

DEPARTMENT HEADS HR TRAINING: In attendance were Building and Maintenance Supervisor Chuck Shambaugh, Road and Bridge Supervisor Neal Capps, Rebecca Mills from the Extension Office, Landfill Supervisor Martin Joyce, Emergency Operations Manager Laurie Boston, Assessor Hollie Ann Strang, Juvenile Probation Supervisor Shannon Carter, Development Services Supervisor,

Jennifer Kharrl, Treasurer Megan Keene, Sheriff Donnie Wunder and Chief Deputy Dave Timony,

Deputy Prosecuting Attorney provided HR Training. Items that she talked about were job descriptions, essential functions, Americans with Disabilities Act (ADA), post hire, recruitment, interviewing and accommodations.

NATIONWIDE OPIOID SETTLEMENT DISCUSSION: Commissioner Elliott talked about his discussion with the Health District and that Gem County wants the money to stay locally. He advised that other counties wanted the same thing and that the Health District stated that it was possible for them to put sideboards on the funds to keep each county's funding separate and spend it in each county. He talked about the project proposals from Valor Health that was received. Clerk Shelly Tilton spoke on how to manage the funds to ensure the funds are kept local and tracking the expenditures. Clerk Tilton explained the difference with the county managing the funds and the Health District managing them. Camille Evans from Valor Health explained the benefits of hiring an outside expert to help manage the funds and programs. Commissioner Butticci talked about putting sideboards on the program if the Health District was to manage this program. Commissioner Elliott stated it would have to go through their legal department and a contract be made. There was discussion on who would be the point person to make decisions on what programs are done. Creating a committee for this was discussed. There was also discussion on when the funds need to be spent by. Commissioner Butticci would like to see each entity manage their own programs. Camille suggests that a task force be created with representation from all entities being affected to ensure that the funds are utilized in the best way. There was discussion on how the task force would be modeled.

A motion was made by Commissioner Butticci to enter in the Idaho Opioid Settlement Agreement on behalf of Gem County as the governmental entity. It was seconded by Commissioner Elliott and carried unanimously.

The Board recessed at 5:00 p.m. to 9:00 a.m. on November 23, 2021.

November 23, 2021

HOALST REZONE PUBLIC HEARING: While being recorded, the Commissioners discussed the Hoalst 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 applicants

Linda & Chris Hoalst. Commissioner Rekow read the notice of public hearing. Those wishing 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 Kharrl asked to add the packet of information into the record which includes the application, the Zoning Commission recommendation, the staff report, the draft Zoning Commission minutes and agency letters.

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

Jennifer reviewed the Hoalst rezone request. The applicant, Linda Hoalst, is seeking approval to rezone her property from A-1 Prime Agriculture (40-acre minimum) to A-2 Rural Transitional Agriculture (5-acre minimum). The property proposed to be rezoned is 26.62 +/- acres in size, and lies fully within the Priority Growth Area #3 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan.

Applicant Linda Hoalst advised that she has no other information to add other than what is on the letter and application which was submitted. There were no others that wanted to speak in support, neutral or opposition.

There was discussion on access to the proposed lots.

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

Commissioner Butticci has no concerns or objections on this application. Commissioner Elliott supports this application. Commissioner Rekow is in support of this application but has general concerns with roads and water. Commissioner Elliott asked about a letter from the irrigation company which they did not receive. Jennifer advised that it would be a requirement for the subdivision.

A motion was made by Commissioner Elliott to approve the rezone request for Linda Hoalst. It was seconded by Commissioner Butticci with adding RZ-21-009 and carried unanimously.

ANDREWS HOLDINGS MINOR SUBDIVISION: Development Services Director Jennifer Kharrl reviewed the Andrews Holdings Minor Subdivision request. The applicant, Sawtooth Land Surveying LLC, has applied for a minor subdivision to create three (3), single-family lots on approximately 16.66 +/- acres located in the A-2, Rural Transitional Agriculture zone. She advised that there was a previous survey done but there were no legal descriptions recorded then. She also talked about a letter of concern with

Schiller Road. She talked about the findings for the city. Road and Bridge Supervisor Neal Capp talked about Schiller Road and that it needs to be redone, but there are no plans for that at this time. He also talked about road standards. He advised that there is no dedicated right-of-way. He also talked about access to the property.

A motion was made by Commissioner Butticci to move forward with Andrews Holdings Minor Subdivision at 2395 Schiller Road as presented. It was seconded by Commissioner Elliott and carried unanimously.

BUILDING OFFICIAL SALARY DISCUSSION: Development Services Director Jennifer Kharrl spoke of the need to post a Building Official position. She advised that contracting with the state is a minimum of \$65.00 an hour plus travel time. She spoke of comparable job descriptions and salaries from neighboring counties. She would like to get this position posted by December 1, 2021. The current Building Official would like to stay on for 1 month to train the new employee if possible. There was discussion on what the starting salary range should be. Jennifer would like to offer \$48k-\$52k depending on experience.

A motion was made by Commissioner Elliott to authorize Development Services to post the position for the Building Official with a starting salary of \$48k-\$52k depending on experience and qualifications. It was seconded by Commissioner Butticci and carried unanimously.

ROAD GRADER DISCUSSION: Road and Bridge Supervisor Neal Capps spoke of the increase of traffic they are seeing. He is proposing to pay off a a lease option on a grader and keep the current grader. He spoke of how he would fund this purchase. This would allow for an additional grader being operated on the roads. He spoke of the life expectancy of the grader.

A motion was made by Commissioner Elliott to approve the use of funds to buy the grader as described by Neal. It was seconded by Commissioner Butticci and carried unanimously.

ROAD DEPARTMENT WAGE DISCUSSION FOR POSITION(S) IN OLA: Road and Bridge Supervisor Neal Capps provided a job description for the open Operator position in Ola. He is proposing to increase the Lead Operator position to \$45,240.00 and to have a starting salary for the new Operator position at \$41,080.00. He advised that this does not exceed the current budget. There was discussion for a possible need for another vehicle to use on county time.

A motion was made by Commissioner Butticci for the Road Department to set the Ola 1 Lead position to \$45,240.00 and for

the Ola 2 new employee position to set the starting salary at \$41,080.00. It was seconded by Commissioner Elliott and carried unanimously.

ROAD TOUR BENCH AREA: The Commissioners went on a tour of the roads throughout the Bench area.

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

DISTRIBUTE THANKSGIVING MEALS FOR EMMETT VALLEY FRIENDSHIP COALITION: Commissioner Rekow assisted with the distribution of Thanksgiving meals for the Emmett Valley Friendship Coalition.

The Board recessed at 2:30 p.m. to 8:30 a.m. on December 6, 2021.

Approved: _____
Chairman

Attest: _____
Clerk