



**July 17 & 18, 2023, Emmett, Idaho**

**Pursuant to a recess taken on July 11, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 17th day of July, 2023, at 8:30 a.m.**

Present:	Bill Butticci	Chairman
	Kirk Wille	Commissioner
	Mark Rekow	Commissioner
	Laure McCann	Deputy Clerk

**Whereupon the following proceedings were had, to-wit:**

**July 17, 2023**

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

**SITE VISIT WITH THE BUREAU OF LAND MANAGEMENT FOR SOUTH SLOPE RIDGE RECREATION TRAIL:** The Commissioners attended a site visit of a proposed recreation trail at the South Slope Ridge. The proposed trail would span approximately 8 miles on the ridge between Old Freezeout Road and the Old Emmett Highway.

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

**RYAN STINSON REZONE & DEVELOPMENT AGREEMENT PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Ryan Stinson Rezone request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, applicant Ryan Stinson and three members of the public. Commissioner Butticci read the notice of public hearing. Those wishing to testify were sworn in.

There were no conflicts or declarations pertaining to this application such as site reviews or other conversations outside of this hearing.

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Development Services Director, Jennifer Kharri asked to have the packet of information be added into the record. She stated that the minutes of the Planning and Zoning hearing would not be added to the record because they were not received by the Commissioners. There were 5 letters of concern submitted for the Planning and Zoning hearing and an additional 6 letters submitted for the Commissioner's hearing that are included in the packet.

A motion was made by Commissioner Rekow to add the packet of information as presented by Ms. Kharri. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application. Approval of the rezone is recommended by Development Services staff with the consideration for a Development Agreement. Staff felt that the findings were met.

Applicant Ryan Stinson spoke regarding his application. He stated that he would like to have the option to build on the property for friends and relatives when and if they decide to section it out. He feels that he has complied with all the requirements with the exception of the water study, which he agrees will be done when they decide to build.

There was no testimony from the public who are neutral.

Laura Williams spoke in opposition of the application. She doesn't feel that the citizens who are opposed are being listened to. She feels that required testing should be done prior to approval. She referenced the Guthrie rezone and was concerned that vacant property would be useless if testing was done and no permit to build was issued.

John Tobias spoke in opposition to the application. John asked when the last time a water study was done; his main concern regarding the application is water. He feels that a plan should be in place prior to approval. He also cited the Guthrie rezone and the concern that the vacant property may be useless.

Debbie Tobias stated that she lives in the area and would like to keep it the way it is. She feels that the approvals are being done backwards and that the infrastructure needs to be looked at prior to approval. She is concerned about water, traffic and the loss of farm ground.

Ryan Stinson addressed some of the concerns. He stated that he doesn't have a definite plan right now, but would like the option to have other parcels available for close family and friends. He also stated that there are several parcels around him that are under 5 acres.

Irrigation water was also discussed.

Development Services Director Jennifer Kharri stated that the majority of the parcels on the south side are zoned for 5

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acres, but there are some parcels in the area that are zoned smaller. Jennifer also stated that the County has been working on trying to find a solution to the water concerns and that a lot of the rezone applications have a requirement to have a water study done and they have been approved. Their office relies on Southwest District Health regarding septic permits.

John Tobias questioned the water study that was done on the Guthrie rezone. Commissioner Butticci stated that the county has been doing water studies from U.S. Geological Society (USGS). John stated that he would like to see the results of the water studies and that every well should be tested.

Debbie Tobias asked if there could be a requirement to have the water study done before the property is sold. The Commissioner's stated that the water study has to be done prior to the rezone being complete.

John Tobias stated that the Guthrie rezone was done and the property was sold prior to the water study being completed. The Commissioners directed him to speak to Development Services regarding that application.

Road Supervisor, Neal Capps stated that he doesn't have concerns with the road at this time.

The public hearing was closed.

The Commissioners discussed the application. Commissioner Wille stated that he feels the findings have been met. Commissioner Rekow stated that he does not see anything in the packet that would prohibit the rezone.

A motion was made by Commissioner Wille to approve the rezone request by Ryan Stinson of 8.835 acres from A2 Transitional Agriculture (5 acre minimum) to R3 Rural Residential (2 acre minimum) at 859 South Slope Road with the development agreement as presented. It was seconded by Commissioner Rekow and carried unanimously.

**DUSTY AND ANNIE WARREN REZONE PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Dusty and Annie Warren Rezone request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Development Services Associate Planner Olivia Mocnik, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, and applicant Dusty Warren. Two members of the public were present via Zoom. Commissioner Butticci read the notice of public hearing. The two members of the public attending via Zoom do not plan to testify. Those wishing to testify were sworn in.

There were no conflicts or declarations pertaining to this hearing such as site reviews or other conversations outside of this hearing.

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Development Services Director Jennifer Kharrl asked to have the packet of information added into the record. There was 1 letter of concern submitted for the Planning and Zoning hearing and an 1 letter submitted to the Commissioners hearing that are included in the packet.

A motion was made by Commissioner Rekow to add the packet of information as presented by Ms. Kharrl. It was seconded by Commissioner Wille and carried unanimously.

Jennifer reviewed the application. Staff felt that the findings were met. Approval of the rezone is recommended by Development Services staff.

Applicant Dusty Warren stated that he plans to build a new home on the second lot for his family and lease the property they are currently living in as an income property. The current home doesn't meet the needs of their large family. They plan to continue to farm. He understands that there are concerns but feels he can address his neighbors' privately. He will explore access to the property at another time.

No other testimonies were heard and there were no concerns from staff. Commissioner Wille asked if a water study was required. Ms. Kharrl stated, there was not a study being considered for one additional single parcel.

The public hearing was closed.

The Commissioners discussed the application and found no concerns. Commissioner Wille stated that he feels the findings have been met. Commissioner Rekow stated that he does not see anything in the packet that would prohibit the rezone.

A motion was made by Commissioner Wille to approve the rezone request by Dusty and Annie Warren to rezone 10.166 acres from A1 Prime Agriculture (40 acre minimum) to A2 Rural Transitional Agriculture(5 acre minimum) at 3260 Van Deusen Road as presented. It was seconded by Commissioner Rekow and carried unanimously.

**ROAD DEPARTMENT TRUCK REPLACEMENT DISCUSSION:** Road & Bridge Supervisor, Neal Capps discussed a mechanical issue with a truck that was involved in an accident. They are working with an outside company to purchase a new truck instead of a used one. The trucks they currently have are aging and new would be preferred with a lease to purchase option. They have put the funds for a new truck into the budget for 2024.

**ROAD STABILIZATION DISCUSSION:** Road and Bridge Supervisor, Neal Capps reviewed the need to stabilize our county gravel roads due to increased traffic. A letter was submitted by Keller Associates describing the plans for stabilizing and maintaining the roads using magnesium chloride and earth bind. The gravel

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stabilization is preferred to laying new asphalt due to the high cost of asphalt. Neal discussed other counties that have successfully used the same process suggested by Keller Associates. A test application would be done first on Van Deusen Road, if successful other roads would follow.

A motion was made by Commissioner Rekow to proceed with the road stabilization as discussed with the magnesium chloride and earth bind. It was seconded by Commissioner Wille and carried unanimously.

**CONSENT AGENDA:** A. Certificate of Residency for Junior College Tuition for Natalie Rast B. Information Technology (IT) surplus equipment request C. Andrews Holdings Minor Subdivision Plat D. Gem Soil and Water Conservation District Fiscal Year 2024 funding allocation Letter of Support. E. Squaw Creek Soil Conservation District Fiscal Year 2024 F. Sheriff's Office Forest Service Modification of Grant or Agreement.

A motion was made by Commissioner Rekow to approve items A. through F. on the consent agenda. It was seconded by Commissioner Wille and carried unanimously.

**MINUTES APPROVAL:** The minutes for July 10 & 11 were reviewed. Commissioner Rekow made a motion to approve the minutes of July 10 & 11 as ammended. It was seconded by Commissioner Wille and carried unanimously.

**SWEET OPEN FORUM (SYRINGA HALL IN SWEET):** The Commissioners attended an open forum at the Syringa Hall in Sweet. Items discussed included the upcoming Fair and Rodeo, ordinance amendments, land use hearings, road conditions and speed limits, and the new caution signs at the Sweet School.

**The Board recessed at 8:00 p.m. to 8:30 a.m. on July 18, 2023.**

### **JULY 18, 2023**

Commissioner Butticci was absent from the meeting due to attendance at a Southwest District Health Department training.

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) (EMS BUILDING):** Commissioners Rekow and Wille attended the LEPC meeting.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor, Tahja Jensen met with the Commissioners to discuss legal matters.

**EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (D) - PERSONNEL**

**MATTERS:** At 10:18 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-206(1)(d) for Personnel matters with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye.

Regular session reconvened at 10:28 a.m.

**DECISION ON EMPLOYEE BENEFITS:** A motion was made by Commissioner Rekow to release 40 hours of vacation pay in advance of their anniversary date. It was seconded by Commissioner Wille and carried unanimously.

**EXECUTIVE SESSION PER IDAHO CODE 74-206(1) (F) - PENDING**

**LITIGATION MATTERS:**

At 10:30 a.m. a motion was made by Commissioner Rekow, seconded by Commissioner Wille and carried unanimously to go into executive session under Idaho Code 74-206(1)(F) for Pending Litigation Matters with a roll call vote as follows: Commissioner Rekow, aye, Commissioner Wille, aye.

Regular session reconvened at 10:55 a.m.

**FISCAL YEAR 2024 BUDGET DISCUSSION:** Clerk Shelly Tilton (via telephone) and Deputy Clerk Leandra Rountree worked with the Commissioners on the Fiscal Year 2024 budget. Assessor, Hollie Ann Strang discussed changing positions for an employee in her office who has become certified and the requirements for advancement into a senior position. Chief Deputy Sheriff Dave Timony discussed the possibility of moving current personnel into advanced ranks to have shift coverage.

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

Commission Butticci rejoined the meeting.

**FISCAL YEAR 2024 BUDGET DISCUSSION: GENERAL:** Clerk, Shelly Tilton (via telephone) and Deputy Clerk Leandra Rountree worked with the Commissioners on the Fiscal Year 2024 budget. Ensuring enough cash carry over for necessary expenditures before property taxes are collected at the end of the year was discussed. Questions regarding the proposed budget were addressed in an effort to finalize the budget.

**WELL TESTING DISCUSSION:** Commissioner Wille will continue to work with Idaho Department of Water Resources on well testing

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information. Currently \$54,000 is budgeted for water testing in the FY2024 budget.

**NACO CENTER FOR PUBLIC LANDS COUNTIES:** The Commissioners discussed a letter from Idaho Association of Counties to support funding for the National Association of Counties (NACo) Center for Public Lands Counties to assist in securing funding for counties that receive federal land payments.

Commissioner Wille made a motion to support the voluntary assessment for Idaho Association of Counties for the NACo Center for Public Lands in the amount of \$6,847.03 for fiscal year 2023 and fiscal year 2024. It was seconded by Commissioner Rekow and carried unanimously.

**INDIGENT APPLICATION - EXECUTIVE SESSION:** This discussion was not held.

**PUBLIC DEFENSE PLANNING AND BUDGETING:** Public Defenders Tom Monaghan and Jay Kiiha met with the Commissioners to discuss their public defense contract. They stated that they are currently discussing if they will continue with the contract in the next fiscal year when the state is expected to take over public defense services. They hope to have an answer within the next two weeks. They feel that the contract should be increased by 10% for the new budget year.

**OLA OPEN FORUM (COMMUNITY HALL IN OLA):** Commssioner Rekow was absent from the forum due to attendance at an ICRMP meeting.

The Commissioners discussed the Community Center and the Emergengy Operations Center(EOC) for the north part of the county, the Gold Run fire, (which had just started that evening) and the future paving of the Sweet Ola Road.

**The Board recessed at 8:00 p.m. to 8:30 a.m. on July 24, 2023.**

Approved: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk