



January 2, 2024, Emmett, Idaho

Pursuant to a recess taken on December 19<sup>th</sup>, 2023, the Board of Commissioners of Gem County, Idaho, met in regular session this 2<sup>nd</sup> day of January, 2024, 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:

**January 2, 2024**

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda for Tuesday, January 2<sup>nd</sup>, 2024 as presented. It was seconded by Commissioner Wille and carried unanimously.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecutor Tahja Jensen met with the Commissioners to discuss legal matters. Tahja said that she and Clerk, Shelly Tilton will hold an informative meeting about Public Defense regarding Child Protection services from the state. Tahja agreed to send a memo to Commissioner Wille in regard to Tax Deed timelines. She discussed with the Commissioners EMS Impact Fees and County revenue. Commissioner Butticci discussed complaints regarding the homeless encampment near the river and its growth.

**EMAIL SERVER MIGRATION FUNDING-POSSIBLE ARPA FUNDING REQUEST:**

This item will be moved to next week's agenda.

**CONSENT AGENDA:** A. Certificate of Residency for Junior College tuition for Chelsie Wright B. Establish Commissioner District Boundaries C. Establish Election Precinct Boundaries D. Request for Tax and/or Fee Cancellation for Various Parcels for Homeowner's Exemptions Received After the 2023 Board of Equalization E. Request for Tax and/or Fee Cancellation for Assessor's Parcel MH07N02W313000 for Unknown Owner (Peterson) F. Request for Tax and/or Fee Cancellation for Assessor's Parcel RPL7050022003A G. Fiscal Year 2023 County Public Defense Expenditure Report Change Sheet H. Gem County/City of Emmett Dispatch Funding Agreement I. Request for Tax and/or Fee Cancellation for Assessor's Parcels RPC60920020030 and MHC60920020030 for Kevin Hale J. Request for Tax and/or Fee

Cancellation for Assessor's Parcel RPO6N02W109375 for Roxas Family Trust.

A motion was made by Commissioner Wille to approve the Consent Agenda for Tuesday, January 2, 2024 items A. through J. as presented. It was seconded by Commissioner Rekow and carried unanimously.

**ALCOHOL BEVERAGE LICENSE RENEWAL FOR WALGREENS:** The Commissioners reviewed the license renewal for Walgreens. The audio recorder was not working at this time and the motion could not be recorded.

A motion was made by Commissioner Rekow to approve the Alcohol Beverage License renewal, license #35 for Walgreens. It was seconded by Commissioner Wille and carried unanimously.

**REVIEW AND APPROVAL OF MINUTES:** The Commissioners reviewed the minutes. A motion was made by Commissioner Rekow to approve the minutes for Monday, December 18<sup>th</sup>, and Tuesday, December 19<sup>th</sup>, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

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

**ROAD DEPARTMENT UPDATE:** Road and Bridge Supervisor Neal Capps gave a review of the current road projects in Gem County. Neal said that they have hauled material to Pearl for road repair and it is settling nicely. In the Pearl area there is damage to the roads from Side by Sides and ATV's and residents are requesting Sheriff patrols. A new fence has been completed at the Road and Bridge shop and they are currently working on improvements to the sign shop and completion of new cattle guards. The fairgrounds is requesting 20 mph speed limit signs within the fairgrounds. Neal pointed out that the signs can be put up but there will be no enforcement because it's not a road. They may have better luck with "Slow" signs within the grounds and a suggested speed limit. Neal reviewed some proposed changes to signage mandated by the state regarding object markers, pedestrian crosswalks and electric vehicles. The Road and Bridge Department is also working on gravel road speed limit signs. The recycled asphalt pile has been depleted and used at Spring Creek. Culverts have been replaced at Gatfield and JAG road. Neal is working on the new Grader lease which is due at the end of January. There has been minimal grading due to the mild weather so they have focused on equipment repair and maintenance. Commissioner Rekow asked about the object marker signs that need to be raised and the potential cost involved. The Road and Bridge department will start culvert replacement on

Little Freezeout. Commissioner Butticci asked about drainage for Canopy at the fairgrounds so that booths are not flooded. Neal requested materials and grading for the park area in Sweet, to which the Commissioners were in favor.

**ADMINISTRATIVE TIME:** The Commissioners worked on administrative matters.

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

**WHISKEY BUSINESS LLC REZONE PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing to review the Whiskey Business LLC Rezone application. This hearing was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrrl, Road and Bridge Supervisor Neal Capps, Deputy Prosecutor Tahja Jenson and the applicant.

Commissioner Butticci read the notice of public hearing. The Rezone Request by Carter Yocham on property owned by Whiskey Business, LLC to rezone 18.86+/- acres from A1 Prime Agriculture (40-acre minimum) to A2 Rural Transitional Agriculture (5-acre minimum) at 970 W. Black Canyon Highway. The Gem County Planning and Zoning Commission recommended approval. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. Those wishing to testify were sworn in.

Commissioner Rekow choose to recuse himself due to the appearance of a conflict. There were no declarations pertaining to this meeting such as site reviews or other conversations outside of this hearing. Marc Payne was present via Zoom as a neutral observer who choose not to testify.

Development Services Director, Jennifer Kharrrl asked to have the packet of information added into the record which included the Notice of Hearing, the Rezone Application, Planning & Zoning Recommendation for Approval, Staff Report, minutes from the November 13<sup>th</sup>, 2023 Planning & Zoning Commission meeting, 1 neutral letter from the public, and 2 agency letters.

A motion was made by Commissioner Wille to enter the packet into the record as described by Ms. Kharrrl. It was seconded by Commissioner Butticci and carried unanimously.

Jennifer reviewed the application. The property was previously owned by Terry Rekow who filed the rezone application in May. It was purchased in August 2023, by Whiskey Business,

LLC. The owner is asking to rezone 18.86+/- acres from A1 Prime Agriculture (40-acre minimum) to A2 Rural Transitional Agriculture (5-acre minimum). There are currently two existing family dwellings on the property, so this rezone would potentially only add 1 additional dwelling to the property. Staff recommended approval of the application to the Planning and Zoning Commission. The Planning & Zoning Commission Recommended approval of the application if the 5 findings can be met.

The applicant, Carter Yocham as the managing member of the Whiskey Business, LLC stated that the current houses would be on a 5-acre parcel each and the last lot would be on the east side of the property and approximately 8.86 acres and potentially the site of a new home. The approach to the third home would be off of Black Canyon. There being no other members of the public present there was no further testimony.

Road and Bridge Supervisor Neal Capps saw no issue with the new homes approach coming off of Black Canyon.

Applicant, Carter Yocham added that the property is currently non-conforming and this rezone would make it conforming.

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

The Commissioners stated that they had no objections to the rezone.

A motion was made by Commissioner Wille to approve the rezone request by Carter Yocham owned by Whiskey Business, LLC to rezone 18.86 acres from A1 Prime Agriculture to A2 Rural Transitional Agriculture at 970 W. Black Canyon Highway. It was seconded by Commissioner Butticci and carried unanimously.

**EMS IMPACT FEES/EMS FUNDING:** Deputy Prosecutor Tahja Jensen discussed Impact Fees to help support Emergency Medical Services. The Commissioners had discussion about the collection of Impact fees for new builds as well as establishing a taxing district. Tahja stated that she has reached out to an attorney with extensive experience with Impact Fees, and he has agreed to meet with the Commissioners if requested. Tahja discussed with the Commissioners how to approach the city so that revenue for EMS services can be increased. It would require a voter simple majority to enact a district. Commissioner Wille asked about cost differences for district vs. county run services, which was 1.2 million or 900,000 respectively. Commissioner Wille wants

to define how much revenue was missed from new builds within the city since the impact fee were enacted. Fire District #1 Chief Mike Welch, EMS Chief Len McCaulou, were present to discuss the volume of calls within the city and county.

**ADMINISTRATIVE TIME:** The Commissioners worked on administrative matters.

**The Board recessed at 5:00 p.m. to 8:30 a.m. on January 8<sup>th</sup>, 2024.**

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

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