



October 2 & 3, 2023, Emmett, Idaho

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

October 2, 2023

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Rekow to approve the agenda for Monday, October 2<sup>nd</sup> and Tuesday, October 3<sup>rd</sup>, 2023 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 discussed the Cherry Heights request for reconsideration and their desire to have a work session with the Commissioners. Commissioner Butticci was concerned about transparency to the public; Tahja suggested having the session open to public attendance but not testimony. The Commissioners will proceed with the work session after receiving more information from Road and Bridge and Development Services. Tahja also discussed a resident in Sweet that is proposing a Special Use Permit for a shooting range. Commissioner Butticci asked Tahja to discuss the process for substandard lots and how those are determined. Commissioner Butticci also discussed the Courthouse remodel.

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

**LITIGATION MATTERS:** No Executive Session was required.

**FAIRGROUNDS GRANDSTAND CANOPY BOISE STEEL ERECTORS CHANGE ORDER:**

The Commissioners discussed a change order for the grandstand canopy. A motion was made by Commissioner Butticci to approve the change order for the fairgrounds grandstand canopy in the amount of \$3,035.00 using ARPA funds. It was seconded by Commissioner Rekow and carried unanimously.

**REMOVAL OF 2 LARGE SYCAMORE TREES ON THE GROUNDS OF THE GEM COUNTY MUSEUM – PROPERTY OWNED BY GEM COUNTY AND OPERATED BY THE GEM COUNTY HISTORICAL SOCIETY:**

The Commissioners discussed the removal of 2 large Sycamore trees from the Gem County Museum grounds. The roots of the mature trees are threatening the foundation of the house and garage. The removal would be paid for by donated funds to the Historical Society. Commissioner Butticci has spoken to neighbors and the City of Emmett and they are not opposed to the removal. There would be no cost to the county.

A motion was made by Commissioner Wille to approve the removal of 2 sycamore trees on the grounds of the Gem County Museum that will be paid for by the Historical Society. It was seconded by Commissioner Rekow and carried unanimously.

**CONSENT AGENDA:** A. Contract with Garland/DBS, INC. for Road Shop Roof Project B. Prosecution Services Fiscal Year 2024 Agreement Eagle City/Boise County for Avimor C. Prosecution Services Fiscal Year 2024 Agreement Eagle City/Gem County for Avimor D. Certificate of Residency for Junior College Tuition for Sarah Vanocker, Breanna Perkins and Serah Petros E. Appointment of Jonathan Phillips to the Opioid Recommending Committee F. Professional Services Contract and Retainer as Counsel with Coonts Law Office, Mark Coonts attorney for Indigent Persons/Public Defense G. Real Estate Agreement Between Gem County and Coonts Law Office, Mark Coonts for Lease of Public Defense Office H. Cooperative Agreement for University of Idaho Extension Program I. Amendment to the Medical Services Contract Between Gem County and Sawtooth Correctional Medicine for Jail Medical Services J. DMB Investments Rezone Findings, Conclusions, Conditions, Order K. Gem County Ordinance 2023-11 DMB Investments Rezone.

Commissioner Rekow made a motion to approve the Consent Agenda for October 2<sup>nd</sup>, 2023 items A through K as presented. It was seconded by Commissioner Wille and carried unanimously.

**PUBLIC WALK-IN:** James England discussed concerns about the damage on Spring Creek Road and its safety. The roads have developed deep ruts from the increased truck traffic. The trucks are riding the center of the road to avoid the ruts and it is increasingly dangerous to oncoming traffic. He has had to pull off of the road several times to avoid the trucks, and once had to come to a complete stop. He also has concerns about the roads on the curve near the bottom of the dam that have ruts and road loss caused by the large trucks. He stated that the road is severely eroded in some areas.

Ronnie Weekes spoke on behalf of the Reed Ditch Company in support of the Reed lateral. The ditch company has made recommendations to neighbors on how to use the water but they have no jurisdiction to enforce it. He is concerned about the water situation that neighbors are not using the water correctly and the water and the end of the ditch is lacking. Daniel Tilson from Enterprise Canal and Farmers Coop said they have created the pressurized system to help the subdivision but not all neighbors comply. Residents are using more and more water from the ditch for sprinklers and the farmers at the end of the ditch have little to no water. He is looking for support to have neighbors use the pressurized system and have a way to measure the water use. Debbi Payne from Reed Ditch Company said that they are getting backlash and threats of lawsuits from neighbors in the subdivision that are upset. She is looking for support from the county to agree to take financial responsibility in the case of a lawsuit. Doyle Fackler of Last Chance Ditch company stated that there is growing concern over water issues from neighbors and it is a constant battle. Neal Shippy with Water District 65 stated that the county has given great support for the users just off of the canal but the laterals are not as well supported. Many other counties are going to the pressurized systems because it makes the most sense. He receives the complaints but has no authority to solve their issues and he is frustrated. He needs the policing power of the county to improve the system in place. He also submitted a copy of the ordinances in place for Payette County as suggestions. Stuart Russell wants the Commissioners to make recommendations, set standards and enforce them. Ronnie Weekes agrees that they are under a lot of pressure with no ability to resolve the issues, and it's only going to get worse with more development. He doesn't want more government but there is no choice because of the water issues they are facing. Commissioner Butticci asked the public in attendance to start with Development Services to discuss their issues. Prosecuting Attorney Tahja Jensen stated that the county has hired Logan Simpson to address ordinance changes in our county. They have not addressed water issues yet, but that will be reviewed in the future. Debbi Payne said that it is an urgent matter and needs to be addressed sooner.

Adrian Markus has concerns about road markings on his street. He also discussed neighbors' complaints about his barking dogs. He feels that he is being unfairly targeted by neighbors and that he needs his dogs to alert him for security purposes. He wants the Commissioners to revoke the dog ordinance in place because it is being used unfairly.

**ROAD DEPARTMENT UPDATE:** Road and Bridge Supervisor Neal Capps updated the Commissioners on current road projects. He stated that the road striping is nearly complete but there are places where the striping was missed and the road and bridge department will have a list for the provider to complete. They are near completion on several other road projects. They have been working on washout repairs including Old Freeze Road. The old Road Department truck is being repainted and is almost complete. The new truck that was purchased should be available in January or February. Neal commented on Spring Creek repairs that are in the beginning stages. Commissioner Butticci advised Neal about Mr. England's concerns. Neal advised the Commissioners that the Idaho Transportation Department (ITD) wants to establish a committee to discuss the future of roads in our area, especially Highway 16. He suggested that the Commissioners send a letter to District 3 to advise them of the Gem County issues. Commissioner Butticci asked Neal about a stop sign near the fairgrounds and questioned its height. Neal discussed asphalt grindings that are in storage that could be a solution for repairs to Spring Creek Road.

**FUEL BID NOTICE OF AWARD AND BULK FUEL PURCHASE AGREEMENT:** Road and Bridge Supervisor Neal Capps reviewed the Bulk Fuel Agreement. The Commissioners discussed the period of the contract.

A motion was made by Commissioner Wille to award the fuel bid 24-001 with the 3 year term and to allow the chairman to sign. It was amended to include that they publish the Notice of Award and to include B&W fuels bid #10.2023. It was seconded by Commissioner Rekow and carried unanimously.

**POTENTIAL ONE WAY ROAD SEGMENT ON LOWER BLUFF ROAD:** Road and Bridge Supervisor Neal Capps discussed the potential one way road segment on Lower Bluff Road. Neal Capps has looked into the feasibility of it and recommends that the road stay as it is and to revisit a blanket speed limit for the gravel roads.

A motion was made by Commissioner Wille to make no changes to Lower Bluff Road and have it remain as it is. It was seconded by Commissioner Rekow and carried unanimously.

**PEARL AREA GRAVEL ROAD MAINTENANCE:** This item was postponed.

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

**GRACE LAND PRELIMINARY PLAT PUBLIC HEARING:** While being recorded, the Commissioners held a public hearing at 1:45 p.m.

on October 2<sup>nd</sup>, 2023 to review the Grace Land Preliminary Plat application. This hearing was held in person and virtually via Zoom. Commissioner Butticci read the notice of public hearing. The roll call of Commissioners was taken; Commissioner Rekow, aye, Commissioner Wille, aye Commissioner Butticci, aye. 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, Deputy Clerk Laure McCann and the applicant T.J. Wellard.

Those wishing to testify were sworn in. There were no conflicts or declarations pertaining to this meeting such as site reviews or other conversations outside of this hearing.

Development Services Director, Jennifer Kharrl asked to have the packet of information added into the record. She stated that the Notice of Public Hearing previously had the wrong street listed and was corrected from Wills Road to Dewey Road. The packet of information to be added into the record included the Notice of Hearing, the application, Planning & Zoning recommendation for approval, Staff Report, impact agency letters from Gem County Treasurer, Keller Associates and the Gem County Road and Bridge Department that are attached as conditions of approval. There are no letters from the public and no one in attendance at the Public Hearing for the Zoning Commission.

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

Commissioners Butticci asked that the record show that there are no other members of the public in attendance in person or on Zoom.

Jennifer reviewed the Preliminary Subdivision Plat application that requests 10 buildable lots on approximately 86.2+/- acres located on Dewey Road. It is currently zoned A2 for 5-acre minimum lots and all lots meet the requirement. The plat proposes a new private road off of Dewey Road with waivers requested from the fire district for the required length of the block and the road and is listed as a condition of approval. Because this is for 10 lots there was a neighborhood meeting held as required. She discussed the details of the agreement and stated that all of the conditions have been met. The staff has recommended approval to the Planning and Zoning Commission

at the August 14<sup>th</sup> public hearing, and the commission adopted staff's recommendation for approval.

The applicant T.J. Wellard spoke in favor of the application. He stated that his intent is to established a subdivision accessed by a private road that will go through the center of the subdivision and accessed from both sides. He is in the process of obtaining a subdivision engineer report and stated that they have been monitoring the water for over a year to be sure there are no issues. Commissioner Wille asked about irrigation. The applicant said it would be a pressurized system of irrigation. Ms. Kharrl stated that she has added a letter of approval from the irrigation district as a condition of approval.

There were no neutral or opposing testimonies.

Road and Bridge Supervisor Neal Capps stated that the subdivision is adjacent to Dewey Road that is 24 feet in width and services commuters to Caldwell and Nampa. Neal has no concerns about the road accommodating traffic.

Commissioner Rekow asked for the status of the Keller Associates requests. Ms. Kharrl stated that the requests are a condition of approval and will have to be satisfied before the project progresses. Commissioner Rekow asked about fencing requirements. Ms. Kharrl said that it is not a requirement and has not come up as a concern but is usually addressed for smaller acreage. Commissioner Wille asked about a turnaround at the end of the cul-de-sac and the applicant replied that there is access to lot 6 by an easement across lot 5.

Hearing was closed at 1:59 p.m.

A motion was made by Commissioner Wille to approve the preliminary subdivision plat application by King Holdings LLC to request approval of 10 buildable lots on approximately 86.2 acres located on Dewey Road. It was seconded by Commissioner Rekow and carried unanimously.

**DEVELOPMENT SERVICES - EL PASO RANCH SUBDIVISION FINAL PLAT:**

Developmental Services Director Jennifer Kharrl presented the El Paso Ranch Subdivision Final Plat. All the requirements have been satisfied for the Final Plat. Development Services will file a building restriction until the developer/property owner secures an easement through the neighboring property or within the El Paso Road Right-of-way and finalizes the irrigation line. Road and Bridge Supervisor Neal Capps said that he has no concerns. Neal stated they have made a good effort to meet the requirements including a school bus stop and paved approach.

A motion was made by Commissioner Rekow to approve the El Paso Ranch Subdivision Final Plat. It was seconded by Commissioner Wille and carried unanimously.

**EXPENSE CLAIMS APPROVAL:** The claims presented were reviewed.

A motion was made by Commissioner Rekow to approve the claims as presented and as initialed on the individual claim forms. It was seconded by Commissioner Wille and carried unanimously.

**REVIEW AND APPROVAL OF MINUTES:** The minutes for September 18th & 19th, 2023 were reviewed.

A motion was made by Commissioner Rekow to approve the minutes for September 18th & 19th, 2023 as amended. It was seconded by Commissioner Wille and carried unanimously.

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

**The Board recessed at 5:00 p.m. to 8:30 a.m. on October 3, 2023.**

**October 3, 2023**

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

**The Board recessed at 5:00 p.m. to 8:30 a.m. on October 10, 2023.**

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

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