



November 1, 2022, Emmett, Idaho

Pursuant to a recess taken on October 25, 2022, the Board of Commissioners of Gem County, Idaho, met in regular session this 1<sup>st</sup> day of November 2022, at 8:30 a.m.

Present:	Mark Rekow	Chairman
	Bryan Elliott	Commissioner
	Bill Butticci	Commissioner
	Sarah Story	Deputy Clerk

Whereupon the following proceedings were had, to-wit:

**November 1, 2022**

**REVIEW AND APPROVAL OF AGENDA:** The Commissioners reviewed the agenda. A motion was made by Commissioner Butticci to amend the agenda for a time sensitive request for the resignation of Bryan Elliott from the Board of County Commissioners effective November 4, 2022 and to add it to the consent agenda as item I. It was seconded by Commissioner Elliott and carried unanimously.

A motion was made by Commissioner Butticci to remove item I off of the consent agenda and to add it to the agenda for further discussion. The motion was seconded by Commissioner Rekow and carried unanimously.

**RESIGNATION OF COMMISSIONER ELLIOTT:** Deputy Prosecuting Attorney Tahja Jensen provided a press release for the Commissioners to review regarding the resignation of Commissioner Elliott and discussed the process for filling that position.

A motion was made by Commissioner Butticci to move forward with the press release on the resignation of Bryan Elliott from the Board of County Commissioners. The motion was seconded by Commissioner Rekow and carried unanimously.

**CONSENT AGENDA:** A. Newman Signs quote for traffic signs, B. El Paso Ranch Subdivision preliminary plat Findings, Conclusions, Conditions, Order, C. Request for tax and/or fee cancellation for various Assessor's parcels for Homeowner's Exemptions, D. Request for tax and/or fee cancellation for various Assessor's parcels for Homeowner's Exemptions, E. Geographic Information Systems application for Tara McAnuff/Yardi Systems Inc., F.

Modification 4 to an agreement with the U.S. Geological Survey for groundwater quality sampling in Gem County, G. Idaho Office of Emergency Management 2022 Subrecipient Agreement for Gem County for 2022 State Homeland Security Program September 1, 2022-September 28, 2025, H. Idaho Office of Emergency Management 2022 Subrecipient Agreement for Gem County for 2022 Emergency Management Performance Grant October 1, 2022-September 1, 2023.

A motion was made by Commissioner Butticci to approve the consent agenda items A-E, G & H as presented and to table item F for further clarification from the agency. The motion was seconded by Commissioner Elliott and carried unanimously.

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

**MINUTES:** The minutes for October 17 & 18 and 24 & 25, 2022 were reviewed. A motion was made by Commissioner Elliott to approve the minutes for October 17 & 18 and 24 & 25, 2022 as amended. It was seconded by Commissioner Butticci and carried unanimously.

**ROAD DEPARTMENT UPDATE:** Road and Bridge Supervisor Neal Capps provided updates on various projects they are working on. Other items that he talked about were a cattle guard, snow, winter maintenance, Johnson Creek Road, the road and speed on Van Deusen Road, road material, diesel, salt and a grant. Commissioner Butticci advised that the canopy for the fairgrounds is scheduled to be delivered between January 11-18, 2023. Neal also talked about the Co-op Bridge.

**PROSECUTING ATTORNEY MATTERS:** Deputy Prosecuting Attorney Tahja Jensen spoke on various county legal matters.

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

**BIG SKY ESTATES PRELIMINARY PLAT PUBLIC HEARING:** While being recorded, the Commissioners reviewed the Big Sky Estates preliminary plat request. This meeting was held in person and virtually via Zoom. Those present were Development Services Director Jennifer Kharrl, Associate Planner Michelle Barron, Deputy Prosecuting Attorney Tahja Jensen, Road and Bridge Supervisor Neal Capps, Steve and Linda Jones, Natasha Dolezal, Elizabeth Koeckeritz (attorney for the applicant), Mike and Holly Terpstra, Preston Rutter (attorney for adjoining property owners, Steve and Linda Jones) and Arlynn Hacker. Commissioner Rekow read the notice of public hearing. Those wishing to testify 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 Kharrrl asked to have the packet of information be added into the record which includes a late exhibit which was an email from Preston Rutter, attorney for the Jones'.

A motion was made by Commissioner Butticci to enter the information described by Jennifer Kharrrl. It was seconded by Commissioner Elliott and carried unanimously.

Development Services Director Jennifer Kharrrl advised that the applicant, Mike Engebritson, on property owned by Big Sky Investments, LLC, has applied for a Standard Subdivision Permit (Preliminary Plat) application to construct a single-family residential development on approximately 31.65 acres. The property is zoned A-2, Rural Transitional Agricultural. She advised that all lots meet the minimum lot size. Other items that she talked about was a private road, an easement and approved waivers for the length of the road from the Fire District. She advised that the Zoning Commission recommends approval with changes including the addition of a dust abatement measure and a recommendation of a speed limit sign on the private road. She advised that staff does support the conditions listed in the email from Preston Rutter that was received as a late exhibit. She advised that the letter can be added as a condition of approval. She also advised that the county would not be responsible for the enforcement of the speed limit.

In favor, Elizabeth Koeckeritz (attorney for the applicant and land owner) advised that this would be a 5-lot subdivision with a private road access. She agrees with the conditions and that they are complying with all of the Zoning Code. She advised that they have come to a resolution to address all the concerns from the neighbors and that there were conditions that were jointly drafted with the neighbors. They agree to meet all of the listed conditions. Mike Terpstra stated that he is wanting to put in a mechanical gate with either a touchpad or keypad to open the gates. He believes that they have met everything that was required and believes they have come to a resolution with the neighbors' concerns.

In neutral, Preston Rutter (attorney for Steve and Linda Jones) advised that his clients are in support of this application if the conditions are all met. Steve Jones believes that the terms to the agreement will allow them to continue to have a healthy business with their ranch. He is happy to support with the conditions of approval. Linda Jones advised that their concerns were heard and is thankful they will be able to continue to work their ranch with this subdivision. Arlynn

Hacker is pleased that everything is going to end amicably. There are no others present at the hearing that wished to speak in neutral or opposition.

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

Road and Bridge Supervisor Neal Capps advised there were no further concerns with the roads. The Commissioners had no further questions or concern.

A motion was made by Commissioner Butticci to approve the Preliminary Subdivision Plat for Big Sky Estates Subdivision application by Mike Engebritson as presented and adding the condition of adding the letter from Clark Wardle dated October 31, 2022 authored by Preston B. Rutter with the listed conditions. It was seconded by Commissioner Elliott and carried unanimously.

**CONTINUED CONSENT AGENDA:** F. Modification 4 to an agreement with the U.S. Geological Survey for groundwater quality sampling in Gem County

A motion was made by Commissioner Elliott to approve the consent agenda item F as presented. The motion was seconded by Commissioner Butticci and carried unanimously.

**ADMINISTRATIVE TIME:** The Commissioners worked on various administrative items.

**The Board recessed at 4:00 p.m. until 8:30 a.m. on November 1, 2022.**

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

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