

**Jefferson County Commissioner Meeting Minutes**  
**Tuesday, October 11, 2016**

Meeting called to order at 9:00. Those present are Commissioner Farnsworth, Commissioner Hancock, Chairman Raymond, Fred Martinez, HR/Emergency Management/Park & Rec. /Commissioner Assistant Rebecca Squires, Sheriff Steve Anderson, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Sheriff Anderson. Prayer offered by Chairman Raymond.

[9:04:23 AM](#) Chairman Raymond mentioned some meetings that are coming up. The upper Tri-County drug court meeting is October 18 at the Madison County Courthouse just before the 5C meeting. Chairman Raymond said they do not have voting privileges at that meeting but should start being there. Magistrate Commission meeting will be Friday, January 20 this will be in Challis or Blackfoot. Chairman Raymond will no longer be holding public office but has accepted on behalf of the county.

**COMMISSIONERS**

• **JAIL INSPECTION**

[9:07:20 AM](#) Leave to tour jail. In attendance is Commissioner Farnsworth, Commissioner Hancock, Chairman Raymond, Sheriff Steve Anderson, Rebecca Squires, Fred Martinez, Colleen Poole and Audrey Moon. Met over at the jail by Lieutenant Josh Bush. Had ninety-one inmates over the weekend but are at eighty-six right now. Will be receiving more inmates from Boise due to a remodel. Head to the kitchen this is a clean area. Have two female inmates in the kitchen helping Sherry. Go to the sally port area this holds the cars and has equipment. Go in from the sally port area this has the intoxication room that has breathalyzer machine with a hold chair. Have a medical room with a nurse on site. Library Lieutenant Bush said inmates can come to library two times a week and can get up to four books at a time. Sheriff Anderson said they will be moving the library next door and changing the indoor rec area over since the library is a larger room. Have a PREA inspection October 31 through November 4. Nora Ortega is now the Captain and Josh Bush is the Lieutenant of the jail. Lieutenant Bush handles all of the PREA inspection details. This is a five day inspection with twenty-four pages of audits this is done once a year. Enter the master control room has monitors to watch inmates and the area to open all of the doors. Have forty-one males and forty-five females with 134 capacity. Leave the jail area and go through dispatch. Each dispatcher has eight screens very busy area. Walk through the Sheriff's office. Evidence room this is all kept locked up depends what it is on how long it is kept.

**Open session 10:02**

[10:02:06 AM](#) Chairman Raymond goes over they have a jail inspection that needs signed. Mentions that the jail looked great.

**SPYGLASS – TJ ZSULYA**

• **CONFERENCE CALL PRESENTATION**

[10:03:39 AM](#) Chairman Raymond said the next item is a conference call. Go and see if the IT employee is available to be in on this. Commissioners call in to the company. Chairman Raymond goes over everyone that is present. Garn Herrick is in attendance from the IT department.

[10:08:11 AM](#) TJ asked how much they know about Spyglass. Chairman Raymond said zero. TJ said Spyglass is a unique cost advisory and audit firm. Main thing is communications. They do not sale any type of phone systems. They are an audit function company that looks at ways to clean up communications and reduce costs. TJ said they have worked with cities and municipalities that work within budgets. Spyglass is brought in to help reduce costs in communications. Chairman Raymond said they had been approached recently about six months ago they did not bring them in. Choose to look at their own system. Recently put in the fiber for internet and have reduced their phone bills.

[10:11:33 AM](#) TJ said they begin by running an analysis on what is in place and where errors could be found. They have no upfront fees for taking a look at this. They are budget neutral so they are paid out of the savings that they find. They would need to have two months of bills then they would take the information and come back with some recommendations in a few weeks after they review. Chairman Raymond said the county has been with the current provider for around a year and they have seen a lot of savings.

[10:14:17 AM](#) TJ goes over sometimes when companies switch things are missed from the provider to the biller due to having errors in efficiency. Ninety percent of the time they find things that are dormant or underutilized. They add discounts and promotions within the region. Would look at reducing costs without changing providers. TJ asked if they did run an analysis what they think they he would find. Commissioner Hancock does not feel they would find much since they went through this recently. TJ said they could still get the past two months of bills then would go over the recommendations and would know for sure. There are no fees for running the analytical process. Fees would only be associated with the things they do decide to implement. Worst case scenario would be they do not pay anything if they do not want to move forward. Fees are a percentage all recoveries are split 50/50 once the money is received back from the provider.

[10:19:41 AM](#) Garn asked out counties in Idaho they have worked with. TJ said they could look at this and email him the list. Have a one page agreement that would need to be signed and goes into more detail. Commissioners will have Garn handle this information. TJ will send an executive summary over and will send over some references from the company.

[10:22:03 AM](#) TJ asked if there are any other questions. Chairman Raymond said they will review what is sent to Garn thank TJ for his time.

[10:22:58 AM](#) Rebecca mentioned that the company they are with has worked well with the county to help reduce costs. Commissioner Hancock thinks they were explicit going through all of this information and is happy with what they have done already. Chairman Raymond said this is savings that would just be paid to them instead. Commissioners thank Garn.

#### **MAINTENANCE – BRYAN BRIGGS**

- **MAINTENANCE CONTRACT**

[10:25:40 AM](#) Bryan Briggs is here with the updated contracts for the maintenance agreement. Bryan goes over the sub-contractors. This is something that could be arranged but sounds like they are talking about his employees. Bryan provides his own staff but he does also contact sub-contractors for specialty work but he does not pay them.

[10:28:12 AM](#) Commissioner Hancock goes over a way to change this. Rebecca said she would like a chance to review the Parks & Recreation part on this contract. Chairman Raymond said they will need to go and revise this. Chairman Raymond suggests to push this down before the final executive session of the day. Chairman Raymond said he would leave this section and add a bulletin to handle specialty sub-contractors. Would like to try and get this done today does not want to go too long without a signed contract.

[10:31:08 AM](#) Rebecca has a concern on the original contract. It said Bryan would provide his own equipment. Have equipment at the lake so they need to specify how they want to handle this. Bryan said they use the weed eaters out there and his own equipment. Do use the ATV for garbage collection some of the time. Chairman Raymond said they would need to be careful to take equipment away and how they would handle this. Discuss equipment that is being used at the lake. Rebecca asked about the mower. Bryan said this is broken down right now it has had some issues. Rebecca said they may need to get rid of this and either get a new one or have Bryan use his own equipment. Bryan said they have now separated out the lake from the main contract.

[10:35:10 AM](#) Rebecca said they should either provide equipment or not provide equipment to make it cleaner. Rebecca said they would either surplus this all or upgrade and let the contractor use the equipment. Bryan said they have provided some of their own equipment at the lake. Rebecca said her feeling is if they have good equipment they should use this. Would then provide seasonal repair as needed. If the county provides the equipment should they be providing trainings where he is a contractor?

[10:38:54 AM](#) Commissioner Farnsworth said this is similar to Road & Bridge they do not allow contractors to use their equipment. Rebecca said it may be better to not own any of the equipment. Commissioner Hancock said that Bryan has been bringing his own equipment out as needed.

[10:40:37 AM](#) Chairman Raymond said that the budget has been already approved to change this and make this Bryan's responsibility and to not compensate him for this would not be fair. Bryan said he could have his brother continue to do the lawns not sure off the top of his head how he would be able to obtain the necessary equipment. Will give Bryan some time to review this. Commissioner Hancock goes over what Bryan needs to think about on how he will perform his duties with or without the county equipment.

[5:14:19 PM](#) Bryan comes back in with a modified contract. Commissioners' review this contract.

[5:21:11 PM](#) **Motion by Commissioner Hancock to approve the maintenance contract. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

#### **DATA HARDWARE – JOYCE BRIGGS & GARN HERRICK**

- **RESOLUTION #2017-1 – DISPOSITION OF PROPERTY**

[10:50:23 AM](#) Garn is here with resolution #2017-1. Chairman Raymond reads resolution "Be it ordained by the Commissioners of Jefferson County, Idaho, that the list of Data hardware owned by Jefferson County as provided on the attached list, may be disposed of as they are not in working condition and have been decommissioned as per requirement." Chairman Raymond goes over the equipment. Commissioner Hancock asked how these are disposed. Garn takes the equipment to recyclers in Idaho Falls.

[10:52:26 AM](#) **Motion by Commissioner Hancock to approve resolution #2017-1 for the disposition of property. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[10:53:22 AM](#) Recess until 11:00

[10:53:30 AM](#) Robin Dunn is in room

#### **ALBERT BROWN**

- **TAX ISSUE**

[11:00:30 AM](#) Albert did not come in for meeting. Will wait for him to contact us again for another time.

Open session 11:01

#### **SOCIAL SERVICES – GAIL ROBBINS**

- **EXECUTIVE SESSION 74-206 (D) – RECORDS EXEMPT FROM DISCLOSURE**

[11:04:12 AM](#) **Motion by Commissioner Farnsworth to go into executive session 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

Commissioner Meeting Minutes

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**Open session 11:26**

[11:26:30 AM](#) Motion by Commissioner Farnsworth on case #2016-45 to deny on lack of cooperation, case #2016-44 deny on lack of cooperation, case #2016-46 deny for no pre-authorization and non-emergent and case #2016-41 to approve. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

[11:29:32 AM](#) Recess until 1:00

**Open session 1:02****JEFF MCKINLAY**

- **BOARD OF APPEAL – PUBLIC HEARING**

[1:02:55 PM](#) Naysha the Planning & Zoning Administrator and Attorney Paul Ziel are here. Are here today for a public hearing on an appeal so the board is acting as a board of appeals. This appeal is for Jeff McKinlay. The request is to overturn the Planning & Zoning Commissions' decision on a home based business and equipment storage. Property is at 4168 E 600 N this is a residential five zone and the property is approximately 9.79 acres. A completed conditional use application was submitted on June 28, 2016. This is not in floodplain or any city area of impact and are three miles from the city limits of Rigby. On August 4, 2016 at the Planning & Zoning Commission a motion was made to deny this conditional use application unanimously stating the land use table does not permit construction yards or storage facilities in an R5 zone. Operation does not meet the requirement in ordinance section 3.4.5.2 of zoning ordinance under home businesses. Mr. McKinlay filed his appeal on August 23, 2016. The applicable regulations used by Planning & Zoning is the zoning ordinance section 3.3.3 for the land use table, section 3.7.0 for conditional use application and section 3.4.2 subsection 5 that discusses home based businesses.

[1:06:42 PM](#) Open up for public comment they have several who wish to testify. Will open this up to the applicant first then it will go in favor, neutral and then in opposition. Presenter will receive thirty minutes, then for the public testimony they will each be given three minutes and then the presenter will have thirty minutes for a rebuttal.

[1:08:06 PM](#) Kristy McKinlay 4168 E 600 N she is representing Jeff and herself. They had purchased this home in 2013 so they would have space for all of their belongings. Wanted a large area for their family and an area so her kids could ride their motorcycles. They are a busy family and have a lot of traffic at their home at all times. Have tried to slow down on the noise from the motorcycles since they know the Barry's do not like the noise. Never thought they had to worry about the traffic that comes into their home or the equipment at the house. Her husband coaches a lot of activities so they have a lot of kids at the house. Most of the time they are not working on equipment they are working on vehicles. Her main concern is how this will be policed. They have a backhoe and skid steer that they use at the home. Had asked in the last meeting and it was said that anything registered to Iron Man Enterprises would have to go. Not all of the equipment has to be registered and their vehicles are registered under this. Have used the backhoe to provide landscape and plant trees. Felt the Barry's also did not like the noise of the backhoe when they were beautifying their home. Have been working on making their yard look better. Ninety percent of the things that go on at the home are family activities. Most employees meet on the job site. Do have a semi that they transport equipment with. They do have a presser washer that they use often but this is mostly used to wash off vehicles. Feels they do not need neighbors to dictate what they do on their property. They just want to be able to store their equipment when it is not on the job site. Only have equipment parked there on and off. Kristy said they also have old cars out there so why that is okay but the equipment is not. They are appealing this decision because they feel many homeowners do the same by having equipment on their property.

[1:14:39 PM](#) In favor – Mr. Dennis Walker 4152 E 600 N. Lives two pastures down from the McKinlay family. He has a view of their property as well as drive by their property often. He has lived there for thirty-seven years and has worked hard to beautify his place. He feels that the McKinlay's have already outdone him in the short time they have lived there. The property is lined by a nice fence the front pasture has a sprinkler system and have a beautiful home set back in the trees. Beyond that is a metal building that is neutral in color. They do have a few pieces of equipment that did raise some concerns in the beginning. They do not have any signs out front that they are a business. Mr. Walker had an appraisal of his property done recently and it was very satisfactory. South of the McKinlay property is a tree moving business and they also have large equipment and trucks that they keep back in the trees. Back of the property they see a beautiful house with trees and a little bit of equipment including recreational equipment. The landscaping is superb. None of the businesses in the area affect him. Mr. Walker feels the McKinlay property is an asset to the neighborhood.

[1:20:02 PM](#) In favor – Blake Larson 319 N 3823 E is a friend of Mr. McKinlay and lives down the road. He has no issues on how the property is set up. The home looks nice and as a business man himself he parks his vehicles and trailers at his home. Everyone does this and feels that equipment is everywhere. Feels there are people all over that do the same thing. This is well kept and well maintained home. Jeff would not be pressure washing something that would affect his home and go into his well. Feels this would be an injustice to not allow him to do what he is doing on his property. Jeff is a particular person and things are kept up really well.

[1:22:41 PM](#) In favor – Wendy McKinlay 4141 E 550 N. She is Jeff's mom. Goes over that she is one of the reasons there is a lot of traffic. The family supports Jeff and all of his coaching activities. Sometimes they load up backhoes to help out neighbors with numerous projects. A lot of times on Friday nights they have to go get a lift to take to the football field so the team can record their games. Wendy never dreamed that a family doing their best to have a nice place would be wrong.

[1:24:28 PM](#) In favor – Garth Waddoups 4178 E 550 N is a neighbor. Goes over he understands the Barry's point of view due to sometimes they also do not like the noise. Garth has a little piece of ground and has frequently borrowed equipment from the McKinlay's to

help do his yard work. Suspects if the Barry's had a project that the McKinlay's would offer up their assistance since they are very generous. Not trying to make this an uncomfortable position in the neighborhood. Live about the same amount off the road as the Barry's so they can also hear vehicles from off the road. But it is still quieter than living in town.

[1:27:03 PM](#) No public here to speak in neutral.

[1:27:35 PM](#) Naysha reads a letter into record received from Karl Anderson at 4185 E 600 N on October 11, 2016. "Jefferson County Planning & Zoning. In regards to the issue of Jeff McKinlay's appeal to your decision I state the following: 1. Jeff's operation at this point has had little consequence for me or my family at this time. So far the additional traffic going in my easterly direction from his residence is of little consequence. 2. Jeff's residence is in good order and is a model residence in our community. 3. The fact still remains is this is a place for an equipment storage yard based on the existing county zoning regulations? 4. Does this open the door for 600 N to become the next industrial park? 5. I feel confident that whatever the commission decides will be in the best interest for the county and I will support your decision either way. Sincerely, Karl Anderson."

[1:29:55 PM](#) Naysha reads a letter into record received from Mitchell Curtis 4161 E 600 N written October 3, 2016 and received October 11, 2016. "To whom it may concern: I am Mitch Curtis and I own property right across the street and just a little West from Jeff McKinlay. I want to say that I have no problem if Jeff wants to run some or all of his business, including parking large trucks and equipment, from his house on 600 North. I want to state a few reasons why I feel it should not be an issue: Lots of people have run businesses from their homes right in the immediate area. When I lived there my neighbors directly across the street and now right next to McKinlay's had several businesses they ran from their property and home. They had a dog-breeding business and raised many litters of Sheltie dogs at a time. These barked constantly all day long every day, usually (but not always) pausing at dark. We lived there for close to 10 years of that and listened to those dogs bark all the time. They also had a horse breeding business they ran on that property during that time. They had people constantly coming in and out with trailers and without trailers, and it was a significant amount of traffic. Just directly South of McKinlay's is a business that grows and moves all sizes of pine trees with all sizes of equipment. That business is established and has been there for many years. At the East end of 600 North and not far from McKinlay's is another horse breeding business with a commercial size indoor arena. It should be noted that large commercial equipment is no rare site in the immediate area. Many of us that own land there either run or lease our ground for farming, and by necessity we move large tractors, plows, swathers, grain drills, balers and full size trucks and trailers up and down 600 North and surrounding roads for much of the year. I see no reason why Jeff McKinlay should not be allowed to do the same on his property that he owns. Thank you, Mitchell Curtis."

[1:31:20 PM](#) Opposed - Mrs. Jane Barry 4164 E 600 N stands in opposition to the conditional use permit and yields her three minutes to her husband John Barry.

[1:32:20 PM](#) Opposed - Mr. John Barry 4164 E 600 N. Mr. Barry is opposed to the conditional use permit since this violates ordinances and the land use table. Zoning ordinance 3.3.11.3 states conditional uses may be permitted if specified in the land use table. The land use table does not allow a trucking terminal or a construction business in an R5 zone. These are permitted only in light and heavy industrial zoning. In the Jefferson County comprehensive plan policy number five under industrial land use policy it states industrial should be prohibited in or adjacent to residential areas. Zoning ordinance section 3.4.5.2 states that home businesses should not affect rural or residential character of the neighborhood giving consideration to sight, sound, smell and traffic. Have heard a lot of good things that have happened at the home and he agrees but they are trying to put an industrial business in a rural zone. Goes over they were woke up from a revving engine at 0600 by the swimming hole next door that is five feet from his property line. Tried to speak with the individual in the equipment but he was ignored. Had called Mr. McKinlay who was aware and said that Mr. Barry had started this and he could do what he wants to on his property since Mr. Barry had filed a complaint. Mr. Barry had not filed a complaint. Had been told by Jeff that he had permits for all six businesses and then was told that he had not received a permit and invited him to attend the meeting and so he did. Had told Jeff that his wife was ill and needed her sleep and Mr. McKinlay has complied well since. After what had been said about him to the neighbors he decided to call some of the neighbors. A few had denied speaking with Jeff about him. Did speak with one who verified that he was hard to get along with and ended that conversation saying that Mr. Barry should apologize to Jeff. Mr. Barry has a problem with an industrial business being allowed in an R5 zone. Gives the commissioners photos from a security camera for ten days of activity around the property. Took photos that had to do with Mr. McKinlay's business. Chairman Raymond asked if these photos were provided to the Planning & Zoning commission. Mr. Barry said these were not this has been within the last ten days.

[1:41:15 PM](#) Chairman Raymond states that they would prefer them to stick to the facts and not get into the personal issues that are going on.

[1:41:27 PM](#) Opposed - Mr. Thomas Barry also has some pictures on the amount of traffic to help explain some of his concerns. Has two sets some were presented to the Planning & Zoning commission. Original pictures showed tire tracks off the side of the road and where the roads have been damaged across from his driveway. Some of the people have spoken today are not directly affected by this property. Planning & Zoning mistook that the difference between a John Doe home construction business and someone using heavy equipment all the time. They are talking semi-trailers, low boy trailers, flat bed trailers, sky lifts, and backhoes in and out. He is not worried about the equipment being used for animals. They are not talking about home use they are discussing his work constructing commercial buildings. The McKinlay's do have a beautiful place but they are talking about what is allowed in the land use table in an R5 zone. This property has been used for commercial home based business since 2014 and they are just barely getting the proper permits. Per the land use table construction trade is only allowed in light industrial and heavy industrial area. Outdoor storage is only permitted with a conditional use permit in commercial one,

commercial two and RR/C. Only allowed in light and industrial zones with a conditional use permit. On the application as well as the appeal this property is listed as used for equipment storage. Iron Man Enterprises is listed on DOT as a trucking company with the address attached. Commercial rigs are still going over the road even if this is not through his company they should not be on the road. Ordinance section 3.4.5.A that a home business shall be operated by a person or persons residing within the dwelling unit, and shall be clearly an incidental and secondary use of a residential dwelling unit. On the application it states they employee seven individuals and also have ten part-time high school kids. Per the ordinance they cannot have employees as a homebased business. Ordinance 3.4.5.B states on impact that a home business shall not affect the rural or residential character of the neighborhood. Consideration should be specifically given to impact on sight, sound, smell and traffic. Even if other homeowner's have gotten away with it he does not believe two wrongs make a right the ordinances are in place to protect all residents. Have seen road damage. Knows what was said by Chairman Raymond but since his name is listed he needs to defend himself. Feels Mr. McKinlay is a liar. He has stated that a complaint was filed by him he has spoken to Mr. McKinlay once. Then was told that a formal complaint was given to Planning & Zoning by his father. They have never spoken with anyone on this. If he can show proof he will recant everything that is said and speak in favor of this. But he feels he needs to refute this since his name is listed. Does not appreciate the slanderous mention of his name about not being able to get along with the neighbors. Wants to have that stricken from the appeal record due to it being slanderous.

[1:48:57 PM](#) Kristy McKinlay said she wishes her husband was here to defend himself since she was not included in some of these conversations. The pictures that were taken show family. Goes through the pictures the red pickup is two employees that worked at the shop one day due to being rained out, the semi is her cousin from Canada that comes to visit and the brown pickup is a friend. The big black trailer is the Jeep. All these pictures don't show anything to do with the business. She wants to be a good neighbor and are trying the hardest they can. They had been told by Planning & Zoning that some neighbors have complained and that is why they needed a conditional use permit. They have a business where they need things stored once and awhile. How can anyone know what is allowed on their property and how is anyone going to know what equipment is being used for. The equipment they do have is not any bigger than anyone else has. This is a trend in the county everyone has equipment at their home. They do not want to rent somewhere else to park equipment because it would not be worth the money. Thought if they have the equipment back in the trees not right on the road that it would not be a big deal. Realizes they are in and out of their houses fifty times a day. They have multiple people in and out of the house all day every day. Did oil the driveway to keep the dust down for everyone and it is causing black marks on the road. That is all Kristy has.

[1:52:55 PM](#) Commissioners close public comment section of the public hearing.

[1:53:07 PM](#) Paul Ziel goes over on ordinance 3.4.5.2 is well taken the commissioners need to consider what a home based business is. Know they have some of this on the record. Subsection (A) of ordinance that talks about a home based business should be ran by the homeowner and shall be incidental or secondary use. Thinks that Planning & Zoning was the fact finding and they felt they found more use than that. While they deliberate need to remember the testimony that was given. Did have multiple testimony that this was incidental but also have testimony from the Barry's saying it was more than that. Next thing is subsection (B) saying that a home based business should not affect rural or residential character should look at sight, smell and traffic. Paul realizes that the testimony is contradicting. Some think this is while others do not see any issues so they need to discuss why they believe this. One thing that was never brought up was subsection (C) saying that home based business may include but are not limited to but do list construction and or contracting. Agrees with Mr. Barry that conditional permits are not used for construction or storage yards. Not sure they can have a home based business without a conditional permit but this is something he could look into this as well. In Paul's opinion they cannot offer a conditional use permit. Not sure this is allowed but could have a home based business if they find this is incidental.

[1:57:28 PM](#) Chairman Raymond said the time for testimony is over the commissioners will now deliberate. Do not have to make a decision today. Commissioner Hancock said he sees some personal issues between neighbors that should not be in this meeting. Commissioner Farnsworth sees the same thing. Also understands both parties with noise and equipment moving in and out. Commissioner Farnsworth has a new neighbor and the noise went up substantially with the fanning equipment that is used. Going over the equipment he feels he sees these things at most farm sites as well as around homes. How would they know if this is farm equipment or construction equipment? If they lean this hard on equipment being parked in their yard where does it stop? If they follow this ordinance the way it reads then others farms are going to have to move their equipment as well to comply.

[2:00:30 PM](#) **Robin Dunn is in room**

[2:00:38 PM](#) Commissioner Hancock does not believe this is a trucking business not sure that use applies they are more of a construction business. Commissioner Farnsworth does not feel the road is being abused. See a lot of tractors doing the same as these trucks might throughout the county. Commissioner Hancock said as a home based business they would have to have a conditional use permit. Commissioner Hancock feels this is allowed.

[2:02:49 PM](#) Chairman Raymond said it's obvious that the testimony on the backhoe being used early is for personal use and will not change. The pictures indicated a lot of traffic and most of this was personal traffic without trailers. Does not know if they can issue a conditional use permit but believes there is a way for the business to come into compliance and believes there are other avenues to come into compliance. Sometimes ordinances are not perfect but they have to try and benefit everyone when they look at the whole county. Commissioner Hancock likes the idea of having a conditional permit because this allows some control as well as some monitoring of this. Commissioner Farnsworth said this would allow them to monitor this to make sure it is not to be abused.

[2:05:20 PM](#) Paul Ziel goes over it's difficult since this is a conditional use permit for a home based business. There are some things in the land use table that they could argue that this could fall under where they would be able to obtain a conditional use permit. Can make legal arguments that they have other options besides a home based business. Commissioner Hancock discusses the land use table. Chairman Raymond said the property is in an R5 zone and they may have other options. Paul Ziel said that if they find this is a home based business they can have the conditional use permit but they have to determine this is for secondary use.

[2:08:02 PM](#) Commissioner Hancock said that the McKinlay's live in this home. Commissioner Farnsworth said he looks at this as a home based business and does not see any issues they are driving equipment home and then leaving the home for the day to work.

[2:08:45 PM](#) Paul Ziel said he misspoke when he was going through the list had called construction trades only in light and high industrial trades. Home based business in an R5 zone does allow for a conditional use permit. Paul said that the outdoor storage is not allowed. Commissioner Hancock thinks that storage is more when they leave something for a substantial amount of time. Commissioner Farnsworth thinks that vehicles that are operable are not necessarily being stored since these are moved regularly.

[2:10:14 PM](#) Chairman Raymond goes over on the home based business sticking point in ordinance section 3.4.5.1 B that no one residing off-premises may be employed on the premises of a home occupation. Commissioner Farnsworth said he looks at that as they are not really employed at that property they may show up and grab equipment and leave but they are not employed at that residence since they are at a job site. If there were two employees there eight hours a day then he would consider them being employed at that residence.

[2:12:05 PM](#) Paul did look up accessory uses in ordinance section 3.2.1 does define accessory as use, building structure or part thereof, which is subordinate to or incidental to the main building structure or use on the same parcel of land. Common theme is whether it's an accessory use or home based business where they have to determine if it is incidental or secondary use.

[2:13:29 PM](#) **Motion by Commissioner Farnsworth to allow the McKinlay's to continue their property as they have been using this. In affect reversing the decision from the Planning & Zoning Commission. This will allow Planning & Zoning to issue a conditional use permit to help control the size and noise. Second by Commissioner Hancock. Discussion on conditions.**

Commissioner Hancock said they could regulate time frames on them. Commissioner Farnsworth said they could regulate what and how much is stored would be too hard to put limits on timeframes of when they work. Paul Ziel said conditional use permit is needed since this triggers an annual review from Planning & Zoning. That gives Planning & Zoning the ability to check in on this property so this does not grow to be something they regret. Discuss what equipment and how they could regulate what they have. Commissioners discuss conditions. Paul believes they could put a condition on the size if that is all they want. Chairman Raymond asked if there is any other option to be in compliance without a conditional use permit. Paul answers only if they applied under an accessory use which still has to have conditional use permit. That is if they believe the use is not incidental and secondary. Naysha goes over the accessory use. Naysha also mentions they need to state findings on their decision. **Commissioner Farnsworth amends the motion to include the conditional use permit and to allow conditions of two tractor trailers, one backhoe, one front end loader, one skid steer, one man lift, one aerial lift and other construction type of equipment. If these conditions of the permit are not met then they can pull the permit. Would also add to have an annual review. Second by Commissioner Hancock. Paul asked if he is approving the home based business with the following conditions. Commissioner Farnsworth adds that this is to approve the home based business with the conditions they have set. Paul asked how they will handle this if they have more semis at the location when someone visits. Commissioner Farnsworth believes the conditions would apply to the equipment that is owned by the home business. Roll call taken on amendment. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed. Roll call taken on the motion. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[2:25:12 PM](#) Commissioner Farnsworth mentions they may want to mend the fences.

## **PLANNING & ZONING – NAYSHA FOSTER**

### **• CITY OF RIGBY - BUILDING PERMIT CONTRACT**

[2:26:35 PM](#) Naysha has an agreement with the City of Rigby for the building permit contract. The city has not yet given her a signed contract. The mayor has not signed this so they asked her to provide this to the commissioners first. They are agreeing to provide an inspector for the city of Rigby. This is something they have been considering for some time. This should bring in some revenue. Commissioner Farnsworth thinks it's better than giving this to Rexburg. Naysha said they do not have the option to do some of the inspections.

[2:30:17 PM](#) Robin Dunn left room

[2:30:23 PM](#) **Motion by Commissioner Hancock to approve contract with the City of Rigby and the Jefferson County Building Department. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[2:32:18 PM](#) Robin Dunn is in room

**PLANNING & ZONING – NAYSHA FOSTER**

- **1<sup>ST</sup> AMENDED TAMARAK PARK**

[2:32:51 PM](#) Naysha is here with Tamarak Park. This is the first amendment are combining and enlarging these lots. This is between Highway 20 and Yellowstone. This is a commercial zone that did not go before the Planning & Zoning since they are decreasing the impact in the area.

[2:34:42 PM](#) Clint with Harper Leavitt said they have taken the right-of-way out of this so they could combine the non-buildable lots. This is making three lots out of four they have currently.

[2:35:51 PM](#) **Motion by Commissioner Hancock to approve the amendment to Tamarak Park. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **1<sup>ST</sup> AMENDED WATER'S EDGE DIVISION**

[2:36:40 PM](#) Naysha goes over the amendment on Water's Edge Division. This is taking two lots and combining them into one lot. Kevin Thompson with Thompson Engineering goes over that this was originally subdivided by Perry Ward. Proposing to combine lots to eliminate the lot lines. This area has a lot of trees. This is not agricultural land but does have a lot of natural land. The owner of the lots wants the home on the lot line this way he won't have to tear out the cedar trees in the area. Combining both lots for a lot of 2.6 acres.

[2:40:14 PM](#) **Motion by Commissioner Hancock to approve the amendment on Water's Edge Division. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **EXECUTIVE SESSION 74-206 (F) – LEGAL**

[2:42:10 PM](#) **Motion by Commissioner Hancock to go into executive session 74-206 (F) – Legal. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

**Open session 2:52**

[2:53:51 PM](#) Chairman Raymond said they had a legal issue. Will authorize the Planning & Zoning administrator to get bids on the issue.

**TREASURER – KRISTINE LUND**

- **TAX CANCELLATION**

[2:55:08 PM](#) Have Treasurer Kristine Lund, Assessor Cody Taylor and Marilyn Willis from the Assessor's office. Kristine goes over they have several things to bring before the board.

[2:56:05 PM](#) **Robin Dunn left room**

[2:56:09 PM](#) Kristine said every year they do a tax charge one way or another and have to look at possible cancellations. Marilyn had received an email from Brett Hill from Computer Arts that they have three different parcels with issues that the software did not catch. Cody said this was found after the abstract was submitted to the state.

[2:57:38 PM](#) Cody goes over the problem is when the abstract is submitted to the state the numbers are in. Have found some parcels that had some acreage with some problems. Have contacted Computer Arts and this took them several days to figure out what had happened. This affected Dean Boyce's property. What had been submitted on the property the assessment went out with 0.3 acres which did not create a tax bill. This should have been 78.1 acres. CBS Investments did not get an assessment only showed wasteland and should have a value of \$10,000 which should have generated some tax dollars. CBS Investments did not receive an assessment so this tax needs to be cancelled. The next one is Blaine Larsen Farms where they had the other issues with ag the assessment showed 158.1 acres at \$214,457 when the abstract was submitted showed \$97,281 because of the changes with ag values. Contacted Matt with the State Tax Commissioner and went over the tax dollars they would have to lose. Would have to submit completely new abstracts. Had spoken with Allen with the state and they will not bill on these and will be fixed for the next year. Larsen Farms will not owe as much this year but will owe more next year and they have been notified.

[3:03:45 PM](#) Chairman Raymond said they budgeted according to the abstract but the fact is there are some taxes that will not be collected. Kristine said these need to be dealt with separately.

[3:04:22 PM](#) Kristine said she needs a motion and signature on CBS Investments the other two were just for their information and are not cancellations. Cody said that the programmer has been working on this and they are not sure why this happened. Kristine said they do have 17,500 parcels and are only looking at issues with three.

[3:06:49 PM](#) Kristine said CBS Investments is a tax cancellation of \$112.50 from the errors in the abstract process. Will work through these changes as needed.

[3:08:21 PM](#) **Motion by Commissioner Hancock to do a tax cancellation on parcel #RP04N39E211031 with CBS Investments, LLC for \$112.50 estimated tax. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[3:09:08 PM](#) Marilyn goes over they had two parcels that did not receive the homeowner's exemptions on their land and homes when they had gone over the value. Commissioner Hancock asked what happened. Marilyn said when changes were made they did not go back to the correct area from the appraisers after the land value was changed. This was an oversight and has been fixed.

[3:12:17 PM](#) **Robin Dunn is in the room**

[3:12:22 PM](#) **Motion by Commissioner Farnsworth on parcel #RP05N37E331900 to grant tax cancellation for Thomas Taylor for \$188.89. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[3:12:56 PM](#) **Motion by Commissioner Hancock to cancel tax on parcel #RP05N39E314687 for Courtney Hill for \$187.07 estimated tax. Second by Chairman Raymond. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[3:14:36 PM](#) Kristine goes over another cancellation this is a travel trailer up at Heise. Pat Kelly with the Assessor's office said every year she goes up to verify at Heise that RV's are registered. Per code they have to go on the personal property tax rolls if they are not registered. This trailer in question was a brand new RV and only had a temporary tag. Have verified ownership and they were notified that they needed to provide proof they registered this for 2015-2016. Jason Hamilton is the owner of the RV. A warrant of distraint was sent out and Jason's wife contacted said it was registered for 2015-2016. Was supposed to send proof that it was registered but Pat ended up calling into the transportation department and verified registration. This RV was registered and the letters that were sent had been sent to the wrong addresses.

[3:19:37 PM](#) Kristine goes over they do the best job they can with what they are given. On this it does have a 2015 as well as a 2016 tax cancellation. For 2015 the tax is \$828.16 and for 2016 the tax is \$782.50 for total of \$1,610.66. Discuss what state they should register in since this is a travel trailer that can go to different campgrounds.

[3:24:51 PM](#) **Motion by Commissioner Farnsworth to grant the tax cancellation on Jason Hamilton on parcel #PPL01050070025 for \$1,610.66. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

## **BRENT BUTIKOFER**

### **• LEASE AGREEMENT**

[3:27:31 PM](#) Brent is here with the lease agreement for the Prosecutor office. Have made some changes can initial these. Did reduce the rent to half for the remainder of the year and have asked the other tenant to vacate by January 1, 2017. Paul said the third suite will not be available until January so they have not added this into the lease. Colleen said this was not budgeted for this will be \$1,950 asked if this will come out of contingency. Paul mentioned there is also a \$1,000 security deposit.

[3:30:45 PM](#) **Motion by Commissioner Hancock to approve the lease agreement with monies out of the commissioner contingency for \$650 a month for three months and add \$1,000 security deposit also from the commissioners contingency. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

## **JEFFERSON COUNTY EDUCATION FOUNDATION – DICK BROULIM**

### **• CONSTRUCTION FEE**

[3:34:00 PM](#) Dick is here because sometime this fall they determined in the school they were going to be fifty lockers short for the football players. Jeff McKinlay had donated a metal building that he constructed and put this up had this in mind to be a storage shed. Needed to put this up and the school did not have this in the budget. Have had labor and material donated to have a building worth \$150,000. Changed one of the people in charge and coming up with the septic tank has been an issue but they are working on this. The site was inspected but the records were not brought into Naysha. Waiting for septic tank and are meeting with school district to see what Vincent from the health board is going to decide. Naysha has stopped the process on this due to not having the septic signed off on. A lot of the community has donated time for this project. The building permit is \$2,100 and he is here asking the commissioners if they could help him on this cost. This is going to be a locker room in the beginning plans of the building showed no toilets. This has been redesigned for the handicap as well as completing the plumbing. Naysha said Jeff McKinlay had only come in with the shell of the building no other plans. Dick said this building is to the north of the concession stands. Have 103 kids out for football this year. Will now have a tape room and an ice machine. Had individuals from the sheriff's department and fire department help putting up the lockers. This work has been done by the community and his challenge is finding individuals to continue to help. This is 60X40 building.

[3:43:12 PM](#) The problem with the sewer is when the booster club put this together they had some of this plumbed by someone donating their time. Dick said that the septic board has been hard to get ahold of. Is here to ask that the \$2,100 building fee be rescinded. Naysha said that Jeff had paid for a portion of this already \$2,007 is what is left on this.

[3:46:04 PM](#) Chairman Raymond compliments him on getting this done. The High School works well with the county and allowed them to have their Preparedness Fair there this year.

[3:48:29 PM](#) Motion by Commissioner Hancock to cancel the outstanding remaining portion on the Jefferson County Education Foundation building permit for \$2,007. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

#### **PUBLIC WORKS – DAVE WALRATH**

- **PROPOSED LOCAL TRUCK ROUTES FOR 129,000 POUNDS**

[3:57:09 PM](#) Dave was a participant on the 129,000 pounds rule making procedure for roads. Truckers are lobbying for this so they could haul more. This would give approval for local roads that could be used. This would have a specific route be designated for this big of a load. If they have engineering data to support this or have staff to determine if the road could handle this type of load. Or the hauler will have to prove that the road is capable and would have a permit that would go along with this. Have one trip or an annual application.

[4:01:03 PM](#) Commissioner Hancock said he is on the transportation committee and goes over that ITD said that the county should designate what roads in the county could handle this type of load. Dave said that all counties have an idea on what roads could be eligible but do not have staff expertise to make this determination. Dave said he is not thrilled with this process does not think safety was a big enough consideration. LHTAC looked at accident history but his concern is what happens when there is an accident. Should have to be crash tested with this big of load. Wants to go and look and make a pavement assessment off of the surface. This is not the only thing to determine if this could be a route. Do have a few roads that could be opened up for these kinds of loads. Goes over the logical roads in the county would be County Line, Annis Highway and Archer Highway. Dave is putting together comments to take back to LHTAC on this process.

[4:05:49 PM](#) Commissioner Hancock said the heavier the load the more stress this puts on the roads. Thinks they need to step up and maintain these roads.

- **EXECUTIVE SESSION 74-206 (C) – REAL PROPERTY**

[4:07:34 PM](#) Motion by Commissioner Farnsworth to go into executive session 74-206 (C) – Real Property. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

#### **Open session 4:21**

[4:21:53 PM](#) Chairman Raymond said they were in an executive session discussing property.

[4:23:32 PM](#) Motion by Chairman Raymond to continue negotiations with an individual about some property. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

#### **CLERK – COLLEEN POOLE**

- **RESOLUTION #2017-2 – DISPOSITION OF VOTING BOOTHS**

[4:24:26 PM](#) Colleen goes over they have some voting booths that they no longer need. Have eighteen that are usable and three that could be used for parts. Lincoln County wants all of these and are willing to pay for shipping.

[4:24:50 PM](#) Motion by Commissioner Hancock to approve resolution #2017-2 the disposition of voting booths. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

#### **COMMISSIONERS**

- **LIQUOR LICENSE**

[4:26:32 PM](#) Motion by Commissioner Farnsworth to approve alcoholic beverage license for Mountain River Entertainment Inc. and The Office Bar. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

- **SIGN CERTIFICATES OF RESIDENCY**

[4:27:56 PM](#) Motion by Commissioner Hancock to approve certificates of residency for the College of Southern Idaho for Amanda Newman, Evan Renova, Ian Renova and Maryann Shuldberg. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

- **SCOUT FOOD DRIVE**

[4:29:00 PM](#) Colleen mentions that the scout food drive will be on Saturday. This is dropped off by the scouts at the library but will need some help. Do have some groups coming in to help. May contact the commissioners if they need help. Will try and have someone from the Clerk's office available at the library when individuals come to help. Wants everyone to try and keep this in mind because mostly women come in and may need some help lifting the boxes.

- **PROJECT MANAGER/ NEW BUILDING UPDATE**

[4:30:44 PM](#) Commissioner Hancock spoke with Leon Clark from the school. They used a project manager and paid them as a full-time position. Since then they have built more buildings and have only used Nielsen Bodily and it has worked out well for them as well.

Commissioner Hancock thinks it would be a conflict having any of them telling anyone what to do. Chairman Raymond said they may want to put out a RFP for a project manager just to test the waters.

[4:36:06 PM](#) Leon did not have a project manager for the elementary school and did run into some issues. They used a project manager for the high school because it was such a large project. Would not be able to pay someone full-time nor would they need someone to work on this full-time. Commissioner Hancock said that project managers are going to have bigger projects and sometimes will run into some conflicts.

[4:41:46 PM](#) **Motion by Chairman Raymond to put out an RFP for a project manager and publish this for up to \$250. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:43:31 PM](#) **Recess**

**Open session 4:46**

- **APPROVE CLAIMS**

[4:46:44 PM](#) Go over the claims. Colleen had spoken with Lorie in the Extension Office. All of the charges are for the county and they came in and they discussed this. Some of the billing is for the travel and the county has agreed to pay for this in her budget. Colleen said they did set up the trust fund to handle county versus university expenses. Colleen thinks a lot of counties have issues with this and hope they will receive some trainings at their meetings.

[4:57:17 PM](#) **Motion by Commissioner Farnsworth to approve claims for 9/30/2016 final end of fiscal year for \$309,997.46. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **APPROVE COMMISSIONER MEETING MINUTES**

[4:52:22 PM](#) **Motion by Chairman Raymond to approve special commissioner meeting minutes from September 16, 2016 as amended. Second by Commissioner Hancock. All in favor – aye. Motion passed.**

- **RISK MANAGEMENT DISCOUNT PROGRAM**

[5:03:12 PM](#) Rebecca goes over distracted driving and winter driving for the ICRMP discount training for the county.

#### **ATTORNEY – ROBIN DUNN**

- **EXECUTIVE SESSION 74-206(F) – LEGAL**

[5:22:26 PM](#) **Motion by Commissioner Hancock to go into executive session 74-206 (F) – Legal. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

**Open session 5:39**

[5:39:12 PM](#) Chairman Raymond said they have discussed some legal cases. No action taken and no decision made.

[5:39:39 PM](#) **Motion by Commissioner Farnsworth to adjourn at 5:59. Second by Commissioner Hancock. All in favor – aye. Motion passed.**

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*Chairman of the Board*

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*Date*

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*Clerk of the Board*

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*Date*

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*County Clerk*

\_\_\_\_\_  
*Date*