

**Jefferson County Commissioner Meeting Minutes
October 24, 2016**

Meeting called to order at 9:00. Those present are Commissioner Farnsworth, Commissioner Hancock, Chairman Raymond, HR/Commissioner Assistant/Emergency Management/Park & Recreation Rebecca Squires, Weed Mitch Whitmill, Deputy Prosecutor Paul Butikofer, Treasurer Kristine Lund, Assessor Cody Taylor, Maintenance Bryan Briggs, Public Works Dave Walrath, Probation Tammy Adkins, Extension Office Lorie Dye, Fred Martinez, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge led by Mitch Whitmill. Prayer offered by Lorie Dye.

COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

[9:02:29 AM](#) Emergency Management Rebecca Squires has been working on some emergency management trainings. Goes over that region three is for shootings and other disasters. This is something the team will help assist local agencies in maintaining plans this service is available for forty-eight hours and then they have to decide if they would like to keep them. To be a part of this team does require training but this is a great asset to their region if anyone is interested. This group consists of a lot of fire fighters. They are considered to be a state asset but they are all individuals from this region.

[9:06:14 AM](#) Deputy Prosecutor Paul Butikofer has made a decision on his deputies. The full-time criminal prosecutor will be Mike Winchester who is currently a deputy prosecutor in Bonneville County and is a resident of Rigby. The part-time civil position will be Weston Davis who is also a resident and has about ten years of experience.

[9:07:41 AM](#) Probation Tammy Adkins goes over they are short staffed have lost three employees to Bonneville County in the last three months. Will be getting these jobs on the county website as soon as possible. With the community service program and the RFK trying to make this a positive experience. Will still be doing projects they have Glenn Hatch who has been helping with the Food Bank. Looking at pro-social hours. This includes involving youth in positive things in the community. Feels this may help since they are giving back to the community. Looking for ways to get them involved in programs, sports and activities where a more positive direction is taken.

[9:11:04 AM](#) Public Works Dave Walrath said they are shorthanded have interviewed for some positions. Do the interviews in the Crystal Pit and have them work the equipment. Had a couple good candidates and will be making offers this week. Will be hauling sand to the lake today. Will be transitioning from construction to winter operations. For Solid Waste did get cell one seeded should see a certification soon. Commissioner Hancock asked if DEQ would then give a certification. Dave said that is the hope and feels this should be done since Paragon is certifying this. Have gotten some plans drawn up for the scale house the county will do the excavation. Discuss the parking lot sealing it went well and this will help extend the life of the parking lot.

[9:14:21 AM](#) Extension Office Lorie Dye finished the award nights for 4-H. October is sign up time for next year. October is also reporting time for state and federal reports. Closed the 4-H camp in Alpine for the winter it was beautiful and turned out well.

[9:16:11 AM](#) Assessor Cody Taylor now have four full-time people in motor vehicles. Do only have three computers at the counter but one can work on title work. Has a blue pickup that she needs to get rid of. Commissioner Hancock is wondering a price. Cody said this is a 1994 and has 124,000 miles on this and she just wants to get rid of this. Commissioner Hancock said that Rebecca may want this for the Park & Recreation department.

[9:18:01 AM](#) Weed Department Mitch Whitmill making the transition to fall treatments. Putting together acreage treatments. Waiting for things to dry out. Asked Lorie about a weed treatment out at the camp and if there is any interest in doing this. Lorie will get the information to him on the maintenance individual up at the camp.

[9:21:08 AM](#) Maintenance Bryan Briggs said he has noticed they are having quite a bit of marks on the floor so went and got some rugs to try and help. Chairman Raymond mentioned the Sheriff had said he had leaves that needed to be taken care of.

[9:22:01 AM](#) Treasurer Kristine Lund said her office is putting in levies. Will be working on getting tax notices out in the next four weeks.

[9:22:27 AM](#) Clerk Colleen Poole said right now its election season have had a lot of early voters. Discuss the copy of inventory lists they should have received from Marilyn. If they could get this back to her or Marilyn that would be great. This has not been reviewed for a few years. This is only office equipment not computers. Also has a detailed list of insurance on vehicles gives out a printout per department. This way they can get the right vehicles on this plan just so they make sure everything covered. Ask they all look this over and get back with her on any changes. Chairman Raymond said they also only have seven days left to get the ICRMP discount program training done. Colleen mentioned they were at about eighty percent completed. Chairman Raymond mentions on the commissioners they had not been given credit for the driving training they took in the last meeting. Colleen will double check on this.

[9:27:08 AM](#) Paul mentions the Attorney General will be speaking at the Republican Women's meeting at 7:00 on Thursday.

[9:27:47 AM](#) Commissioner Farnsworth does not have anything.

[9:27:56 AM](#) Commissioner Hancock thanks the clerk's office for helping with the Scouting for Food Drive. Are looking at building a new office annex. Had the opportunity to go through the building in Madison County. Their building has a 7,000 square foot basement that is open space currently. Has a main floor of 7,000 square feet and upstairs is 5,000 square feet. This was nice to see their layout to think about the size they will need. Still are trying to get ideas on size and need to have some input from some of the departments. Had been discussed that they may looking at Planning & Zoning moving to the new building. Kristine said if that happened it would open the counter room for the assessor and the treasurer. Chairman Raymond said they could look at remodeling as well.

Commissioner Hancock said they are looking at the needs in a twenty year horizon and a projection that was done showed growth to around 50,000 people. Lorie asked if they could have some input in this. Rebecca said if they had suggestions they could email her some ideas and she will facilitate all of the information. Lorie said a big need would be a place to hold trainings this could be used by other departments as well. Lorie asked Tammy with 4-H youth wondering if they could be in the same building as probation.

Commissioner Hancock would like probation to have their own entrance and be able to partition this off. Cody mentions for her office a way to have an area for privacy to deal with circuit breakers as well as appeals. Kristine and Cody have talked about this and feels they need some more confidential areas. Tammy said to answer Lorie there are no legal parameters separating probation and 4-H.

[9:41:02 AM](#) Chairman Raymond said in Madison they have a large basement but did have a flash flood. Had about six inches in the basement but luckily they had things off of the floor. Need to think about sub issues here that could cause issues.

[9:42:02 AM](#) Commissioner Hancock said the location will be on the south side of the building. This will still be very close to interact with the rest of the courthouse. It will help having these be separate buildings. May have to do this project in phases but will have the outer shell done.

[9:45:13 AM](#) Chairman Raymond goes over the remaining calendar. Will have a meeting on November 14 and 28. Then will have a meeting on December 12 will hold the county appreciation lunch on December 13 and finish the year with a meeting on Tuesday, December 27. Kristine says another meeting to consider is the District 6 meeting November 10 at 1:00 at the Health Department.

PROBATION – TAMMY ADKINS

• QUARTERLY REPORT

[9:47:17 AM](#) Tammy Adkins is here for her quarterly report did not have any major things. Has given Chairman Raymond a list of the individuals if they wish to look through. They are down in numbers currently. Also have a state financial report for the year end. This talks about funds received from the state. Have \$89,953 this is the money that is being set aside. In the lottery if they have anything over \$9,000 she tries to put this aside as well. Goes over the financial report. Commissioner Hancock said on the detention center are receiving some additional inmates from Montana so they may have some more revenue produced than they had originally thought.

[9:52:26 AM](#) Tammy said they had a meeting and heard they were trying to get some additional revenues at the detention center.

[9:52:55 AM](#) The quarterly report has a breakdown on juveniles and adults. Chairman Raymond signs the Juvenile Justice Annual Financial Report. Tammy mentions she just had another employee give notice this morning.

[9:55:37 AM](#) Recess until 10:00

Open session 10:00

ALBERT BROWN

• TAX ISSUE

[10:00:49 AM](#) Albert Brown is here and is hoping they had taken the time to look at the documents provided from the taxes when he was in here awhile back. Had spent years trying to get a fair tax and would like to have them consider helping him with this issue. Has held off on paying these but is at the point in time when this will end up going to the paper.

[10:02:43 AM](#) **Robin Dunn is in the room**

[10:02:54 AM](#) Chairman Raymond said after his review they were already assessed and the money and this has already been sent out. Albert goes over it had been around \$300 and then dropped to about \$40. Had been appraised high but it is now at a reasonable amount that is fair. Chairman Raymond said this has been at least three years. Commissioner Farnsworth said this is money that has already been collected and spent.

[10:05:23 AM](#) Chairman Raymond asked the assessor or treasurer if they would like to come up with any information. Assessor Cody Taylor said the values are good now and the values in the past were never brought to an appeal. There is nothing her office can do the values are correct now. Chairman Raymond said a proper appeal was never done and now they are being faced with a decision. Kristine said there are three parcels and is from 2012 forward. May have been the same physical ground but the ownerships have changed as well as the parcel numbers. Had to break out the towers from land that was sold.

[10:07:30 AM](#) Albert said he was unaware of the appeal process. The site has always been a tower site. Albert is going to pay the taxes today but is just here to discuss fairness. Commissioner Hancock goes over the prices asked why he never appealed this in the

correct process. This process is usually indicated on the assessment notices that is sent out. Albert said he did not realize there was an appeal process. Chairman Raymond said that they cannot determine the values of the land now.

[10:10:48 AM](#) Chairman Raymond does not feel they have latitude to offer anything. He would just encourage him to pay the taxes as they are assessed. Commissioner Farnsworth said they cannot collect taxes that have already been issued to other entities. May be able to look at the interest and penalties. Robin said that usually they could eliminate the interest but the penalties are issued by statutes. Commissioner Hancock agrees may be able to waive the interest portion of \$195.84.

[10:12:51 AM](#) **Motion by Commissioner Farnsworth to leave the taxes as they are but to grant the interest of \$195.84 for parcel #RP04N39E085600, #RP04N39E086190 and # RP04N39E085800. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:01:26 PM](#) Chairman Raymond clarified that the interest was \$195.84 on each property for a total of \$587.52. Sign the reason for cancellation form from Kristine.

KURT ACOR

• PROPERTY CLEAN-UP AND PURCHASE

[10:14:50 AM](#) Kurt is here and is purchasing an old savage yard on 100 North. Are making arrangements to get rid of the tires. Knows there has been some problems in the past at this location. Is here about some potential zoning changes and the storage areas. Chairman Raymond goes over there are two commissions. This type of decision would be more in the Planning & Zoning Commission. Commissioners tell him that Planning & Zoning should be able to help answer any questions that he may have at this point.

PARK & RECREATION – REBECCA SQUIRES

• JEFFERSON LAKE MAINTENANCE CONTRACT

[10:21:04 AM](#) Rebecca has the park & recreation portion on the contract. Rebecca goes over on equipment this is the route she would like to go. On equipment that the county has currently this can be used until this is no longer serviceable. Chairman Raymond said he does not have any issues on this. Robin mentioned that the issue would be having the contractor get the equipment but then losing the contract may run into some issues.

[10:23:48 AM](#) Bryan Briggs comes in to review contract he would rather put this off until the next meeting so this can be reviewed more thoroughly.

• SOLAR ECLIPSE/ INCIDENT MANAGEMENT TEAM

[10:24:47 AM](#) Rebecca goes over the eclipse on August 21, 2017 our area is in the line of the eclipse. Looking at crowds of 100,000. From what she has read this is a big deal. Already has the entire lake booked. Is looking at getting things organized for this event. This is a tremendous opportunity for the county to shine. Rebecca has listed some recommendations which include reviewing ordinances about camping and what permits would be needed. Encourage individuals to review where they are going to put this many individuals. If they have areas setup as venues it would be easier to be able to plan accordingly. They have established a web page and have several eclipse websites showing Rigby as a viewing location. Have had international calls regarding camping at the lake. Trying to help facilitate individuals. Looking at the response aspect of this would like to cooperate to activate a regional plan. To help them know if the regional coordination plan would work. Could have the region incident management team come in and help. Have to consider other things such as if on August 21 it's cloudy and these individuals all decide to move to Teton County then they would need additional help. By activating these communications they would know what resources are available. Commissioners think this would be good practice.

[10:31:27 AM](#) Rebecca asked how she would get this ball rolling to form a regional response. Also looking from an economic standpoint these individuals may be here over the weekend spending money which would be great for the community. Chairman Raymond said to mention cooperation in the resolution and to discuss there may be potential expenditures. Rebecca asked if they would want the incident management team involved as well. Commissioner Farnsworth thinks that it couldn't hurt. Rebecca said with this team if something is happening in Jefferson County she would not be involved with the team on that day. She would only be involved in the prep work. Rebecca mentions after selecting the viewing venues she would then start working with the Sheriff's office and Fire Departments so they can have those areas covered.

[10:37:13 AM](#) Rebecca gives the commissioners their GETS card.

SOCIAL SERVICES – GAIL ROBBINS

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

[10:41:11 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.

Open session 10:45

[10:45:16 AM](#) Motion by Commissioner Hancock to deny case #2016-32 on lack of cooperation. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

[10:45:53 AM](#) Recess until 1:00

Open session 1:00

[1:00:05 PM](#) Robin Dunn is not in room

PLANNING & ZONING – NAYSHA FOSTER

- **PUBLIC HEARING - ORDINANCE #2016-6 – RIGBY AIRPORT ORDINANCE**

[1:00:18 PM](#) Chairman Raymond goes over they have two public hearings back to back. Asks that they make sure they sign up for the correct hearing. Will turn time over to Naysha. Have Paul Ziel here for legal counsel.

[1:01:20 PM](#) Naysha said this is the City of Rigby airport ordinance. On May 5, 2016 this draft ordinance was given to the office. On June 9, 2016 Planning & Zoning Commission heard this and some changes were recommended. Came back and met with Planning & Zoning Commission on September 1, 2016 with the recommended changes in the draft. Planning & Zoning has made a recommendation to the County Commissioners to adopt and the vote was unanimous. Chairman Raymond goes over the public hearing process.

[1:02:50 PM](#) Mr. Anderson said for the last three years as an airport board they have been working to get an ordinance put together. Naysha had asked that they look at the county airport ordinance because they were working on the comprehensive plan. With this he put together something for her. In the process the legislature has put some legal force into action that airports have to have an ordinance and they have to work with both the city and county comprehensive plans. Mr. Anderson revised the old ordinance has added some additional clarification. Did go before Planning & Zoning Commission and they had requested some additions to this mainly in the definitions section. Talks a lot about height restrictions, visual zones, etc. Zones have been set by the Federal Aviation Agency. This is a multi-jurisdictional airport since it is the City of Rigby but this is also in the county as well.

[1:08:17 PM](#) Chairman Raymond said they have reviewed this draft ordinance. This is an update to a current ordinance asks if in the draft document if the underlined section is the part that was changed. Mr. Anderson said the underline is the addition to the older version. Some of the red is what was added after the first meeting with the Planning & Zoning Commission. Chairman Raymond asked if this is an ordinance specific to the Rigby City Airport or would this fall over and affect all airports. Naysha said no they all have their own this would be specific to Rigby. Commissioner Hancock asked about the state's plan. They have a land use plan to put together ordinances for airports and they are very explicit. He was on the state transportation board where the FAA and the state department did the land use plan. In a lot of the areas they have a higher area of compass for an airport of this size. Mr. Anderson said that he had taken this from the Idaho plan and took various parts from it. Commissioner Hancock asks why this is more stringent than what they specifically request. This covers a broader span as if this is for commercial planes. Mr. Anderson said he was using the airport masterplan as the guideline and that is where he came up with the numbers. Commissioner Hancock is wondering why this is more stringent than what the requirements are through the state. He is wanting to know why as they do land planning in that mile radius feels those rights are being restricted when this is not required by the state.

[1:12:31 PM](#) Mr. Anderson said they have been trying to be proactive. Trying to protect the airport from undesirable building in the area that could affect flight plans. Mr. Anderson was not aware that it was more restricting. Chairman Raymond goes over on what it states on page twelve of the draft. Basically the most stringent limitations should prevail. Commissioner Hancock still wants to know why they are being more stringent than what is required. Not sure the airport is going to grow that much.

[1:15:40 PM](#) Mr. Anderson realizes the Rigby Airport is only for a general aviation airport. But they are try to protect the airport by planning for growth in the area.

[1:16:58 PM](#) Commissioner Hancock said another issue is about instrumental approach zones. Do they have any of these zones? Mr. Anderson said they do not have an instrumental approach at this point once they do they would have different regulations. Chairman Raymond said where they are a non-instrumental approach they have different guidelines than they would if they did have an instrumental approach. Mr. Anderson said they try and think about the future on these ordinances.

[1:18:08 PM](#) Commissioner Farnsworth asked if there is more ground to make the airport larger. Mr. Anderson said they are in the process and this is something they are considering. Realize the extension of the runway changes the approach zones as well. Chairman Raymond said the ordinance gives latitude to fall into this.

[1:18:54 PM](#) Commissioner Hancock goes over the giving notice section. It says that the county would encourage anyone selling or leasing property to give written notice to anyone buying property within a mile distance. Feels the part about written notice to anyone in a mile radius would affect a lot of homes in the area. Mr. Anderson said this is basically to let homeowners know that aircraft will be taking off at all times of the day. The intent is to inform the potential buyer that they will be in an overfly zone. Commissioner Hancock is not sure how that is something they can enforce. Mr. Anderson thinks the intent is not to put a restriction on the property but feels they should inform the potential buyer that there will be overfly.

[1:21:46 PM](#) Naysha said there was a change this says encouraged now was changed from required.

[1:22:13 PM](#) Mr. Anderson feels this way at least this is giving them notice. Commissioner Farnsworth goes over a theory that this is informative information that the person selling the home should tell the potential buyer. Commissioner Farnsworth does not feel that it's a huge issue to have the seller tell the individual they are close to the airport. Mr. Anderson said that this is just to give notice of what the use is and so they know they live close to an airport. Chairman Raymond said this is not deliberation time asks the commissioners if they have any other questions. Mr. Anderson finishes that this is a viable source of revenue for the area.

[1:25:21 PM](#) Chairman Raymond said they have no one signed up to speak in favor, neutral or opposed. Asks Mr. Anderson if he has anything else. Mr. Anderson will leave this with them. Will move toward deliberations and close the public hearing section of the hearing.

[1:26:25 PM](#) Commissioner Hancock goes over the legality of the City of Rigby has a disclosure statement that has notices for potential buyers. Chairman Raymond feels this is not opposing on to private property rights. Commissioner Hancock is also still concerned about the approach zones in section 3.7.5. In the approach zones the primary zones fall right in the same guidelines but the others exceed state guidelines. Does not want this to be too restrictive so they can't see future development around the airport. Chairman Raymond said this may be to help toward the growth of the airport and the county. Commissioner Hancock feels they should stay within state guidelines. Chairman Raymond goes over that the worst case would be if they moved back to state guidelines they may have to update this ordinance again in the future. Commissioner Hancock said the area of restriction is determined by what type of aircraft that come into the airport. Commissioner Farnsworth does not feel this would be impacted either way on this. Commissioner Hancock said this would have impact to some and already has. Chairman Raymond said it could not since this ordinance has not been adopted. Commissioner Hancock said he knows there was a cell tower that was within this radius and they did not allow this tower. If Verizon wants a tower they cannot have one. Chairman Raymond said they are talking about 5,000 feet here so there must be another reason since this was not adopted yet. Commissioner Hancock said that 5,000 feet is for a larger airport and he feels this should be back to the state regulations.

[1:32:20 PM](#) Commissioner Hancock goes back to the giving notice section should be deleted. Chairman Raymond said he also has a concern why have an ordinance that they cannot enforce. If this is not enforceable not sure why this is on the books. Naysha said this is not necessarily something that they would ever enforce. But this gives realtors and sellers the information and encourages them to inform buyers of this.

[1:34:18 PM](#) Paul Ziel said that from a legal standpoint not sure why they would put something in that they will not enforce. Feels there would be legal standpoint from both sides. Chairman Raymond asked if they can strike and approve or should this be sent back. Commissioner Hancock asked if they can send this back and recommend they change the restrictions as well. Chairman Raymond said he is wondering if the 5,000 foot versus the state was discussed in the Planning & Zoning meeting he did not see this in the minutes. Naysha said it was but not at length.

[1:36:53 PM](#) **Motion by Commissioner Hancock to refer this back to the Planning & Zoning Commission to address the two issues. Recommendation to check the distance section 3.7.5 and to consider deleting section 3.7.9. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **PUBLIC HEARING – ZONE CHANGE – CHRISTENSEN- POLARIS – BLAKELY**

[1:38:29 PM](#) Planning & Zoning Naysha Foster goes over this is a zone change for Polaris Resources with Mark Heath as the applicant. Application is to rezone nine acres from agriculture 10 to commercial 2 zoning. Three parcels are in the application for the zone change these are 677 N 4100 E, 668 N 4100 E and 669 N 4100 E. Goes over surrounding zoning of the area. Parcel one is 5.25 acres parcel two is 2.35 acres parcel three is 2.46 acres. In her staff findings there was a zone change in 2009 which had been denied by Planning & Zoning Commission. Was submitted again for this zone change August 1, 2016. This area is not in a flood plain or area of Rigby impact zone. Parcels would be contiguous to a C2 zone. Applicable regulation are zoning ordinance 3.14.0 covers amendments as well as the comp plan and preferred land use map. At the public hearing on September 1, 2016 this was

recommended for approval on the parcel on the east side to commercial 2 but to deny the other two parcels on the west side of 4100. The rezoning of the ones on the west would reduce the buffer. This motion carried unanimously.

[1:41:14 PM](#) Naysha goes over the conclusions from the written decisions. This application is to change the zone from Ag10 to C2. Commission said since this this is a change to C2 they become non-conforming lots. Referenced section 8.6 and 8.4 of the comprehensive plan. Ed Mortensen had made the motion to approve the zone change on the east side to C2 and to deny both parcels on the west side. Again this was carried unanimously. Had one testify in favor who was part of the application and had sixteen in opposition with concerns on the road, bridge and deteriorating atmosphere of the neighborhood.

[1:44:23 PM](#) Commissioners review some of the information that was provided on the property from Planning & Zoning.

[1:47:29 PM](#) Chairman Raymond opens the public hearing section. They will allow the presenter to come up first. Chairman Raymond goes over the process of the public hearing.

[1:47:46 PM](#) Mark Heath General Manager of Polaris Resources. In general their concept is given the state's action two decades ago that they will continue to advance the concept of Highway 20 being a limited highway. When they advance on this it has had consequences. When they created the off ramp to Lorenzo they payed attention to this. The general plan was issued in 2005 the impact of the Lorenzo overpass and what would happen to 4100 East was not taken into account. Everyone is well aware of what will happen to 4100 East. This could be a few years off. Mark goes over the overall picture of 4100 East this has approximately one-third being used with commercial activity on both sides of this now frontage road. This area is south of the Menan Lorenzo Highway. Mark feels that in both the east and west directions commercial activity exists and will as the traffic moves forward. With 4100 East being a frontage road the road will need to be maintained. Commercial zoning covers the entire length of 4100 East and it will be commercial on the west side even though this is still green it should be painted red. One-third of 4100 is already commercial and more than half is on the east side to not continue in that pattern is arbitrarily conservative. In the last Planning & Zoning meeting where they came back again the board was more reflective and he thought they were going to make a decision to put this to bed. But instead they granted the east side and denied the west side. Agrees that 4100 East as the new frontage road should also be a transition marker. Limited access should be heavy commercial and have 4100 make the transition and have the west side be C1 and then flow back into ag and residential. Think that this should be done so they are not being arbitrarily discriminatory. On the frontage road this is the transition will be continuing on the north but not the western side. Feels they could go to C1 on the west side and then move to R5 and ag. Being around Yellowstone and Highway 20 got stuck acting as a frontage road there is a lot better planning shown. Thinks they need to get caught up on the western side. Look at the surrounding area traffic is only going to increase. Goes over population. This area is only going to keep growing.

[2:00:01 PM](#) Commissioner Farnsworth asked question on map. Mark goes over they had a dividing line at 4100 East. Commissioner Hancock said they are still wanting to change this to light industrial. On their application they did not write down C1 or C2 just wrote down commercial. Changing the zoning will not change taxation. As they sell homes no one is going to want this as the traffic continues to grow in the area.

[2:03:44 PM](#) Commissioner Hancock said with the increase in traffic who is going to help with the road. Mr. Heath said if this is zoned commercial the taxes would go up to help fix the road. Pay more taxes on commercial than any other zones. Since the off ramp was completed FedEx and the other businesses have already increased the traffic. This is not going to go down. As Highway 20 increases its use he feels this is to the county's advantage to move toward commercial. Could be a special assessment district. Could be particular to that area. Commissioner Hancock said that Planning and Zoning has been good about planning for growth. Goes over reasons why not to expand to the west. Mark said he is discussing the remaining of 4100 cannot let some of this be and not be arbitrarily discriminatory. He would be happy to take C1 zone. Chairman Raymond thanks Mr. Heath. Paul asks Commissioner Farnsworth to describe the property map. Commissioner Farnsworth goes over the zoning map one chunk is on the east side of 4100 and the other two parcels are on the west side of 4100.

[2:09:08 PM](#) Chairman Raymond said they will open this up for public comment. They do not have anyone in favor or neutral that wish to testify.

[2:09:16 PM](#) Chairman Raymond goes over they do have five that are opposed and all of these individuals wish to testify.

[2:09:24 PM](#) Mike Barber said in the late nineties Ray Smith and the Planning & Zoning board did a comprehensive plan to change this whole area. In this they passed a motion and put into effect to go 1,000 feet from Highway 20 both to the east and west. Mike had come in and there is no record of this happening and he would like to know why. In 2005 here comes the Long Island Business Park and because of the comprehensive plan this business park did not have to have any zones changed. Mike lives on the west side of the Long Island Business Park. Not sure of Mr. Heath's measurements only property along there that is commercial is his property which is only 500 feet wide and Kramer's which is 150 feet wide. This is the only commercial property along this area. He did not move to have his property moved to commercial. In 2008 or 2009 this was automatically made commercial. Not sure why this was made and he had a young man (referring to Steve Burton from Planning & Zoning) do some research and they did not come up with any answers either. Also never found the comprehensive plan from the nineties. Mike is in the process of changing his ground back to

ag/residential still has to go through all of those motions. Planning & Zoning made David Blakely's piece of ground commercial. This is the only other property that is commercial. Naysha clarified the strip Mr. Blakely owns Planning & Zoning has only given a recommendation that this be approved it has not gone before the commissioners yet. On the west side of 4100 nothing commercial from 700 until you get to Toomer's Gravel Pit. Everything else is Ag10 other than the two little parcels they are trying to change. Feels the property is too small the only place that could go commercial is the Heath place since this is five acres. When it is said that 4100 is the place to make the break if Mike changes his back there will not be any parcels contiguous to this. Will be nothing there to be contiguous too. Would really like to know why his property was changed to commercial. He does not want this.

[2:16:31 PM](#) Paul corrects the record that when Mr. Barber was speaking about the young man it was Mr. Burton who had done a bunch of research for him. Commissioner Hancock goes over the current zoning.

[2:19:16 PM](#) Cathy Dabell 683 N 4100 E are neighbors to Mark Heath. One of the things Mike was getting at is none of the properties other than the Long Island Business Park is being used as commercial. Have seventeen homes on 4100 East with three homes on the acreage he wants to turn commercial. On the letter from Planning & Zoning it was announced that this would be a change to C2 which is what is being applied for. Three properties have had homes and two of the homes have been there for more than thirty years. Commercial has been kept within the Long Island Business. Feels that two-thirds of this is residential. Does not believe this is the time to change this to commercial this will affect the neighborhood. Need to ensure the development is considerate to the area. Believes if they turn this to commercial it will affect the ag land around it. Would like them deny this application to change the zoning.

[2:22:41 PM](#) Lance Dabell 683 N 4100 E also mentioned in the letter they had received said this was requesting to have this be re-zoned to C2. Have zero foot setbacks on property line which would be allow this to be within eighty feet of his home. Has a list of commercial and does not see much difference with C1 and C2 on the land use map. The land adjacent is ag and residential. There are four pages of ag uses. This would be making a big zone change from ag to C2 feels this would be a big deal. Mr. Dabell said those that live here are the ones that will have to deal with this. FedEx has been out there and the road has not changed. Goes over the lots that are available and their acreage. There are plenty of commercial lots available. Does not believe this is the time to change this since this is a residential area with the commercial still being limited. Feels they need to keep the commercial lots in industrial parks. Does not feel the amount of acreage they are wanting to change would be enough for a business. He wants this zone change be denied because there are plenty of commercial lots available in the area.

[2:26:22 PM](#) Jerry Kramer 654 N 4100 E. Does not want to sound like a hypocrite because his property is commercial and they have already heard the explanation from Mr. Barber. They live within the boundaries of the business park which is going to be a problem forever now. But to expand this beyond this is not appropriate. The flow of traffic and the amount of businesses that have been approved have increased the traffic with heavy trucks. Bridges are already inadequate to service these trucks. Property involved along the west side this would give the commercial the right to build right up to the property line. The division on the east and west side his understanding is there is 1,000 foot frontage designated. As they get to 600 North the gravel pit and the FedEx fall within that boundary. This is his understanding why Toomer Construction was allowed. 4100 has not been a frontage road until just lately. Has existed for more decades than he has. This used to be a cross through road. Chairman Raymond asks if his property falls within the 1,000 feet. Mr. Kramer said he has never actually measured this but this was just farm ground at the time the house was built.

[2:30:57 PM](#) Ovanes Barberian lives in Lorenzo 4133 E 680 N. He is totally against this being an industrial zone because he has been running oil painting workshops from all over the world in his home. He has been trying to limit noise so he has been buying properties on 680 North. Has purchased this so no one can build there. Does not want any shops close to him. South of 680 North the industrial park why this was automatically converted to commercial? Paul said they do not have to answer questions. This is his time to present. Mr. Barberian said that both are facing the highway some is commercial and some is not. Not willing to convert any of the property he owns to commercial. Mr. Barberian is against this zone change.

[2:35:19 PM](#) Chairman Raymond said they will now give the time back to Mr. Heath for his closing statements.

[2:35:36 PM](#) Mr. Heath said as he has listened to the ones in opposition would like to hit on their opposing points. This got hit as being the frontage road without a vision of what should have happened. When the properties were developed it should have been up to the county to realize that crossing the canal needs to be upgraded as well as the roads. Feels that Mr. Barber is not right just because the use of his property remains ag/residential. The planning and zoning for future growth is showing this will be light commercial because this is between the frontage road and Highway 20. Have Cathy and Lance Dabell who don't want a business there when they have their own business in their home. Cathy has a hair salon and Lance has a construction company working there. If this was C1 this would not be heavy commercial. If they want to restrict the business then they can do that when they issue permits. They can include the need for barriers such as trees and go over this when the plan is created. When the business park was implemented this was not needed. He is not sure why. Have a lot of noise about the homes are being enveloped by commercial use but this is to be expected. Growth is coming to Jefferson County this is only continuing to increase. As far as the art studio this was a prudent decision on his part since he wants his space to conduct his business. So he has already created his barrier but is still operating a commercial studio. Feels

this is arbitrary and discriminatory. This property would work with commercial this is not a tiny piece of land. Not only Kramers there are others that are operating commercial. This also has light industrial use because of the pit. In 2005 the general plan document showed that commercial is a growing demand area. This is a small piece of 4100 East that is going to get there eventually and the industrial park will expand. Mr. Heath goes over the way this had been thought out. Need to rethink this area now and start looking at this correctly. Not opposed to doing the development process properly. Does not realize why the neighbors have commercial businesses when he is taking the correct channels to obtain the correct zoning. Commissioners do not have any questions.

[2:50:31 PM](#) Chairman Raymond goes over before they close the hearing he goes back to the opening comments from the report from the Planning & Zoning that these homes would be nonconforming. Naysha said now there are homes on the property once this is changed from ag or residential to commercial then they begin to be non-conforming. There are no animals allowed and if this is moved to commercial they would have to begin conforming to the commercial zone. This does not affect the neighbors. Once the home is destroyed they have to bring this back into compliance but would not allow another home. This is why the Planning & Zoning had some issues their recommendation was to approve one property and deny the other two properties.

[2:52:58 PM](#) Paul Ziel goes over a few things. Was discussion about discriminatory and arbitrary. Understand the constitutional standard when making these types of decisions are looking at rational basis. Have to show this is rationally related to legitimate purpose. Could have one side be commercial and the other side that is ag or industrial. Agrees with Mr. Heath that this cannot be done with discrimination such as age, race or religion. Could say they are trying to keep the characteristics of the area. Need to look very carefully on what they are here on. Heard testimony that this was advertised as a C2 change would caution on doing anything with C1 since this was not in the advertisement. Procedure is very important. At some point in this discussion this was changed to be considered as a C1 change. Paul said he would not go there until proper notification is done.

[2:55:44 PM](#) Chairman Raymond closes the public testimony of this hearing. Will start deliberations.

[2:55:59 PM](#) Commissioner Hancock realizes there is growth and they do not want to discriminate or stop this but there are a lot of areas that are already set aside for growth. Planning & Zoning has to have an organized process for growth in the zoning that has been done. Looking at this little area and are trying to pigeon hole this when there are a lot of area that is available for development.

[2:57:25 PM](#) Commissioner Farnsworth said he never heard of a use for this commercial business. Did not hear of any plans for this and if Mr. Barber is going to switch his land back to ag/residential this would no longer be contiguous. On the land that they want to be C2 is around two acres. Commissioner Farnsworth feels they do need to plan for the growth but feels they are moving away from the city when they have not seen enough growth yet. This is right on the property line of the Dabell's if they put in a C1 they could have equipment right next to their home and not sure that is needed at this time. The road is deficient right now with the bridges being too small already to handle the use. The road will need to be updated and the county is going to have to fund this. Agrees with Planning & Zoning allowing expansion as needed.

[3:01:37 PM](#) Chairman Raymond said that Planning & Zoning had recommended approval on the east side and to deny on the west side. The consideration for those in the minutes was to amend from Ag10 to C2 if they would do anything besides take action to change this to C2 then it would have to go back before the Planning & Zoning Commission. Naysha mentions that this is property is contiguous to C2 not C1. Commissioner Farnsworth said on the east side he has not heard of any business at this time that would require this to be C2 zone. There are open lots in the Long Island Business Park. Commissioner Farnsworth feels they would need to know what business is going in to know if this needs to be commercial.

[3:04:32 PM](#) **Motion by Commissioner Hancock to deny the final approval and in addition will also have a non-approval on the east side. Chairman Raymond reads motion from Planning & Zoning. Commissioner Hancock would move to uphold the Planning & Zoning decision on the west side and overturn the Planning & Zoning decision on the east side. Second by Commissioner Farnsworth. Discussion. Paul said they need a rational basis. Did not hear finding of facts. Commissioner Hancock said this is currently an Ag10 they do not have anything going in and do not see the need at this time since this conforms to Ag10. Commissioner Farnsworth said they are not denying a business they are only here to discuss the change of zoning. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[3:08:10 PM](#) Recess

Open session 3:12

- EXECUTIVE SESSION 74-206 (F) – LEGAL

[3:13:05 PM](#) **Motion by Commissioner Farnsworth to go into executive session 74-206 (F) – Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

Open session 3:16

[3:16:40 PM](#) Motion by Commissioner Hancock to authorize the Planning & Zoning administrator to obtain a flood plain elevation certificate in the amount of \$800. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

EASTERN IDAHO PUBLIC HEALTH – GERI RACKOW

- ANNUAL REPORT

[3:17:37 PM](#) Geri Rackow is the director of Eastern Idaho Public Health. She introduces Amy Gamett who is the new director of family and community health services division she has replaced Gary. Amy said has been at the health district for twenty-two years had worked alongside with Gary. Geri said they have had some changes in the recent months at EIPH. Commissioner Farnsworth is the new board chairman. They appreciate him taking on that role. Will have two board members leaving as well so will have some board governance changes as well. Have to look at the future of public health here as well as at the national level. Had some recommendations to have community partnerships. Feel they have done a good job building partnership with the region as well as outside of the region. As far as funding goes they recognize that sometimes they need to be more flexible. A lot of funds come from federal grants and they are prescriptive on what they can use these funds for. Would like to do a community needs assessment. In this they would look at what the needs are in the districts so they know where to put their time.

[3:23:01 PM](#) As far as outreach they have the wrap cards these explain the services that are offered. Have a gentleman that allows them to broadcast on his Spanish radio station. This is done two times a month and they are able to highlight health issues.

[3:24:04 PM](#) Health District has contracted with Idaho Department of Health and Welfare for behavioral health. Had a behavioral health meeting provided by the Idaho Association of Counties and they focused on statewide issues which have been huge. Have a step-it-up initiative. Trying to do more outreach to reach those individuals that have behavioral health issues. Provide help with mental health, immunizations, reproductive health and various other things. Geri said they also had Ray Keating retire from the septic area recently and have had Vincent McHenry from Madison County taking over Ray's roles. Vincent will be in Jefferson County a few days a week. Chairman Raymond asked about the building on the west side and if there are any issues. Geri has nothing to report. Asks as they are getting into the winter months they may need to have some further discussion on the snow removal at that office. Commissioner Farnsworth said he would follow up on this and make sure the individual will still do it this year.

[3:30:41 PM](#) Geri wants everyone to know that the flu shot does not cause the flu. Amy said they have seen an increase in the flu starting earlier this year. Geri said to let her know if they have any issues.

IDAHO DEPARTMENT OF CORRECTIONS – JEFF KIRKMAN

- FREE2SUCCEED

[3:32:20 PM](#) Jeff Kirkman is in attendance today. Has worked for the Department of Corrections for around fifteen years. Has recently moved to contract monitoring and began discussing a mentoring program. Have pilot programs but wanted to throw out a mentoring program to see if it could help. Have to realize that ninety-eight percent of the offenders are going to be released back to the community and a lot of the community does not realize this until it has happened. Have not had a lot of tools to help these individuals succeed. Are putting around 3,200 individuals back in to the community each year. Need individuals in the community willing to help these individuals so they don't end up back in jail. Jeff has been doing this program for about nine months. Have mentors that have applied and gone through the proper training and they have seen success stories across the state.

[3:38:54 PM](#) By pairing these individuals with a mentor they have someone available to meet them in the community. Jeff wants these mentors to know about all the resources that are available. Will be having a class for community providers. Had an advocacy class up at BYU-I contact him to help as well. The teacher wanted the students to have some real learning experiences. Chairman Raymond said that at BYU-I they usually need an internship and he could use these individuals. Discuss things that they may go back like who they hang out with. Wants the mentors to focus on these things. If they can keep these individuals out of jail it saves the state money. Not everyone that gets out of jail will have a mentor. They do not train on how to mentor every situation but want them to think in the first threes. First three minutes, first three hours, first three days, first three weeks and first three months.

[3:46:11 PM](#) Jeff goes over he had someone released after fifteen years. Jeff wondered why he had requested a mentor so he asked. He told him he would not know how to function in real life. Was used to being in the same setting for fifteen years and was glad he had someone to call when it became too much.

[3:48:04 PM](#) Jeff said also have offenders that are mentoring other offenders now. Have a lot of people on probation that also use mentors.

INSURANCE – CARLOS APONTE

- VISION INSURANCE

[3:49:49 PM](#) Call Carlos Aponte to discuss the vision insurance. Carlos said that Best Life still has not given them a renewal. Have asked what the renewals would be and they could not give him anything for sure. Goes over the rates.

[3:51:40 PM](#) **Robin Dunn is in the room**

[3:51:58 PM](#) Carlos goes over the rates they could wait until they get the renewal rates to see for sure what they are. Carlos makes the recommendation to look at United Heritage. Have already spoken at the employee meetings and had showed the rates from United Heritage so they should not be any higher. Carlos said they could wait until they get the renewal from Best Life. Chairman Raymond said the benefits are a little better with United Heritage. Carlos likes United Heritage because the customer service is better. Would see an increase in providers that are allowed. The allowance is \$30 more and get the renewals a lot earlier in the year. Chairman Raymond said this is around \$16 for an employee. Carlos said this is employee paid. What they did during enrollment is they showed these rates with this plan to the employees. Only reason to stay with Best Life would be if he knew the rates would be lower.

[3:56:14 PM](#) From the current provider this is around a four percent increase but the benefits are better.

[3:56:35 PM](#) **Robin Dunn left the room**

[3:58:25 PM](#) **Motion by Commissioner Farnsworth to go from Best Life to United Heritage for vision insurance. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:01:26 PM](#) Recess

Open session 4:04

COMMISSIONERS

- **SIGN CERTIFICATES OF RESIDENCY**

[4:04:46 PM](#) **Motion by Commissioner Farnsworth to approve for the College of Southern Idaho certificates of residency for Emily Allen, Sheala Anderson, Amber Jardine, Chloe Moss, Quincy Roundy and Ashley Sharp. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:06:37 PM](#) **Motion by Chairman Raymond for the College of Western Idaho to approve certificates of residency for Kylee Abel, Morgan Brinkerhoff, Nicole Campbell, Carlos Garcia Diaz, Michael Grande, Aliza Johnson, Odetto Johnston, Easten Martin, Avery Smith, Braydon Spaulding, Joseph Steele, Grant Williams and Brooklyn Wise. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **NEW BUILDING UPDATE**

[4:07:51 PM](#) Rebecca has started the RFP for the Project Manager. Rebecca asked about the budget. Commissioners think two million. Rebecca is also needing the dates asks if the dates she has will work. Commissioner Hancock thinks they need to finalize on their design team as well.

[4:10:56 PM](#) **Motion by Commissioner Hancock to approve the architect as Nielson, Bodily and Associates and move forward with negotiations. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:12:18 PM](#) Commissioner Hancock said they need to figure out where the lines are for the sewer, water and fiber optics. Need to know what may need to be relocated. Colleen will check she has the blue prints in her office. Rebecca said for department heads will send out a needs assessment that they can respond to.

- **EMPLOYEE RECOGNITION – DECEMBER**

[4:18:44 PM](#) Chairman Raymond said recognition lunch is December 13.

[4:18:50 PM](#) **Motion by Chairman Raymond to look at having this lunch catered and instead of doing prizes at the dinner would move to have the Chamber of Commerce gift certificates raised from \$25 to \$50. This is to make this as enjoyable as it can be for all employees. Second by Commissioner Farnsworth. Discussion.** Chairman Raymond said the money would come from commissioner contingency. Kristine thinks it's nice to have meals catered but one of the things they run into is that when it's catered as a whole they run out of food. Last year they had too much meat and potatoes but it was nice to not run out of anything and be able to offer seconds. Commissioner Farnsworth mentions he had someone volunteer to make Dutch oven cobbler. Could have the meat catered again like last year. Have a committee that can handle the rolls, salads, paper products and ice cream. Commissioner Farnsworth will handle the potatoes and he will contact the person to see what they need to make Dutch oven cobbler. Chairman Raymond said they will need recognition plaques. Rebecca asked if they would want to recognize individuals that have retired within the year. Discuss the sally port will need to get the sound system. Realize this is harder to hear in. Kristine suggests turning the heat on early then bringing personal heaters in that are not as noisy. On the meat they had pulled pork and beef last year from Lil Mike's which was very good. Chairman Raymond said his intent would be to not have any gifts or prizes and would up the gift certificate to a more substantial amount instead. Commissioner Farnsworth will speak with Lil Mike's on the meat to see what they can do. Chairman Raymond mentions that the gift certificates are only paid for if this is used by the employee and they are only for businesses that are a

member of the chamber. **Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **FISCAL YEAR END REPORTS**

[4:37:29 PM](#) Colleen provides the cash liabilities report. The end of the year report has the percentage of what was used in 2016 and what was budgeted in 2017. The transfers from the resolution have been completed as well. Commissioner Hancock likes to see where they ended up for 2016 it is very helpful.

- **APPROVE CLAIMS**

[4:40:53 PM](#) Colleen goes over on the claims the cell phone reimbursement will be moved this comes out of Colleen's budget. Public Defender contract was in twice since it was entered late so it was under District and Magistrate Court and again under Indigent. So this amount had to be subtracted out. Commissioner Hancock had a question on ICRMP vehicle repairs feels this may have been taken out of the wrong line. Chairman Raymond asked about the weed department donation feels this is advertising not sure this is a donation.

[4:45:17 PM](#) **Motion by Commissioner Farnsworth to approve claims from 10/1/2016 to 10/21/2016 for \$383,071.74. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

- **APPROVE COMMISSIONER MEETING MINUTES**

[4:45:50 PM](#) **Motion by Commissioner Farnsworth to approve commissioner meeting minutes from October 11, 2016. Second by Commissioner Hancock. All in favor – aye. Motion passed.**

ATTORNEY – ROBIN DUNN

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

[4:47:36 PM](#) **Motion by Commissioner Farnsworth to go into executive session 74-206 (F) – Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

Open session 5:50

[4:51:10 PM](#) Chairman Raymond said they went into legal session without their attorney since they have received several letters from their ICRMP attorney. No decisions made and no actions taken.

[4:51:51 PM](#) Chairman Raymond said they had received information on Capital Crimes Defense Fund.

[4:52:19 PM](#) **Motion by Commissioner Hancock to amend the agenda to discuss the Capital Crimes Defense Fund. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:52:50 PM](#) **Robin Dunn is in room**

[4:52:50 PM](#) Colleen goes over the Capital Crimes Defense Fund. Colleen said that Dan Chadwick has responded on this fund. They have indicated it will cost \$17,710 to be part of this fund again after this is paid they will have a six month waiting period. Chairman Raymond asked why they have to wait six months. Commissioner Farnsworth believes it's a waiting period. Colleen said they have \$11,000 in the budget in that fund would have to come up with the \$7,710. Commissioner Hancock thinks they need to act on this so they can get the six months counting down. Chairman Raymond said the big ticket benefit is they would also have access to the appellant division for the appeals process. Robin said when this was first created this was only for capital crimes now that it covers appeals as well he feels this is worth it. Colleen said the 2018 assessment was sent out and should be \$10,008.

[4:56:01 PM](#) **Motion by Commissioner Farnsworth to accept the Idaho Capital Crimes Defense Fund will take \$11,000 out of that fund and the rest out of commissioner contingency for a total of \$17,710. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:56:36 PM](#) **Motion by Commissioner Farnsworth to adjourn at 4:56. Second by Commissioner Hancock. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date