

**Jefferson County Commissioner Meeting Minutes
June 26, 2017**

Meeting called to order at 9:01. Those present are Commissioner Hancock, Commissioner Martinez, Chairman Farnsworth, Prosecutor Paul Butikofer, Deputy Prosecutor Weston Davis, Extension Office Lorie Dye, Park & Recreation Mickey Eames, Probation Tammy Adkins, Treasurer Kristine Lund, Planning & Zoning Naysha Foster, Public Works Dave Walrath, Weeds Mitch Whitmill, IT Garn Herrick, HR/Commissioner Assistant/Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Farnsworth. Prayer offered by Rebecca Squires.

COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

[9:03:40 AM](#) Chairman Farnsworth said in these meetings they want to have this like the legislature. Will direct all questions to the chair. This is to avoid lengthy meetings and have order. Weston said in the legislature they have a committee and not everyone can talk at once. If they funnel this through the chair is hoping to make this more efficient. Chairman Farnsworth said they will not ignore anyone they just want this to be more organized.

[9:06:12 AM](#) Commissioner Martinez mentions if there is unfinished business in the meeting then they should take this out to the hall so the meeting discussion can continue.

[9:06:40 AM](#) Clerk has all of the budgets is starting on the revenues and expenses. There is a blood drive on July 28 if anyone wants to sign up.

[9:07:16 AM](#) Assessor Cody Taylor said this is the last day appeals can be filed.

[9:07:29 AM](#) Planning & Zoning Naysha Foster reports fifty-eight building permits with twenty-eight residential and five commercial. June have done twenty-five so far. Do not have a Planning & Zoning meeting in July. Do have two applications for August. Have hired a new planner who will start next Monday. Will be in Blackfoot at training with FEMA who is contracting to have an All Hazards Map. So she will be going with Rebecca and will be there all morning. Commissioner Martinez asked if there are too many individuals for the public hearing later can they move the venue. Naysha said they can move to courtroom 3 if they have to.

[9:10:19 AM](#) IT Garn Herrick said that things are going smoothly. In the process of upgrading older PCs.

[9:10:44 AM](#) Public Works Dave Walrath finished Archer paving last Thursday. Was a challenging project as the traffic is heavy on that road. Today and tomorrow will be on 100 North putting a leveling course down. Had heard of some driveways that need some work. An overlay will never be perfect since there is still the uneven road underneath this. Will let the Sheriff know so they can patrol this a little heavier. Got off to a slow start with the rain delay and a roller issue. Dave said they are doing a demo out at solid waste and hoping that they will be able to have that set on Wednesday during the road tour as well. Solid Waste side Rexburg had been hauling in waste. The new addition is just about finished.

[9:15:55 AM](#) Extension Office Lorie Dye this morning the 4-H campers left to go up to Alpine. Swine day camp has just finished. The office does not plan on being closed on August 21 because they have to have paperwork due by August 23 after the fair. Lorie brings up some issues with their office as far as shingles and an issue with the back door. Chairman Farnsworth said he will talk with Bryan in Maintenance.

[9:18:41 AM](#) Treasurer Kristine Lund had a smooth collection for the second half of 2016 taxes. Will start working with delinquencies moving forward.

[9:19:25 AM](#) Weeds Mitch Whitmill the invasive species has become active with introduction of mussels into Montana. Increasing activities in the Columbia River drainage. Will be moving activity through. Commissioner Hancock asked if they have sprayed the Health Office. Chairman Farnsworth said he has not had any calls. Mitch said they put a pretreatment down. Asked where the abatement districts are located. For the landfills have typically had the grasses cut down along County Line. Chairman Farnsworth asked about a mower. Dave said this is on the Westside right now. Realizes some areas are tall. Mitch said they reduce so much grass in the borrow pits before it goes to mature seed so it is reestablished the next year. Chairman Farnsworth mentions they need to look at the intersections.

[9:29:27 AM](#) Park & Recreation Mickey Eames is on the countdown for the celebration. Have a lot of vendors. Have the fireworks choreographed to music. Have had big crowds out at the lake this last week. Had an issue on Friday night with an event that was really loud. It wasn't what he had said this would be. Had some issues with campers and neighbors due to the noise. Excited about the fireworks. Chairman Farnsworth mentions the big float slide. Mickey said they come in every year but no one else is allowed to use for liability reasons. Will get the upper parking lot marked for cars. Have opened up the end to have an exit. Commissioner Hancock said they had some calls on the island. Mickey said that was Rebecca's deal but not something that she has worried about this season.

[9:35:08 AM](#) Probation Tammy Adkins does not have anything, everything is going smoothly.

[9:35:21 AM](#) Prosecutor Paul Butikofer does not have anything.

[9:37:22 AM](#) Rebecca did contact secretary for Midway Abatement District gives out address. Emergency Management there is so much going on have been entertaining the FEMA folks. Ron is our Project Specialist and is gathering the needed information. Dave and the staff have been great to work with. This is the recovery of the flooding west of Roberts. There is a push for the environmental with the mussels. If there is anything they can work into their mitigation planning wildland fires, earthquakes. Planning is in place for the eclipse.

[9:41:22 AM](#) Sheriff Steve Anderson they are gearing up for July have the fireworks and believes Mickey is meeting today with Dusty. Getting ready for a lot of activities during July. Dave mentions they have just overlaid the Archer Highway may need an additional patrol a day because they have been driving fast along this.

[9:42:41 AM](#) Commissioner Hancock said they are still working on the new building.

[9:43:09 AM](#) Chairman Farnsworth said possibly putting this for bid in September they have had some delays.

[9:44:16 AM](#) Commissioner Martinez mentions having the courthouse closed on August 21 if anyone wants to work will refer them to Rebecca. Sheriff Anderson said there are a lot of employees that do not want to take this off so they will be helping out where they are needed.

EMERGENCY MANAGEMENT – REBECCA SQUIRES

- **ADOPTION OF REGIONAL COORDINATION PLAN**

[9:46:55 AM](#) Rebecca had emailed this document. It was developed in 2010. Commissioner Hancock has not gotten through this and Chairman Farnsworth has not finished this.

[9:50:47 AM](#) Will move this to July 10 so the commissioners can finish reviewing these.

[9:51:13 AM](#) Recess

Open session 10:00

WEST SIDE SOIL & WATER CONSERVATION DISTRICT – JIM DIXON

- **LETTER OF INTENT**

[10:00:37 AM](#) Mark Hinman, Jim Dixon and Joy Smith. Joy brought a report for the summary for what they have done this past year. Jim said that West Side covers Bonneville County but does cover some of Jefferson County. Jim thanks them for their support. Each dollar they receive is doubled by the state. Mark said this is west of 1-15 and south of Sage Junction. Joy said this is around 100,000 acres that are included. Focus on the wind erosion. Have issues with the wind closures.

[10:04:16 AM](#) Jim said they are trying to build up the soil health. This is a total different practice. Mark said the crop cover they cover until this gets froze out. Chairman Farnsworth said the amount is \$2,500 which is the same as last year. Colleen provides the letter of intent. Chairman Farnsworth said they commit to this letter of intent as long as they can find this within the budget.

[10:06:18 AM](#) **Motion by Commissioner Hancock to approve the \$2,500 letter of intent with West Side Soil & Water Conservation if they have available funds in the budget. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnworth – aye. Motion passed.**

NBW ARCHITECTS – CRAIG KARST

- **NEW BUILDING UPDATE**

[10:08:01 AM](#) Craig is here. They had mentioned having some site help. Chairman Farnsworth mentions they have a paving machine. Craig said this would be a big help to the budget. Craig said they need sixty-five spaces with three handicap spaces. Have some parking behind the building. Goes over will need to reshape the retention pond. Is this something the county could do? Will need to increase the size of both parking areas. There is an eight inch water line that comes into the parking lot and would be right through the construction site so this will need to be relocated early in the project. Could go through the buildings. Mike Miller mentions fiber optics will also need to be relocated. Can drop off on the water and pick up all the needs for the building. Mike mentions this goes through the DMARC room. Craig will have the engineers get this information. Not sure what the carrier will need on this. Will have to look at replacing sod and irrigation as well. Sheriff Anderson said the employee parking lot this cannot have any public back there. During the construction the access to the sally port should never be blocked. Craig said the asphalt will be left as is. Would be beneficial to have somewhere to stage at.

[10:17:28 AM](#) Colleen also mentions the parking lot needs to be employees only. Craig thinks this will be how they sign this after it is done. Chairman Farnsworth mentions going through to Dove Ave. then the public would have another access in and out. This is something they would have to take to the city to approve.

[10:19:07 AM](#) Craig said will relocate the irrigation system most of this is right through the building. Everything they take out for the building they will have available as back fill. Are asking today that they okay with design of the parking area. Have the civil engineer

waiting so this can get done. Commissioner Hancock comments the civil engineer will only be doing the parking lot design. Craig said they are setting the building at the current level. Anticipating the first part of August to get a bid out.

[10:25:46 AM](#) Goes over the floor layout. The basement is an open space. The rest rooms will be plumbed in and framed out but not finished. Craig said nothing has changed on the floor layouts. This is still the original design. May need to look at the commissioner's meeting space. Weston makes sure their offices are open so that they are able to see in. Craig said this will be a basic building. The features will mimic the front of the current courthouse. Materials will be similar will be masonry.

[10:33:24 AM](#) Paul asked about an eventual metal detector. Goes over they would have to have this at both doors. Commissioner Hancock thinks they should be stubbing this in for card readers. Craig said now these systems allow them to have lock downs. Sheriff Anderson believes they are going to have a metal detector and a deputy at the main doors. Have not thought of the new building but they can look at this. Craig said they can do all doors or as many as they want with the card readers.

[10:39:04 AM](#) Chairman Farnsworth said they are good on the parking lot. Craig said they will also need to go over the layout of the meeting room. Chairman Farnsworth said they are planning for modernization. Will get with IT and get everyone's needs met.

CENTRAL FIRE – CARL ANDERSON – MIKE MILLER – BRIAN GROVER

[10:41:19 AM](#) Carl is here with the Central Fire District ask they can amend this to bring up something on the solar eclipse. Reason for this not getting on the agenda did not have the figures for the solar eclipse for the ambulance. Sheriff Anderson mentions they need to make an agreement with the ambulance company.

[10:44:19 AM](#) **Motion by Commissioner Hancock to amend the agenda to talk about ambulance contract for the solar eclipse due to Central Fire needing a decision as soon as possible. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[10:44:45 AM](#) Carl said they have visited on the eclipse planning. Would be beneficial to have the ambulance present for the eclipse. Idaho Fire has offered to put an ambulance in the area for \$100 an hour with a twelve hour block. Will still serve the area if they do not have one present but it will be first serve basis. Idaho Falls has seven ambulances running each day and will be having ten running during the eclipse. Paul asked if they place one here will they only be responding to Jefferson County for the day. Mike Miller mentions having a need during the fireworks they took over an hour to respond with the traffic. Would add in the month of June within Central Fire District have had seventy-seven medical calls. Commissioner Hancock asked how many have had an ambulance. Carl said all of them have an ambulance sometimes they are canceled though.

[10:48:20 AM](#) Commissioner Martinez asked when they would be looking at. Carl said would be looking at the day of. Commissioner Martinez is worried about the night before. Mike said they will be blocked as twelve hours. Commissioner Hancock mentions Idaho Falls will want to run the ambulance with the same shift that they run currently.

[10:50:19 AM](#) Rebecca mentions the county does hold the contract with Idaho Falls Ambulance. This is a cooperative thing but the county owns this. Jim Deuel mentions this is still through the county even though Central Fire handles the medical calls. This is also an unbudgeted item for the county. Have discussed would be willing to support this fifty percent or \$50 an hour of what the total costs are. Weston asked if they will be drafting anything. Commissioner Hancock said that Idaho Falls Ambulance will have an agreement with the county. Then the county would have an MOU with Central Fire. Commissioners will allow our legal department to draft this MOU. Pat Scott asked why they are looking at twelve hours instead of twenty-four. Carl said they see the twelve hours as being critical. The ordinary contract will still be in place. Sheriff Anderson said they are only able to offer the twelve hours of having the ambulance in the county. Carl said they had them for the full twenty-four hour period they would have to have sleeping and shower arrangements. Could do a 12 hour block on Sunday and Monday. Mike asked if this is something they could amend if they need it.

[10:58:33 AM](#) Weston asked when they would be looking at this twelve hour time block. It said it requires 12 hour block. Carl said they will always have medical and will have Central Fire available just looking at ambulance transport. Chairman Farnsworth mentions to move that direction and wait for the contract.

[11:01:19 AM](#) Paul said if the commissioners decide to hire the ambulance for more than the twelve hours will they still share in the costs. Jim said they will support fifty percent of whatever the county decides.

[11:01:50 AM](#) **Motion by Commissioner Hancock to proceed with authorization in entering negotiations with Idaho Falls Ambulance for August 21 and that Central Fire will be included with half the costs. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

• MENAN FIRE STATION

[11:03:16 AM](#) Mike Miller wanted to let them know about what the fire district is doing. There had been some rumors that Central Fire was going to raise taxes for this station. Have been saving for many years for this. Jim said a concern has been that they were prepared to raise taxes. That is not going to happen they are working the next budget with no intent to raise the levy. The money is in the bank and in the budget. Will cover this with funds already in the bank. Wants to ensure they are not raising taxes to build a fire station in Menan.

[11:06:30 AM](#) Commissioner Martinez said a concern is the reason why the old fire building is being demolished. Knows the Mosquito Abatement had been looking at a new location. Mike said when the building was built in Menan they put a sandpoint well in. Have to have a cased well. That plot only has five feet of land so they would not have anywhere to put a well. Carl said they would have to go ADA. Chairman Farnsworth asked if they are informing the public. Jim said they have been trying to let the public know. One of the reasons when he first came to Central Fire had done a termite test and it was infested at that time. When they have the pumper and the tanker it is a tight fit. The building is too small and does not have an adequate classroom. Commissioner Hancock asked on the pricing? Mike said around \$900,000.

SHERIFF'S OFFICE – MIKE MILLER

- **RADIOS**

[11:11:21 AM](#) Rebecca starts this discussion. At the last meeting the board approved radio purchase for Hamer Fire. Found out the Oneida County would like to surplus out some radios. For \$7,700 will receive seventeen radios for \$900 more. This is still eligible with the SHSP grant. Would like to allocate the additional \$900. Mike said these are the same radios they are using.

[11:13:48 AM](#) **Motion by Commissioner Hancock to amend the prior motion for approval of four radios to allow the purchase of surplus from Oneida County for \$7,900 for seventeen radios. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[11:15:54 AM](#) Mike said they had talked about the grain elevator and allow them to put the antennas on the grain elevator. Had approved the radio equipment. Had an electrician go out and they would not allow them to hook into this. The electricity is so out of service. Rocky Mountain Power was notified and they cannot let them hook in. This was a temporary location anyways. Newman Farms found out about this at Reno Point they started looking they have a building available that is up to code. Would be willing to donate the area. In contract changed this to be \$50 a month to cover electricity. There is no structure so that would be \$12,000. Place is at the Reno Ranch area will have to change this to include \$12,475 for the tower structure. Chairman Farnsworth said this comes from 911 funds. Commissioner Hancock said would they still need to tie into Teton Communications if they had this. Mike said they plugged into this and they were able to have the responders hear the calls. Mike said the change from the original option is the stand structure. Rebecca said this will address a lot of communications in the area and would be a good solution.

[11:24:36 AM](#) **Motion by Commissioner Hancock to approve the communication systems for the West Jefferson side from Hartwell Grain to the Newman property at Reno Point with the \$12,000 for the tower structure. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

APPRAISERS – JESSICA TATE – KATHY HOWE – DEBBIE FINN – JALENE THOMAS

ASSESSOR – CODY TAYLOR

- **VALUATION LETTERS**

[11:25:45 AM](#) Cody said they have letters for the values that have been changed. These are things that have been worked out. Has a tower that the value was changed for not being used.

[11:27:30 AM](#) Recess Board of County Commissioners and reconvene as a Board of Equalization.

[11:27:53 AM](#) Chairman Farnsworth said on this it has been reduced. Cody said if they send out a corrected notice they have ten days to appeal so if they do this then it does not have an appeal eligible.

[11:28:44 AM](#) **Motion by Chairman Farnsworth on parcel #LR04N37E131003 that the value be set at \$61,050. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[11:29:39 AM](#) Pat has the next one that is a manufactured home that has been made real property.

[11:30:13 AM](#) **Motion by Commissioner Martinez to accept value change on parcel #RP005510030010 for \$53,500. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[11:32:15 AM](#) **Motion by Commissioner Hancock to accept the notice of changed value for parcel #RP04N38E210180 for \$37,300. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[11:33:14 AM](#) **Motion by Commissioner Martinez to accept the notice of action for changed value for parcel #RP04N39E266510 for \$93,219. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- [11:34:25 AM](#) Motion by Commissioner Hancock to accept the changed assessed value on parcel #RP05N39E316580 \$45,857. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:35:16 AM](#) Motion by Commissioner Martinez to accept the notice of action for changed value for parcel #RP05N39E332251 for \$62,194. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:36:39 AM](#) Motion by Commissioner Hancock to accept the changed assessed value on parcel #RPA150003020A for \$50,000. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:37:35 AM](#) Motion by Commissioner Martinez to accept the change of assessed value for parcel #RP04N39E217340 \$134,680. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:38:37 AM](#) Motion by Commissioner Hancock to accept the changed assessed value on parcel #RP002330040100 for \$149,544. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:39:42 AM](#) Motion by Commissioner Martinez to accept the changed value on parcel #RP04N38E353411 for \$109,692. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:41:00 AM](#) Motion by Commissioner Hancock to accept the changed value on parcel #RP08N33E0600002 for \$173,091. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:42:17 AM](#) Motion by Commissioner Martinez to accept the changed value on parcel #RP06N35E260120 for \$38,722. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:43:17 AM](#) Motion by Commissioner Hancock to accept the changed value on the attached parcels for Mill Creek Division #1. (Exhibit A) Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:44:51 AM](#) Motion by Commissioner Martinez to accept the changed value on parcel #RP08N33E339590 for \$73,185. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:46:06 AM](#) Motion by Commissioner Hancock to accept the changed value on parcel #RP04N40E256420 for \$164,579. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:46:54 AM](#) Motion by Commissioner Martinez to accept the changed value on parcel #RPE0222006001D for \$169,805. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:48:13 AM](#) Motion by Commissioner Hancock to accept the changed value on parcel #RPD00000328612 for \$3,149. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:48:20 AM](#) Motion by Commissioner Hancock to accept the changed value on parcel #RP04N38E280250 for \$106. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:48:33 AM](#) Motion by Commissioner Hancock to accept the changed value on parcel #RP04N39E193777 for \$36,378. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:49:30 AM](#) Motion by Commissioner Martinez to accept the changed value on parcel #RP05N37E190003 for \$104,587. Parcel #RP05N37E300602 for \$42,379. Parcel #RP04N37E067200 for \$104,135. Parcel #RP04N37E070025 for \$4,089. Parcel #RP04N37E0700002 for \$47,744. Parcel #RP04N37E070600 for \$110,224. Parcel #RP04N37E073000 for \$50,842. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
- [11:52:45 AM](#) Recess Board of Equalization and reconvene into a Board of County Commissioners.

SOCIAL SERVICES – GAIL ROBBINS

- **EXECUTIVE SESSION 31-874 & 74-206(D) – RECORDS EXEMPT FROM DISCLOSURE**

[11:53:34 AM](#) Motion by Commissioner Hancock to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[11:59:33 AM](#) Motion by Commissioner Hancock to amend case #2017-30 to change the name on the ambulance service provider. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

COMMISSIONERS

- **PUBLIC DEFENDER POSITION**

[12:02:19 PM](#) Colleen put together a budget for the Public Defender at \$70,000 is looking at a part-time staff in the future. The rest is expenses with the conflict. \$140,000 budget and the conflict currently have \$130,000 for that. This is not include the benefits. Go over will have the additional \$25,000 grant with possibility of another \$25,000 once they have an office. Colleen said this would put them in a better position with the ACLU having someone dedicated to this position. Do they want her to contact Burt Butler to get this going with and ad and get some interviews. Commissioners agree.

[12:07:59 PM](#) Motion by Commissioner Hancock to authorize Colleen to speak with Burt Butler on a full-time public defender. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[12:09:24 PM](#) Recess to review claims.

Open session 12:54

- **QUARTERLY REPORT**

[12:54:48 PM](#) Colleen provides the quarterly report. Will transfer money to the Debt Service Fund. Did just get a reimbursement check from the state for certificates. Should be getting some liquor funds.

- **APPROVE COMMISSIONER MEETING MINUTES**

[12:57:33 PM](#) Motion by Commissioner Hancock to approve commissioner meeting minutes from June 12, 2017 as amended. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **APPROVE CLAIMS**

[1:00:45 PM](#) Motion by Commissioner Martinez to approve claims from 6/12/17 to 6/23/17 in the amount of \$334,489.09. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

NAYSHA FOSTER

- **PUBLIC HEARING**

- **AMEND ORDINANCE #2009-03 – SECTION 6 VIOLATIONS AND PENALTIES**

[1:02:36 PM](#) Naysha mentions that she has to have an ordinance to amend on violations and penalties. So they are amended #2009-03 with #2017-03. In section one she added a willfull amount on the penalty of the violation. Each day the violation occurs this will be an additional fine. It is section six in the current ordinance. These sections are amending the current ordinance. Naysha said that section one will be how they read this if this is amended.

[1:05:01 PM](#) Chairman reads this will be a fine infraction of up to \$150. Commissioner Hancock said this is a day. Chairman Farnsworth said that this is reducing this down from a misdemeanor. Look over the code sections of the ordinance. They are amending ordinance #2009-03. Paul mentions the wording of the fine that this can be up to \$150 a day. This leaves it open and he feels this should be a set amount. Chairman Farnsworth said they could take out up to and have it be a fine of \$150 a day.

[1:11:55 PM](#) Chairman Farnsworth opens the public section of this meeting. There is no public in attendance and having noticed this properly in the Jefferson Star and The Post Register. This has been noticed in advance and according to law. There is no one in attendance. Chairman Farnsworth closes the public hearing section.

[1:14:11 PM](#) Chairman Farnsworth likes this change on having this be an infraction and not a misdemeanor that will be thrown out of court. Naysha said this is enforced by Road & Bridge who send a letter to correct the problem. Then they can send out the compliance officer to issue a ticket. Weston asked if keeping the word willful if this would open this up to if they meant to do this or not. Commissioner Hancock said a notice would be sent before an infraction is ever issued. Chairman Farnsworth said they could strike willful. Paul said striking this will make their job easier. Rebecca mentions they may want to put something out online or write a piece for the star to inform the citizens of the county. Naysha said that she publishes the entire ordinance in The Star.

[1:21:17 PM](#) **Motion by Commissioner Hancock to amend ordinance #2009-03 for section six violations and penalties by adopting ordinance #2017-03. Second by Commissioner Martinez. Chairman Farnsworth goes over changes of striking willful and up to. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **ADOPT ORDINANCE #2017-02 – ACCESS MANAGEMENT REGULATIONS**

[1:23:43 PM](#) Naysha said this is a new ordinance for access management regulations. This would be enforced by the Road & Bridge Manager or a designee. Naysha said they are supposed to address wherever the front door faces. In this case they address this where the access point is. They will submit a site plan and will have them go to Road & Bridge first with a site plan and the access. Then Dave can review this. Section five is definitions. Section six is classifications of roads. Section B of section six is the regulations on when a permit is needed. Also within regulation minimum distance is 200 feet. If they do not have 200 feet then they have to be as far as possible. Circular driveways were not a regulation but they were frowned upon. Section D is construction of access going into detail on the widths of access. Talks about drainage they need to have. Naysha said this is if the road is paved the right-of-way should also be paved. Has to be the same material that the rest of the driveway is so if its gravel its gravel or asphalt its asphalt. Chairman Farnsworth thinks this should at least be gravel no dirt. Thinks this is within the right-of-way. Go over the base for this. Section seven all of these have to have an appeals process. This is same as other ordinances. In the text they have a criteria to meet. This will help when granting these accesses.

[1:41:56 PM](#) Chairman Farnsworth thinks if they change the paving approach would just want this to be at least gravel.

[1:42:39 PM](#) Weston goes over some legal wording. Any wording that this was on or constructing. If they do not change this then this would apply to all of the semicircle driveways up to this point. Worried about the grandfathering nature of this. Asked what the intent is? If they want this to be since construction they would be flooded with variance requests. Could add constructed after the day of this ordinances approval and this would cover for future access. Chairman Farnsworth is not saying they would deny the access but it would need to be approved correctly. His thought is anything going forward once this is adopted.

[1:46:21 PM](#) Weston also brought up the approach and what exactly this is and how long it is. Naysha said the hard thing is that each road is different. They have prescriptive easements and Idaho Code said they get fifty feet. County roads they request sixty feet. Weston said if they were going to define this the approach would be anything in the county right-of-way or some surface.

[1:49:23 PM](#) Weston has a question on subsection eight the designee should notify the property owners within a fifteen day period. Saying the Public Works designee has to enforce this. Where they run into not being able to enforce this in a timely manner. Paul mentions to also strike the willful and up to in the same paragraph as well.

[1:51:56 PM](#) Chairman Farnsworth open the public hearing on ordinance #2017-02 for access management regulations. No one is here in favor, neutral or against. Close the public hearing section and move toward deliberation.

[1:53:07 PM](#) Chairman Farnsworth likes what he has read and likes having some regulations on accesses. Naysha mentions these will not be in effect until they have been recorded and published.

[1:56:44 PM](#) **Motion by Commissioner Martinez to adopt ordinance #2017-02 for the access management regulations. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[1:57:58 PM](#) Rebecca asked about direction to get this information out. Chairman Farnsworth said Naysha will have to publish this. May want to add this to the web page.

- **COMPREHENSIVE MAP AMENDMENT**

[1:59:01 PM](#) Naysha said that Mickelsen's bought forty acres where Western Wings was. This property and the use was grandfathered before 2005 when the county did zone change. It was zoned ag but was grandfathered. Sold this to Ducks Unlimited but because that use has stopped for more than a year this is no longer grandfathered. Mickelsens bought this with the intent of having this back as recreational. In order to get this to work they have to change the comprehensive plan map then they have to change the zoning map. First application is the comp plan map amendment. The Planning & Zoning Commission cannot recommend a change of zone unless the comp plan allows it. Commissioner Hancock asked about conditional use permit. Naysha said no those are allowed only for very specific uses. The zoning on the comp plan is currently ag. Naysha said they are changing ordinance but this is also legislative. First application Planning & Zoning cannot approve or deny.

[2:02:47 PM](#) Naysha said this is an ordinance amending an ordinance. Stephanie Mickelsen is the applicant 2760 E 800 N in Roberts. Current is ag 20. This is forty acres with ag zoning. Surrounding is agriculture. Purpose is to change the comprehensive map. Application was received on April 6, 2016. Part of this is within the floodplain. The parcel is not in area of impact or city. Legal was sent on Friday June 2 The Jefferson Star and was published June 7 and June 21. Public notice within 1,000 feet was sent out on June 9. Property was posted June 20. Applicable zoning regulations are section 3.14.3 and Idaho Code section 67.65.09. Basically goes over amendments of the comprehensive plan. Stephanie presented to Planning & Zoning on May 4 no one in favor had one in neutral no one in opposition. The board discussed the proximity area of impact to Roberts and the freeway. Reads in an ag 20 zone opposed to a

residential recreational zone. There is not a lot of difference. This would not change the purpose of the land. A gun range may disturb that. Ed Mortensen made the motion to recommend approval to change the map from ag to recreational residential commercial. The location by the freeway and close to the City of Roberts which for planning makes it beneficial for the City of Roberts. Naysha shows the land use map.

[2:07:32 PM](#) Chairman Farnsworth opens the public hearing section. No one is signed up to speak in favor, neutral or against. Closes the public section of this hearing and moves toward deliberations.

[2:08:19 PM](#) Chairman Farnsworth does not see any issues with this change.

[2:08:35 PM](#) **Motion by Commissioner Martinez to approve the comprehensive map amendment as ordinance #2017-04. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **ZONE MAP AND ZONE TEXT AMENDMENT**

[2:09:17 PM](#) Naysha said this is the same property. Now they have changed the comp plan map they have to change the zone map and text amendment. This is ordinance #2017-06. Looking at changing the zone map from ag 20 to recreational residential commercial. Was similar to the comp plan map amendment discussion. Restaurants, clubs and lodges were already covered in the ag zone. Will add lodging and hotel and motel. Naysha said Planning & Zoning Commission made a recommendation to approve and had no one signed up to speak.

[2:12:38 PM](#) Chairman Farnsworth opens the public hearing section of this. Does not have anyone from the public in favor, neutral or opposed. Seeing no one from the public they will close the public hearing and move toward deliberation.

[2:13:28 PM](#) Commissioners see no issues with this amendment.

[2:13:36 PM](#) **Motion by Commissioner Hancock to adopt ordinance #2017-06 to approve the zone map and zone text amendment. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[2:15:42 PM](#) **Motion by Commissioner Hancock to adopt ordinance #2017-05 to approve the zone map and zone text amendment. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[2:16:27 PM](#) Recess

Open session 2:30

[2:31:09 PM](#) Chairman Farnsworth asked if there was anyone here for the comprehensive map and zone amendment for Western Wings? Chairman Farnsworth said this was in the paper and on their schedule as 1:00. Found out property owners were notified at 2:30. No one is here for Western Wings. Did already have the public hearing for this and will go ahead and allow their decision to stand.

PLANNING & ZONING – NAYSHA FOSTER

- **PUBLIC HEARING**

- **APPEAL CONDITIONAL USE PERMIT FOR GRAVEL PIT – JIM BERNARD**

[2:35:50 PM](#) Chairman Farnsworth mentions that they take this responsibility very serious. Since he has been commissioner this is the second and fourth Monday of the month during the day. Will not slide over anything. The purpose of this is to allow all who wish to relate fact. Do not want any personal attacks these will not be allowed. Not here to answer a questions are here to allow public hearing and testimony. Will allow Mr. Bernard thirty minutes. Naysha said thirty to the presenter and three for each person who has signed up to testify. In closing will give Mr. Bernard thirty minutes to rebut. Naysha will start off with a staff report.

[2:38:59 PM](#) Naysha said this is for the board of appeals on a conditional use application that was denied by Planning & Zoning commission. This application is for a gravel pit east of 70 North Yellowstone Highway. This is commercial 2 zoning. Surrounding zoning is commercial 2. Also commercial 2 to North, West and South have residential 1 to the East. This is forty acres. Have the airport to the North. This is a conditional use permit for a gravel pit. The application for the appeal was received May 26, 2017 within fifteen days of the written decision. Legal for the application was sent to Jefferson Star on June 1 to be published June 7 and June 21. June 5 information was sent out to property owners within a 1,000 feet. The property was posted on June 20. The applicable regulations are zoning ordinance section 3.7.0 which covers conditional uses, section 3.7.5 which is specific for mineral extractions and section 3.3.3 which is the land use table. Naysha will go over the Planning & Zoning recommendation. Ed Mortensen made motion to deny application for gravel pit. Ty Belnap seconded with 5-1 in favor vote with Bill Stoddard being the nay vote. The following findings were listed. Comprehensive plan chapter seven land use mineral exploration and extraction policy. Will be allowed in areas where potential extraction will be compatible with the existing or planned land uses. Ed Mortensen does not believe this would compatible and is not sure they can make this compatible. Would be detrimental to the area of an R1 zone. Not confident they could mitigate the issues. Other concern is noise they can limit time of the operation but people might want it quiet at night and other at different times. There is

noise there. Ty Belnap covers land use policy one industrial uses shall be located in areas where problems with noise, dust and glare would have minimal affect to land owners. Comprehensive plan chapter seven land use for this to be in proper areas in the county. Decided to strike this because this could be argued either way since this is along a good area on the highway. This is not offensive to surrounding uses or to the community as a whole. Back to dust and noise not sure they could mitigate the noise and dust. Michael Clark asked if this is already allowed in this zoning. Ed Mortenson said zoning ordinance is not perfect. Brian Evans said this is permitted but not obligatory. Ed asked if this is the best place for it then why they need a conditional use permit. Brian Evans still had heartburn on the conditional use permit on the extraction of minerals with a minimum of forty acres when they are giving seven acres to the airport. Bill Stoddard voted nay thinks there was sufficient mitigation in the conditional use permit can be attained. This would not rise to effect property any more than a denial would in this case. Commissioner Hancock is going to recuse himself due to business relationship.

[2:46:14 PM](#) Chairman Farnsworth opens hearing and invites Mr. Bernard up. Jim Bernard 349 N 4500 E Rigby. Is here on appeal. Thanks them for the opportunity. Feels Planning & Zoning relied on the master plan even though he meets all of the ordinances. Would be able to extend the airport and feels this is in a good area. It was lost the distance where Pepperwood Crossing is. He is the majority of the owner in this and has had experience in subdivisions. A lot of firestorm on social media on where he is going to exit. Purchased the north exit because they wanted to do more hangers this not for trucks for gravel. Been a lot of questions on the dust has a letter from DEQ this is something they take very seriously. The Lorenzo pit has meet this and they have houses on the downhill side. Jim goes over the property on the map. Thinks they meet everything for the dust mitigation. Is not here to hurt anyone. Certainly feels for the people do not want to make this a bad situation. Realize in the evening they want their quiet. Understand they would want to put hours on this. There are no hours on Highway 20 or other stipulations. This is a commercial use property. Commissioners do not have any questions at this time.

[2:50:07 PM](#) Naysha goes over they start with anything in favor. No one to speak in favor. No one to speak neutral. Will begin with those that are in opposition. Chairman Farnsworth will read into record the ones he has in opposition.

[2:51:17 PM](#) Chairman Farnsworth starts with Trisha Phillips is in opposition of the gravel pit but does not wish to testify. My main concerns are for the health and safety risks, nuisance issues and property values. We do not want this gravel pit established in our vicinity.

[2:51:45 PM](#) Chairman Farnsworth reads Derek Belnap in opposition. "My kids health with asthma problems are bad enough and this would lower our property value."

[2:51:56 PM](#) Chairman Farnsworth reads Hailey Belnap in opposition. "We have four kids. Our daughter has asthma. The traffic will not be safe for the kids."

[2:52:08 PM](#) Chairman Farnsworth reads Jerry and Karen Taylor in opposition. "We oppose the gravel pit. It will cause health problems for the community and will lower real estate values. A gravel pit should not be placed at the end of an airport runway or in the middle of a community."

[2:52:23 PM](#) Chairman Farnsworth reads Jennifer Allred in opposition. "The proposed use a gravel pit is not an appropriate use in this area. The existing population density, the fact that it would be surrounded by private wells and its proximity to the airport make it unsafe and unhealthy. Increased particulate, noise, diesel exhaust, etc."

[2:52:44 PM](#) Chairman Farnsworth reads Katie Sorensen in opposition. "I have three kids with allergies that are triggered by particulates in the air and do not want to deal with the increase in asthma attacks. They are bad enough for hospital stays."

[2:53:03 PM](#) Chairman Farnsworth has Steve Price in opposition and wishes to testify will have three minutes. Steve Price 28 N 3841 E which is in the area this is being requested. Mentions did not want a bunch of repetitive. Wants to voice his concerns for his wife with serious asthma. If they dig into this dirt on a regular basis this will be a large health hazard. Did not see a plan on where the exits would be but the diesel itself will also be a concern.

[2:54:44 PM](#) Chairman Farnsworth has Bryce Campbell in opposition and wishes to testify will have three minutes. Bryce Campbell 27 N 3841 E in the vicinity. Is a health care provider and has kids that are asthmatic. Has information on how asthma affects lung functions. Have worked in children's hospital for a decade. Looking at the dust as asthma related with the dust mites. Provided some education on how life threatening this is on pollutants. This is a big concern on how life threatening. As far as cost is concerned this is huge amounts and a leading cause for visits to hospitals. It is rare but could be a loss of life. Bryce presents article. Naysha mentions have to make sure that they provide a copy to Mr. Bernard. Weston said this needs to be available to him. (Exhibit A)

[2:57:55 PM](#) Chairman Farnsworth reads David Stokes in opposition. "Dust mitigation has already become an issue with the airport. Putting restrictions on berm and tree height. Trees or berm will not be effective for years!"

[2:58:22 PM](#) Chairman Farnsworth reads Amanda Brighton is in opposition and does not wish to testify and has no comment.

[2:58:34 PM](#) Chairman Farnsworth has Dale Allen would like to testify. Dale mentions he had sent an email. Naysha said it is longer than a page so she will not read into record but he can present it. Dale Allen would like to voice their objection to having the gravel pit in our backyard. Is concerned about the silica dust that will cause even greater irritation to my already allergy triggered body which is his wife. A gravel pit needs to be located away from subdivisions or private homes. Why should I be forced to move to protect

my health so he can have his gravel pit? One of the major reasons for rejecting the proposal was that this is impossible for air quality to be protected. We can't understand why Mr. Bernard would develop a subdivision and then surprise his homeowners with an undesirable menace right next to it. He says he will do all kinds of things to make it tolerable but who will make sure all of those things are done? He already promised things in to the Pepperwood Subdivision that have not been provided. No one will babysit this project and see that it is protected from dust and noise. Before the project even starts the berms are disallowed and even if they were allowed they wouldn't provide a barrier for several years. Another very important issue is the decrease in property values that would take place. Has a clip from this article from internet title Around A Quarry from Chuck Wallace. This shows that property values within 0.31 miles of the mine dropped in value by twenty-five percent or more. The decline .625 miles was between fifteen and twenty percent. The decline a mile was under fifteen percent. The decline from 1.25 to 2 miles away was just under ten percent. The decline from 2.5 to 3.1 miles away was between five and seven percent. Shows there will be a decline in property value.

[3:02:06 PM](#) Weston has record reflect that document presented from Bryce Campbell will be Exhibit A.

[3:02:56 PM](#) Chairman Farnsworth has Damon Nicholls in opposition no comment but wishes to testify. Damon Nicholls 40 N Yellowstone Highway. Have spoken with Planning & Zoning and appreciates them going over their concerns. The people would like to have answers regardless of their decision today. The Planning & Zoning outlines this should have forty acres. If they are immediately selling off seven acres to the airport. How does this still fit into the guidelines? Feels they should have to maintain the forty acres. If they allow this would like to have this answered. Does not see any benefit where there are three other gravel pits in the area. As far as notices these were sent out initially and a lot of individuals found out by others. Notices were sent out with the decision but notices of this meeting were not sent out to those that had been in opposition. DEQ requirements states they have to have berms and trees at each end. Once the airport was involved they wanted trees dropped down to shrubs and these brought down. Have not seen new paperwork that if this still meets DEQ requirements. This could be rezoned residential this does not have to be commercial use. Thinks that the Hispanic community is really being taken advantage of in this situation.

[3:06:40 PM](#) Chairman Farnsworth reads have Jared and Amber Bingham in opposition do not wish to testify. "My main objections are the affects to my son's health because of his asthma, the noise, the traffic, safety and the value of my home going down."

[3:06:40 PM](#) Chairman Farnsworth said this is all that have signed up today. Naysha will read into record the emails that have been received.

[3:07:09 PM](#) Naysha reads into record email from Aaron John with no address. "Dear County Commissioners and Planning and Zoning Department, I am writing this letter on behalf of the proposed sand and gravel pit that is proposed next to our neighborhood, County Squires Estates. We naturally feel very strongly against this. It is a use that is not friendly right next to residential areas. This is especially true to the fact that a possible right-of-way to the gravel pit is proposed right through two major residential areas, where our kids play often. I feel this threatens our children and their safety. Another strong reason that we are against this is the safety of the children of the homes that will back up right next to the gravel pit. As a landscaper by profession that frequents gravel pits often, I've seen many local gravel pits with 50 to 60 foot drop off cliffs in them. This is a severe danger to our children. It will also devalue these homes considerably. Another reason to reject this proposal is that the gravel and sand from trucks often falls from the gravel truck as it is starting out, because the gravel is often on the bumper and side areas of the truck. It most certainly will fall on the access road by the commercial areas and will ruin the access roads and make them dirty. This will make the road very difficult to maintain and will make it into an old run down looking commercial area, thereby greatly affecting nearby businesses and homes. Noise and dust are not welcome in between two neighborhoods. This affects air quality and sound quality. There are residents in these neighborhoods that struggle with asthma, cancer, etc. and air quality is very important to consider in between two very populated neighborhoods. If this is allowed, at least require two rows of mature spruce trees. Small trees will not be sufficient to meet the air and noise pollution put out by a gravel pit. If mature trees are not allowed by the airport, this should be and important deciding factor in not allowing this gravel pit in our community. We are opposed to the gravel pit. Thank you for your consideration in this matter. Aaron John."

[3:09:42 PM](#) Naysha reads into record email from Catherine Karstad at 34 N Yellowstone Highway. "To County Commissioner, I am writing in regards to the public hearing that will be held next Monday, they 26th of June, for the appeal of a conditional use permit by Jim Bernard to utilize land as a gravel pit at 3865 E 12 N, Rigby. I hope you will consider all the petitions, emails and testimonies given at the previous hearing, including my own email at that time. I concur with every concern that was addressed in the preceding hearing along with the decision already made to deny the application, so I will not be repeating any of those arguments here. I will be unable to attend the hearing for the appeal and having been at the previous hearing I would now like to make a couple different points in this email. I have a copy of the written transcript from the hearing on April 6, 2017 and will be using statements from that transcript in this email. When the Planning & Zoning Commissioner considered the application on April 6th, they were advised by legal counsel to look at the zoning ordinance first instead of the comprehensive plan. They were also advised that if the facts did not fall with the ordinance that the board should deny the application. Legal counsel also advised the commission to consider the property rights of the applicant and the community. While the commission ultimately made their decision based on the comprehensive plan, I would like to assert that in addition to the conclusions they came to they could have also found that the facts do not fall within the county zoning ordinances.

Gravel extraction is an industrial business. According to the United States Environmental Protection Agency. Mineral mining of which
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gravel is a subgroup, is an industrial activity which requires a National Pollutant Discharge Elimination System. Even the Idaho Department of Environmental Quality says that a NPDES storm water permit may be required for excavation activities and industrial activities listed by the EPA. Mr. Bernard did submit a SWPP, or storm water pollution prevention plan in accordance with an industry activity as listed by the EPA. Now that we can show that gravel extraction is an industrial business and not a commercial one, let's move on to zoning. According to the Jefferson County zoning map, the location where the gravel pit is proposed is zoned as commercial 2, which would normally be used for commercial activities not industrial ones. It states in the county zoning ordinance 3.3.14 that the intent of the C2 community business district is." Naysha does not have another page to this. It is longer than a page. Naysha goes over that this if this is more than a page they do not read into record if they have received it within the five days. Weston said this will still be in the record but just not read into the record.

[3:14:33 PM](#) Naysha reads into record email from Linda Harper. "I am in opposition to the gravel pit being proposed by Jim Bernard. The following are some of the reasons why I am against the gravel pit. It will disturb the quality of life for the present residents and taxpayers. The effects of gravel/sand pits and quarries create loud noises from crushers and screen plants. Chronic dust emissions and pollution. Lower property values thereby creating a public nuisance for those people unfortunate enough to live near such operations. Heavy, loud machinery will be used at the quarry/grave/sand pit. This machinery includes front-end loaders, hydraulic excavators, conveyor systems, grizzly feeders, jaw crushers to pulverized stone, tractors and trucks in and out of the pit daily. (I am sure this will cause headaches for me as I have a difficult time with motor noises.) Quarries/gravel/sand pits are notorious dust producers. Most of the dust is fine and easily inhaled. Sand is made up of silica (quartz). A fine layer of "fugitive dust" will cover everything in the vicinity of the quarry/pit. Irritant dust that settles in the nose leads to rhinitis, an inflammation of the mucous membrane. Then the dust particles attack the larger air passages and causes inflammation of the trachea (tracheitis) and bronchitis. The most significant reactions of dust on the lung occur in the deepest parts of the lung when sand settles in the lungs. Dust particles collect in the lung tissues, causing injury to the lungs. These substances cause fibrous or scar tissue to form. With silica so much fibrous tissue and scarring form that lung function can be impaired. The fibrous tissue formation and scarring is called fibrosis. Another lung disease caused by the inhalation of dust is "pneumoconiosis" This simply means "dusty lung." The quarry/gravel/sand pit will create pollution from fossil fuels from the gas and diesel fuels from machinery and trucks. Quarries/gravel/sand mining can change groundwater levels. Long-term implications of gravel mining can result in contaminated groundwater, which can affect well water that families rely upon. This contamination of groundwater can happen when the clay-rich sediment that seals the surface of an aquifer is broken. When these layers are exposed, they serve as a conduit for contaminants into the entire aquifer because the gravel pit can also allow surface runoff containing extraneous chemicals, such as pesticides, herbicides, fertilizers and sewage to enter the groundwater systems. Our wells and drinking water will be affected. Quarries and pits that actively dewater may have impacts on neighboring wells and may lower the water table. More traffic on the roads. This will mean increased taxes to pay for the increased usage on the roads. The quarry/gravel/sand pit will mean more noise and traffic. Neighborhoods near quarry/gravel/sand pits will have lower property values. Doesn't seem quite right that one person gets to make money while all the residents of the surrounding subdivision lose money. The quarry/gravel/sand pit will impact the quality of life that we currently enjoy. The local board must realize they were elected to support and provide the local citizens and taxpayers clean air and water, a healthy environment, support of wildlife and protection of homes and property values."

[3:19:13 PM](#) Naysha reads email from Daniel Shipley at 3890 E 12 N in Rigby, ID. "To whom it may concern: In regards to the proposed gravel pit I would like to make it clear that I am opposed to it. All the research I have done leads me to one conclusion: Residences and gravel pits are not compatible. Besides the nuisance dusts that will show up on everything in my home and the increased noise there are the very real health concerns for both me and my family. Such as: known carcinogen like crystalline silica and diesel exhaust. Toxic heavy metals like arsenic and uranium and increased heavy traffic that all accompany gravel pits. Other concerns I have include the property value decreasing and possible contamination of the groundwater. I cannot see any benefit to me or any other resident near the proposed gravel pit."

[3:20:34 PM](#) Naysha reads email from Cassidy Pebley. "My name is Cassidy Pebley. I live at 19 N Currant Lane. I am in opposition to the proposed gravel pit. I have already given a statement against it. In summary, I am opposed for many reasons, some of which include: silica dust in the lungs, dirt particles in the air, (let's remember we live in an area that is constantly windy, which means this dust will be blowing around most of the time!), this will affect all people and be especially difficult for those with asthma and other similar issues. There will be loud noises added to the noise we already have around our homes (airport, highway 20, etc.) The new loud noises will include: beeping of tractors, motor noises, smashing and so on. Our property values will be dropped (as was stated by an appraiser in the first meeting, having a gravel pits so close to our homes will definitely drop their values) This pit could be a danger to children, we will have more large trucks added to our roads. It was stated that there would be trees around the pit but those would take years to become the height to block some of the noise and dust. Not to mention that the dust would blow right over the trees and could never be fully blocked. We also can't forget that the airport won't allow trees on some parts of the pit, so a small berm has been proposed, how will a berm keep in the noise and dust? These are just a few of the reasons we don't want it. It is too close to

homes. A gravel pit should be dug away from homes especially one that is surrounded by homes! I am asking to please once again deny this proposal of the gravel pit. Thank you.”

[3:23:01 PM](#) Naysha reads email from Shelley Bingham this was just her email asking if they could email written testimony.

[3:23:01 PM](#) Naysha reads email from Don Bingham at 14 N Currant Lane. “To whom it may concern: I have already gone on the record and voiced all of my concerns regarding property values, noise pollution, air pollution and safety at the previous meeting. I hope that you as commissioners will review all of the testimony and concerns voiced by myself and my neighbors prior to making your decision. The proposed gravel pit will have long lasting and irreversible consequences both for Country Squires Subdivision and Pepperwood Subdivision. Although unclear at this time, it may impact other large subdivisions like Autumn Hills, Valley Estates or Stonegate. It really will depend on which way the wind wants to blow the dust and particles generated by the gravel pit. As you deliberate I would ask that you have Mr. Bernard provide you scientific and independent information related to the impact on air quality more than just his opinion of what it is. At the previous meeting it became clear that measures to alleviate air pollution and noise pollution such as the required berm and the planting of trees will not be allowed due to the location by the airport. So there will be nothing really to mitigate the dust and noise that I believe are required by law. I was also greatly concerned by Mr. Bernard’s comment towards the end of the meeting regarding the possibility in the future of using Landmark Lane as a possible secondary entrance and exit to the gravel pit. Although his initial comments were that there would be no access from Landmark Lane, it sounds like at some future date he plans to use it as another entrance and exit. Although it is Mr. Bernard’s land and he should be able to develop it as he sees fit, it should not come at the cost of the surrounding areas property values, comfort and safety. As far as I know he does not live in any of these areas that will be directly impacted so it is very easy for him to justify the development. Likewise, I know as commissioners it might be easy for you to think this is a commercial development that will bring in tax revenue and economic growth, but as far as I know none of you live next to this proposed pit. Please try to imagine how you would feel if this was going in across the road from your home. It is distressing and frankly a little disheartening. I appreciate your service as elected officials and all that you do for our county. You carry a heavy burden but I sincerely appreciate your willing to serve. I implore you to remember the hundreds of families that your decisions will directly impact. I humbly ask that you reject this appeal. However, if that is not possible please provide stipulations and requirements on the development to protect our homes for the potential air and noise pollution the gravel pit will cause along with prohibiting Landmark Lane from being used to access the pit. Thank you.”

[3:27:06 PM](#) Naysha reads email from Janell Greenwood. “I am writing to express my concerns regarding the proposed gravel pit. I am concerned that this pit is being proposed and considered so close to residential areas. This is concerning for the following reasons (all of which are based on research): 1. My son is two; with asthma; he has had three major episodes within the last year; the environmental conditions (specifically air quality) that gravel pits create will have deep negative impacts on the health of my family. 2. Research does support that the water table is impacted and changed by gravel pits; our community is supported by wells without plans for the city to extend water services beyond the city. We need our water for our family and garden (which we use to feed our family throughout the year). 3. I am concerned that the gravel pit will impact the property values of our area; historically, gravel pits bring down the property values of the area. 4. In addition, the statement has been made that the entrance wouldn’t be in a residential or commercial area; however, it has been brought up on multiple occasions that a main entrance would be in a residential/commercial area; this is inappropriate for the area. Is there a reason that another gravel pit cannot be considered further from residential areas? It seems that the county is not acting in the best interest of its residents.”

[3:28:25 PM](#) Naysha reads email from James and Catherine Joyner at 22 N Currant Lane. “I am writing to express our concern about the gravel pit being in our neighborhood. We have small children and there are many many small children in the neighborhood. We don’t need the added concern of large trucks driving too fast through the neighborhood as our children ride their bikes or run and play with their friends. We are also concerned with all the noise, dust and airborne pollutants that a gravel pit will cause. Allergies already present a big concern for my family. Having lived in a subdivision established by Jim Bernard where promises were made about the well for water, playgrounds and lower not higher utility bills leaves me very concerned that he will follow through with the promises he makes about trees, noise and air pollution. Thank you.”

[3:29:29 PM](#) Naysha reads email from Brett Hampton at 3873 E 12 N Rigby, ID. “My name is Brett Hampton I live at 3873 E 12 N, Rigby, ID. I have already testified and gave my opinion during the Planning & Zoning meeting. However, due to my work schedule I was unable to be there today. I have three main concerns. 1. Jim Bernard was clear during the Planning & Zoning meeting that there will only be one access road to the pit off of Yellowstone Highway. However, what is keeping Jim Bernard from having two access roads??? 2. Who is going to watch over this gravel pit if its approved??? This is something that needs to be strongly looked at. 3. Jim Bernard has not followed through with putting a second well in the Pepperwood Subdivision. There has not been good oversight on this and there seems to be no repercussions for not following through with his word. I have lived in Pepperwood for almost 10 years and we were promised a second well once the second phase came in and it’s full and no well has been put in. Thanks for your time and consideration.”

[3:31:06 PM](#) Naysha reads email from Brandi and David Jennings at 3843 E 22 N in Rigby. “I am writing in reference to Mr. Bernard’s appeal regarding his gravel pit conditional use permit. I was present at the previous hearings and am unable to be present
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for this one. I do not believe the Commissioners erred in their decision denying the permit. I believe that they thoughtfully pondered all of the testimony provided and applied the correct laws and local rules. They did not make their decision in haste. While listening to Mr. Bernard's proposal and rebuttal, he made several discrepancies. While he said the plan provided that the entrance would be off of Yellowstone Highway, he also said that he would not be against having an entrance off of Landmark. After all, he does own that land as well. Another concern I have is while Mr. Bernard says that he will build a berm and have trees. Even though he said that he would plant trees, I am assuming they will not be full size trees. Therefore, they will take many years for them to be able to be effective and serve the intended purpose of keeping the noise and pollution down. While I could go on, I understand your time is valuable and there are other to hear from. I do not believe that Mr. Bernard has the best interests of any persons, other than himself, in mind and the commissioners made the right decision the first time. Thank you"

[3:33:01 PM](#) Naysha has two other emails one from Julie Anderson and Darby Smith that will not be read into the record they have been received and given to the commissioners already in their packets. This is all that Naysha has.

[3:37:29 PM](#) Shelly Bingham apologized did not hit send on her email. Shelly is at 14 N Currant Lane. The biggest concern is the children. Flips Gymnastics kids use this road frequently running out to meet their parents. At the end of Bernard's rebuttal at the last meeting he did not see as a taxpayer and business owner why he could not use Landmark Lane as a second entrance. One of those trucks could be detrimental to our children. Who is going to police this since he owns property? Hope that they will make their decision wisely and not ever regret losing a child.

[3:39:24 PM](#) Chairman Farnsworth turns the time back to Jim for a rebuttal.

[3:39:35 PM](#) Jim said there is a lot of testimony after the gravel pit is done and have a commercial subdivision this would be an access road for the subdivision. This is similar to the County Line pit. Have the power for what hours they work and where they can enter and believes the county can enforce this. Is unfortunate they have this many unhealthy people but the farm field next to this can be responsible for the asthma as well. The county is supposed to make sure all of the information is provided from DEQ is provided. States again that there is no intent to have Landmark Lane used for these trucks. Owns all of the lots and has more invested than anyone else in this room. Terrance Hills has a gravel pit in it. It is not the gravel pit that decides. This is right on County Line by the airport. If they are okay with the airplanes going over at all times the gravel pit is not going to change this. A lot said about the forty acres he has 120 other acres. Does have a height restrictions so they cannot build homes in this area so a gravel pit would be a good use for the land. This plan is done in conjunction to grow the airport which they currently cannot do. Does not want this to be an eyesore will be a benefit for the airport. If they come to water they will stop digging. Does not believe this will be a problem with this in the community. This is quarter of a mile to the first house. There is also another gravel pit in the area. Wind is from the southwest. Can put conditions that he cannot crush gravel on certain days. It is common sense and he does care about everyone's health in here. The intent is to help with the roads and the subdivisions on the other side. Shouldn't have to buy gravel from somewhere else if he has property that is designated as a commercial zone. Will provide expansion to the airport and new business to support the airport. If he does something else with the land the airport will never expand. Hard to not get upset after hearing all of these comments. Tried to put good businesses in the area. This is quarter to half a mile away from any homes. Thinks that Bill got this right that any inconvenience to them is nothing like taking away his rights to use his property. Did meet all of the conditional use permit requirements that are listed. Are able to put on more conditions can add conditions to limit dust control. This is not a matter of them driving through their places. Having a gravel pit is not going to change the need will be having schools and be having a second exit at some point. Toomer's doesn't have a berm. Jim mentions he does not pick who lives in these subdivisions and he takes offense that he picks on the Hispanic community. Has had a good relationships with everyone. Last thing is he believes if they close their eyes and in the next ten years this is the best use. Will it be uncomfortable if he is not following the rules of course but these permits are reissued each year. Feels this would be a benefit to have room for this airport to expand. He is a business man as is everyone else including the farmers that have to cut their fields. Have been in contact with DEQ and they have documented this. They are in control to make sure he does this the right way. Commissioner Martinez asked where the entrance and exit will be. Jim shows on the map with a laser pointer where all of this will be located. Commissioner Martinez goes over the exit is by a trailer park. Jim said they have room and would be adding a fence. Would be putting more commercial lots in this area anyways. Jim said this is 120 feet to where the trailers are and it will have a barrier. Commissioner Martinez said how many trucks would be coming in is that the ten to twelve trucks a day. Jim said he does not have all personal use will be selling gravel out of this as well. This is in the twenty years of material but they may have a lot of trucks one day and none the next this was an average number. Commissioner Martinez mentions other roads and an exit there will be more trucks coming in for gravel. Jim said this is an average number and if they have a lot then the life of the pit would be less. Commissioner Martinez asked how deep. Jim believes it was twenty-five feet.

[3:53:46 PM](#) Chairman Farnsworth goes over on the road he realizes now on this map where this is. On the berm said trees will be around this but where the airport comes in they want bushes. Jim said that the county has specifications on this. Naysha said there is different specifications on these usually five feet in height for a berm. There are landscaping requirements.

[3:56:17 PM](#) Chairman Farnsworth closes the public hearing portion of this. Will now take the time to start deliberations on the gravel pit. Chairman Farnsworth said major concerns is water and dust. This is commercial zoning and they consider mineral extraction

as industrial zone. Have mentioned selling seven acres off to the airport and only leaving thirty-three acres instead of the forty not sure if this is allowed. There would be no dust mitigation from the trees and shrubs until they grow. Other concern is reusing this ground after the gravel extractions would be putting someone twenty-five feet into the ground. Other thing to consider is do they need another gravel pit in the area. Is it a benefit to the community to have another one. Has a map showing all of these along Highway 20.

[4:00:08 PM](#) Commissioner Martinez said he has spoken with others and there are several other gravel pits between here and Idaho Falls and Rexburg. Have numerous amounts of gravel pits as it is. Access to them is pretty close. Older used gravel pits are vacant and end up being big holes in the ground. Looking at with this gravel pit what is the future and the growth of the city and county. There are people that invest in property to have a certain return. Knows it was said that it shouldn't affect the property values but it does. There are a lot of factors. Do not want to take away the rights they have but is looking at safety, health, property values and investments that these people have made.

[4:03:36 PM](#) Chairman Farnsworth mentions what else this land could be used for. Has concerns with mineral extraction turning this into an industrial zone. Also air pollution concerns. Knows there are regulations that can be added but with the winds around here it could be closed all the time. Concerned about piling on so many restrictions that it would outweigh having it in the first place. They did a gravel extraction behind The Loft. Now they utilize this and have turned this back into farm ground. Naysha mentions this is allowed in all zones with a conditional use permit. Initial reason with this is the mineral extraction they have from the Roberts pit. This has homes around it and is now residential. Chairman Farnsworth asked if they will have sub water issues if they dug a twenty-five foot hole. Naysha said a lot of this is in the SWPP plan. This is why it is a conditional use permit. So they are allowed to apply conditions. If this is a condition it will be in the notes and in the past Planning & Zoning has had these reviewed every six months. If they allow this and six months or a year down the road the wrong roads are being used and the dust is not mitigated Naysha said they can revoke the conditional use permit. Naysha said they have a system that these are reviewed on a monthly basis. With the gravel pits they usually drive out and view these and neighbors will be watching. If they have completed these conditions then they are removed but still in the file. Chairman Farnsworth said the berm cannot be in the flight pattern. This would still be five feet but with no trees would have shrubs.

[4:13:17 PM](#) Paul mentions that they can deliberate and not decide today. Naysha said they have thirty days to table for more information, to approve or deny. Chairman Farnsworth does not want to make a hasty decision on this. Would like to have more time to review after the information they have received today. Commissioner Martinez mentions that he was ready to make his decision but if Chairman Farnsworth needs more time then he would be alright with giving more time. Chairman Farnsworth realizes they have to be able to use the ground that they have and are looking at future growth. Wants to see the county grow. Does not want to step on property owners toes to make money but does not want to hurt the rest of the community in the process.

[4:17:56 PM](#) Weston mentions when they investigate this they are limited to the testimony that has been given. They are limited and this will be done independently. Chairman Farnsworth mentions they cannot visit with anyone on this or about this. Asks the community to please respect this and not reach out to them before they have made a decision.

[4:21:02 PM](#) **Motion by Chairman Farnsworth to take this gravel pit under advisement and will come to a decision on July 10 at 4:00. Second by Commissioner Martinez. Roll call taken. Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed. Commissioner Hancock recused himself.**

[4:22:23 PM](#) **Motion by Commissioner Martinez to adjourn at 4:29. Second by Chairman Farnsworth. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date