

## **Jefferson County Commissioner Meeting Minutes October 24, 2011**

Meeting called to order at 9:00 am. Those present are Chairman Karren, Commissioner Raymond, Commissioner Hegsted, Naysha Foster, Jim Lynch, Jim Boulter, Mitch Whitmill, Robin Dunn, Kristine Lund, Cody Taylor, Tammy Adkins, and Blair Olsen. Emily Kramer is clerk of the board. Naysha Foster gave the Pledge of Allegiance and Commissioner Hegsted gave the prayer.

### **Commissioners/Elected Officials/Department Heads**

- **Staff Meeting**

Mitch discusses the permitting process. No herbicide applications will be done after October 31<sup>st</sup> until a permit is obtained. He mentions that the Eastern Idaho Weed Control meeting will be on November 10<sup>th</sup> in Pocatello, ID. Jim mentions that the city has thrown out a proposal to tear out 3900 to install utilities. Jim Lynch states that he has fifteen permits this month so far. Commissioner Hegsted asks Jim Boulter how the issue of the trailer in the right-of-way is progressing. Jim explains that Casey called and they said they would move it, but as of today it is still there. Jim will work with the Sheriff's Office on getting the trailer moved. Discussion is held on right-of-ways. Commissioner Hegsted asks when the assessment notices will be going out. Cody says they will be going out in June 2012. Commissioner Hegsted asks when the tax notices will be going out. Kristine says they will be in the mail mid November. Naysha discusses that the subdivision ordinance was revised. Commissioner Raymond had a couple of complaints from the Westside in reference to farmers using the county road to turn around and asks the Sheriff if he had any calls. Sheriff mentions that they have left it up to Road and Bridge to call if there is any damage to the roads. Jim mentions that we prefer they use the field access road and we ask them to stay off of the county road. Kristine mentions that she has collected on past years. Tammy informs everyone that the Probation Office has moved a crossed from Wendy's.

### **Commissioners**

- **Executive Session 67-2345(B)**

**Motion** by Chairman Karren to go into executive session at 9:58 am pursuant to Idaho Code 67-2345(B). Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

Moved back into open session at 10:23 am.  
Evaluation of department head Jim Boulter.

### **Commissioners**

- **Executive Session 67-2345(B)**

**Motion** by Commissioner Hegsted to go into executive session at 10:24 am pursuant to Idaho Code 67-2345(B). Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

Motion by Commissioner Raymond to table the executive session at 10:35 am. Second by Commissioner Hegsted. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

**Motion** by Commissioner Raymond to change the 4:15 pm agenda item from Clerk’s Business to Road and Bridge lease signatures. Second by Commissioner Hegsted. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

### **Emergency Management – Emily Kramer**

- **Letter of Support**

Letter of support signed for the proposed All-Hazard Mitigation Plan revision that the region is applying for.

- **EMPG**

Chairman Karren signs the Emergency Management Performance Grant for the performance period of 10/01/2010 to 09/30/2012 for a total award of \$21,345.35.

**Motion** by Commissioner Hegsted to move back into executive session at 10:45 am pursuant to Idaho Code 67-2345(B). Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

Moved back into open session at 10:53 am.

Evaluation of department heads Naysha Foster and Jim Lynch.

### **Social Services – Edidt Ramirez**

- **Executive Session 67-2345(D)**

**Motion** by Commissioner Hegsted to go into executive session at 10:54 am pursuant to Idaho Code 67-2345(D). Second by Commissioner Raymond. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

Moved back into open session at 11:17 am.

**Motion** by Commissioner Raymond to deny #2011-11 because of sufficient income, to approve #2012-15 with the condition that we seek a minimum of a \$100 a month in restitution, and to deny #2012-13 because of non residency. Second by Commissioner Hegsted. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

### **Lunch**

### **Probation – Tammy Adkins**

- **Quarterly Report**

Tammy hands out her quarterly report for the Commissioners to review (copy in exhibit book).

- **Drug Testing Fees, Cost of Supervision Fees, Resolution per Fees**

Tammy discusses the administrative order that she received (copy in exhibit book). Tammy explains that Madison County raised the cost of supervision to \$60 a month for drug court fees and supervision per the administrative order. Tammy mentions that collection is challenging and that she would prefer to leave it at \$50. Tammy asks the Commissioners if they would like to raise the fee or not. Chairman Karren asks where the fees go. Tammy says that they go back into the general fund to cover the costs of probation services. Commissioner Raymond asks if we choose to leave it at \$50 can we make a change at a later date. Tammy says yes.

Tammy discusses page 6 which is a memo that was sent around to probation directors. Tammy explains that she ran it by Robin in June and there is currently a lawsuit for misdemeanor probation in Ada County. People are claiming that Ada County has charged too much. Tammy mentions that there is confusion in setting the fees. Tammy says that Robin told her in June to keep the fees where they are and that is what she is doing. Tammy mentions that some of the other counties have done a county resolution to set fees to cover the cost of certain items. Tammy asks the Commissioners if they would like a county resolution worked on or if she should stop charging the fees that are not covered in the statute. Tammy asks for advice on the fees and will leave the fees as they are until she receives further direction.

Tammy mentions that the tri-county drug testing lab is another issue that has come up. Tri-county has a drug testing lab which Madison County took over. Tammy explains that there have been figures presented one year one way and another year another. Tammy mentions that the drug testing fee went up to \$6.20 and that she can go to Redwood for \$4. Tammy is still in negotiations. She explains that it is more convenient to go to Rexburg, but the \$2 savings is more cost efficient. Commissioner Raymond mentions that drug testers can pull samples and if the sample comes back clean they have cut their costs. If they get a hot sample, they have to test all of them. Commissioner Raymond is not comfortable with the pulled samples. Tammy does not believe that Redwood is doing it that way because they are a certified lab. Tammy's concern is that Tri-County should pay for their own drug testing just as clients have to pay. Tammy mentions that if costs outweigh convenience she has to use that as her deciding factor.

Commissioner Raymond mentions that there are some figures that have been called to question in reference to the lab and Burt Butler has asked for another review. The tri counties have suggested that Burt seek through the Supreme Court a third-party audit. Commissioners ask Robin to work with Tammy on the fees.

**Motion** by Commissioner Raymond to leave the cost of the probation supervision fee at \$50 and to define the other costs in a resolution. Second by Commissioner Hegsted. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

### Commissioners

- **Executive Session 67-2345(B)**

**Motion** by Commissioner Hegsted to go into executive session at 1:21 pm pursuant to Idaho Code 67-2345(B). Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

Moved back into open session at 1:30 pm.

Evaluation of department head Tammy Adkins.

**City of Rigby – Mayor Smith and City Clerk Swager**

- **Solid Waste Landfill Charge**

Chairman Karren mentions that as far as the landfill fees go, the Commissioners motion was to charge commercial haulers and that in the Commissioners minds municipalities with solid waste departments were not considered in the motion. Chairman Karren apologizes that the city got a letter in reference to the tonnage fees and that they had to take time out of their day to come before them.

Present from the city are Dave Swager, Councilwoman Hinckley, and Mayor Smith. Dave thanks the Commissioners for the work that they do. Dave explains that he was upset with the letter of the commercial hauler tonnage fee. Dave does not feel the county was correct in charging the county fees because they did not advertise it pursuant to Idaho Code 63-1311a. Dave feels that the fee is \$0 which is way above 5% and the Commissioners should go back, advertise, and have a hearing. Dave is concerned with the planned use of the fee. Dave discusses the numbers from the public records request he made. Dave does not feel that there is a need for an increase in fee. Dave explains that the impact on the city was going to be \$84,000 to \$100,000. Dave would like to get an opinion from the AG's office in reference to the fee and if the county had to go through a public hearing. Dave also wants to ask the AG's office if the county can collect and assess fees from solid waste and make transfers to the Road and Bridge versus setting up an inner fund account. Dave would like to have both entities receive a response from the AG's office.

Robin clarifies that he has a conflict before either side decides what he should do. Robin asks Dave if there is already a tonnage fee built in to the commercial haulers and if so he feels question one is moot. Robin thinks we need to question the solid waste haulers to see what their fees are in county and out of county to decide if Dave's question one is moot.

Discussion is held on funds. Robin suggests that we make sure there is no charge assessed to haul the sledge out to the landfill because of our water for sledge agreement with the city. The mayor asks if the fee will be imposed on the clean up day or is that day exempt. Commissioner Raymond would be inclined to leave the charges for the rollup. Commissioners agree to be consistent with commercial haulers and to charge the hauler on the city's clean up day.

The mayor mentions that the relationship between the city and the county is questionable. Since the landfill fees have been brought up, the mayor wants to better understand the dispatch fees. The mayor explains that a lot of other counties have a 911 Commission who handle the 911 money. The mayor discusses that the 911 money should be spread out equally to all entities and that the Rigby's Chief would like to understand the fees better. The mayor feels a commission would be in everyone's best interest. The mayor ends with saying he would like to build the city/county relationship.

**Eagle Rock Sanitation – Kim Galloway**

- **Solid Waste Landfill Charge**

Kim Galloway has a few questions on the tonnage rate and he explains that he has received a lot of complaints. Commissioner Raymond mentions that partially where they are coming from is that our county maintains a landfill and the costs do not seem to be going down. Commissioner Raymond says that in the past, they have not charged a tonnage fee to in-county commercial haulers. Commissioner Raymond asks for an explanation in reference to last Friday when he past a commercial hauler outside of the county who dumped at our landfill for free. Kim explains that they have a split load that goes from Madison to Jefferson and that they pay dependent on the week. Kim mentions that the landfill used to allow for split loads each week but now they do not. Commissioner Raymond goes on to explain that they are trying to put our landfill on equal footing. Robin mentions that it does not matter where the landfill comes from; we still have to maintain the landfill. The Commissioners believe that free enterprise is the best way for America to run. Commissioner Hegsted mentions that everyone is charged an availability fee and because of increased costs they felt the way to increase revenue was through a commercial hauler fee. Chairman Karren mentions that the landfill may have misrepresented the free weeks and that the Commissioners intention was to charge everyone every time they dumped. Commissioner Raymond mentions that it was not their intention to call anyone crooked and apologizes. Robin explains that we are trying to align ourselves with other counties.

Commissioner Raymond asks is it accurate that Eagle Rock's fees will go up \$9 a quarter. Kim says they will increase \$4.50 a month. Commissioner Raymond asks what the total will be per month. Kim does not know. Commissioner Raymond asks how the rates compare with the other county residents. Kim explains that Bonneville's rates are cheaper, Madison's more expensive, and Fremont's are a little more expensive than Jefferson County. Commissioner Raymond wants to again apologize and that he did not intend to call Eagle Rock a cheater.

### **Nicky Bell and Ty Belnap**

- **Solid Waste Landfill Charge**

Those present are Nicky Bell, Cheryl Hively, and Ruth Foster. Nicky Bell explains that she got a letter from Eagle Rock Sanitation Company. Nicky mentions that she cannot afford an increase. Nicky does not live in other counties and she does not care what other counties do. Nicky goes over that she pays the fee on her taxes. Nicky wants to know what we are going to do about it. Chairman Karren mentions that the fee she pays is an accessibility fee. Nicky mentions that this is taxing without representation. Ruth asks why they had to raise the fee. Commissioner Hegsted mentions that costs are increasing and that we have to operate the landfill. Commissioner Hegsted goes on to explain that the fee on her taxes is an accessibility fee which is accessed to every piece of property. He explains that the Commissioners decided to raise the fee to commercial haulers and to not raise the fee accessed to every piece of property. Commissioner Hegsted mentions that the Commissioners felt it would be better to pass the fee on to the commercial hauler because of the costs. Robin asks Nicky if she were on this side of the table opposed to that side of the table, with costs going up and revenue going down, if she has a solution. Nicky mentions that they have the chance to vote for bonds all the time. Robin mentions that if you look at the taxes you will find out that a small percentage goes to the county and a larger percentage goes to school district and other taxing entities. Robin mentions that the Commissioners have made cuts on expenses to balance the budget. Cheryl does not know what they spend their money on so she cannot answer his question. Cheryl thinks that the way this was handled was not the best way. Cheryl can not be on top of everything. Cheryl does not

know enough about the fee, she does not know what it is going to. Commissioner Raymond mentions that we have expenses out there to include the heavy equipment, fuel bills, power bills, and monitoring the wells. Nicky asks how property owners should absorb this fee. Commissioner Raymond discusses that people have some options to include taking their own garbage to the landfill, sharing a can with a neighbor, or sharing a square can with four neighbors. Ruth asks if other people are coming into the landfill from other counties and dumping. Commissioner Hegsted says yes. Ruth asks if license plates are looked at. Commissioner Raymond mentions that license plates are looked at. Cheryl understands the dilemma, but it seems that Jefferson County residents are being penalized by the way commercial haulers are dumping. Commissioner Hegsted mentions that we have a revenue shortfall. Cheryl says that if things would have been spelled out it would have been easier to understand and she would like the county to improve communication.

### **Assessor – Cody Taylor**

- **Approve Estimates of Personal Property**

Cody has two properties who have not responded in order for her to tax personal property so she needs to estimate. One is Tam's Old Fashioned. Cody explains that comparables are Wendy's at \$204,000, Arctic Circle \$29,000, and Gator Jack's \$6,900. Cody feels that Gator Jack's is a good comparable. Commissioners approve an estimate of \$10,000.

The second is Flips Gymnastics who are in the process of moving in to a new building. Cody explains that we have no in county comparables so she called Bonneville County and they have one for \$41,000 and one for \$10,000. Madison County has one for 32,000 that has spring floors. Commissioners approve an estimate of \$18,000.

### **Commissioners**

- **RC&D Dues**

**Motion** by Commissioner Hegsted to support \$300 to RC&D. Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

**Motion** by Commissioner Raymond to support \$5,000 to cloud seeding. Second by Commissioner Hegsted. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

- **Commissioner Meeting Minutes**

**Motion** by Commissioner Hegsted to approve the minutes of October 11, 2011. Second by Commissioner Raymond. Motion passed unanimously.

- **Claims**

**Motion** by Commissioner Hegsted to approve the claims dated October 11, 2011 through October 21, 2011 to total \$233,258.47. Second by Chairman Karren. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

### **Jim Youngstrom**

- **Address Change Request**

Jim mentions that the county has changed the address for one hundred and fifty homeowners. Jim builds houses for living and he also has another business that he has been trying to build. Jim has passed out thousands of brochures, boxes, etc... Jim mentions that the one year grace period is not long enough. Jim realizes that his address needs to change. Jim feels punished for the address change. Jim pays \$500 per month on his property tax and he would like to be credited to make the business transition because of the address change. Jim does not feel that he needs to be penalized and he wants to work something out for a certain period of time. Chairman Karren asks if he is suggesting that anyone who has had any damages from the address change be credited on their property tax. Commissioner Hegsted explains that they can not do anything because the taxes have been set and the county is just a collection agency. Jim asks if there is a way to monetarily help people who have damages because of the address changes. Commissioner Hegsted asks if Jim has a website address. Jim mentions he has only had a website for a year. Jim says it is hard for business owners to make address changes. Jim asks if anything can be done. The Commissioners say that they are unable to do anything.

Jim goes on to mention that he has some horrible neighbors who have moved from Los Angeles and they are renting. Jim discusses that they drink, the feds have been staking them out, and they have a pack of dogs. Jim wants to know what he can do to get them out. Naysya explains that the homeowners association needs to do something in reference to the neighbor problems or as homeowners they can. Commissioner Raymond mentions that the Sheriff's Office should be called for illegal activity.

### **Judge Crowley**

- **Technology**

Judge Crowley wants to know if the Commissioners would be willing to pay for him to have a SMART phone which would allow him to sign and send legal documents from his phone. Judge Crowley explains that it will save time and costs for travel to and from his house on weekends. In addition, other counties have mentioned that when they get the initial documents on a mental commitment they will save money by signing the documents quicker. Judge Crowley was told that the phone will allow him video conference, sign legal documents, and other functions. Judge Crowley explains that right now he gets reimbursed for about \$40 a month. With the SMART phone, the minimum data package for a government employee would be \$24 a month after he purchases the phone. The Commissioners would like the Clerk to decide since it will come out of her budget.

### **Road & Bridge Leases**

Commissioners sign the Road & Bridge leases for equipment approved in a past meeting.

### **Attorney- Robin Dunn**

- **Executive Session 67-2345(F)**

**Motion** by Commissioner Raymond to go into executive session at 4:33 pm pursuant to Idaho Code 67-2345(F). Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye.

Moved back into open session at 4:53 pm.

Discussion held on pending litigation.  
**Meeting adjourned at 4:55 pm.**

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*Chairman of the Board*

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*Clerk of the Board*

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*County Clerk*