

Jefferson County Commissioner Meeting Minutes November 28, 2011

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

Commissioners-Elected Officials-Department Heads

- **Staff Meeting**

Kristine Lund mentions that her office is getting inundated with calls in reference to their taxes, school district fees, tonnage fees, mosquito abatement fees, and landfill fees. Cody asks why PTO has to be used in an hour increment. Chris mentions it was a suggestion because of disciplinary actions, but it can be changed. The Commissioners will review the policy. Lori mentions they are still looking for an ag. agent and the search has been reopened for the third time. Lori thinks it will be about three months until they hire. Mitch mentions that they are doing some maintenance and repairs on the buildings. MOUs and cost share proposals will be ready in December. Debbie mentions she'd like Mitch on the agenda for the signing of the documents. Debbie mentions that the December 26th meeting will be cancelled. Jim Boulter asks Mitch where we are on the county weed spraying permit. Jim also asks about the ice slicer because it is a chloride. Mitch says he will be having a meeting in reference to these issues and that he was told they only need a permit for pesticides. Commissioner Raymond asks if we have had a difference in landfill amounts. Jim says we have had an increase because Bonneville County has been bringing their garbage. Naysha mentions that she received a call from the Idaho Department of Commerce in reference to putting together a business proposal. Emily mentions the upcoming community preparedness fair on May 5th. Mitch asks about the holiday meal. Chris says it is up to the departments. Mitch asks if the holiday meal can be held during the work day. Commissioner Raymond asks if the mosquito abatement districts have been invited to the weed meetings. Mitch says the permit has to be obtained by March because of cost sharing. The Commissioners agree that a department's holiday lunch could be held at lunch for a little over an hour.

Commissioners sign a letter of support for the "Tin Man" project and a recommendation letter to reappoint Corey Foster to the Eastern Idaho State Fair Board of Directors.

Treasurer-Kristine Lund

- **Tax Cancellations**

Kristine has three items on the agenda. The first item is #2011-10, parcel no. MH010800330010, in the name of Teresa Pelton. Kristine explains that this is the 2nd and last cancellation on this mobile home that has now been dismantled and removed. When the tax was cancelled in October, it was understood that the 2011 tax would have to be cancelled at a later date. This mobile home has been taken off the tax rolls for 2012. The cancellation amount totals \$94.38.

Motion by Commissioner Raymond to cancel the taxes to total \$94.38 for parcel no. MH010800330010 in the name of Teresa Pelton. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

The second item is #2011-11, parcel no. RP00320002001A, in the name of James and Christine Boulter. Kristine explains that on April 26, 2011 the Boulter's home caught fire and was deemed a total loss. As per the Commissioners decision on June 27th the property value was to be adjusted to \$48,182 if deemed a total loss for the 2011 tax bill. The total bill for 2011 was \$1,371.98. The amount for the adjusted value should be \$594.41 which makes a cancellation amount of \$771.57. Commissioner Raymond asks Kristine to obtain verification from the insurance company that the property is a total loss.

Motion by Commissioner Raymond to cancel the taxes to total \$771.57 for parcel no. RP00320002001A subject to verification from the insurance company that the property is a total loss in the name of James and Christine Boulter. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

The third item is parcel no. RP04N39E085636 in the name of JJK Holdings LLC. JJK Holdings purchased the property, the sugar factory, two months ago. Taxes are due from 2008 plus late charges and interest. JJK Holdings explains that they have incurred a lot of money in this purchase because they tried conventional financing, but the easements created a difficulty. So the previous owner is carrying the note and they are attempting to move the easements. JJK Holdings would like to get current on the taxes and is asking for a waiver of the interest and late charges. Commissioner Hegsted would consider reducing the interest and late charges in half if they come current with the taxes in full.

Commissioner Raymond asks JJK Holdings if in the discussions with the previous property owner on taking over the property if discussion on asking for a waiver of interest and late charges came up. JJK Holdings says yes that was mentioned, but regardless, they are responsible on getting them current.

Chairman Karren asks if they have plans on making a profit. JJK Holdings discusses the business at the oil fields in Wyoming and Pennsylvania and the creation of the industrial equipment business. They plan on taking care of the equipment, building trailers, and using the shops as offices. They occupy the entire building. The sale of trailers will generate tax revenue.

Kristine mentions the value of the building needs to be reevaluated. Kristine discusses that it is being assessed as a retail shopping mall and restaurant facility, however it is a shell. Commissioner Hegsted mentions that Mr. Brown had the opportunity to come in and discuss matters with the Commissioners and did not. Chairman Karren agrees with the half, but not paying in full.

Motion by Commissioner Hegsted on RP04N39E085636 that half of the interest and late charges be waived if taxes due for 2008, 2009, 2010 and 2011 are paid in full by December 20th.

Second by Commissioner Raymond. Discussion by the Commissioners. Commissioner Hegsted withdraws his motion and Commissioner Raymond withdraws his second.

Motion by Commissioner Hegsted on RP04N39E085636 that the taxes, late charges, and interest be paid in full in the name of JJK Holdings LLC. Second by Commissioner Raymond. Roll call taken. Commissioner Raymond – aye. Commissioner Hegsted – aye. Chairman Karren – aye. Motion passed unanimously.

Emergency Management Coordinator-Emily Kramer

- **HSGP 2011 Grant Signing**

Commissioners sign the Homeland Security Grant Program 2011 grant for \$62,426.42 for the period August 1, 2011 – July 31, 2014. Emily explains that the grant goes towards planning, community awareness, interoperable communications, NIMS, and training and exercise. Emily discusses that the planning portion has to be budgeted, expended, and then it is reimbursed.

Eastern Idaho Public Health-Teresa Stucki

- **Quarterly Report**

Teresa distributes the first quarterly report for 2012. Ray mentions that is has been pretty steady this quarter with 22 septic permits issued. Commissioner Hegsted asks if Ray can discuss Lori Eddins. Ray mentions that they were not able to do a standard permit for the property and that Jim Lynch called and asked to proceed with a building permit without a septic permit. A building permit was granted and the property owners tried to do a variance with DEQ on a septic permit. Ray mentions it is regretful, but there is a reason the septic permit is first. Ray mentions that the Cottle's building permit was also issued without a septic permit. Ray states that the Cottle's need a complex system as well. Commissioner Hegsted asks if they have any other challenges with the building department. Ray mentions Manwaring Cheese and that they needed a food establishment permit. Commissioner Raymond asks about the reception hall on Annis Highway and if the septic system will be okay. Discussion on requiring business licenses is held. Chris mentions that maybe better direction to people by county departments would be helpful. Commissioner Hegsted asks about the morning after pill and if there is an increase. Teresa says she issues one or two pills a month, but it is not peaking.

Social Services – Edidt Ramirez

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

Motion by Commissioner Hegsted to go into executive session at 11:01 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 11:05 am.

Motion by Commissioner Hegsted to deny #2012-18 for lack of information and to deny #2012-19 for lack of information. Second by Commissioner Raymond. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

Lunch

Brent Thomas-Richard Jacobsen-John Ellsworth

- **Great Feeder Canal Headgate Replacement**

Brent Thomas, Richard Jacobsen, and John Ellsworth are in attendance. Brent explains that they are all directors of the great feeder and that they have been appointed as a committee to work on replacing the headgates. Brent explains that there are options. In one case, the old structure would be left in place and they would build a new structure downstream of it. In this case, they would close off the old structure and there would be no public crossing. The other option is to take out the old structure and replace it with a new structure. With this option, they'd also close off the structure for public crossing. Brent explains that the reason they are here is to let the Commissioners know that they are planning on closing the public crossing. Brent mentions that as the feeder, they do not feel there is a reason for a public crossing, but if the county would like to maintain a public crossing, they will need to provide some participation in reference to funds.

Commissioner Raymond asks if there would be any need to have full access for emergency vehicles. The Commissioners discuss that they will ask Chief Deuel about public access. Commissioner Raymond asks if the rumor we heard that construction would start in October 2012 was untrue. Richard mentions that the planning was not there so the great feeder has backed the plan up and slowed it down. The Sheriff mentions that it would be important to have an access a crossed the headgates and that a single lane would be adequate and the existing width is sufficient. Richard mentions that Bonneville County might be interested in helping to fund a public crossing. The Harrison canal is discussed.

Brent mentions that he worries about liability for public access and that they would want county input on that. The Commissioners ask for another meeting to be held in January with Bonneville County, the Fire District, Road & Bridge, Sheriff's Office, and the Great Feeder Committee invited.

Mud Lake Mayor-Sherry Locascio

- **Solid Waste Tonnage Fee**

Not in attendance.

Public Works-Jim Boulter

- **Purchase Lease Agreement-New Loader**

Jim discusses that he will receive the new loader tomorrow or the next day. Jim had Robin review the lease agreement, but Robin would not sign the contract. Jim is waiting on Robin to provide his cover letter to attach it to the contract. Jim mentions that we need to decide what we are going to do with the old Road and Bridge loader. Jim says after this loader he does not think we will need a new loader for at least a half a dozen years. Commissioner Hegsted asks about the new loader and Jim says that will have it here in Rigby. The other loader we lease is on the Westside and the one we are paying off is here in Rigby. Jim says we will have three new loaders.

Commissioner Hegsted mentions that Dave Swager mentioned an amount for leases in a previous meeting. Jim states that the Road and Bridge lease budget is \$185,000.

Motion by Commissioner Hegsted to approve the lease with Honnen Equipment to total \$33,969.12 for a one year term for a 644K John Deere front end loader. Second by

Commissioner Raymond. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

- **On-Call Compensation**

Jim wants to know if there is any compensation or fringe benefits that can be offered for people who are on-call. Jim mentions that employees have asked about on-call compensation. Jim discusses that an on-call policy would be helpful. Chris mentions that we need to talk with the DOL in reference to on-call. The Commissioners ask why on-call is not just part of the job descriptions. Jim mentions that he asked people to sign up for on-call. Commissioner Raymond suggests that it would be more effective for Jim to schedule those who are on-call. Commissioner Hegsted asks what the DOT does and Jim mentions that they have shifts. The Commissioners request that other counties and the DOL be contacted to inquire what their on-call policies are and for this matter to be on the next agenda.

- **Report on the Posishell Applicator**

Jim reports that the applicator is working well and that they have used the applicator in different areas.

Planning & Zoning-Naysha Foster

- **Appoint New P & Z Board Member-Byron Evans**

Naysha distributes the report of the impact area agreement audit completed by the consultant. Naysha mentions that the consultant took the current impact area agreements with the cities and reviewed and compared them with state statute. He reported on what was in compliance, what was not, and his recommendations. Naysha mentions that the Commissioners need to review the report and if they have any questions she can have the consultant come to the next meeting. If there are no concerns, Naysha will have a meeting with the cities. Naysha explains that five years out is considered an impact, but that we should be reviewing the agreements every year.

Naysha hands out a report on the building permits. She mentions that we received a couple miscellaneous ones at the end of the month. Commissioner Hegsted asks for a grand total on the next report. Naysha says she will work with Amy on it.

Naysha refers Byron Evans to serve on the P & Z board.

Motion by Commissioner Raymond to appoint Byron Evans as a member of the P & Z Board. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

Commissioners

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

Motion by Commissioner Raymond to go into executive session at 2:49 pm pursuant to Idaho Code 67-2345(B). Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

Moved back into open session at 2:51 pm.

Discussion held on a personnel issue.

Commissioners

- **Sheep Trails**

Jim Boulter, Casey Bingham, and Sheriff Olsen are present. The Commissioners ask Robin what the law says on the county declaring a road. Robin says Idaho Code 31-805 states that the board shall lay out, maintain, control and manage public roads in the county. Robin advises that you can turn a trail into a road, but the county will need to maintain it. Jim mentions that this is an unimproved road which he would not receive compensation for and that it would cost an estimate of \$30,000 to grade it for four to five months. The estimate is without putting any material on it. Jim mentions that if we decided to we could go to the BLM and tell them we needed the road for some legitimate reason which would enable us to obtain a free use permit. Jim mentions there would have to be a legitimate use for the road. Commissioner Raymond asks if we revoked RS 2477 to preserve the historical use would we be required to do maintenance. Robin mentions again that we have to lay out, maintain, control, and manage public road. Commissioner Hegsted asks if the BLM is going to approve us using the road. The Sheriff mentions that public land can be used by the county. Commissioner Raymond believes we need to preserve the road because of historical use. The Sheriff mentions that he would be in favor of preserving the road for historical use. The Sheriff discusses that it will always benefit his office to have access to that area. The Sheriff mentions that if we do some research we might be able to designate the road not for public use. The Sheriff says that he has deputies on the back roads a couple times a month. The Sheriff feels it would be beneficial to use the road because it would give him quicker access to problems over on the end of Egin-Hamer. Sheriff and Robin discuss that Egin-Hamer is closed to motorized vehicle traffic from December to May 1st. Robin says that he wants the Commissioners to consider money in their decision. Chairman Karren mentions that she does not want the liability and asks if this is our battle. Commissioner Hegsted would be interested in finding out if we would need to maintain the road. The Sheriff mentions that Fremont County has some experience in this. The Commissioners ask Jim if there are any county roads that are unmaintained. He says yes.

Christine mentions that she received a letter that we need to renew our right-of-way authorization for Egin-Hamer Road. Commissioners agree to renew the right-of-way authorization for Egin-Hamer Road.

Motion by Commissioner Raymond to table the issue until the next meeting and to receive feedback from other counties. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously. Commissioner Raymond offers to contact the other counties. Road and Bridge offers to obtain the permit application for review.

- **CASA**

Motion by Commissioner Raymond to donate \$500 to the CASA program out of the Commissioners' Contingency fund. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

- **Idaho Bond Bank Application**

Chris mentions that the Idaho Bond Bank application was submitted and that there was a \$500 application fee which was not mentioned in the November 14th meeting.

- **Smart Phone for Judge Crowley**

Chris explains that we are presently covering \$40 a month and asks the Commissioners what they would like to do in reference to a smart phone.

Motion by Commissioner Hegsted to purchase half of the phone and pay an additional \$24 a month for minimum data coverage. Second by Commissioner Raymond. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye.

- **Re-Districting Lawsuit**

Chairman Karren asks if the county is interested in joining the re-districting lawsuit. The Commissioners view the re-districting maps. The Commissioners agree that they are not interested in joining the lawsuit.

- **Eastern Idaho Railroad**

Chris mentions that ICRMP provided a certificate of insurance for the Eastern Idaho Railroad emergency only crossing. ICRMP reviewed the contract and are okay with it.

- **Claims**

Motion by Commissioner Hegsted to approve the claims dated November 15, 2011 through November 23, 2011 to total \$270,258.33. Second by Chairman Karren. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

- **Commissioner Meeting Minutes**

Motion by Commissioner Hegsted to approve the minutes of November 14, 2011. Second by Chairman Karren. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye. Motion passed unanimously.

Cheryl Davis

- **Homeowners Exemption**

Cheryl explains that she is concerned on her property taxes for parcel #MHC11000090020 and that the Assessor's Office said that she received a letter for homeowner's exemption, but she did not. Cheryl mentions that she purchased her home the first part of April. Chairman Karren asks if the letter is a courtesy and the Assessor's Office says yes. Pat mentions that she sent three letters and a stamped envelope at the same time and they received the sale verification back signed and dated in April. Chairman Karren asks what Cheryl is asking the Commissioners. Cheryl said she did not receive the letter and so she is asking the Commissioners to be able to receive the homeowner's exemption for 2011. Cheryl also has a question on the taxes owed for three months since she bought the home in April. Chairman Karren says that the three months of taxes is between Cheryl and the previous owner. Cody mentions that Cheryl has signed up for homeowners for 2012. Chairman Karren mentions that the county is not required to remind

people about the homeowner's exemption. Cheryl admits that she clearly spaced it. The Commissioners agree that they cannot do anything.

Clerk – Christine Boulter

• **Clerk Business**

Chris distributes the Commissioners' mail. Chris asks if the Commissioners want to distribute holiday gift certificates like they did last year.

Motion by Chairman Karren to approve the \$25 holiday gift certificate for employees. Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye.

Commissioners approve the 2012 holiday schedule.

Attorney – Robin Dunn

• **Executive Session 67-2345(F)**

Motion by Chairman Karren to go into executive session at 4:32 pm pursuant to Idaho Code 67-2345(F). Second by Commissioner Hegsted. Roll call taken. Commissioner Hegsted – aye. Commissioner Raymond – aye. Chairman Karren – aye.

Moved back into open session at 4:37 pm.
Discussion held on pending litigation.

Commissioners accept the certificate of residency affidavits that were presented by Chris.

Commissioners cancel the December 22nd and the 27th meeting because of the holidays.

Meeting adjourned at 4:45 pm.

Chairman of the Board

Clerk of the Board

County Clerk