

**Jefferson County Commissioner Meeting Minutes
September 10, 2012**

Meeting called to order at 9:00 am. Those present are Chairman Karren, Commissioner Hegsted, Commissioner Raymond, Naysha Foster, and Christine Boulter. Emily Kramer is Clerk of the board. Commissioner Raymond gave the Pledge of Allegiance and Chairman Karren gave the prayer.

PLANNING & ZONING – NAYSHA FOSTER

- **PUBLIC HEARING – ZONE TEXT AMENDMENT TO PERMIT NURSING HOMES & RESIDENTIAL CARE FACILITIES IN A RESIDENTIAL ONE ZONE**

On July 5, 2012 an application for a Zone Text Amendment was submitted to Jefferson County Planning and Zoning Office by Colby Coombs on behalf of Great Oaks for the purpose of a Zone Text Amendment to permit Nursing Homes/Residential Care Facilities in a Residential-One (R-1) Zone with a Conditional Use Permit (CUP). A public hearing was held on August 2, 2012. The Planning and Zoning Commission made a recommendation to approve this in a R-1 Zone as well as in a Residential-Five (R-5) Zone with a Conditional Use Permit. Naysha explains that the location of the property is not the issue in this case. This would be a change to section 3.3.3 (Land Use Table) of the Jefferson County Zoning Ordinance. This is a legislative change and would not be confined to a specific property, but all properties within a R-1 Zone. The Zoning Ordinance defines Residential Care Facilities, however the use is not listed in the Land Use table or mentioned in the rest of the Ordinance. Nursing Homes and the like are only currently allowed in Ag-10 zones with a CUP and they are permitted in R-5 Zones without a Conditional Use permit. Naysha mentions that this use is currently allowed in R-5 Zones without a Conditional Use Permit and because there was no notice published for the R-5 Zone to require a Conditional Use Permit; that recommendation would have to be struck from the record and may not be considered today. Naysha reminded the Commissioners that this is a legislative change, not quasi-judicial.

Commissioner Hegsted asks if this is contiguous with an R1. Naysha says it is in an R1 zone and they need to think of this as a legislative change, county wide. Commissioner Raymond asks about the oversight. Naysha says we have it defined in the text of the ordinance, but not in the land use map. Robin asks about parking. Naysha said that would be something to consider on a case by case basis when they apply for a Conditional Use Permit.

Naysha opens it up for public comment. No one is present to speak.

Motion by Commissioner Raymond to approve the Zone Text Amendment to permit nursing homes and residential care facilities in a Residential One Zone, Ordinance #2012-06. Second by Commissioner Hegsted. Motion passed unanimously.

- **PUBLIC HEARING – ZONE MAP AMENDMENT – LEE BARNES**

Robin recuses himself because he represents the Harrison Canal. Naysha reports that the applicant, Lee Barnes, is requesting a change from R1 to Light Industrial. The applicant thought it was Light Industrial. The applicant has used the property as an impound yard for

approximately 5 years. The closest definition for this use according to section 3.3.3 of the Zoning Ordinance is outdoor storage, which is a permitted use in a Light Industrial Zone. The southern portion of the property is located in the City of Ririe's Impact area. The property is located a little over a 1 ½ miles from the Ririe City limits. The Harrison Canal runs through the southernmost portion of the property. There was a public hearing on August 2, 2012. The Planning & Zoning Commission recommended the amendment.

Commissioner Hegsted asks whose fence is the barb wire with the posts. Naysha says she does not know. The canal company has a setback. Commissioner Hegsted asks what the county setback is. Naysha says we don't have one for fences. We refer people to the Canal companies because they are all different. The County has a 60 ft setback from a high water mark for a habitable structure. The State statute states says "adequate access," but the State doesn't define "adequate access". Naysha explained that the dispute regarding the fence between the Canal Company and the property owner is a civil matter and that issue should have no bearing on the decision of this application. This is to change the Zoning. The thing to consider is, "does the application comply with county ordinances and Comp Plan?" Commissioner Raymond says he inspected the property and it was exactly as described. Commissioner Raymond asks why we are considering this to bring it into compliance, why was he not in compliance. Naysha says he was told by a previous staff member that he was in a Light Industrial Zone. Lee Barnes answers that in 1997 they acquired it from Idaho Pacific and it was Industrial then. It had never been rezoned. The county did a rezone in 2005 and he was not aware of it.

Commissioner Hegsted mentions that the only people who spoke at the Planning & Zoning Public Hearing opposed were about the fence. Lee Barnes mentioned that he put up the barb wire fence to keep the cattle in when they pasture it. Lee Barnes also indicated that when he met with the Canal Company when he put the fence in and they told him at that time it was fine. Naysha opens the hearing up for public testimony. No one is present to speak.

Motion by Commissioner Hegsted to approve the Zone Map Amendment, Ordinance #2012-07. Second by Commissioner Raymond. Motion passed unanimously.

Motion by Commissioner Raymond to amend the agenda at 9:28 am to discuss the 1:30 pm executive session because of time available. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

COMMISSIONERS

- **EXECUTIVE SESSION 67-2345(F)**

Motion by Commissioner Hegsted to go into executive session at 9:29 a.m. pursuant to Idaho Code 67-2345(F). Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session 10:01 am.

Discussion held on a confidential matter.

BOYOON CHOI – TELEPHONIC

• LATE FEES ON PROPERTY TAXES

Robin recues himself because he has pending litigation with Boyoon Choi. Chairman Karren provides introductions. Chairman Karren asks Boyoon to present her case. Boyoon mentions that she has some property taxes that she hasn't been able to be pay. Boyoon has been looking for some financing because she has some taxes that she needs to take care. Boyoon has a financier who is willing to finance so she can pay off all debt. Boyoon would like to arrange payment with the county. Boyoon is asking the county commissioners to lower the penalties and interest. Kristine Lund says she has 16 parcels that are due from 2009 – forward to total \$25,000. This includes tax charges, late charges of \$407, and interest of \$4,510. Kristine asks Boyoon if that sounds right. Boyoon says yes. Kristine asks if she will be able to pay the first half of 2012 by December 20th. Boyoon says her priority is to pay Idaho State taxes and the taxes if she can. Boyoon asks how much will that be? Kristine says about \$3,000 for the first half of 2012 due December 20th. Boyoon thinks that is something she could do because she's getting some refunds on tuition. Boyoon will be paid October 23rd and will save the money and add a couple hundred more dollars to pay. Commissioner Hegsted mentions that when they consider this request they always look at hardship issues. Commissioner Hegsted asks if she has any hardship issues. Boyoon says she developed in 2006, from the end of 2006 – 2007, she sold about 8 lots. Then after that the economy bailed, the lots were not moving at all. She may have sold 1. The original ones she did owner financing and they weren't able to follow through. Boyoon mentions that she has other properties in the Idaho Falls area. The real estate market failed. Boyoon thinks that some small equity financiers are willing to provide land financing. Boyoon worked on it for about a year now so that she can restructure her personal financing. That is the essence of her hardship. She has no more fluid income and she accrues a lot of taxes. It is hard to find money. In all honesty, she would really like to get this financing. She's trying to reduce the amounts because the money is limited. Commissioner Hegsted says you have been in a real estate business? Boyoon says she tried to build homes, about 3 homes, and now she is doing small contract work, and trying to sell the lots. Commissioner Hegsted says that they reviewed property taxes when the Walkers came and asked for property tax relief, the request was granted, and because of that they had to adjust the value of the property taxes for everyone within the Waterstone subdivision. Kristine mentions she's seen a considerable change of almost half between 2009 and 2010. Boyoon didn't hear and asks for them to repeat. Commissioner Hegsted explains that we had a property tax valuation request by Walker and the Commissioners granted the request and everyone's taxes within the Waterstone subdivision were dropped. Kristine mentions that in 2009 it was \$10,113 on the 16 lots that Boyoon owned and in 2010 it was \$5,549. Commissioner Hegsted says to treat everyone fairly we had to give a reduction of valuation to everyone. Commissioner Hegsted is not in favor of reducing interest and late fees because if we do this for this landowner we will have to offer it to everyone countywide. Commissioner Hegsted says he thinks that if you are in the business to make money, you don't share profits with the county, you have your losses, and you have to take them. Commissioner Hegsted says if you could share any other hardship, besides the recession, then maybe. Boyoon says the hardship is the economic downturn. She had some foreclosures that were a greater hardship, she does not have a personal hardship, she would like to be able to pay the property taxes and other taxes that she owes. So she can have a fresh start. She would really appreciate some reduction in taxes. She appreciates the chance to speak to the commissioners. If her hardship is not enough, she understands. Commissioner

Raymond says it is his opinion that they have done everything they can do. He agrees with Commissioner Hegsted. Chairman Karren says the county has done everything they can. Boyoon asks how much she owes. Kristine says she will mail the exact figures to the financier and carbon copy Boyoon in the email. Boyoon says if she does not have enough to make the payment she will try to make as much as she can.

NOLAN GNEITING

- **BUILDING PERMIT QUESTIONS – MORNING VIEW SUBDIVISION**

Chairman Karren provides introductions. Nolan has a subdivision that was approved 10 years ago. In the agreement it says he's going to use these septic tanks. It is really expensive. Nolan mentions that most of the people he has out there are Hispanic and they throw everything in the septic tank. Nolan has to have septic tanks pumped every six months. Nolan is going broke pumping these septic tanks. They get a little excited they have fires. Nolan pays \$11,000 in taxes. Nolan would like to find an alternative septic system. He has 16 lots that he can put mobile homes on and he has a demand for them. The health department says no, not till he fixes the septic tanks. Nolan says he has a pumper coming to pump 2 of them. Nolan would like to put in standard septic tanks. The system doesn't work. \$8,000 a bill for septic tanks. Nolan asks if he can put 1500 gallon tanks in there instead of the Mickey Mouse system. Nolan wants a 1500 gallon tank to pump once a year. Nolan can't get any approval out of the health department because Ray does everything by the book. Nolan lost \$5,000 for the trailer that was burnt down. They tried to burn down the pump house. Naysha mentions that the board does not have the authority to approve this request. The commissioners tell Nolan that he has to go through the Health Department.

The commissioners call a 15 minute break.

SOCIAL SERVICES – EDIDT RAMIREZ

- **EXECUTIVE SESSION 67-2345(D)**

Motion by Chairman Karren to go into executive session at 11:02 a.m. pursuant to Idaho Code 67-2345(D). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 11:20 a.m.

Motion by Commissioner Hegsted to deny #2012-57 for lack of and inaccurate information, to table #2012-03, to deny #2013-06 for ability to pay and not filed in a timely manner. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Motion by Chairman Karren to amend the agenda at 11:26 am to add an election item because there is room on the agenda. Second by Commissioner Raymond. Roll call taken. Karren – aye. Raymond – aye. Hegsted – aye. Motion passed unanimously.

ELECTIONS – SHONNA ALLRED

- **ROBERTS PRECINCT**

Shonna explains that in Roberts during the primary they used the Senior Citizens Center. However, the Senior Citizens Center wants to charge \$375 to rent for the general. The State discourages changing the voting facility, but Shonna can't pay that kind of money. Shonna called the City of Roberts to see if they could have the general at the city building. The City wants them to have it at the Mustang Event Center which is right down from the Senior Citizens Center. Shonna is here because she needs approval to make the change.

Motion by Commissioner Hegsted to move the Roberts Precinct from the Senior Citizens Center to the Mustang Event Center. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Mr. and Mrs. Veile stop in to donate a flag in honor of their daughter, Michelle Veile, who is a Navy Veteran.

LUNCH

PUBLIC WORKS – JIM BOULTER

- **REVIEW OF COMPENSATION SCHEDULE**

Jim mentions that last year we did the weekend on call comp. time. On a holiday that falls right next to a weekend, the OT time turns into a time and a half. Jim is proposing to do straight comp. over the on call weekends that fall next to a holiday. If you are not physically there, time and a half does not apply. Jim will modify the policy and bring it for approval at a future meeting.

- **SOLID WASTE REPORT**

Jim presents a waste tonnage comparison by month report.

- **OIL DISTRIBUTION MOU REPORT**

Jim reports that the total facility and administration fee charged to other entities was \$1046.99. Power cost over the same period in 2011 increased \$482.42 to maintain heat in tank. The power and administration cost to Jefferson County have been deferred by other entities.

COMMISSIONERS

- **EXECUTIVE SESSION 67-2345(F)**

Motion by Commissioner Raymond to go into executive session at 1:32 p.m. pursuant to Idaho Code 67-2345(F). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 2:22 p.m.

Discussion continued on a confidential matter.

- **CERTIFY LEVEES**

Chris explains that the auditor will be here on Thursday to review the levies. Chris asks for a special meeting to be called on Friday to certify the levies. Chairman Karren will be available in person and Commissioner Hegsted will call in.

- **MUD LAKE PUBLIC HEALTH ROOF**

Motion by Commissioner Raymond to approve repairing the wind damage to the Mud Lake Public Health's to cost \$480 to replace missing shingles to be done by Smith Roofing. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

- **CLAIMS**

Robin reports that he had a copier that he had leased for 3 years. He discontinued the lease and Dunn Law Offices paid for it.

Motion by Commissioner Raymond to approve the claims dated August 27, 2012 through September 7, 2012 to total \$229,296.71. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

- **MINUTES**

Motion by Commissioner Raymond to approve the minutes of August 27, 2012. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Motion by Commissioner Raymond to approve the minutes of September 4, 2012. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

ATTORNEY – ROBIN DUNN

- **EXECUTIVE SESSION 67-2345(F)**

Motion by Commissioner Raymond to go into executive session at 2:30 p.m. pursuant to Idaho Code 67-2345(F). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 2:43 p.m.

Discussion had on pending litigation.

Meeting adjourned at 2:47 p.m.

Chairman of the Board

Clerk of the Board

County Clerk