

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
TUESDAY, NOVEMBER 13, 2018**

Meeting called to order at 9:00. Those that are present are Commissioner Hancock, Chairman Farnsworth, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Hancock. Prayer offered by Chairman Farnsworth. Commissioner Martinez is not present.

CONFLICT PUBLIC DEFENDER – ROGER HOOPES

• **CONFLICT PUBLIC DEFENDER ANNUAL REPORT**

[9:02:46 AM](#) Roger is here to provide the annual report. Commissioner Hancock asked if he has been really busy. Roger said he just got started. This does not show much work because he did not really start until fall. Commissioner Hancock asked from the work Mr. Lawson did if they have record of this. Colleen is not sure had only thought John had to report may need to contact him. Roger said this is his first one and knew he had to provide this had sent this to the Public Defender's Office in Boise and the Administrative Judge in Idaho Falls. Chairman Farnsworth said it looks like he had a case in about everything. Roger said at first nothing happened. All of those cases except for the last one are still pending. Chairman Farnsworth asked when he started. Roger said the contract was in February but he did not get assigned a case until August. Chairman Farnsworth thinks this looks good. Commissioner Hancock asked how he feels about all of it. Roger feels good about all of this. Has been working well with John Stosich.

SOCIAL SERVICES – JACKIE MAUPIN

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

[9:07:09 AM](#) Motion by Commissioner Hancock to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

Open session 9:19

• **APPROVAL OR DENIAL OF INDIGENCY APPLICATION – (ACTION ITEM)**

[9:20:03 AM](#) Motion by Commissioner Hancock to approve case #2018-25. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

ELECTIONS – SHONNA ALLRED

• **GENERAL ELECTION ABSTRACT – (ACTION ITEM)**

[9:20:56 AM](#) Shonna is here to get the abstract signed. Did make copies of these for them to review. Things did go well this time. Even with two write-in candidates they got done smoothly because they were prepared.

[9:23:37 AM](#) Motion by Commissioner Hancock to approve the 2018 General Election Abstract from November 6, 2018. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

COMMISSIONERS

• **NEW BUILDING PROJECT – (ACTION ITEM)**

[9:26:09 AM](#) Scott Nielson said they project is going well. Need to get some heat in the building for the flooring. This is contingent on the basement. Did meet with the county crew on grading of the parking lot. Found they need to raise this some for the fiber optic line. The drainage system has been good will be filling in the backside of the building. First item to run by them is a proposed gravel price for the basement and slab. If they remember he had Tom Wood and Ryan Loftus come in they were looking more at raising the floor seven inches. Then the water went up more and started pumping more. Then started the discussion to raise this fourteen inches. This price is for the difference in the washed rock between the seven and fourteen inch raise. Price is \$5,800 on the seven inch raise and \$16,700 on the ten inch. There is three times as much gravel. Thinks that labor is one of the primary things on this.

[9:28:55 AM](#) Jonathan with D.L Beck said labor on installing this they went with a rate per cubic yard after speaking with David. Charging \$25 a cubic yard is a fair rate it came down from his initial price. Scott asked on the skid they are mentioning. Jonathan said this is to assist on the exterior to get the material into the building. Scott said this is almost \$15 a yard for material plus delivery and \$25 a yard for placement. So this does not include the piping system. Jonathan said this is a cost comparison of the washed rock. Commissioner Hancock asked size of rock. This is three quarters from Walters. Commissioner Hancock said typically they use two inch minus. Jonathan said part of the issue in the basement they are hand placing this and it will make it easier to level in order to pour the concrete on top.

[9:31:25 AM](#) Scott said based on the engineering seven inch floor raise would be sufficient for the water levels they saw this summer. There is a reassurance with the fourteen inch raise that they cannot deny. More weight and would be close to the level it was coming in at. Thinks this would be a wise precaution. If they want to be done with this would strongly recommend they consider the fourteen inch raise. Commissioner Hancock knows the fourteen inch raise will add some additional costs for changing ducts in the basement. Jonathan said they have not confirmed any of these costs yet are waiting on the decision on the basement. Scott said the main duct may need to be moved up thinks this would mainly cost labor. Would recommend from the design team is the fourteen inch raise. Commissioner Hancock agrees this would be the best option from an assurance standpoint. Chairman Farnsworth feels the same. It would not make sense to go seven and have the same problem again. Commissioner Hancock asked if they need to assign a number. Jonathan said this was more of a cost comparison so that is why it does not have a number.

9:34:40 AM Motion by Commissioner Hancock to approve a contract change to do a fourteen inch lift in the basement with ten inches of gravel and four inches of concrete will be an additional cost for the washed rock of \$16,700. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

9:35:22 AM Scott said they will issue an authorization to move ahead so Jonathan can move forward. Jonathan said now they can move ahead with this to get more complete costs now that they know what they are doing. Scott said they will get a change order prepared and in for signature next Monday.

9:36:33 AM Scott said they have also got costs for the cisterns, burrito, back filling, pumping, equipment costs, labor, maintenance all of these costs. Thinks the only cost that they would have remaining is the pumping equipment and electrical controls. This was sent yesterday afternoon and as he went through this had a few questions on a couple of the costs. On the breakdown on the equipment there is a charge for a rock truck. Seen this was onsite but not sure how this was being used and why it was necessary. Jonathan said the reason was to keep the excavator moving and allowed them to haul this material away from the excavator. Commissioner Hancock asked if they will have additional costs as they backfill. Jonathan believes they have now pulled this off. Commissioner Hancock asked how they will backfill. Jonathan said they have some dump trucks. Commissioner Hancock asked if they felt this was more efficient. Jonathan said this was the sheer volume it could hold and the environment it was going into. Scott said they do not have invoices yet. Is basing the costs on the contract amounts. Is being told it will not exceed these amounts. Jonathan said if it does they will provide an adjustment on future invoices. Scott asked how long until they have invoices. Jonathan is hoping to have invoices on these in the next couple of weeks but could be an end of the month billing cycle. Loren has been keeping time sheets on when the equipment is being used. Jonathan said this does not include any utilization charges.

9:41:37 AM Scott had another question on the labor. Was not sure what activities this involved had given some explanation. Jonathan said the breakout for supervision are hours Loren was maintaining pumps and overseeing the guys for the last two and half three months. Labor was for maintaining the pumps. Now are installing the drain line systems outside. Scott said this includes the laborers and the excavator operator. Jonathan said also truck drivers. Scott asked if they have everyone on the same rate. Jonathan said except the supervisor. Commissioner Hancock said this is kind of steep for all labors at \$45. Jonathan said they can see they have some big projects so some of this is opportunity costs. Tried to have this bid out for the costs to cover this. If they have other questions he can have David come and bring this in. Commissioner Hancock said a lot of times they have direct costs not all opportunity costs on these. Scott asked for a better breakdown. Jonathan said they have to look at burden as well. Have not broken this down with regular and overtime so this is an average rate. Been working Monday through Friday ten hour days. Scott said if they had a better breakdown on the labor it would help them. To know individual costs. Knows the guys are swamped. Jonathan said they can look at this.

9:45:52 AM Scott said another thing the commissioners approved in August \$20,000 for monitoring wells. Then they moved toward cisterns. That amount has already been approved and could be applied toward this cost. Commissioner Hancock said it looks like the cisterns cost is \$18,401. Scott asked their thoughts do they want additional breakdown on this. Commissioner Hancock thinks so more on the labor. Chairman Farnsworth thinks the costs are fair but would like to see a breakdown on the labor. Jonathan said they can provide this. Scott said if they can do that he can come back in or get the costs to them. They are starting to get the bills on work that has been done. D.L. Beck has been great may just need some additional understanding of a couple of items. Chairman Farnsworth thinks these items are broken down it is expensive. Scott said the challenge with everyone being swamped is finding someone to do the work. Jonathan said they did not even have any answers on this. Scott said they are seeing this all over the area that no one can find help. When they are looking for a price it is higher. Jonathan said on another project they received a labor rate from another contractor for \$90 an hour just throwing that out for their information.

9:48:48 AM Commissioner Hancock asked where they stand on the concrete for the basement. Jonathan said last he heard KB Concrete had a price of \$60,000. Had another price from Richardson for just labor for \$20,000. Still looking at their options with what can be done. Scott said things will be slowing down for concrete folks. Chairman Farnsworth mentions this time of year everything used to be shut down. Scott said they have seen a lot of changes things do not shut down as early. Feels really good about the system. Has never had to deal with a drainage system of this magnitude. Based on what they have seen they have a good system. Jonathan said Loren mentioned when this was on the east side it seems like it relieved pressure. Scott asked on the easement. Commissioner Hancock said he is discussing this with Weston they have some issues on a parcel. Jonathan said they would like to place the line on the south side of the curb.

PROBATION – TAMMY ADKINS

• IDJC FINANCIAL REPORT SIGNATURE – (ACTION ITEM)

9:54:39 AM Tammy said this is for juvenile probation. Last week brought the numbers. This shows they receive \$150,375 for block grants, tobacco grants and lottery fund dollars. Have \$17,000 to \$18,000 in collection revenue. Probation total is \$201,476 and expenses are \$26,000. Have about \$227,000 in costs with juvenile probation. So after the state this costs about \$50,000 to the county. The 5C detention costs are included so \$531,264 is 5C. Have the lottery carryover that they had for the new building. Have started pulling invoices out of this. Have about \$86,000 left at the end of the fiscal year and is currently pulling invoices from this. Commissioner Hancock said this will all be spent. Tammy said they just have to document this these funds can be used for a new building. Has included this in the report that this will be expended in this next coming budget year.

9:56:41 AM Motion by Commissioner Hancock to approve the annual Juvenile Justice Financial Report with State of Idaho and Jefferson County. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

• MINI-GRANT APPROVAL AND SIGNATURE – (ACTION ITEM)

9:57:27 AM Tammy said every once and a while the state will allow for mini-grants for technology. This is to help the smaller populations. Need to purchase a new laptop out of the wrap around funds for the juvenile and her laptop is ten to twelve years old. So thought they would use this \$1,500 mini-grant for this if this is approved. This will help assist her in those outside meetings. Then will purchase one with wrap around dollars at the same time. Have a request that needs signed so they can apply for the \$1,500. Would ask they allow her to apply and allow her to purchase a

laptop with these funds if approved. This was a simple application just had to explain priorities of the county. Commissioner Hancock said they are third priority. Tammy figured since it was simple.

[9:58:40 AM](#) **Motion by Commissioner Hancock to approve the Probation Department to submit a mini-grant which will be used for a new laptop if this is approved. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

- **APPEAL – MIKE TELFORD – (ACTION ITEM)**

[10:01:03 AM](#) **Planning & Zoning Attorney Paul Ziel is in the room**

[10:02:05 AM](#) Kevin said in July they had asked him to look into this issue related to a conditional use application filed by Leann Harrop. Planning & Zoning Commission convened on June 2, 2016 and they tabled this until July 7, 2016 so that they could have legal counsel which they are fortunate to have Mr. Ziel here who was legal counsel at the time. Will have him update them on what happened during this time.

[10:03:25 AM](#) **Prosecutor Paul Butikofer is in the room**

[10:03:33 AM](#) Mike Telford appreciates them relooking at this. Was told by the previous administrator that they could not appeal this. This is why they never came back. This is a hazard that keeps getting worse. This intersection is devastating for anyone that travels this. Personal to him because his wife had gotten in a wreck here. Noting happens just more traffic. Has seen a lot of these trucks roll through the stop signs and not even stopping. The hazard of loading and unloading on the road here. This is a hazard to anyone that travels down this road. This needs to be addressed. Feels some in the county can get away with things other individuals cannot. Never understood why this had ever passed. This is illegal. Everyone has to do this accordingly to the laws and regulations of the county. The most factor is this is a hazard with more trucks and inventory that Harrop accumulates and nothing is being done. Chairman Farnsworth asked Kevin to shed some light on the history of this.

[10:05:45 AM](#) Kevin said this was applied for originally as a conditional use permit. May be faster to have the attorney memorialize his research. They tabled this for a month so Mr. Ziel could do some research on this. This was included in the written decision.

[10:06:10 AM](#) Planning & Zoning legal counsel Paul Ziel was also legal counsel for Planning & Zoning in June of 2016 when this occurred. Has been stated a conditional use permit had been applied for to run this business. Asked to have this tabled for a month so he could do research. Sees the commissioners do have the minutes from that. Thinks the pertinent part is whether this is an outdoors sales lot, retail establishment or if it is an agricultural business. Remembers distinctly telling Planning & Zoning Commission they are the finders of facts. So it was up to them to determine if it was an outdoors sales lot, retail establishment or agricultural business. Let them know if they determined this was an outdoors sales lot or retail establishment that under the land use table this was not grandfathered in but if they determined this was an ag business this would be allowable. Planning & Zoning Commission felt since they were making fence posts that have to do with agriculture their finding was that this was an agricultural business. Plenty of arguments that could have been made both ways. Also need to bring up thinks this was mentioned by the appellant. Typically these types of things should have come up for appeal much quicker. Wants the county to know that he feels their current administrator they are acting appropriately on this where they are looking at an appeal almost two years later. It was true that the previous administrator they were not allowed to appeal this. Not aware of anything that states there is not a right to appeal. Thinks the Planning & Zoning administrator has acted correctly even though this is extending circumstances so that is how they have ended up here today. Supports what the administrator has done thinks that it was improper that the appellants were told they could not appeal this matter. Really wants to stress he is not the finder of fact then or now. Stands by his research and believes the finder of facts would be them now. If they determine this is an ag business then this was appropriate. If they feel this is more of a retail establishment or an outdoor sales lot this conditional use permit would not be granted. Chairman Farnsworth asked if there was a conditional use permit on this.

[10:10:37 AM](#) Kevin said they applied for a conditional use permit but the Planning & Zoning Commission found this to be an ag business so they withdrew the conditional use permit. So they refunded the conditional use permit fee. Mr. Ziel apologizes for misspeaking on this. Chairman Farnsworth is not sure why the Planning & Zoning administrator said this was not appealable. Even our decisions can be appealed. Thinks this may have been a bad call. Are missing a Commissioner today he was stuck in Butte Montana due to Veterans Day yesterday.

[10:11:52 AM](#) **Deputy Prosecutor Weston Davis is in the room**

[10:12:08 AM](#) Commissioner Hancock asked if they have any definitions on ag business or sales lot business from the state or anything from their research they have found. Paul said there are some definitions. When he went back at this he mostly looked at what the issues were. Do recall the ordinance does explain what a sales lot is or a retail establishment versus an ag business. Can review this while they are considering this. Do not remember off the top of his head. Commissioner Hancock thinks they grandfathered this in based on that this was an ag business. That was their basis to not require a conditional use but to say this was grandfathered in. Paul said he was not counsel for the last year and a half for Planning & Zoning. Did maintain a lot of his files but this is one of the files that was lost during the interim. Will have to look and see if they can find this in the ordinance.

[10:14:08 AM](#) Chairman Farnsworth asked what the difference is between ag business and a commercial business. Paul said what he recalls is they felt since they were making fence posts and these usually have agricultural status. Felt that this was related to agriculture since this is ag in nature.

[10:14:48 AM](#) Mike Telford asked to make a comments. Keep saying they are making posts. They do not make the posts this is all selling to other distributors. This is not an ag business. An ag business would be raising cows or growing crops. Feels that is the whole problem with this business. They are not cutting down trees. They are buying these out of Montana and selling them to all individuals. Commissioner Hancock said that is why he asked for the definition. Mike said that anyone that sells any ag material should qualify as an ag business. Mr. Ziel said he did find under ordinance 3.3.0 it defines what zones are. Agriculture land is any parcel of land presently being used for the primary purpose of obtaining a monetary profit by raising, harvesting and selling crops or by feeding, breeding, management and sale of the products of livestock, poultry, fur

bearing animals or honey bees. Will move on and find the other definitions they have looked at. Kevin mentions this is what he had found. This deals with production of agricultural commodities. Chairman Farnsworth asked if the Planning & Zoning Commission's decisions is in here. Kevin said it should be the pink tab. Commissioners review information.

[10:18:03 AM](#) Commissioner Hancock said his question is this business has been in existence since 2000. What were the ordinances that were in place at this time? Mr. Ziel recalls this was outlined had re-read the decision. Recalls what he had determined this would be grandfathered in if they find this is ag in nature. If it is not then it would not be grandfathered in. Does not have all of the research in front of him. Do outline this in the written minutes. Basically says reads from written decision "Ziel stated he wanted the Commission to be aware that he also reviewed very carefully the ordinance that existed from when the business started in 1999. Ziel explained the ordinance that was in place started in 1991. That was in effect until August of 2001. Ziel stated the reason was to look at if this was grandfathered in. Ziel explained he also looked at land use table which was not passed until 2005. Ziel stated that during the time this business started there were ten zoning districts. Ziel explained he felt the pertinent districts were agriculture, agricultural residential and residential districts which were looked at most carefully. Ziel mentions the ordinance outlined something called the agricultural note but this provision was stricken in 1991. Ziel stated the operation was zoned as ag in 1999. Ziel read the definition of agriculture district in 1999. Ziel stated if the Commissioner decides this is an outdoors sales lot or a retail establishment then it is not in any way grandfathered in. Ziel also stated if the Commission decides this is an agricultural business the argument could be made this was grandfathered in and was allowed in 1999. Ziel mentions this is up to the Commission to decide. Ziel state his opinion is this is not a home business and if it is something other than ag use it should not be allowed. Went on to say if operation does give the appearance of commercial activity." Mr. Ziel said this is what he had fully advised the commission.

[10:21:13 AM](#) Commissioner Hancock asked if they have anything if they said this was a commercial venture back when it first started would it have been grandfathered in. Paul said no not based on the research he did. Commissioner Hancock said they would need a conditional use permit. Mr. Ziel said by then the zone was clearly not a commercial zone. If this started prior to the zones. If this started in 1985 it would be clear that this would be grandfathered in before they had any type of zone. This shows it started in 1999 and this zone was an ag zone. Commissioner Hancock said this started in 1999 thought he saw conflicting dates on when this started. None of the dates were before 1985. Mr. Ziel said that is why he used 1985 as an example. Back then it would have been grandfathered in if it was that old. It is not so there were ordinances in place and land use restriction in place in 1999 that would have prohibited this from being grandfathered in if they determine this was a commercial enterprise. Commissioner Hancock asked about in 1991. Mr. Ziel said the ordinance was placed in 1991 so it depends on which came first. Chairman Farnsworth asked if they have any record of when this business started. Mr. Ziel recalls from his research this was in 1999 which is the information he received. Kevin said this was in the written decision that the business started in 1999. Chairman Farnsworth asked if they have any record from the state that this started in 1999. Kevin said he has pulled maps from online and it looked like 1999 or later. Chairman Farnsworth said they need to look at this as if this is a commercial business or an ag business. Mr. Butikofer interrupts that the really determination is to decide if this is still appealable. Mr. Ziel believes this was appealable. From their perspective to reiterate they were told they could not appeal. Based off of an incorrect statement from the previous administrator. Mr. Butikofer said the prior administrator was not an attorney. The original appeal have twenty-eight days. So basically they are asking for a decision to see if he can appeal this based off of a non-lawyer department head giving legal advice. Mr. Ziel thinks this is correct. Mr. Butikofer asked if anything was said in the written decision on their rights to appeal. Mr. Ziel said this refers to Idaho Code 67-8003. Which does talk about the takings analysis. They follow statutes on this with the twenty-eight day period. Mr. Butikofer said basically written notice starts the twenty-eight days on their appeal rights. Kevin said he was first given this to review had discussed this with Mr. Davis. Had looked at this and decided that this should have been appealable. Mr. Davis asked if there was anything in the file that verifies that the appellant was notified that he was not able to appeal this. Mr. Ziel has not seen anything in the file other than the written decision. Mr. Davis asked Mr. Telford if he had not received anything in writing that he did not have the right to appeal this. Mike was told he could not appeal this that the decision was made. Mr. Butikofer said this was over a year and a half ago. Kevin said they withdrew the conditional use permit so that might be why they were not given notice. Mr. Davis said there was a written decision issued. Kevin said there was. Mr. Butikofer said this was issued a year and a half ago. Commissioner Hancock said this was June 6, 2016. Mr. Butikofer said this decision is what gave the appellant his appeal rights. Mr. Davis asked if they can tell if the written decision was sent to Mr. Telford. Kevin said they can look again but as far as he can tell nothing was sent. Mr. Davis said that the appellant did not receive anything in writing and was told he did not have the right to appeal. Kevin said ordinance 3.4.20 is appeal of a decision. Under 3.4.20.1 any aggrieved party may appeal a decision of the Planning Administrator in writing within thirty days of a decision. All appeals shall be heard by the Jefferson County's Board of Commissioner. Appeal rights are at their discretion. Mr. Davis asked if they can tell from the written decision or anything in the file if this was sent to Mr. Telford. Kevin said there was nothing in the file. Mr. Ziel did not see anything that would indicate that. Kevin said there is a request for the written decision by Mike Telford, Heath Lewis, John Jones, Jared Lewis, Dee Simmons, Logan Gardner and Jenny Harrop. Mr. Davis asked if there is usually a county document stating if this was accepted or not. Kevin said they usually indicate this was sent but there are no addresses. Mr. Davis asked what in the county file verifies this was sent. Kevin said this does not have to be certified. Mr. Butikofer asked if there is anything showing this wasn't sent. Kevin said there is nothing indicating it was or wasn't sent. Mr. Butikofer asked on normal operating procedures would this be documented if this was sent out. Kevin said they document when this is sent.

[10:32:09 AM](#) Chairman Farnsworth is not sure why it would be said this decision is final and is not appealable. Everything is appealable. Mr. Butikofer said the written decision has language that notifies the appellant of their rights. Mr. Davis said his concern if they are going to make the sub decision that the appellant was told this even though they have no direct evidence from the file that this was or wasn't sent. The commission than have to presume he was not told that because they cannot base an appeal on inadmissible evidence. Have nothing to verify that a notice was not sent to Mr. Telford other than his word that it wasn't. The question is if this appeal is properly in front of the commission. Understands Mr. Telford saying his side of the story. Do not have anything from Naysha saying anything it could be her word saying this was never said and the written decision was sent. It is tough because they are dealing on Mr. Telford's statement that he should be entitled to an appeal. An appeal is jurisdictional meaning they do not have the authority to hear an appeal after the time is up. After the time is up it does not matter what has been said they will say

they are sorry unless someone was fraudulently told or misrepresented or given the right to appeal. The law is what it is regardless to what they are told. Need to speak with legal counsel to determine if they have a right to appeal. Now almost two years past this written decision that should have been taken care of twenty-eight days after the written decision was issued. Cannot verify that certain actions were not taken. Suspicious when they start making assumptions that anything said to them is true.

[10:35:34 AM](#) Commissioner Hancock asked based on the information here the appellant has twenty-eight days to appeal this. This is now almost two years down the road. Chairman Farnsworth said they have twenty-eight days after they receive the written decision so what happens if they do not get the written decisions. Mr. Butikofer said they get to the point whose responsibility this is because it is unknown what was sent. Chairman Farnsworth asked how they appeal without a written decision. Kevin said they did request this. Mr. Butikofer asked how they know that it was not sent. Commissioner Hancock said they have no documentation. Mr. Butikofer said that five or six people requested this. Would normally respond to this unless they have prior reasoning. Chairman Farnsworth said if they cannot verify it was sent then it may not have been.

[10:37:25 AM](#) Mr. Davis said his next question is if Planning & Zoning is taking a position that they cannot verify this was sent then Mr. Telford was never aware of the decision. Both parties are taking this position. Is trying to decide if they can determine this was never sent. If this is their position that notice was not sent and Mr. Telford is also saying he did not receive this and was not in notice of the decision. Would assume at some time he could have come and requested this again. If they cannot prove he was not at notice than maybe they do need to hear this due to a notice issue. It is hard to believe they would wait two years and that there was not a decision issued. Commissioner Hancock asked if a decision was made at the meeting.

[10:38:44 AM](#) Mike said that Planning & Zoning made the decision but they never talked to Mr. Ziel who needed more time they just passed this with a continuous permit to see if this was grandfathered in. Chairman Farnsworth said the decision was made but a written decision has to be sent out. Mr. Butikofer said if they get a verbal notice on a ruling and the written decision will follow then he is on notice. By the Commission not making them get a conditional use permit this decision if the person was present at the meeting they are on notice then and there. Chairman Farnsworth said they should get a written decision on this at which time they have the right to appeal this. Mr. Butikofer said it may need to be a requirement that they have returned receipt. Chairman Farnsworth said it sounds like to him they did not send this out. Is the administrator's responsibility to notify those individuals? Mr. Butikofer asked if they have to prove this is done on every decision. Chairman Farnsworth thinks they probably should. Mr. Butikofer said does this relieve responsibility from the individual. Only have the appellant's word that he did not get this do not have everyone else's word if they received this. Chairman Farnsworth said they are not here. Cannot prove that they did or didn't. So are they going to hear the appeal on this or not.

[10:42:00 AM](#) Mike said if they are against something that is going on in the county shouldn't they acknowledge them. So shouldn't it fall on the Planning & Zoning board. Mr. Butikofer said they should have appealed this. Mike said he was told by Naysha that they could not appeal this. Did not know they needed a written statement. Not sure if they were picking sides but never got a written decision. Mr. Butikofer is not questioning this but fundamental doctrine of ignorance of the law is not defense. If they go back to a year and a half when this was issued they had a process to appeal this. Mike said they would not allow him to. Wanted to but would not take this since said it was done and over with. Mr. Butikofer said they should have had legal counsel. Mike said he was doing this on his own. They had said this was grandfathered because it is a commercial business in an ag zone. Mr. Butikofer is not arguing the facts just looking at procedurally if juristically they can appeal this and where the burden would fall.

[10:44:46 AM](#) Mr. Ziel said he does not know is not sure the burden. Hesitating to say this they support the county in what they decide but from Planning & Zoning perspective was worried about promissory estoppel. Would agree that ignorance of the law is not an excuse but if looking at the law there are always exceptions. From Planning & Zoning perspective wanted this out in the open because it appeared there could have been a mistake. Thinks this is appropriate. Understand ignorance of the law but is there another doctrine that would come into play. Kevin said his issue is they could not find anything in the file to start the clock ticking. Did not do that as far as he can find. Mr. Butikofer asked if other files that they have do they contain proof that this statement was sent out. What is the normal procedure for the office are their other files where they record a written decision was sent out in the file. Kevin said they now document this in the file when it is sent. Commissioner Hancock said prior to him taking this position what is the evidence in the old files. Kevin does not know and that is part of the problem. If they cannot prove they sent this. Mr. Butikofer said they send out proof. Kevin said this is a similar sheet that has the date this was sent. Chairman Farnsworth said the most recent would be the cell tower for Verizon. Sent out a written decision to Verizon and they appealed. After this hearing was over a written decision should have been sent. Cannot show this was sent out starting the time clock for the appeal. Kevin said they could not find anything showing this had happened. Commissioner Hancock said that Kevin was not notified until after the time period was up. Kevin was notified of this in June when Mr. Telford had come back in. Commissioner Hancock thinks is a legal issue that concerns him. Understands the concern about the appeal. Look at this not just in this case but down the road every case heard years before coming back saying they were not told. Mr. Butikofer thinks this is putting the burden on the wrong person. It is not on the county to prove they send out the written decision or the time does not count. Chairman Farnsworth said if this is in their ordinance then they need to follow this.

[10:50:10 AM](#) Mr. Davis said appeal 3.3.20 for appeal of a decision. Any aggrieved party may appeal a decision of the Planning Administrator in writing within thirty days of a decision. All appeals shall be heard by the Jefferson County's Board of Adjustments. This is on a conditional use permit. Commissioner Hancock said the decision was this was not needed by the Planning & Zoning Commission. They grandfathered this in as an existing ag business.

[10:53:41 AM](#) Mr. Butikofer thinks the appellant if he wants to be allowed to make an appeal the burden should be on him to show why he should. Chairman Farnsworth said they cannot prove they sent the letter so what if they could start the clock now and send the written decision now. Mr. Davis said it is expected in a certain number of days once the judgment is issued that is when the time moves forward. The way the ordinance the subsection he has read just states this is from the time the decision is made not the notice was sent. May consider revising the rules that they require verification. Does the rule start at the time this is issued or when they send notice. Personally would think if you write a decision then they would send it. This is jurisdictional if they have so many days before they can hear this and so many days pass then they cannot hear this even if

they want to. That is why appeals are being turned down with the Supreme Court. Mr. Ziel had raised the law of promissory estoppel where they did not do their side of the bargain even though they had promised they would. The law said this is a substitute for consideration. There is no consideration to an appeal so does not believe this would apply. Thinks the direct question is if the county should hear this appeal based off of something someone said. They do not have any evidence of this. It would be the word of the appellant using hearsay statements from a third party. Would be interested to know if the MO of the Planning & Zoning Office is to not send this copy of the decision unless asked for it and the way the ordinance is written they have twenty-eight days from when this is issued. Were on notice that the written decision would be issued. What would happen on the notice asked if the hearing notice was in the file. Kevin asked if he means an agenda. They put this in their current files. Has Jenny look.

[10:59:03 AM](#) Mr. Ziel said he found in ordinance it appears 3.15.3 talks about administrative procedure. This talks about appealing the Planning & Zoning Commission. Looking at multiple subsections. Also have 3.5.27 is this one he is looking at as well. Mr. Davis said there are a few talking about appeals. Commissioner Hancock asked if the formal appeal has been filed and paid. Kevin said it has been.

[11:01:27 AM](#) Mr. Davis agrees looking at 3.15.3 part of the ordinance. An action or ruling by the Planning and Zoning Commission pursuant to this ordinance may be appealed to the Board of County Commissioners, by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under 3.15.2(B) of this ordinance within fifteen days after the Planning and Zoning Commission has adopted findings of fact, conclusions of law and decision. So it looks like it is a fifteen day time period to go to the Planning & Zoning board to them. An appeal beyond this will be longer. All of these talk about fifteen days of the ruling and notice being sent to the parties. Notice would be sent of the hearing. Applicant should be on notice of the public agenda with approval of written decisions of prior board action. How he sees this line up it does not talk about sending notice to the applicant but would be on notice per the agendas. Mike said shouldn't they prove they sent this out. Mr. Davis asked to see the appeal and when the appeal was filed. Kevin said it was filed on October 4, 2018. Mr. Butikofer said the statute does not say fifteen days after received by an individual. Mr. Davis asked if notice was published today. Kevin said no. Mr. Davis asked if there was a separate publication. Kevin did not think they would need to. Mr. Davis said it makes sense. As the appellant body if they have any questions if notice was sent and they may have incomplete record. Would recommend to suspend this to make sure they have all of the facts in front of them to see if notice was published and a written decision was issued. It doesn't look like notice would be a published agenda would be notice to every one of the approval of the written decision. It does not look like notice has to be sent to the person. Kevin said to understand this so after a written decision is made they do not have to send this out. Mr. Davis said that is what he is looking for. Kevin would never put this out on an agenda they have a written decision to approve. There is nothing in the ordinance that the written decision was made on previous hearings. Chairman Farnsworth asked if they can file an appeal before a written decision. Kevin said no. Commissioner Hancock said the question is if they have to send this out. It is the appellant's responsibility. Chairman Farnsworth said it would make sense to send this out. Need to send out a written report so they know what is being appealed. Kevin said they only send this to those that request this. Mr. Ziel thinks the statute confirms what Mr. Hathaway is saying they do not have to send this unless it is requested. Chairman Farnsworth said there was a request on there.

[11:08:15 AM](#) Mr. Davis said generally speaking would have something in the record. When someone comes in to testify they usually state their names and addresses. If they did not have a copy of the addresses would be inaccurate. But because there is no address for those requesting this they have no record they do not believe a copy was sent. Generally speaking when someone testifies they state their name and address. Are people in the request would this be found in the record. Could cross reference this to make sure they have the addresses. Kevin said they would have contacted those that they do not have. Mr. Davis asked how many of them did not have an address. Kevin said he did not show addresses on the sheet they signed. Would be correct if they sent these would have to contact these people if they did not have their address. Mr. Davis asked how many of these did not have an address. Kevin is not sure any of them did. Commissioner Hancock said a lot of these individuals did testify so they would be in the testimony. Kevin goes over the procedure they have now for this. This is why they are here because there were a lot of questions. Commissioner Hancock thinks they have a lot of information and they just do not know. Do not know how this was handled in the past. This is two years old. Need to do more research on this. Kevin asked what they are needing to research. Commissioner Hancock said they need to find out from Naysha what was said. Kevin asked if this would be hearsay. Commissioner Hancock thinks they need to go back to files in the past to see what the normal procedure was. Need to look at other files to see if this was ever documented. Kevin asked if they find this in the other files then does it relieve them of the responsibility in this situation. Commissioner Hancock said then third issue is they find out from legal counsel what their responsibility as a county is. Mr. Davis said he may have just found this. Decision and appeal this is 3.15.2. Decision and appeal. Within five working days after the Planning and Zoning Commission has adopted findings of fact, conclusions of law and decision of the application, the zoning official shall notify the applicant of the decision. The decision is final unless appealed by the applicant or any interested person within fifteen days of the Planning and Zoning Commission's adoption of the findings of fact, conclusions of law and decision. Question did the zoning official notify the applicant. Kevin said the applicant was the Harrops. Mr. Telford is an interested party. Mr. Davis asked if Mr. Telford's address is in the minutes. Commissioner Hancock said it should be since he testified. Mr. Davis mentions that if they had information from Naysha this would not be hearsay. Appears to him like they would need this information. If her position is she did not send notice out or whoever was in the office at the time. Waiting two years for an interested party to appeal. Would take this information and make a decision whether they can hear this. Based on what is presented today does not think they can move forward. Commissioner Hancock thinks they have issues that need resolved first. Chairman Farnsworth said if they have done this to everyone in the past. Kevin said they only send this to the ones that request this. Chairman Farnsworth ask that they track down this information. Kevin said he will look at the previous written decisions and how this was documented. Commissioner Hancock thinks they need to have legal look at if they can even look at this years later. Mr. Ziel volunteers to do some research on the ag and commercial activity. If they meet these other requirements will make sure he has a full report ready. Kevin asked if they should contact Naysha. Commissioner Hancock thinks they would have Mr. Davis contact Naysha to see her recollection on this. Mr. Davis said he would defer this since he is here to advise them instead of him collecting the information personally. Mr. Ziel said maybe he could subpoena her this may be the best bet. Could do this at the next hearing so she can testify here what her memory is. Commissioner Hancock thinks that is fine. Mr. Ziel asked if they would like him to take care of this for

Planning & Zoning. Mr. Davis would have the commissioners sign the subpoena. Discuss dates. Chairman Farnsworth said they will table this until December 3, 2018 at 9:00.

- **BUILDING PERMIT FEE – (ACTION ITEM)**

[11:23:46 AM](#) Kevin said they had an issue come up from June 20, 2017 with an ag exemption permit. This permit is for structures to store commodities and equipment then it is exempt from a regular building permit and exempt from regular inspections. They only look at the setback of the building and verify this is built in the correct place and is sound and complete. Charge \$250 for this permit. See this usually for cellars and granaries. Is very specific with what you can use this for. Issued a permit to L2 Limited Partnership who was supposed to build an ag exempt building. Provides a copy of the actual permit that is issued. On the front it notes on the permit the purposes of building. It defines Idaho Code 39-4116 subsection 5, Idaho Code 63-604 as well as the 2009 Idaho Building Codes. A constructed design to house farm implements hay, grain, poultry or livestock. These structures are not allowed for human habitation or employment. The agricultural exempt structure must be used for qualified agriculture use and should not be converted to any other uses unless they convert this to a regular permit. Should not be rented or used for commercial purposes. There will be no RVs, boats or campers in this structure. So the problem is the applicant listed these uses which are specific to store hay, equipment, bailers and tractors. Came back last spring and wanted to build some offices on this. This would not qualify so it had to be a commercial permit which they applied for and received. When they initially inspected this they still had gravel floors. If they look at the following pictures these are from the compliance officer and building official when going to inspect the offices. They have pictures with an RV, pickup and boat. Does have a hyster and tractor as well. Has benches for welding equipment. In their opinion this does not meet the requirement of an ag exempt building. This is 14,400 square feet. A permit for this would have cost in addition to the \$250 would be \$8,653.80. Feels this is an issue. The other thing that pushed the matter is the state plumbing and electrical inspectors both called and said this is a commercial building. In his opinion this does not fit in the ag exempt building believes this is an ag shop. Commissioner Hancock asked what they are asking them to decide. Kevin does not want to waive this fee. Commissioner Hancock thinks they need more history the building was done under ag exempt status. Inspected this and approved this for that purpose. Kevin said this was approved after it was completed. Commissioner Hancock said they came back to put in an office. Did they get a commercial permit? Kevin said they asked for a ag but paid for a commercial permit for the office. Commissioner Hancock said now they are going out to inspect and are seeing non-uses. If this is a non-compliance but this does not affect the permit for the office. They did get a commercial permit for the office. Kevin said the permit on the structure in question alternate uses unless a conversion permit is issued and the structure is brought into compliance with current building codes until an occupancy can be issued. Are just talking about the shop part the offices are okay. Changed the usage from the stated use on the ag exempt permit qualifies for. Commissioner Hancock said because they have put in boats and motor homes. Kevin said they have welding equipment. Commissioner Hancock said a lot of these have welding and lube shops. Chairman Farnsworth said then they are lying on these permits. Ag exempt is a \$250 permit for a 14,000 square foot. This says equipment storage.

[11:33:35 AM](#) Chairman Farnsworth said this is for hay equipment. This is not for hay storage or tractors. This is a repair shop and storage for RV's. They get all of this for \$250. This is an ag shop but does not believe it should have been ag exempt. For ag equipment and commodities storage. Commissioner Hancock agrees on the boat and trailer are not ag exempt. Chairman Farnsworth does not believe the welding equipment and oil pit. Commissioner Hancock has not read the state statute. Kevin reads what they can have within ag exempt. Can have livestock, shelter and building milking barns, storage of equipment exclusive to agriculture, sheds, and grain silos. Should not have human habitation of employment. This is the issue they are using this have people working for them doing mechanic work. This is not made to be a shop this is made for storage. This is why this is so specific because of the costs of the permit. Mr. Butikofer said they saw these when they went out to inspect the commercial side of the building. Chairman Farnsworth personally does not think they should waive the fee. If they want a building that size they need to pay the right size. If they want to store hay and tractors then he has an exempt building.

[11:38:15 AM](#) Chairman Farnsworth said once potatoes are gone can move equipment. Kevin said any use beyond storage makes this non-compliant. Chairman Farnsworth thinks they need to apply for something. Kevin said they need to have a conversion permit and the structure brought into compliance. The state has also interpreted that this is an ag commercial shop. This came from the plumbing and electrical. Mr. Davis asked the conversion permit. This is the difference between the ag exempt fee and the actual permit fee.

[11:43:35 AM](#) **Planning & Zoning Attorney Paul Ziel left room**

[11:44:59 AM](#) Kevin said this is what they would charge based off of square footage. Commissioner Hancock asked if they could divide this building since they do use some for machine storage. Kevin is not sure how they would do this. They have spoken with these individuals. Mr. Butikofer asked what their thoughts were on the usage. Kevin said they were working on equipment when they were there. The owners feel it does meet the exemption requirements. But they feel this is clearly not for storage. Chairman Farnsworth said they would have to move out personal equipment and fill in the lube pit. Kevin said they usually see storage buildings are shed type with one side open where they park equipment. Mr. Butikofer asked what their opinion is. Kevin said the property owners feel it is compliant but he personally feels this is ag commercial not ag exempt. Mr. Butikofer thinks this is discretionary on what the commissioners want to do. Chairman Farnsworth does not feel they have a choice. Thinks it is clearly stated what an ag exemption is for. Kevin is looking at a compliance standpoint they want to be consistent. This could be a big issue. Mr. Butikofer said if they charge them the fee they would have to charge everyone that has a boat in this type of structure. Kevin thinks they would have to treat everyone the same. Not sure how you would police this. Commissioner Hancock said they will assess the same tax on this property. The question comes if they come through on the definitions are clear enough on what they grant and do not grant. Then do they go through all of the buildings in the counties to see if there are more out there and make them change the permit. What can of worms are they opening up. Kevin said they have a lot of non-conforming uses. Have to treat this as what the laws and ordinances are today. Commissioner Hancock said they are looking at the calculations. Chairman Farnsworth said this is a brand new building. Commissioner Hancock said maybe they should look at the last two to four years. Kevin said if they are the original owners and then change the use for this they need to convert the permit. Knows they have to be reasonable. If they are not consistent will end up having a bigger problem. Can go back and correct some of these. Commissioner Hancock said they would use this for personal use. Kevin said the building codes differentiate the charges at a different rate. This shows exempt but this should have

been a Group B building. Commissioner Hancock asked the rate structure that says it's different. Kevin said they permit residential and commercial at different rates. Chairman Farnsworth said this says storage and commodities only. Commissioner Hancock said this is part of his ag operations. Kevin said this is more ag commercial. Chairman Farnsworth said this is a shop. Commissioner Hancock thinks they need to address some other things as well. Kevin said they would convert this to an ag structure permit and charge them for this. Commissioner Hancock asked if the electrical was inspected once it was installed. Kevin said the office structure attached to the exempt property is already commercial it is not in question. Chairman Farnsworth feels he is on the right track need to convert this and send them a bill.

[12:02:33 PM](#) Mr. Davis said talking about changes on future policy they will do this in another meeting. Based on what they were advised they were on direct notice that RV's were not permitted for this structure. If they want to change this they need to pay for this. Sent this notice out on August 2, 2018 for this issue. Does not see as this has changed.

[12:03:11 PM](#) **Prosecutor Paul Butikofer left room**

- **VEHICLE BIDS – (ACTION ITEM) – MOVED TO NEXT WEEK**
- **PLANNING & ZONING COMMISSIONER RESTRUCTURE – (ACTION ITEM) – MOVED TO NEXT WEEK**

COMMISSIONERS – CANCELLED

- **EXECUTIVE SESSION 74-206 (B) – PERSONNEL**
 - **PERSONNEL ACTION – (ACTION ITEM)**

PUBLIC WORKS – TED GOODIER

- **UPDATE**

[12:04:17 PM](#) Ted provides some numbers for the commissioners from out at Solid Waste. Month of October revenues \$96,756.53. Most of this is from out-of-county. This is the good news. The struggles currently are with yard waste at County Line. Last month they made twenty trips with the pickup and large trailer and ten loads with the dump truck. This month so far have already made fourteen trips with pickup and trailer and five with the dump truck and still have a mountain of leaves out there. So they are spending a lot of time and money on this. Wanted to make them aware of an email from Caterpillar for the future planning and purchase is cost and repair costs on the scraper. Chairman Farnsworth said Arnold had brought one out to demo. Ted said this lapped our scrapper a couple of times. Hopes in the future this is something they look at. Is out of the contention on the lease versus purchase but is on the side where they want a new scraper. It is nice to be able to dig these holes then they have the control over this. Commissioner Hancock said the scrapper is an important part. In his understanding on the 623 the loading and the chains get so expensive. Ted said they have been working on the chains had repaired this already. They are already wearing this out. Commissioner Hancock said this can be the expensive part spent \$23,000 on this. Ted said they have not filled up the third hole and have the fourth hole dug. Chairman Farnsworth asked if they got the brush completed at County Line. Ted said they have not finished yet but are probably chipping now. Commissioner Hancock asked about all of the leaves and yard debris could they take this out toward the back and get a burn permit. Ted is not sure what DEQ would allow. Chairman Farnsworth said accepting yard waste at County Line was supposed to be a temporary fix. Could start to not allow this. Commissioner Hancock said they are doing this to prevent any issues. Ted said they may look at a transfer station in the future. Chairman Farnsworth said they would really like this but in the meantime they need to know what to do with this. Ted said every week they have painted themselves into a bad box because up until last year they accepted this. Then they were advised they could no longer. Chairman Farnsworth said they need to find a better or a more efficient way to take this out.

[12:15:12 PM](#) Ted said when they do stop this service they will need some public notice to inform them. They are kind of stuck. Will hold off on hiring another person until just in time to train them for the next year. Commissioner Hancock said they may want to look at ways of making this more efficient. Ted said with the yard waste that Bonneville County is chipping will be useful for the mortality pit.

NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL

- **RESOLUTION #2019-5 – DISPOSAL OF PROPERTY – (ACTION ITEM)**

[12:17:18 PM](#) Mitch has a resolution for the sale and disposal of four separate items. One is a 2003 Ford Truck that they will be replacing this year. Also have a flatbed trailer they want to get rid of since they just got the new cargo trailer. Then have some ATV belly pans from a King Quad 500 these are stripped once they buy these. When they sell the ATV they leave the under armor on them. Will run these on the auction site. Also have three old wrangler tires that are from an older pickup. Believe this auction will be held on January 23.

[12:20:00 PM](#) **Motion by Commissioner Hancock to approve resolution #2019-5 for disposal of property. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

[12:20:48 PM](#) Commissioner Hancock said he has had comments about their spraying along ditch banks. Mitch said they just add a blue dye to the pre-emergent treatments.

WESTON MORRIS

- **PROPERTY ISSUE – (ACTION ITEM)**

[12:21:23 PM](#) Mr. Morris is back on his issue with the conditional use permit he had had planned on. Had thought this was a buildable lot and that is what is shown on his documentation. Talked with Kipp Manwaring and he wanted to know why they could not build here.

[12:23:06 PM](#) Chairman Farnsworth said that they denied this because the property was in his son's name. Mr. Morris said he has been told now that he has to do a variance. Commissioner Hancock said this 1.2 acre lot is non-conforming lot. Mr. Morris said this shows in 2014 that the

property was not changed in 2005. Chairman Farnsworth said he is not sure why they could not get a building permit. Mr. Morris said now they want to put a house here and was told he had to file for a variance.

[12:25:38 PM](#) Mr. Davis goes over that regardless of what the commission decides this property is in Roscoe's name. Mr. Morris said they are changing this. Mr. Davis said until this is changed back to his name he does not have ability to change anything on the property. Mr. Morris said that Kipp said they could build a house on it. So can they go ahead and put a house here. Can they do this? Mr. Davis said even if he was the owner of the property he is asking the Commission to make a decision on something they may see in the future. May need to go and speak with Planning & Zoning. Mr. Morris said he has had so much trouble with them. Mr. Davis said it sounds like he has legal counsel. Mr. Morris said they want to know why this is not a conforming lot. Mr. Davis said the Commissioners cannot tell you what to do. Chairman Farnsworth said first this was for a trailer now it's for a house. Mr. Morris said there was nothing said in the first meeting about him not being the property owner.

[12:28:35 PM](#) Chairman Farnsworth said get to his name back on the property and then go back to Planning & Zoning to see what he can build. Mr. Morris wants to know why this is not any good. Mr. Davis looks at the paper. Mr. Morris said this was from Planning & Zoning in 2014 so it was grandfathered in after 2005. Mr. Davis said that the lot still belongs to Roscoe Morris. They need to work out their title issues first. Mr. Morris said he sold this as a legal buildable lot. Mr. Davis said the last decision was based that Roscoe Morris owns the lot not Weston Morris. Once Weston Morris owns the property they can resubmit. Mr. Davis said this needs to be filed by the titled owner of the lot. If they want to make any change or build it has to be in his name. Mr. Morris said that he will get this back in his name and have Kipp call Mr. Davis.

Open session 12:42

[12:43:36 PM](#) **Deputy Prosecutor Weston Davis left room**

COMMISSIONERS

• **APPROVE CLAIMS – (ACTION ITEM)**

[12:48:25 PM](#) Chairman Farnsworth said they need to decide what to do on the roller. Colleen said they need to close out the budget. If they take this off then could at least close. Chairman Farnsworth said it does not matter now because it will not be paid out of the last year's budget. Colleen said they just need to do something with this. Chairman Farnsworth said they need to move this to this year's claims and close out.

[12:53:31 PM](#) Chairman Farnsworth has a question under Park & Recreation under Dig it Up for hydrant work for \$97.50. Have removal of speed bumps and set fire pits \$292.50. How much will it be to put these back down in the spring? Commissioner Hancock said they have set fire pits also. Colleen said they take these out to plow. Chairman Farnsworth asked on setting fire pits thought this was in Arbor Techs contract. Commissioner Hancock thinks this is something they may need to ask Weston said there is some stuff that has not been done. Chairman Farnsworth believes they are still working on this. They had a sprinkler system to put in along the campsites. Felt it would make more sense to have these sprinklers installed on the island. Found out the grant was specific that these need to be in the campground. Thought setting the fire pits was the same thing. Not sure why she is paying someone else to set fire pits that should have already been set by someone else. Commissioner Hancock thinks this was true but she told him that Jed was not going to do the rest of the stuff out there. Had asked him to get it done and not sure it was going to be done. Colleen said her understanding this was part of the contract and wanted this refunded. Chairman Farnsworth thinks she may need to come into a meeting on these things. Commissioner Hancock said he heard about this last week. Was going to do an email. Colleen said that Weston did an email letter to them and she was included on this. Commissioner Hancock said that Jed had left to the oil fields until next year. Chairman Farnsworth asked to have Park & Recreation on the next agenda.

[12:56:58 PM](#) Chairman Farnsworth said another thing that bothers him they have move sand around the lake \$520. Next line down move sand around lake and prep work on beach \$455. Leveled around campsites worked on TC parking lot \$390. Backfilled #11 hydrant and hauled dirt around campsites \$260. Place gravel pad for ice rink \$390. Place gravel pad for ice rink \$422.50. Parking lot expansion at tennis courts \$520. Commissioner Hancock said he had this circled. Colleen said her concern is there is \$11,500 in claims here will she do what she did last year and spend and not have any cash. Thinks because this is built up in the summer that she can spend. Chairman Farnsworth said they need to shut the payments off so they have money to start up with next year. Is done bringing money in this year. Commissioner Hancock said she has a couple of events. Chairman Farnsworth said he wants the money in the bank before she spends anymore. Commissioner Hancock said he has pointed this out to her. Other issue is she got the grant money for the wall and will need money for a match on this. Chairman Farnsworth does not know if she is breaking these payments up so she doesn't have to come in and get approval. Turn this in on one bill. Commissioner Hancock had asked why they are not using the backhoe. Knows Dennis with Dig it Up is very handy in his outfit. Should be using the equipment they have. Chairman Farnsworth said they paid \$7,000 for that and it was a good buy.

[12:59:35 PM](#) **Deputy Prosecutor Weston Davis is in room**

[1:00:02 PM](#) Chairman Farnsworth thinks this could be done in the spring when they hire someone that can run the backhoe. Have the equipment just need to have someone that can use the equipment. Commissioner Hancock said personally he serviced this and has used this and it works great. Chairman Farnsworth said it has a lot of power for an older backhoe. Need to use this instead of parked with a trickle charge on this. Has also bought a few trickle chargers. Chairman Farnsworth said to put the roller rental on the next agenda and discuss if they are going to pay this. Wants Dave to be here to discuss this. Need to decide what they are going to do.

[1:02:17 PM](#) **Motion by Commissioner Hancock to approve claims from 10/22/2018 to 11/6/2018 for \$179,575.13. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

• **APPROVE COMMISSIONER MEETING MINUTES – (ACTION ITEM)**

[1:02:59 PM](#) **Motion by Commissioner Hancock to approve commissioner meeting minutes from October 22, 2018. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

DEPUTY PROSECUTOR – WESTON DAVIS

- **LEGAL COUNSEL: EXECUTIVE SESSION IC 74-206 FOR PERSONNEL, HIRING CONSIDERATION, EMPLOYEE EVALUATION AND COMPLAINTS (1)(A) & (B), PENDING LITIGATION (1)(F), OR DELIBERATIONS ON LABOR NEGOTIATIONS OR PURCHASE OF PROPERTY (1)(C) – (AS NEEDED)**

[1:03:58 PM](#) Motion by Commissioner Hancock to go into executive session 74-206 (F) – Legal. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

Open session 1:28

[1:28:09 PM](#) Motion by Commissioner Hancock to go into executive session 74-206 (C) – Acquisition of real property. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

Open session 1:34

[1:34:14 PM](#) Motion by Commissioner Hancock to adjourn at 1:34. Second by Chairman Farnsworth. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date