

**COMMISSIONER MEETING MINUTES
NOVEMBER 26, 2018**

Meeting called to order at 9:00. Those present are Commissioner Hancock, Chairman Farnsworth, Planning & Zoning Kevin Hathaway, Noxious Weeds & Invasive Species Mitch Whitmill, Public Works Dave Walrath, Sheriff Steve Anderson, Prosecutor Paul Butikofer, Deputy Prosecutor Weston Davis, Probation Tammy Adkins, Assessor Cody Taylor, Extension Office Lorie Dye, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Sheriff Anderson. Prayer offered by Kevin Hathaway. Commissioner Martinez is not present.

COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

- [9:03:03 AM](#) Chairman Farnsworth said he has been sick for the holiday so hopefully their Thanksgivings were better.
- [9:04:09 AM](#) Clerk Colleen Poole a few reminders if they are ever served with a complaint please get this to her they are supposed to serve the Clerk as well but these have to be sent to ICRMP within so many days. This was a reminder at the IAC meeting. Also a reminder it is on the agenda a few years ago they closed the courthouse early on Christmas Eve will let them know on this discussion and what is decided.
- [9:05:23 AM](#) Probation Tammy Adkins said that the landlord called on a timeframe on the new building. Had thought this was going to be end of January or February but he wanted to have a better timeframe. Need to allow thirty days' notice so they can begin the process of renting this out.
- [9:05:58 AM](#) IT Garn Herrick not much going on do have the new servers for the Sheriff's Department. Will get these turned on around the New Year. Spencer has been doing a great job keeping everything updated. Now projects are getting done now with his help.
- [9:06:38 AM](#) Assessor Cody Taylor does not have anything will see how many calls they get with the tax bills being sent out. Are finally fully staffed.
- [9:07:01 AM](#) Extension Office Lorie Dye said this is planning season for them. Have classes they will be going on. This is a good planning time. Not a lot to report. Asked how they will know the address to the new building. Commissioner Hancock said it would be the same address as the courthouse but is not sure on what suite it would be.
- [9:07:58 AM](#) Noxious Weeds & Invasive Species Mitch Whitmill this time of year they shut down the spray trucks and are working in maintenance mode. Will be updating equipment until March. Will have a public auction on January 23. Mariah is in charge of working on this to get everything listed. Be sure and send her an email and get rid of anything they have. Have a few things and the Sheriff's Office has some. Kevin asked if they would do this every month. Mitch said usually every quarter but they can list whenever they have something if they have something that needs to go sooner they can work on it.
- [9:09:41 AM](#) Public Works Dave Walrath on Solid Waste side had over five hundred ton out at Circular Butte. This is usually after a holiday. Road & Bridge side are on hold on the parking lot until they are out of the way. Are at a point where they will not be able to get compaction on the three quarter. Will be doing some shoulder work. Looks like they have a storm coming in this week. There is a bridge out in Mud Lake they will be demolishing and replacing with pipe. Have everything geared up for snow removal.
- [9:11:15 AM](#) Prosecutor Paul Butikofer does not have anything.
- [9:11:27 AM](#) Sheriff Steve Anderson said they had ninety-seven calls for service so the guys were very busy. They were going from call to call. The Giving Tree is up in the lobby of the Sheriff's Office. Colleen asked when they need the gifts back. Sheriff Anderson is not sure. Thinks it is the week before. For the Christmas party will have Josh help with the table and chairs who would he need to get with. Commissioners say that Mitch usually brings these over.
- [9:13:28 AM](#) Emergency Management/HR Rebecca Squires no emergencies right now. Returned from Bay County Florida on November 1. Learned so much and it was a pleasure to work with the folks down there. Was gratifying to know some of the trainings were validated. Other than that is spending grant money. Working on the mitigation plan and some mitigation actions. On the HR side the employee recognition is December 6 she had thought this was December 11. Will change that and start working on the recognitions.
- [9:15:24 AM](#) Sheriff Anderson said on the gentleman with a video camera the best way to get rid of him is to be cordial. Once they start testing him is when he pushes back and he knows the laws and his rights.
- [9:17:24 AM](#) Maintenance Corey Smith his only concern is locking the building up at night. This was put in both his and Bryan Briggs contract. Corey asked on the shoveling and parking lot. Commissioner Hancock said that Mitch and his crew do the parking lot he just needs to do the sidewalks. Tammy said that snow was a big problem last year over at their location as well. Chairman Farnsworth said to keep an eye on this until they move over. Paul asked they keep an eye on his building. They are right across from Broulim's next to Wells Fargo.
- [9:20:25 AM](#) Planning & Zoning Kevin Hathaway was going to ask those that video tape can also record. Sheriff Anderson said technically they do not even have to ask. Kevin said they have seven public hearings this months. Have a bunch of other stuff. Have the Urban Renewal project. They worked with the trailer owner and Central Fire who went out and burned this trailer. The trailer was falling apart and the roof was a mess. Still working on Municode have a lot going on in the office.
- [9:22:06 AM](#) Commissioner Hancock said really quickly on the building. They have not started on the basement yet. Had to raise all of the duct work. Talked this morning and they were about done. Did not put this quite as high as they could and now they had to raise this. Will be raising the basement floor fourteen inches. Until this is all hooked up they will not be able to occupy the building. The first two floors are not that far off from being complete. Until they can get the heat running they will not be able to finish. As far as the parking lot have had some issues waiting. Will be tight. May have to put gravel down and check for frost. As far as moving into the building, probably would be fortunate to move in around February. This may change depending on the flooring. Tammy thinks they have to give thirty days' notice. If they shoot through the end of February they will hopefully be covered. Lorie asked about scheduling the meeting room. Who will handle the schedule of the room? Commissioner Hancock wants to

remind them this is dividable. Colleen said the Clerk's Office does this room currently. Commissioner Hancock said the Christmas party will be December 6 at 12:00 over at the sallyport. Chairman Farnsworth said they will have Jeremy making cobbler again.

[9:28:35 AM](#) Mitch said they are participating in the Rigby parade this year. Will be out with the Luigi and will be handing out weed books. Will have some of them dressed like the Who's from Whoville. Anyone that wants to come is welcome.

SHERIFF'S OFFICE – LYNN PARKER

- **RESOLUTION #2019-6 - VESSEL FUND REPORT – (ACTION ITEM)**

[9:30:42 AM](#) Captain Lynn Parker said every year they have to provide the fund reports from the past year. What they intend to carryover and what they will use this for. Did just purchase the new boat. Not sure this has been paid for. Will need to transfer some funds. Will apply for the grant and pay for eighty percent. Are proposing to have \$32,052.91 carried over. Colleen said they have paid for the boat. Commissioner Hancock asked how much the boat was. Captain Parker said around \$65,000. Will still have some stripping and radios. Commissioner Hancock asked if they will keep the old one. Captain Parker said that is the plan. Commissioner Hancock asked what are they planning to use the carryover on. Captain Parker said they use the funds for the equipment to go into the boat. Will stock the boat with lifejackets and other items. Want to look at replacing the jet skis. May look at used ones depending how much funds are left. Commissioner Hancock asked on the costs of stripping, radios and lifejackets. Captain Parker said probably around \$5,000.

[9:33:58 AM](#) Colleen said they need to sign one and she signs the other and they have a resolution.

[9:34:24 AM](#) **Motion by Commissioner Hancock to approve the vessel fund report have \$32,052.91 to be carried forward. Will amend this to include resolution #2019-6 where they transfer the funds. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

COMMISSIONERS

- **NEW BUILDING PROJECT/DL BECK INVOICE #1711-2 – (ACTION ITEM)**

[9:35:59 AM](#) Scott Nielson said they are getting cabinets in waiting on countertops. Backfilling on the west end. Do need to see if they can get some approval for the recent costs for the drainage systems. As was indicated need to get the heating back in the basement. Not sure if there are any other questions for him. Colleen said the invoice is the next item. Commissioner Hancock said in a prior motion had \$20,000 already approved. Would need to approve the balance of \$83,240.99. They had gone through the hours of these costs. Did not have a problem with equipment rates. They were supposed to provide invoices. Scott said they would once they became available.

[9:37:55 AM](#) **Prosecutor Paul Butikofer left room**

[9:38:01 AM](#) Scott said the rates are based on the contracts with rental agencies so expect these to be consistent.

[9:38:25 AM](#) **Motion by Commissioner Hancock to approve an additional invoice for \$83,240.99 with the \$20,000 that was previously approved for a total of \$103,240.99 for the subwater mitigation and costs for taking care of this through 10/31. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

[9:39:10 AM](#) **Prosecutor Paul Butikofer is in the room**

[9:40:20 AM](#) Scott said they will get this on a change order. Did have a pay request sent in. Colleen said she had received this today. Colleen said this was \$172,000. Commissioner Hancock asked how much has been spent total. Scott said around \$3.3 million.

- **HOLIDAY COURTHOUSE CLOSURE – (ACTION ITEM)**

[9:40:46 AM](#) Colleen said in the past they had approved to close at 3:00 on Christmas Eve where this is a Monday. Commissioner Hancock does not have any issues with this. Rebecca said an employee that works are the two hours considered a paid holiday. Commissioner Hancock thinks they can have them work through their lunch hours so they do not have to take any discount to wages. Rebecca said if they do not want a discount on wages they need to cover this. Chairman Farnsworth thinks that defeats the purpose of closing early. Would be fine with allowing two hours of paid time. Rebecca said they will allow two hours of paid holiday on Monday, December 24. She will let department heads know.

[9:43:28 AM](#) **Motion by Chairman Farnsworth to close the courthouse on Monday, December 24 at 3:00 will grant two hours of holiday pay. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

- **SIGN CERTIFICATES OF RESIDENCY – (ACTION ITEM)**

[9:44:19 AM](#) **Motion by Commissioner Hancock to approve certificates of residency for the College of Eastern Idaho for Zachary Hammon and Richard Stevens. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

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

[9:49:14 AM](#) **Motion by Commissioner Hancock to approve commissioner minutes from November 5, 2018 as corrected. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

[9:50:00 AM](#) Recess to review claims

[9:53:25 AM](#) **Prosecutor Paul Butikofer left room**

Open session 10:00

EASTERN IDAHO PUBLIC HEALTH – GERI RACKOW• **ANNUAL REPORT – (ACTION ITEM)**

[10:01:20 AM](#) Geri Rackow is the District Director. Has Amy Gamett Director of Family & Community Health Services, Kellye Eager Director of Environmental Health, Angy Harwood Director of WIC/Nutrition Division and James Courbet who took over for Tammy Cox who retired and will be Director of the Health Education and Preparedness Division.

[10:02:26 AM](#) Geri goes over the annual report will not hit all of the details. (Exhibit A). They did well financially last year. Did exceed their revenue expectations by 10.58 percent. Much of this came from clinical services and environmental health programs. As they see the economy increase they see more volume in these programs. Had some refurbishments during 2018 and have more planned this year. Doing some furnace replacements. In the Saint Anthony office have had some issues with water.

[10:04:04 AM](#) Are looking at more significant repairs and replacements this year. Last year looked at food fees. This fee is set in Idaho Code. However the fee does not cover the costs to provide this service. Industry representatives have been discussing this and ways to make some changes. The work group decided they were not going to pursue any legislative actions. Will leave this up to the Board of Health that has authority to set fees per Idaho Code. Our board has not made any changes yet. There will be a health district that will be changing this and they will all watch and see how this goes during their public hearing. Then they will take this feedback and evaluate as a board. Page five is a summary of the Great American Eclipse. This was fifteen months ago now. This was a good opportunity to work with community partners including Rebecca and all the emergency managers from the eight counties. The staff was involved in a lot of environmental health. Were out educating on things that needed to be done for a food vending service and campgrounds. Did a lot of education ahead of time. Ended up not being as bad as anticipated. Were able to test out their capacities.

[10:07:34 AM](#) On pages six and seven this talks about the health divisions are on the lookout for clinical services trying to make sure people are vaccinated. Get up to date on tetanus and pertussis vaccinations. Still having an impact across the state. Have a summary of other top reportable diseases. Had a total of 1,039 total cases reported. On the bottom looks at a prescription drug overdose program. Work with medical providers. Looking at a tool box to help offer other pain relief measures. Received grant funding and will be looking at hiring a substance abuse prevention person to work on primary prevention on underage drinking and marijuana use. Will come in under James to work with schools on substance abuse before this ever gets started.

[10:09:54 AM](#) Kellye goes over environmental health. Choose to highlight they are working with daycare providers and how to educate them on a new rule at how children are put down to sleep. They need to be put in an approved crib or pack and play on their backs in more of a sleep sack instead of a blanket so while they are sleeping they are not making an area where they could suffocate. Need to educate them on why it is important to follow these new standards. This education goes to great lengths to make sure they are safe. Have pacifiers that can no longer be attached to their clothing. There has only been a few providers that have been struggling with these changes. Chairman Farnsworth said this is hard when the parents do this at home. Kellye said this is a good practice so they make sure they are being watched with more supervision than in the past. Commissioner Hancock said if pacifiers are not attached to the clothes he sees them being drug through the dirt and put back in their mouths. Colleen asked on the sleep sacks where would they find these. Kellye said they have this at child supply stores or online. Some of the hospitals are now sending these home with newborns. In the food program they are now required to have a food accredited manager on board where they have taken a course on safe management of food.

[10:14:36 AM](#) **Prosecutor Paul Butikofer is in the room**

[10:14:43 AM](#) Kellye said if they do not have one on board when they do inspections they allow time for them to get something in place. This has been the smaller facilities that have the issues. Do have the information on different training and how they can take the exams. Finally in the public water have the largest number with over 300 water systems. Need to have these depressurized during the year. Had to put a protocol in place that the water was checked before it was served again to the public. Sat on a committee with DEQ to brainstorm ways to help these facilities to come into compliance. They came up with a post card that they fill out and return. Then they can mark the steps and send this to the DEQ offices. Then they can show they have come into compliance before they serve water to the public.

[10:17:35 AM](#) Amy goes over they provide immunizations to children and adults. Provide these vaccines at a reduced costs. The new shingles vaccinations currently have over two hundred on the waiting list. This program continues to grow. This year they were two providers in Idaho that had the alternative for the yellow fever vaccine. This is a vaccine from the same company for those traveling abroad. Last she looked had twelve different states come for this. The numbers are at the bottom. Have the free flu vaccines throughout the year. Bottom shows the hepatitis outbreak. Did respond to this and provide vaccinations. Have a parents as teachers program will be used for families with vulnerable children. Eighty-two percent of the families have two or more risk factors. This year Senate Bill passed so they can now provide this service in all of the counties with the funding they received. Hopeful this will be continued. Have a picture of a participant that was able to go back to Washington DC.

[10:20:55 AM](#) Commissioner Hancock noticed total vaccines have gone down. Amy said they use more combined vaccines and with children are more out of that role with vaccines. Want them to get these when going in for their checkups. Do more school based so they get the children that do not have regular checkups. Do a lot more adults because they are substantially lower rates. Have reproductive health services and STD services. This year they have seen an increase in the number of STD's. Have an outline on communicable diseases have gonorrhea which is up. Paul asked what districts this covers. Amy said this is Jefferson, Bonneville, Fremont, Lemhi, Madison, Custer, Teton and Clark. As far as reproductive health the majority is forty-six percent Bonneville County. Have some women health funding. This provides breasts and cervical cancer screening based off of income guidelines. Great program sad to see reduced funding in this.

[10:24:17 AM](#) Angy goes over the WIC program has been leveraging participation with the WIC Shopper app. This gives them the ability to check on food lists, approved grocery stores and scan items to see if they are approved. Down the road these funds will be on an EBT card. Have also introduced WIC smart this is online participation for nutrition education for those that may be low risk. Were one of the districts in the state that has piloted this for the state. WIC participation is declining throughout the United States. As they see a robust economy they see participation go

down. There are some that still qualify for WIC when they would not qualify for other benefits such as food stamps or cash assistance. There is a WIC awareness campaign have pictures on page seventeen. Want to get the word out and keep participation up. Shows WIC availability in all of the counties. This shows where they go and how frequent. This depends on participation. Have a breast feeding support program last year provided a certified lactation and educated eleven staff and thirty nurses and medical providers. Helps moms get better support. Typically Idaho does have good breastfeeding rates. Shows where they compare to the rest of the United States. Also talk about the PKU program. This is a rare genetic condition that newborns are born with. Have a dietician who is able to handle the PKU program for those that have to follow a special diet their whole lives. Also have a clinic every two years. Have a physician from Oregon Science University who specializes in this. Has done excellent work. At the bottom have a table with the total number of clients that are participating per county. Also have their income guidelines on the next page.

[10:29:48 AM](#) Chairman Farnsworth said that Geri has done a great job and has a fantastic staff. Have been involved in some of the challenges but they have done an awesome job. The county does participate financially. Geri thanks Commissioner Farnsworth who has been on the Board of Health for six years and has been Chairman for two years. Can appoint someone to represent them he will stay on until they are notified. Did bring calendars for the Board of Health meetings in February if they want to appoint someone would like them to come to this meeting. Will have a board meeting with legislators on December 11 at the Idaho Falls office.

FIRST AMERICAN TITLE – SHANEY SWANSON

- **MILES ANDERSON LAND PURCHASE – (ACTION ITEM)**

[10:32:38 AM](#) Shaney from First American Title. Dave brought a purchase agreement. She has the closing documents for the said purchase of the property that is in the Miles Anderson Trust. Colleen and Dave have a copy of the agreement. The seller is an interesting individual. He signed Wednesday in Hawaii. However one of the items on the purchase and sale agreement is that Jefferson County will pay all closing costs. Took this that as the county would pay his notary fee in Hawaii but this is not included because she does not have anything with an amount. Commissioner Hancock asked how much this would be. Shaney said in Rigby this costs \$100 to \$150. Tried to send him to a courtesy signer in Hawaii who wanted \$185 but he did not like that. Does not know because he did his own thing and has not provided any invoice. Do they want her to come back with them if he comes back with an invoice? Who would she call with an amount? Commissioner Hancock said they will not know when this will be. It would have to come back before the board. Weston asked what the motion is. Commissioner Hancock said they have to pay closing costs and his notary cost had not been discussed. Paul asked if this is normal course of business. Shaney said no but this is his interpretation. Has never put this as a customary closing cost before. Weston said this is a business decision. Commissioner Hancock said that they could wait for an invoice because he is getting \$15,812. Weston asked if they had clarified this with the seller. Shaney said other than numerous emails that do not include what she needs. Asked for an invoice and has not received one. If she tells him the commissioners will not do anything without an amount then maybe he would do something. Commissioner Hancock said this is not typically a customary closing cost. They agreed to pay closing costs. In his opinion he thinks they just move forward with this for now. Is getting a fair dollar amount. Chairman Farnsworth said this is just for a ditch. Paul said if they sign this with the error they were not going to pay then they change this and is now going for every little penny. Commissioner Hancock said they need to look out for the rest of the citizens. Shaney said that she can pass this on. Paul asked if this is his property. Commissioner Hancock said this will be used by the state to upgrade the road. This was his wife that has passed away and have already met other conditions for him. Shaney said that there was a list that was attached to the purchase agreement. This was another email conversation asking if these items were done. Spoke with Dave that some of this cannot be done until the project is done. On the street naming this was agreed upon but is still a process and has not officially happened. Last was something about access for the remainder piece but this will happen once he develops the land. Has answered these responses. Paul asked Dave if the delay on the final sale if it would delay work on this. Dave said it looks like this will go to bid next fall with intent to construct in 2020. Paul said if this is delayed it will not have an impact. Dave said his only concern is this is a very interesting person to deal with. Commissioner Hancock said he has signed already. Shaney said he says he has signed but does not have the signatures yet they were supposed to come in through FedEx. Shaney said that Dave brought this in. Weston asked if Miles signed this first. Then the county signed this with one correction on closing costs. Now he wants another change. Dave said he is interpreting closing costs to include the notary charge. Paul said they already made the change in his favor.

[10:41:49 AM](#) Shaney said she does not know the costs for this in Hawaii. There are two different things indicated that he wanted to sign at First American Title & Insurance in Honolulu. When she called them they do not do courtesy signings but they have a dot com place they referred her to. Contacted this individual who charged \$185 for seller documents. Decided he wanted her to send the docs and find his own notary. Another discussion was that he understood that the county would pay for closing costs and would make sense they would pay for the notary. Told him all she could do was take this request to the closing and see what they wanted to do. Emailed that they needed an invoice and amount and have not heard back. Weston said they have no verification on what company was used. Shaney said to her knowledge she is not sure what he did. Commissioner Hancock thinks they can sign what they have and if he comes back they will address this separately. Shaney said the county does not consider a notary to be a closing cost. Commissioner Hancock said customarily this is not. Shaney said on November 23, 2018 documents were sent on Friday via FedEx after being signed on Wednesday with arrival Monday or Tuesday. Will send questions to Dave. Have her conversation on his four conditions. Chairman Farnsworth said one was renaming the street, moving the ditch, other was an access and a fence. Shaney said this is all he knows. Commissioner Hancock thinks they can forget the notary and move on.

[10:45:11 AM](#) Shaney said she has the documents prepared for signing. Have all three signing when she prepared these. Commissioner Hancock said that two is all she needs. Shaney goes over the documents. Settlement statement did a seller and buyer copy together. Wanted to make sure he was not charged any closing costs. Wanted to show these were on the buyer's side. Purchase price is \$15,812 has the title insurance policy for First American. Have closing fees this is all on the county. Has a cost to record the deed. This is a breakout of a bigger piece so they have a description on what is being sold. The taxes are still assessed as more acreage. The 2018 is \$546.82 and told him this needed to be paid so this piece can be broken out and given its own parcel or whatever the county wants to do and he agreed to pay the 2018 taxes. His check is \$15,265.18

which is his sale price minus the taxes. Total sell price for the county is \$16,433.50. Commissioner Hancock said they have already approved this by motion so they just need to sign. Shaney goes over the escrow instructions she drafts these. This is with Jefferson County as the buyer. This was a sale price of \$15,812 no earnest money was given to the seller. Property is vested in his trust Miles Anderson Trust. Have the trust agreement and he is the trustee. Ask if they have any questions. Have four spots that need initialed that she followed the purchase and sales agreement. The seller is going to pay the taxes. There are not any liens on this property. First American does not transfer water but does not believe there is water. Is not an attorney and has not advised them. Commissioner Hancock said they have two attorneys present. Shaney goes over next is First American's privacy policy which says they do not put them on a mailing list. Have the title search that they did once they were presented with the purchase agreement needs them to initial these. Have the legal description and shows what this draws out to. Did send a title search to Dave. Need them to initial this. Need to have all the documents back and the funds paid for this to transpire.

[10:48:13 AM](#)

Prosecutor Paul Butikofer left room

[10:51:35 AM](#)

Shaney said they will cut the check to pay for the 2018 taxes out of this amount. There have been three surveys recorded.

[10:52:03 AM](#)

Prosecutor Paul Butikofer is in room

[10:52:11 AM](#)

Shaney said the last item is the Warranty Deed that she has sent him. This is a copy and it says that Miles Anderson is trustee of this trust and he grants, conveys and sells this property to Jefferson County. This has the same legal description. After the original comes back in from Miles she will swap out the first pages and add his notary page. Asked if 210 Courthouse Way, Suite 100 is the correct place to send this. Colleen said yes. These are all of the documents for the closing work. Now just needs them to pay her. Colleen has her follow her into the Clerk's Office.

PUBLIC WORKS – DAVE WALRATH

• UPDATE

[10:53:54 AM](#)

Dave said this is for the intersections on 4000 and 4100 and Highway 48. They needed to buy some right-of-way to line this up. Commissioner Hancock said they pay for the right-of-way and the State does the work. Dave thinks this can be paid with impact fees. Chairman Farnsworth said they are putting a new school on 200 maybe they could use some of the impact fees on this. Colleen comes in and asks where they want this paid from. Chairman Farnsworth said from impact fees.

[10:56:15 AM](#)

Did have a big day at Circular Butte on Saturday with almost five hundred ton. Will be doing some shoulder work this week. Will start to demo the bridge out in Mud Lake it has a broken footing. Have built a bypass while this is being done but there is not much traffic. Will put in three six feet pipes. This is a fairly large channel. Been working with the Mud Lake Water Users. On the 4000 and 4100 project will need to issue a right-of-way certificate for the State. They have power, phone and cable. Commissioner Hancock mentions there should be gas as well. Dave said he spoke with the engineer and they did not say anything about gas. Will double check on this.

• MOU WITH BONNEVILLE COUNTY – CHIP SPREADER – (ACTION ITEM)

[10:58:44 AM](#)

Dave said he had ran this by them last week this is to borrow the chip spreader to do shoulder work.

[10:59:20 AM](#)

Motion by Commissioner Hancock to approve the memorandum of understanding with Bonneville County for the use of the chip spreader and payment will be use of like in-kind . Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

• FY 2018 ROAD & STREET FINANCIAL REPORT – (ACTION ITEM)

[11:00:33 AM](#)

Dave said this is a required report to show where they spent their funding. This is for maintenance and repair this is for stop signs and railroad crossings. This is the highway dispersement account. Is also required by state law they have to document the HB312 increase in fuel tax funding they have got the past few years. Commissioner Hancock said this all has to be spent. Dave said this all has to be spent and on maintenance. This has been a really good thing.

[11:02:31 AM](#)

Prosecutor Paul Butikofer left room

[11:06:31 AM](#)

Dave said that Colleen will enter this into the LHTAC program. Colleen provides the hard copy has not typed this in yet. Commissioners review the numbers. Chairman Farnsworth said the revenue is \$3,670,087. Dave said this is the total highway dispersement revenue and Special Road & Bridge levy. Commissioner Hancock said this is the tax levy. State funding amount was \$2,812,828. Dave said this is what they get from the fuel tax. Commissioners review numbers. Dave said it shows a breakdown on where everything went.

[11:10:49 AM](#)

Dave said if they didn't have this money they would have done fifteen lane miles less. Colleen is not sure if they want to approve this now and then they can sign it once she has this entered.

[11:11:24 AM](#)

Motion by Commissioner Hancock to approve the FY 2018 Road & Street Financial report. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

PLANNING & ZONING – KEVIN HATHAWAY

• VEHICLE BIDS – (ACTION ITEM)

[11:13:56 AM](#)

Kevin has been working on vehicle bids. Have a no option line with the state bid. This is the cheapest they make. Need an additional \$350 to \$650 for some of the extra packages. At their suggestion they want a few things on the truck. Have heavy duty tow package, electronic package for battery and door locks and windows. Chairman Farnsworth thought this came with this. Kevin said not on the state bid. Basically they have a couple of options to consider. He will not have enough in his vehicle line for this but he did budget for a copier and have \$7,500. Would have to forego this in order to get the vehicle. Been buying crew cabs for the department so they are easier to get in. They do put some equipment inside of the cabs. Commissioner Hancock asked the costs of the packages. Kevin was told \$700 to \$2,100 this was the range he got.

[11:21:24 AM](#) Kevin goes over the lowest Ford was \$29,091, Chevy is in Mountain Home was \$28,452 and Smith's was \$28,746. Commissioner Hancock asked the difference. Kevin said dealers. Shows on the bids that they can add up to a certain amount and have to pay for the title. If they are all the same brand on a state bid this would be standard. Does not know why they accept this from multiple dealers. Commissioner Hancock said the Chevy in Mountain Home is the lowest but then they would have to pay and go get this and drive it back. Would ask Dennis why there was a difference on the price. Kevin said they gave a good number he could support. Would like to be approved to a certain amount and then he can deal underneath that. State bid is all orders so they wait twelve to fourteen weeks. Chairman Farnsworth asked if they will sell the Escape. Kevin said possibly or they may keep this for a backup vehicle. Commissioner Hancock said they have put a lot of money into this. Do they have enough money? Kevin said he has \$24,900 in the vehicles line. Will have to manage the office equipment line.

[11:27:03 AM](#) **Motion by Commissioner Hancock to approve up to \$28,746 for a crew cab pickup for the Planning & Zoning Department. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

- **MORATORIUM – ACCESSORY APARTMENTS – (ACTION ITEM)**

[11:27:54 AM](#) Kevin said accessory apartments section is 3.4.4 of the ordinance. This has been becoming more and more of an issue. Originally accessory apartments intent and design they work in the zones they are in under subsection C for zoning and permits. Accessory apartments are allowed in residential, agricultural and residential/recreational commercial zones. Shall not be allowed in recreational open space, commercial or industrial zones unless there is already a residential use. Problem is they have been running into a lot it says these were part of the structure. So from that standpoint it is not problematic. Then they can take care of family members and that was the intent. It has become a conflict in the R1 zones. Have substantial homes where they can build half that size for accessory apartments. So then they have two homes in an R1 zone. When they are no longer using this for family anymore then they allow them to rent this. They would be in conflict. If someone came to build a home and another smaller home in an R1 zone they can't do that. So then they change this that they want to build an accessory apartment. Under the ordinance it allows the accessory home. Creates a problem with the intent of what this is being used for. In reviewing this would be more practical to walk this back to be part of the original home structure. Size would not be an issue but would not be able to be a rental. Person that builds now has a second home and once a loved one does not need this then have two homes they are selling. The conflicts come in with a subdivision with restrictive covenants where they are not allowed to have two homes. Cannot enforce restrictive covenants. Would like to work on amending this. What would he have to do to be able to stop issuing permits?

[11:32:26 AM](#) Weston said he should work with Paul Ziel. The question he has today is what are is he asking of the commissioners today. Commissioner Hancock said he wants a moratorium on accessory apartments. Weston asked if he has a moratorium drafted. Kevin does not. Weston said they had talked about this in the past on how to put this together and bring it to the commissioners. Kevin was looking for input and for direction. Weston said they will not because they will be the one that has to pass the moratorium itself. Do not want a statement on something they will be doing. Chairman Farnsworth asked about portable ones such as moving on a trailer. Kevin said they handle these by conditional use. This is a manageable way to do this. That is an option they could pursue. Commissioner Hancock understands the use of these accessory apartments. Thinks he needs to draft something up for them to see. Weston said he should have a template on one they have been working on before. Kevin will put this together.

- **EXECUTIVE SESSION 74-206 – (A) – PERSONNEL – PLANNING & ZONING COMMISSION**

[11:35:30 AM](#) **Motion by Commissioner Hancock to go into executive session 74-206 (A) – Personnel. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

- **PERSONNEL ACTION – (ACTION ITEM)**

Open session 12:04

JAN & TAMMY CLEMENTS & DEBBIE MADSEN

- **ISSUE WITH VERIZON WIRELESS CELL PHONE TOWER – (ACTION ITEM)**

[12:05:24 PM](#) Debbie Madsen 3728 E 20 N in Aspen Heights Subdivision this is west of the Mountain River Vet where the Verizon Wireless tower is slated to be put on the backside of this property. Objective is to petition the Commissioners and their decision made on October 9, 2018 that granted a conditional use permit for Verizon Wireless to put a cell phone tower on the property located 3745 E County Line Road. This decision overturned the Planning & Zoning decision made on July 5, 2018 that denied this permit. Have a petition with seventy-five homeowners' signatures. The homeowners would like to show grounds that they can show they were disfranchised and given incorrect information that changed the course and due process of this matter. Would like them to reconsider the October 9 decision and reopen the matter for public comment. If they feel that inaccuracies make the process illegitimate. Awareness of this matter started when a sign was posted outside of the vet hospital it was a public notice sign and a letter notifying them of a potential change. Her husband called the county to inquire and was told this was to bring this to the right zoning for what the property is used. Was zoned residential they do like doing business and plan to continue. Would like to be zoned consistent with what the business is. So from that they figured this was staying a vet hospital. Have lived there eleven years and never had an issue with them. Choose to live in the rural community. It wasn't until the second letter which they will address later but the word cell phone tower never came up until after the county was telling them but neighbors talking and speaking directly to the business owner. This is more of the same going to expand the business with adding some barns and it would be nice to be commercial since they wanted to expand. Never was a cell phone tower brought up. So when they received a letter with a petition to make this commercial no one worried because they spoke to the business owner and county. So no one even came to the first meeting. Knows they did know and intended to put up a Verizon tower at the point. In the minutes of that meeting if they go through and listen Dusty Clark represented Mountain River and introduced himself. When it was asked why they wanted to be made commercial she quotes from the minutes "some plans we would like to carry out in terms as far as expansions possibly adding some buildings and other possible opportunities on that ground that necessitate commercial zoning so they would request this change be made". Nothing saying they are going to stick a cell phone tower on this. The landowner, Mr. Olaveson, petition in his original paperwork stated specifically. Looks for paperwork to read this word

for word. They had been approached by Verizon. In his letter when he is requesting to be made commercial said word for word that they had been approached by Verizon. Feels it is contradictory on what is being told to neighbors. When they called the county they got nowhere and asking the landowner they got nowhere. When the letter said they had been approached by Verizon Wireless this is by other commercial so they think it could be allowed.

[12:12:14 PM](#) Weston needs to make sure they are properly here. When was the written decision issued by the Planning & Zoning Commission? Excuse him by the Commissioners? Jan has been told they have not had a written decision yet. Weston asked if there is a written decision from the commissioners. Jan said they were told this is not completed yet. If it has been then this is another error because they have requested this. Was supposed to be called once this was approved. Weston said his recommendation is not that they do not hear this. Sounds like they may be able to discuss this but his issue is they have not issued their written and final decision. Any time a decision is made a written decision needs to be filed before an appeal can be filed. That way they know clearly what they are appealing. Not that they don't have the right to do that but want to be clear that they know the specific findings. Want to specifically address their concerns. So in court if looking for a motion for reconsideration which is the terms they have used. Would have fourteen days to file a motion to reconsider. Different set of rules but both of these operate off of a written decision. Need to speak with Kevin and Paul Ziel who was putting this together to have this put in front of him so that the homeowners can submit their appeal. Have a fifteen day time period is surprised they do not have this back yet.

[12:14:57 PM](#) Chairman Farnsworth said that when Planning & Zoning had made their decision they had to wait on the written decision to appeal. Now they would need to wait for their written decision that appears they are not done yet. Are ahead of the process right now. Need to find out from Planning & Zoning on when the written decision will be put out. Jan said that is fine but a problem is they are trying to find out what their options were. Was told this would go to District Court. Where told they could reconsider this in a certain time limit. Weston said part of the problem with them getting so much information is they are asking a bunch of non-lawyers on how to solve this problem. Tammy said they should have referred them to him. Weston said he represents Jefferson County he does not represent the homeowners so if they have legal issue they may need to have an attorney help them file the appeal. Cannot give advice on how to challenge things. Will call attention to parts of the ordinances but will not do anything that may counteract what a county has decided to do. May ask a bunch of people have had to go and find cases with Supreme Court that they cannot rely on statements from county employees because they have too much of that going on. Trying to get the answer from the county employee and holding them to this. Have cases that specifically say they cannot rely on what a county employee has told them. If they want to avoid misinformation so if they want to avoid this they may have to go to an attorney.

[12:17:52 PM](#) Tammy thinks that is appropriate. They should not even be in this place because they did not follow procedures based on her knowledge and the information given by the County Clerk and other employees. For the appeal meeting she was told that they already had their chance and the Planning & Zoning Commission had overwhelming support for the homeowners with a four to one vote. Verizon appealed this and she called and was told by three different employees which is now saying the employees cannot be trusted. Should not have to hire a lawyer to be heard. Debbie said in the appeal was told that no one gets to talk the Planning & Zoning minutes go before the County Commissioners with the exhibits no one gets to talk but they can come and observe the discussion. Did come and Verizon and their lawyers talked for forty-five minutes. Chairman Farnsworth said they were the appellants. Tammy said she had spoken to someone that did not know and then asked the process of the meeting. Was told that Verizon would be able to present what the appeal is and why they believe this should be able to be appealed. Will not be able to present any new evidence. They will be heard and then the board will review in detail the evidence, notes and exhibits from the previous meeting and base their decision on this. Was told they would be heard because this would be a review of this meeting. That is not what happened. The commissioners did review the notes as Verizon was presenting their argument. Went back and forth on what evidence they saw. Would hope since this was a four to one vote to deny what George Olaveson was proposing she thought there would be more diligence. Should not have to hire a lawyer for their voice to be heard. Weston said they do not have to. Tammy said he told her she cannot trust what the county employees say. Weston understands the arguments these are all arguments that would go on an appeal after a written decision is made. Need a written decision from the Commissioners so they know what the next step will be. Will they file a motion to reconsider or will they file an appeal. Until they have a written decision their hands are tied because they do not have the written decision. Need to make sure they do this in order. May have a valid point or maybe they don't. Need to get the written order done. The written decision will tie the county to what their opinion is. At that point they will have something they can start picking apart. They did this or that and considered new evidence. Then they can pick this apart in front of the court stating they believe the county commissioners have made a wrong decision. For them to reconsider a decision that has not even been issued would be hard to do. Would be more orderly to sign this written order and then they can submit any motion they deem is appropriate. Does not see anything in county ordinance that shows they allow reconsideration. If they do then great they can file a motion on this reconsideration or go toward an appeal. Do not have to have a lawyer but if they are looking for legal advice they cannot come to the county. Have the ordinances set but they cannot interrupt the laws. Jan said they are not seeking legal advice. Hearing that they cannot do anything until the written decision is complete. Weston said yes. Jan said is also hearing that what he says cannot be held against him in a court of law and does not know what they are talking about since they cannot take a county employee's word.

[12:23:57 PM](#) Weston said he is not trying to mislead them has not stated anything that is not in the ordinances or the law. They cannot do anything until the written decision is signed. Surprised this has not been signed yet. Does not think this is their fault. Knows that Planning & Zoning is really busy so it may be a time and resources issue. Thinks the County Commissioners will get this prioritized and in front of them so they know when the time frame starts. Debbie asked how they would know when this happens. Weston said they would sign this in a public meeting. Debbie asked who they would call. Chairman Farnsworth said they can request this from Planning & Zoning. Christine said she has called to get the information sent and calling repeatedly and not having a date on when this will be done. Chairman Farnsworth said the time starts to appeal after the written decision comes out. Has been a couple weeks since they made the decision. Jan said it has been six weeks. Chairman Farnsworth said their time has not even started so as soon as they get the written decision can request Planning & Zoning to send them a copy. Debbie said understands in her own mind once they request this to be mailed. What if it does not come for two weeks now do they only have two days if on a sixteen day.

Chairman Farnsworth does not see it taking this long. If that did happen would have to bring in the postmarked mail. Debbie said they have had some misinformation. Weston said this is technically a legal question if they start telling them how much time they have after this would be mailed out they need to go back and look at the ordinances. Would be surprised that they were not on notice of when they would make this decision. Once they sign this it is public record regardless of when they receive this. Commissioner Hancock recommends to follow what the agenda says if this shows as an item. If this says approval of this then they need to be on notice. This is posted on the county website so when they see this it would give them the key. Jan said they cannot put in a request to reconsider that they have to appeal to the District Court. Weston is not sure had been told this is in the ordinance but he would have to go back and look. Need to follow the ordinance. Would be on notice of when the commissioners make that decision.

[12:27:01 PM](#) Commissioner Hancock said they can follow what the agendas say. Jan asked if they can put in a request for reconsideration. Weston is not sure if this is in the ordinance. He would have to go back and look at this. Chairman Farnsworth said they will need to review the ordinance and wait for the written decision.

[12:29:47 PM](#) Tammy asked what the procedure is for an administrative hearing. When Verizon appealed the original hearing she wants to know the process for allowing Verizon to appeal. Weston said he understands she is asking him but they are trying to get a statement that she can use against him in an appeal. Whatever hearing they had they had a public record of this. They can come back and get a copy of this. Chairman Farnsworth said he thinks he knows what they are after. After the Planning & Zoning Commission makes a decision than Verizon had to wait on that written decision to file an appeal with the Commissioners. Now they will need to wait for their written decision. Commissioner Hancock said there has to be some grounds for the appeal. Had a whole list.

[12:31:41 PM](#) Christine Horkley asked on the appeal was told that during the appeal by Jenny that they were not allowed to speak and neither was Verizon. Thought they were going to go over the decision that was made and make sure this was legal. Was this wrong. Weston said he does not know what was said. If someone said they were not going to speak or not present evidence these are be two different things. Christine said when she spoke to her was told that Verizon could not speak but they could all attend. Needed to make sure the decision was made legally. This was not based on health but on the way this was going to affect their homes and values. This was going to affect things other than health reasons. Feels the decision was based on other factors. The petition was the number one thing that they looked at when they made their decisions. Chairman Farnsworth said they need to put all of this into their appeal if they believe they erred in their decision.

SOCIAL SERVICES – JACKIE MAUPIN

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

[12:34:25 PM](#) Motion by Chairman Farnsworth to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.
Open session 1:01

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

[1:01:59 PM](#) Motion by Chairman Farnsworth to approve case #2019-4. Second by Commissioner Hancock. Roll call taken.
Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

[1:03:09 PM](#) Recess

Open session 1:11

COMMISSIONERS

- **APPROVE CLAIMS/ROLLER RENTAL – (ACTION ITEM)**

[1:11:32 PM](#) Commissioner Hancock said they have hired another city employee. Chairman Farnsworth said he has the one issue on Cate Equipment. Weston said he had discussed this in his emails. Chairman Farnsworth wants to know what the liabilities are to the county. Weston said this would be a question for executive session.

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)**

[1:14:56 PM](#) Motion by Chairman Farnsworth to go into executive session 74-206 (F) – Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

Open session 1:26

[1:27:15 PM](#) Motion by Commissioner Hancock to approve claims from 11/13/2018 to 11/24/2018 for \$312,776.92. Second by Chairman Farnsworth. Chairman Farnsworth said in these claims is one for Cate Equipment which he disagrees with but the expense was accrued by the county so they will pay for what they used but it is against his belief but wants to keep the county out of legal ramifications. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

[1:28:36 PM](#) Motion by Commissioner Hancock to adjourn at 1:28. Second by Chairman Farnsworth. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date