

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
NOVEMBER 5, 2018**

Meeting called to order at 9:00. Those present are Commissioner Hancock, Commissioner Martinez, Chairman Farnsworth, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Martinez. Prayer offered by Commissioner Hancock.

DEVELOPMENT COMPANY – TED HENDRICKS

• **FEDERAL DISASTER RELIEF GRANT – (ACTION ITEM)**

Ted said they had met with Troy and Scott about ten days ago. They will still accept the pre-application. If this gets toward an application then they are really considering the project. Also met with Mark Young last week who was appointed by the governor to represent these projects. Looking at two applications. One to the state for half a million for a grant. One to Seattle EDA for three million which is also a grant. Looking at a four million dollar project this would leave half a million to the county and businesses. The state has indicated they would look at a pre-app. If they invite the full application this is similar to the feds and they are intending to fund this. The money would not be available until late in this fiscal year or possibly a 2020 project. Would have two years to come up with these funds and some can be in-kind work. Are getting to the point that the money will not be available for very much longer. Between now and funding in the development stage. Once funded they anticipate the project going forward. This would be well in the future. The application stage takes that long. Commitment from now until June or July would be to cover the fees they would charge to submit the applications. This would be \$16,000 to \$18,000. Once they commit to you they have the money and that is when they would need their contribution as well. Have some idea in the pre-app stage and if they are allowed to submit an application they would have a better idea. Output would be minimal. It appears to EDA that this is worthy of a pre-application. Mark Young also felt the same way. Spoke with staff in Boise and told them they may be submitting a pre-application.

Commissioner Hancock said they need to determine if they want to spend up to \$18,000 for the application process. This would need to be authorized to the Development Company. Ted said one is given to the state first but they are both federal in nature. For the state money they apply to the state and the state get this from the feds. Similar applications but would say the one going to the state would be more expensive. Probably \$8,000 to \$10,000. This is a two part application. They do the pre-apps. The applications are more cumbersome than the pre-apps. Will have a good idea if this would be funded from the pre-app. Would be interesting to see which will respond to this. The state does not lose the money the same as the feds do with the disaster money.

Chairman Farnsworth said the worst is they pay for the pre-app and do not end up being invited to do a full application. Ted said if they like the project at the pre-app they usually are intending to fund the project. These monies are given for the creation of jobs. Will have a contract with the county. There may be things that occur that would make them leave the table.

Commissioner Hancock asked if this would have a creation of jobs. Ted said they would be looking at around twenty-five jobs. The more jobs they create the more funding they receive from the state. EDA will look more favorable at the jobs Cannon has and will look at jobs that are created directly and in-directly. On the EDA application they could create and retain fifty jobs. State will only look at the jobs the dairy is creating. There are a few things like this that will transpire. The businesses and municipalities work together to fund the project.

Chairman Farnsworth likes the concept. Thinks this would be a good project. Commissioner Martinez asked when they would know. Do not want them to go through the whole process. Ted thinks by the first of the year if they started today they would have a good idea. Then they would invite them to write this application. Usually get their decision with the State of Idaho sooner than EDA. But then EDA would see that they have the match. Commissioner Hancock pointed out that he could make a decision on this when they had met last week.

Troy Clayton with Cannon Dairy said he would love to see this happen. Need to do what would be the best for the county. There are huge safety issues out there. The growth is going out there. Jefferson County has been so good to them. No question that they stand to benefit the most. Indirectly it does benefit the county. They benefit but they will not be going anywhere.

Chairman Farnsworth said there are several entities that will benefit from this road. This is a huge benefit all the way around. Need some development out on that side of the county. Thinks the project is valuable. Commissioner Hancock asked Troy if they are willing to contribute to this project. Troy had asked Seth and they were looking at what this would mean. Love this project would need to know what the dollar amount would be. Thinks this would also need to be asked of the business owners along this corridor. There are not residents out there it is ag land. Look for the county to give them feedback on what they would like to participate in. Dave said this would be County Line to 400 North. Commissioner Hancock realizes there are some other large farmers in the area.

Ted said this will take some time with Dave. Usually work with cities that hire engineers. Have Dave already onboard who is an engineer so Dave and his crew will be the ones providing the information technically. They have engineers that will look at this on a technical level. Commissioner Hancock thinks they need to decide if they want to proceed. The EDA has the money and it is going to go away so they seemed pretty excited about it. Personally he thinks it is worth trying. Ted said they have spoken with four counties with these monies. Had four counties that had disasters. They funded a project over in the Twin Falls area that was not nearly as good as this project. This would be \$10,000 upfront and Dave's time. Dave asked at what point are they in too much risk. Ted said they can still withdraw until they receive the money. But once this is funded would not be hard to walk away from the funds that are available. Dave said they cannot obligate further commissioners. Chairman Farnsworth said this is a four million project and only have to come up with half a million. Ted said it would be hard to pull the plug if they have the money funded. Ted said the Development contract would be two phases. Colleen said they would need to know where they want this paid from. Chairman Farnsworth thinks they could pull this from contingency if they have the ability to get this kind of funding.

9:31 Motion by Commissioner Hancock to approve an agreement with The Development Company to do pre-applications with State of Idaho and Seattle EDA with a ceiling amount of \$10,000. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Recess to go and walk through new building
Open session 9:59

PUBLIC WORKS – DAVE WALRATH

• **PURCHASE/SALE AGREEMENT FOR 4100 EAST – (ACTION ITEM)**

Dave had another spot on this agreement for the right-of-way on 4100 that needed a signature. Will then get this over to the title company to process. Will get this moving forward.

• **UPDATE**

Dave said the crew is moving over to start on the storm retention pond today. Trying to stay out of the way of the contractors. Did have a follow-up inspection with District Health for the County Line landfill. Commissioner Hancock asked if they will change this. Dave said they did just get approval on changing this. Have started to excavate cell five at Circular Butte. Cell four is done. Did some grading on cell two for a cap. Hoping in 2019 to have this certified. Chairman Farnsworth said they are currently filling three. Dave said this is filling rapidly it was only twenty feet deep in accordance to the operation plan. Would not want to go any deeper. Chairman Farnsworth said they have clay that they do not think the water would go through. But sounds like twenty feet is the limit. Commissioner Martinez knows they have a lot of ground for future storage but wonders about purchasing more of the ground out there. Dave said they have 640 acres. Commissioner Hancock said they have used about forty acres. Dave had to submit this for a density submittal last year and believes they have seventy years left. Commissioner Hancock said the land adjacent is BLM. Commissioner Martinez said this is a very good location for a landfill.

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

Dave is still wanting to do shoulder work on some of the overlays on 3800 and 3500 because of the abrupt edge. Years past there is a trailer box they can load with rejects and go along the shoulder. Bonneville County chip spreader has the ability to use the last four feet of the head and makes this a lot easier. Want to rent their chip spreader they are going to trade for other equipment value. One idea is they are hauling crush based out of Osgood. Talking about having our trucks and trailers haul the crushed base. Commissioner Hancock asked a rate. Dave said this is \$75 an hour. Commissioner Hancock said this would speed up this process. Dave said it definitely would. Chairman Farnsworth said then they would use their trucks to haul Bonneville County's chips. Dave said they are having Rhodehouse crush these now and it is a pretty short haul. Commissioner Martinez asked how many miles of shoulder. Dave said they have about twenty miles. It is a good week's worth of work. Commissioner Hancock asked if they need an established rate on the trucks. Dave said that is just an idea that was thrown out. Commissioner Hancock said this shows brush agreement. Dave said sorry had copied and pasted. Chairman Farnsworth said everything else talks about the chip spreader. Dave will bring in a corrected copy.

10:13 Motion by Commissioner Hancock to approve the memorandum of understanding with Bonneville County for the use of the chip spreader. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

• **LOCAL PROFESSIONAL SERVICES AGREEMENT - CIVIL SCIENCE – (ACTION ITEM)**

Dave has phase two of the consultant agreement with Civil Science. This is for LHTAC on Annis Highway. Commissioner Hancock said this did not cover all of the work. Dave said this was preliminary work. This is not to exceed \$123,200 between the two of them this is \$250,000. Commissioner Hancock said they have already been paying on the first one. Dave said the county pays the bills these then go to the state who reimburses 92.66 percent. This is lengthy. Chairman Farnsworth asked if Weston had reviewed. Dave said he has and his main concern was the invoice for \$50,000. This will be \$9,042. Commissioner Hancock said they need to know where this was coming from. Colleen said you cannot credit the same line but you can credit the budget. Chairman Farnsworth said maybe out of road repairs. Colleen said it wouldn't go back in that line but would be back in the budget. Could overrun that line but this would go back into the cash.

10:18 Motion by Commissioner Hancock to approve the Local Professional Services Agreement with Civil Science for the Annis Highway Project for \$123,200. Will note they will be reimbursed 92.66 percent. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

• **DIAGNOSTIC SCANNER – (ACTION ITEM)**

Dave said he had discussed getting a diagnostic scanner. Had provided a bid for about \$7,000. Do not need the scanner for equipment Kerry can hook his laptop into these. The vehicle one would be very helpful in the shop. This is \$3,500 so it is a fairly good deal. The one they had an estimate for is a Matco scanner. Some of the others are more. This scanner is updatable the first one is free. After that it is \$50 per update. This interfaces with any vehicle that has the plug under the dash. Commissioner Hancock said they spend a lot of money on other vehicles in the county. Could possibly look at offering this service to other county vehicles in the future. Dave said the error codes tell them the source of the problems. They have one but will not work on anything that is newer than a 2008 it is not updatable. All of the new ones are. Commissioner Hancock said now they have ability with the laptops to work on equipment so this would be strictly for vehicles. The equipment and trucks are done with the laptop. Have six or seven pickups. Dave said they have a handful that are newer than 2008. This device will do all vehicles where the scanner they have now is not updatable. Commissioner Martinez thinks they should be looking at taking care of the Sheriff's Office vehicles with the nice shop they have and if they start getting equipment like this. Commissioner Hancock said that is at least thirty vehicles. Dave said this takes time for the staff. Commissioner Hancock thinks down the road this would pay off. Dave said it saves them so much time.

10:29 Motion by Commissioner Hancock to approve the Matco diagnostic scanner for \$3,500. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

PARK & RECREATION – MICKEY EAMES – CANCELLED MOVED TO NOVEMBER 26

- **PUBLIC HEARING – JEFFERSON COUNTY LAKE FEE INCREASES – (ACTION ITEM)**

RITA ELLIS

- **FENCE – (ACTION ITEM)**

Rita lives in Terrace Hills and had a vinyl fence put in per code. Have a ditch bank behind her. Have been fighting with one of the ditch owners because her yard keeps getting flooded. Went to his house and then he came back to have some dirt hauled onto the ditch bank. Felt this was their responsibility. Had this water within twenty feet of the water wells. Had put up a tall fence with a gate going across so could not visit with him. Went to the Police Station to contact him that they were still having issues. Came to the house ranting and raving. Told her they needed to bring dirt in. Does not feel this is the way to take care of this. Got a letter in the mail that they want the fence down and a ten foot easement. Did not get this letter until September so was told that it would be the first of the spring. Her husband passed away earlier this year in March. Came over and demanded that the fence come down. Did not know how they would get the money to bury him and was told they all have tough luck. The guy that did the fencing and she explained the situation and would let him know when they could get this taken care of. Called and had all of the hail damage in Idaho Falls. Vick Hill came to her house wanting the fence to come down. Come to find out they were friends.

Chairman Farnsworth asked why the fence needs to come down. Rita said they sent a letter wanted a ten foot easement. Does not know if this is from the ditch bank of the property stake because that is in the middle of the ditch. They messed up this should be twenty feet. Was asked if she had an attorney. Chairman Farnsworth asked if they have to have fifteen feet. Commissioner Hancock said this is by Idaho code usually ten feet is adequate. This is not a canal it is a private ditch. Rita said then there were people out taking the posts out for the fence. They proceeded to do this anyways. Chopped off half of the tree on the south side. Trying to get some answers. Did hire an attorney with no results of anything. Commissioner Hancock said this would be a civil issue not a county issue. Is familiar with where she is at. Have similar properties with these issues. Would hope Mr. Hill would work with her. Has this been fixed. Rita said now that she has made her voice louder he did pile some dirt into the ditch. Went back to his house to let him know but couldn't get in. Called Greg Campbell to let him know there were some issues. Not having any problems right now. Chairman Farnsworth said the unfortunate issue is the county would not have any control over this. May need to get another attorney. There is not much the county can do. Rita does not want to go to a huge expense when he is not willing to work with her. Did hire an attorney and spent \$1,200 and still have nothing. Thanks them for their time.

EMERGENCY MANAGEMENT – REBECCA SQUIRES

- **HURRICANE MICHAEL DEPLOYMENT REPORT**

Rebecca goes over a slide show. Has pictures from Mexico Beach. Got back on Thursday it was such a fantastic experience. Learned a tons and hopefully the things they learned will be a benefit to the county.

10:54 Deputy Prosecutor Weston Davis is in the room

Rebecca goes over Hurricane Michael had made landfall October 10 as a strong cat 4. This was at the panhandle that had not had much of a hurricane in quite some time. Could see the runways through the eye of the hurricane. Was a water event out on Mexico Beach that is right on the coast. The rest of the county it looked more like a tornado with a fifty five mile footprint. Imagine a tornado hitting Island Park. Every house had some damage and over thirty percent in this county are not livable. Is a housing and employment crisis. Businesses cannot get back to work because their employees have been put out of place. EMAC is a massive mutual aid agreement between the states. Oregon, Washington and Idaho were deployed. Many of the Incident Management Teams were working the base camps. Were all occupying different positions. This is the first time she had been in with a fully built out incident management structure. This was a type one incident covering several states. Left October 17, 2018 came back on November 1, 2018. Had a couple different missions. The costs will be reimbursed by the State of Idaho who will be reimbursed by Florida. Was able to go up into a helicopter to do damage assessments they can see the seas of blue tarps. Trailer parks attract disasters. See a foundation with a smear mark of debris. Go over some pictures. Have one structure on Mexico Beach that was still standing because they built to the higher standards.

10:58 Prosecutor Paul Butikofer is in the room

Rebecca said Mexico Beach they had a poor relationship already with their county. When this disaster hit this really crumbled. Had a difficult time getting help. A lot of lessons learned from Mexico Beach. Shows an inside of a church this was their meeting hall shows where it was collapsed in. Surveying possible location shelters for 1,000. There are a lot of mega churches may be because of their big roofs but most of these had damage or were destroyed. They were holding their meetings outside or smaller facilities. Those that normally provide the charitable service they struggled because they did not have facilities so they could not accept items. First assignment was to set up one of three basecamps. This had sleeping, food, laundry and showers. This came on day three of the deployment so they stayed in tents at first. This was great when this was set up. This was the smallest base camp the others were set up to support the National Guard. Estimate there were 15,000 responders there. The first three days there were no communication. No cell phones or land lines. Also had 911 Dispatch was down. In order to go anywhere they were driving the streets waiting to be flagged down because there was not any secondary infrastructure. Integrated into the Bay County EOC. Shows pictures. Have different desk would have Florida Highway Control, American Red Cross, Cities and Chamber of Commerce. Her space was on the right side for volunteer and management staff. Integrated right into their structure they were there one week past the storm to three weeks past the storm. When they got there they had people working eighteen to twenty hour days. Allowed these individuals to go home and tend to their own areas and come back refreshed.

Specifically she was able to be the leader of the ESF 15 for volunteers and donations management for over a week. Wrote the Demobilization plan for this branch. Had three different shelters running that had around 850 people. These were in schools that wanted to get back up and running. Found that instead of these numbers decreasing it was increasing as locations were found to be unlivable one to two weeks after the even. Had to

house 1,100 displaced persons this ended up being in a High School. When they have a disaster and fill up a truck will never do this again. These donations were a disaster within a disaster. With all of the items there was nowhere to accept these donations. There is no infrastructure. State set up a place to divert these into a warehouse in Tallahassee. Trying to figure out a way to get the donations out of the warehouse as she was leaving. Had a volunteer reception center that would catch the spontaneous volunteers. Coordinated 200 volunteers to assist in shelter consolidation. Lessons learned shows a picture of the streets before and after. County employees found that they could not get to their facilities because of trees that were in the way. Had to cut their way into facilities. Top lesson learned is to protect the access to critical facilities. Another is to identify and mitigate communication fail points. Is there a situation that would take out their 911 or responding systems. In an event like this imagine a massive tornado it would be very difficult. Many of the counties in Florida have assignments for county staff of what they do in an emergency. Do not have very much local in her section. Ways of setting up the EOC. Developing strong relationships with their municipalities. In Mexico Beach they sent their Mayor out to meet President Trump and while he was gone they stripped him of his responsibilities. Want to make sure to have good relationships. Had moved over half a million cubic yards of debris. Has time sheets from their record keeping as a team so they can see what was on her timecard is what was documented.

11:09 Prosecutor Paul Butikofer left the room

SOCIAL SERVICES – JACKIE MAUPIN

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

11:10 Motion by Commissioner Martinez to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

Open session 12:08

COMMISSIONERS

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

12:08 Motion by Commissioner Martinez to go into executive session 74-206 (B) - Personnel. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

1:09 Prosecutor Paul Butikofer is in the room

Open session 1:28

- PERSONNEL ACTION – (ACTION ITEM)
- EXECUTIVE SESSION 74-206 (C) – ACQUISITION OF REAL PROPERTY

1:29 Motion by Commissioner Hancock to go into executive session 74-206 (C) – Acquisition of real property. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 1:35

- APPROVAL OR DENIAL OF ACQUISITION OF REAL PROPERTY – (ACTION ITEM)

1:36 Motion by Commissioner Hancock to authorize the Assessor's Office to spend \$1,000 for a title search. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – 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)

1:40 Prosecutor Paul Butikofer left the room

PLANNING & ZONING – KEVIN HATHAWAY & JENNY KERR

- APPEAL – WESTON MORRIS – (ACTION ITEM)

Chairman Farnsworth said they apologize for running late they have an appeal from Weston Morris. Jenny said this was heard by Planning & Zoning Commission on September 6, 2018. Owner is Roscoe Morris applicant is Weston Roscoe Morris. This is for a conditional use permit. Parcel is west of 3719 E 700 N. Is an ag 10 zone. Surrounding zoning is ag 10. Parcel size is 1.104 acres. Surrounding land use is agriculture and some residential. Application wants to place a single wide trailer on the property to live in. Application was submitted on September 6, 2018. Not in a floodplain. Not in the City of Menan's area of impact. Is a non-conforming lot. At the time the septic had not been applied for as of August 31, 2018 and District 7 did not know if this would be permitted without digging test holes. They had two letters of opposition that were read into the record. This is for residential use and the applicant listed separate structures on the property. Planning & Zoning reviewed this and denied the request. Kevin said this was heard on October 4, 2018 and denied that decision is in the notes. Shows them the written decision in the packet so they can review the basis they denied this on. Commissioners review the information from the Planning & Zoning Commission hearing.

Chairman Farnsworth said this is a conditional use permit and they are here on an appeal of that decision. Some of this is new testimony Kevin said the first pages are from the initial hearing. The other is new information that was submitted after the initial hearing. The new information is in the appeal filed by Kevin Thompson who is now helping Mr. Morris.

Weston said on the appeal they have the Planning & Zoning Commission who they have created to have the original public hearing for individuals to state their case. On an appeal because this is not published as a hearing the recommendation is they do not take any new evidence because the public was not notified. Mr. Morris can present argument based on the record below. Would be his recommendation they do not consider new testimony because the public has not been notified of this hearing.

Chairman Farnsworth said this is an appeal and not a public hearing. Weston said that Mr. Morris can come up and present any argument on his behalf. They are free to ask questions of either side.

Kevin Thompson and Weston Morris come up. Mr. Thompson with Thompson Engineering, 215 Farnsworth Way. Had been at the hearing in September for a different matter. Felt at the end of this is Mr. Morris is very hard of hearing there were questions that he may have misunderstood so he thought there were some communication problems. Afterwards he had pulled him aside to help appeal this. Wants to have Mr. Morris heard and understood. Seemed like the Planning & Zoning board were not sure if they should adhere to sections 3.11.6 for manufactured homes. This is less than one page in the county ordinance. Allowing new manufacturing houses these are permitted in R-1, R-5 and Ag10. Does not want to read this whole thing. Have subsections A through F that talk about what is required to have one of these moved into these zones. Have F is this is an exception to A through E may be allowed if the following conditions are met with the application or a conditional use permit and a building permit. This is what Mr. Morris was trying to meet on. Was not trying to comply with the roofing, siding and foundation from A through E. This is a single wide. The front tongue will be taken off and as soon as he passes away his daughter will have this moved off of the property. The Planning & Zoning was discussing the siding as though this was going to be a permanent structure. This boils down to the three items of exceptions. One is that the dwelling is a temporary unit have letters from Mr. Morris' daughter stating this will be removed after he passes. Two the dwelling is to provide for a relative on not more than one level of consanguinity. Had included a chart one level relative. The idea is Mr. Morris would live here in this temporary dwelling and his daughter would take care of him. Kevin said this was not heard in the original hearing. Mr. Thompson said the letter should have been. Three the dwelling is too be used for farm labor and the owner will be the same as the property owner or in the family. Most of these mobile homes that go for conditional use is based on a hardship problem. Mr. Morris's wife passed away in June had a lot of medical bills after being sick for a really long time. Told that he could do a conditional use permit. Sold his home in August to pay off a lot of medical bills and bought a manufactured home to work through this process. Got a letter from the trailer park that they sold and have to have the trailer out by the end of November. Feels this is a hardship. Needs some help health wise and this will allow his daughter to take care of him. There were a lot of other questions discussed at the P&Z hearing. Talked about high water and the ditch. Feels this is outside of the ordinance. Feel they comply with these three things. Due to miscommunications this may not have been adequately detailed and explained correctly. Could have been nervous and with Mr. Morris hearing thinks that is why they have these issues.

Commissioner Hancock said this is for both. This is a non-conforming lot since it is in an Ag 10 zone. Have to look at this that it does not conform for the area. Mr. Thompson thinks maybe a variance should have gone along with the conditional use permit. Mr. Morris said a few of the neighbors sold them the property. This piece had been set aside several years ago to make sure this was a buildable lot as the years went by. This has been a separate piece for quite some time. Was told this was grandfathered in. If he had a house he would not need a conditional use permit he could have just gotten a building permit. Kevin said this is not a buildable lot. Would need a variance location. Every mobile home that is not in a trailer park needs to have a conditional use permit. This is why they had that hearing first. This was the time they were figuring out variances and how to handle these. Mr. Thompson said he had read the issue with variances in the paper. If they have a one acre lot in a different zone there needed to be a variance. This application was submitted before these changed. Kevin said the ordinance is the same. Mr. Thompson said it may have been the interpretation of the ordinance. Is here to look at the conditional use permit. Knows this may be a multi-step process. Weston said on July 31, 2018 there is a quitclaim deed recorded from Weston Morris a widowed single man to a Roscoe Morris single man. Mr. Morris said that is his son. Weston asked if there is anything presented from his son that he has consented on the application. Mr. Morris said both of their names had been on the property. Weston shows that Mr. Morris quitclaimed his entire interest to Roscoe Morris so is asking if Roscoe Morris has given his permission to put a trailer on this lot. Mr. Morris said he does not have anything right now but he can get this. Nothing was written down. Weston asked if anything was presented at the last hearing by Roscoe Morris that he consented on this application. Did he show up to verify this was okay? Mr. Morris said no he was at the hearing alone did not know what he was getting into.

Chairman Farnsworth said going through 3.11.6 the required roof is twenty foot and it shows this trailer has a fourteen foot roof. Commissioner Hancock said they are using the F exception so they feel these requirements wouldn't apply. Chairman Farnsworth said he is going through all of the regulations. Mr. Thompson said A through E does not require a conditional use permit. Chairman Farnsworth goes over the F exception. Look at this if they have a house there and are moving a mobile home in to take care of a relative. Would the condition give a term on the temporary dwelling? Kevin said this would have to be movable. Commissioner Martinez asked if this is a new unit. Chairman Farnsworth said this is a 1977 mobile home. Commissioner Hancock asked if they can approve anything without the approval of the real landowner. Do not have any approval from the landowner. Mr. Thompson lets Mr. Morris they would need a letter from his son. Mr. Morris said he could do whatever they need. Weston recommends from an agency standpoint until they have something in the record that his actions have been ratified by the owner does not know how they could make a recommendation since they would be affecting someone else's land without any documents. Then they may have the issue with the landowner. Mr. Morris is saying this is his son but they are not able to open this back up due to publishing restrictions. Recommendation is the basis of the appeal would be denied. Mr. Morris could re-apply. As far as how this is submitted to the commissioners he is not sure they have the correct information. This is a significant gap.

Kevin said if they review the commission decision even if Mr. Morris does get this permission would this change what the commission found. That is what was found. Weston said they can have a finding on two bases. Can look at whether it meets the requirements under 3.11.6 subsection 2)F and

whether or not Mr. Morris has legal standing to make this claim. Can address both or one it is up to their discretion. Supreme Court will often dismiss cases on one issue. Kevin asked this because if they are appealing the decision will they be putting Mr. Morris through the process again. Commissioner Hancock said they cannot answer that question. Weston said it depends how they read the ordinance. Could make a finding today that if him living here until he dies constitutes a temporary dwelling. If they are making the argument they could deny this solely on standing. Would imagine the Planning & Zoning Commission would want to understand why this is back in front of them. Kevin thinks this situation is seen mostly when there is a home already on the property and have an elderly parent that needs to live close to take care of. If they have an emergency need they will do this for a period of time. This is not truly what the ordinance intended. There should be a primary residence and this should be a secondary use. The other concern some of the neighbors in the letters from the first meeting had questions if the lot would have a problem with flooding. Not sure this lot would be suitable with the high water table. The sewer issue that is between District 7. Chairman Farnsworth said he understood this as being off of a primary residence to help take care of a relative. In this instance are moving in a trailer to live in temporary. Have said this is for his daughter to take care of him. Kevin Thompson said this is moving him closer because his daughter lives in Rigby. Chairman Farnsworth would see this better moving next to a residence than just putting a trailer here temporarily. Mr. Morris said had he known this would be a problem he never would have sold his home. Had spoken with other individuals and was told all they needed was a conditional use permit. Now he has sold his home and has nowhere to go. Does not realize why he can't do this if they are leading them to believe they can? Kevin Thompson said there was an agenda from October that moved mobile homes onto property. Kevin said these properties already had existing homes. Chairman Farnsworth said that is his issue is if there was already a home on the property the conditional use for the trailer wouldn't be as much of a discussion. Mr. Morris asked how come these things were said. Chairman Farnsworth is not sure with how this has been presented how they would be able to approve this today. This is someone else's property. Need to look if this qualifies for 3.11.6.2)F. Commissioner Hancock thinks this might need to require new evidence? Commissioner Martinez thinks they just need the information from the son. Weston said the application should come from the son who is the owner of the property. Kevin said the commission will look at this again and they may be in the same position. Commissioner Hancock said there is a lot of additional evidence. Chairman Farnsworth thinks the son needs to re-file. Weston said the definition of temporary is a period of time that is six months or less. If they are narrowing this down they are requesting under 3.11.6.2)F which is the specific request. Chairman Farnsworth said if they had a prior residence he could see this. Just putting a trailer there and having someone check in once in a while can be done anywhere. Kevin Thompson said that this is just a piece property he owns after he has sold everything else. Commissioner Martinez thinks that his son may need to come in. Wants Mr. Morris to have a place to sleep and winter is coming on. Mr. Morris said he went to the last meeting and they didn't have any issues. Kevin said he would have to start over. Would need to address if this needed a conditional use permit and a variance. Wants a clarification do not want him to re-apply if he is going to get the same answer. Commissioner Hancock said he may not get the same answer. Mr. Morris asked why he can't have a letter brought in from his son. This wasn't a problem in their initial decision. Kevin Thompson asked if this could be reprimanded back to the Planning & Zoning Commission. Kevin said it would have to be re-noticed. Weston said this is more for protocol. Would be required to look at this and will be up to date on some of the testimony. Suspects it would be the same testimony. It is possible that he could do this and they could reverse the decision. Has clarified which exemption he is seeking now. May also look at this and there is not a primary residence. Chairman Farnsworth said this would give them the ability to hear the new testimony. Sounds like this is where it needs to go. Mr. Morris asked where the ordinance says this. Chairman Farnsworth said it does not but that is why they put on a conditional use permit so they can review this. Temporary is set as six months. This can be extended that comes into the conditions. Weston said they are changing this all today. Chairman Farnsworth said the attorney read the definition of temporary from the ordinance. Mr. Morris asked where this is. Weston said this is page thirteen and has a definition off to the side and is defined. Mr. Morris is not sure what they will all think when they have to move their house in six months. And get records of ones that already have this. Someone should tell you or he never would have sold his house. Had spoken with Kevin and didn't think there was going to be a problem.

Chairman Farnsworth said they can revert this back to Planning & Zoning let them go through this and they may change their decision. Kevin asked if this would be denied. Commissioner Hancock said this would be denied because of the legal issues. There are a lot of other factors. May not have to go through another filing. But would have to submit this through another hearing. Kevin said this would be another hearing because this was submitted in the correct form based on action for the conditional use permit and variance. Weston said they would have a new applicant. If they want to waive the fees they have the freedom to do this. Mr. Morris asked if he would appeal to the Attorney General. Chairman Farnsworth said that his son is the property owner not him so he needs to re-file.

2:43 Motion by Commissioner Hancock to deny this appeal based on the ownership of this property. If they want to go back and re-apply for a conditional use permit they will waive the permit fee. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **ZONE CHANGE - LAKE VALLEY LAND, LLC – (ACTION ITEM)**

Kevin said this was for Lake Valley Land had heard this in August. Jenny goes over the staff report. This was heard in the August 9, 2018 Planning & Zoning Commission meeting. The owner is Lake Valley Land, LLC and Dave Burtenshaw. The applicant was Dave Burtenshaw. Request for a zoning ordinance map amendment. Located at approximately 1153 E 1500 N in Terreton. This is the parcel directly to the west. Zoning is R1 and Ag10 on one parcel and the other is all Ag10. Surrounding zoning is the same with R1 and Ag10. Parcel size they do have two parcels. Each are 160 acres the one that is R1 and Ag10 zoning has forty acres that is Ag10 with the rest being R1. Surrounding zoning is agriculture and residential. Purpose of this is they wanted to change the zoning to be the same as the actual use of the land. Completed application was submitted on June 25, 2018. Not in the floodplain or any areas of impact. Chairman Farnsworth said the zone change is to take this from R1 to Ag10. Do not see this being turned into homes. Kevin goes over this is by Highway 33 goes over the area. Always been used for farm. Have a feed lot and hay storage. Wanted to add a spud cellar since this is right by the field that is why they rezoned this.

2:49 Motion by Commissioner Hancock to approve the decision from Planning & Zoning for the zone change for parcels #RP06N34E1672022 and #RP06N34E164800 to all Ag10 for Lake Valley Land, LLC. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **UTILITY EASEMENT – COURTHOUSE PROPERTY – (ACTION ITEM)**

Kevin said they had brought this easement in before and they wanted the legal descriptions on this. Shows the descriptions and has a diagram. The red easement runs on the east side of the county property and will go under the new courthouse road. The blue easement is for PacifiCorp. Would recommend they approve the red one and the blue one can be discussed at a later time. In lieu of the issues they have had with the high irrigation waters so he would wait. Chairman Farnsworth said they just need the ones in the red. Kevin said that is what the applicants need. Jenny went to the Assessor's to map the easement to make sure this is correct. Commissioner Hancock has two questions this is seven tenths of an acre so where is the money. Kevin said that comes later. Commissioner Hancock said they need this before they make any decisions. Questions there are utility easements already on this road. Went out and looked at this so why are they not using what is already there. Kevin thinks the issue is the source and capacity because this will be a big load. If this was over ground it would be a big transmission line. This is only one easement. They are pulling some off of Annis Highway. They will have a few units when they are done. Kevin said when this was brought in they only needed the red one has not talked with PacifiCorp they are the one requesting the blue one. Not sure if they were looking at long-term growth. Commissioner Hancock said the blue one would mess up their property. Chairman Farnsworth said they could make a motion on the red one but for how much. Commissioner Hancock said these are not very accurate. Have they provided any consideration? Commissioner Martinez asked an amount. Kevin said they did not offer any. Sure they are charging the developer to bring this to the lot. Commissioner Hancock is trying to figure out the benefit to the county. Chairman Farnsworth said brings in the individuals into the county. Commissioner Hancock said that all goes to the city. Wants more information. Kevin thinks whatever the county charges would be passed on. Thinks they feed along the edge of the street. Thinks it inadequate to handle the load. Commissioner Hancock would like to have them come in and explain some of this. Kevin believes they need this due to the big load. Weston questions why they are making this request. Is not sure why they are presenting this. Commissioner Hancock said they can table this until they come. Chairman Farnsworth said to have them come in.

PROBATION – TAMMY ADKINS

- **IDJC ANNUAL NUMBER REPORT – (ACTION ITEM)**

Tammy needs a signature on the Idaho Department of Juvenile Corrections annual report. This is the same numbers she has provided. They have compiled this into a report. Have the amount of restitution and breakdowns for the entire year.

3:07 Motion by Commissioner Martinez to approve the Idaho Department of Juvenile Corrections annual report. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **INFORMAL MISDEMEANOR PROBATION SERVICES FEE COLLECTION – (ACTION ITEM)**
- **POSSIBLE CHANGES TO COST OF SUPERVISION FEES – (ACTION ITEM)**

Tammy said way back when in 2002 they were developing Drug Court. Had done a resolution to help support Drug Court and Probation. This was a \$35 fee. Supposed to go and support the drug courts. These were meshed with Upper Valley and had written grants. Amended this from the Drug Court fund and was charged to anyone that had misdemeanor probation. Odyssey has come on board and if the fee is not charged by the statute they will no longer allow them to charge these fees. Nikki in the Courts was told they needed to take this \$35 fee off. This fee has been going into the annual probation budget. Other counties have been told they have to create their own accounting tracking. There was a resolution and if her budget drops it's because there was a fee being charged that is now not being charged. Do they need to do anything with the resolutions? Colleen is not sure what other counties are doing with the system to account for this. Tammy talked with Abbie and Kim. The state has put in notice to put in some additional fees that are not added into statutes. Are one step ahead in collecting some fees. Abbie does not have anything in place for any of the fees. Whatever they want to do is fine but this will be revenue that will be lost. Personal opinion is this should have been upped to \$50 when the annual fee went up. In the meantime this was being assessed to everyone and is no longer being assessed. Colleen said in her conversations with Nikki they talked about it never decided not to do this but they are not able to put this in Odyssey. Is not sure how they would put this in since they have to account for every dollar. Commissioner Hancock asked if it is not part of Odyssey why they would have to account for this in Odyssey. Since Odyssey is through the courts from statute and this is a county probation fee. Colleen does not know the answer to this they may need to ask this question. Chairman Farnsworth said if this is not an Odyssey program and they are not mandating this but is a county resolution. Tammy knows a lot of the other clerks are frustrated because they have to collect fees for others. Are not willing to allow them to run their county fees through their systems. Asked the Supreme Court to not remove all of this stuff because of legislation they are trying to push. Supreme Court told them the county needs to develop their own accounting system for any county fees. These are informal fees so are not cases that come to them. May oversee some but on informal probation they do not check in they just pay their fees. Felt they needed to be aware. Will be losing control of revenue that she used to have control of. This revenue is anywhere from \$7,000 to \$10,000. This is one portion of revenue. Colleen said they are still discussing this because they cannot put this into miscellaneous since they have to designate this. Tammy said they allowed previous counties to use miscellaneous fees. In our district since they have a new Trial Court Administrator her decision was in working with the others they decided not to allow this in the last districts that went live. The other counties were supposed to switch but allowed them to continue with the miscellaneous fees but District Six and Seven cannot. Commissioner Hancock asked who they checked with. Colleen said this is a county fee does not think the Supreme Court should say they cannot do this. Commissioner Hancock thinks they could do this on a county basis. Colleen said they would need a mechanism for this. Commissioner Hancock asked Tammy how they did this before. Tammy said they do not see all of the informal probations this was just attached in the program with the fines. Then they just knew they had this fee due. With Odyssey taking this ability away is not sure how to do this. Colleen said there has been a lot of discussion on this. Tammy just wants it known that they are not collecting this as of October 9. Only found out because she

was helping Nikki add fees into the system. In the last two weeks they have had twenty individuals put on informal probation. They need to be aware. Colleen said they did not take this off they just did not know where to track this. Commissioner Hancock said they need to think of a way to track this or it will be lost revenue.

Kevin said they have iWorks where they collect their fees through this. Wondering if they could add this it might be something to look at. Tammy said they have a way to process their fees. This fee is not assessed by Probation it is assessed by the court. Commissioner Hancock said then the court clerks would have to put this into another system. Tammy said something would have to be set up. Felt they needed to be aware. Colleen said they discussed how to assess with nowhere to put it. Tammy is not placing blame on Nikki thinks this is a higher level decision that is why she brought this in.

Tammy said the next issue is the cost of supervision. Wanted this all to run through Odyssey. Before they tracked this. As of October 9 they took this away. Supreme Court has not come up with how to handle outside cases such as from Bonneville County. Now they want the county to assess the fees and then they will mark this that Jefferson County is supervising this case and the money will be turned. This is what they are telling them the rule will be but nothing has been done. There is still no process for this. Worked with Nikki to get their balances on those being supervised in Jefferson County. Colleen said keeping this separate in a different system and knowing where to put this. Not sure who they would talk to on this. Could possibly look at a trust fund. Tammy is not sure how this will work but wanted them to be aware of this impact on revenue. This is what she has been told would happen. Cost of supervisions for last month for adult misdemeanor were \$850 down from \$3,500. They need to be aware this is not within her control. There were a multitude of issues. First does not think they were not organized enough to take payments so they were not prepared and did not understand. Was showing there was no balance it just was not entered. Have not resolved the out of county transfers so now these individuals have to pay these fees in the county that sent them. Now they have no control over any of this. Did get the approval to take the money from them a few weeks ago and has gotten the credit card system. Felt there was some things with revenues they needed to be aware about. Colleen said the financials in Odyssey have had some issues. Tammy said they had this for four years in some counties. One of the other issues if Odyssey is set up to charge statutorily the cost of supervision fees. Idaho Code 20-225 states they can charge this fee. Also states they can charge other costs for supervision. The Supreme Court does not see this as clarification of the specific cost. Some counties charge \$50 a month plus drug testing. Others charge \$75 for cost of supervision with everything included. They cannot add drug testing fees now so they will have two different payment locations for fees. Can charge up to \$75 for cost of supervision. One recommendation is they may want to raise this to \$75 and do away with the drug testing then it would all be tracked through Odyssey. Would like to hold off until January to see what fees they do get pushed through in the legislative session. If it can't change may be back to consider raising this. Commissioner Hancock thinks they need to do something or they will be losing revenue. Colleen said they need to all sit down on this. Tammy said to set an appointment when they are available. Commissioner Hancock thinks they could raise the cost of supervision.

PLANNING & ZONING – KEVIN HATHAWAY

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

3:31 Motion by Commissioner Hancock to go into executive session 74-206 (A) – Planning & Zoning Commission. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 3:45

- **PLANNING & ZONING BOARD APPOINTMENT – (ACTION ITEM)**

Chairman Farnsworth said they will need to bring in names next time. Could discuss changing ordinance. Commissioner Hancock said there are circumstances if they go greater than six years they just have to list why. Can go longer than six years but supposed to appoint them for three years at a time.

Recess

Open session 3:54

COMMISSIONERS

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

Commissioners, Garn, Dave, Colleen, Audrey, Erik go over to look at the conference room. Are met with Phase Four Dave Bailey and Kelsey Bailey to go over the equipment. Dave goes over variables with monitors and microphones. Kelsey describes how the conference room will be set up. Dave asked when people were presenting if they would ever have to isolate this content. Commissioners have never had to do this. Commissioner Hancock asked on the podium they only have a spot for one individual. Sometimes they have multiple people presenting. Kelsey said they will have a table by the podium that will also have some microphone access. Dave said they can have up to twelve devices. Asked how many microphones Planning & Zoning would need. Garn said that Kevin had told him they would prefer nine. Dave said that the microphones and system will be similar to what is currently in the courtrooms.

Commissioner Hancock said there is no longer any water. The cisterns are both installed should be covered in the next day or so. Will be working on removing the old grass and getting the grade together for the parking lot. Chairman Farnsworth said the ground has not frozen yet so they may be able to pave. They still need to get the curb and gutter in before they pave.

- **RESOLUTION #2019-3 – DESTRUCTION OF RECORDS – (ACTION ITEM)**

Chairman Farnsworth reads the resolution that of what records will be destroyed. This is for daily Istars turnover, daily auditor's certificates, paid claims, daily department sheets, daily Park & Recreation logs, fax transmittal reports, daily turnover sheets, end of month reports, expenditure detail and summary, Commissioner approval reports, paid tax apportionment sheets and journal vouchers all from 2014 through 2015.

3:57 Motion by Commissioner Hancock to approve resolution #2019-3 for destruction of records. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **ALCOHOLIC BEVERAGE LICENSE – (ACTION ITEM)**

3:58 Motion by Commissioner Martinez to approve alcoholic beverage license for The Loft Reception Center. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **EMPLOYEE RECOGNITION – (ACTION ITEM)**

Colleen said they agreed on December 6 for the lunch. Asked if they were going to do the certificates again. Last year they did \$50. Chairman Farnsworth thinks they can leave it the same.

Motion by Chairman Farnsworth to approve \$50 certificates with Chamber of Commerce. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

4:01 Motion by Commissioner Martinez to approve certificates of residency for College of Southern Idaho for Tony Morgan and Trent Morgan. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

4:02 Motion by Commissioner Hancock to approve certificates of residency for the College of Eastern Idaho for Karley Roberts. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

4:03 Motion by Commissioner Hancock to approve commissioner meeting minutes from September 21, 2018, September 28, 2018 and October 1, 2018. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

4:04 Motion by Commissioner Hancock to approve commissioner meeting minutes from October 15, 2018. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye. Motion passed. Chairman Farnsworth recused himself.

4:05 Motion by Commissioner Hancock to adjourn at 4:05. Second by Commissioner Martinez. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date