

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
DECEMBER 17, 2018**

Meeting called to order at 9:00. Those present are Commissioner Hancock, Commissioner Martinez, Chairman Farnsworth, Planning & Zoning Kevin Hathaway, IT Garn Herrick, Noxious Weeds & Invasive Species Mitch Whitmill, Public Works Dave Walrath, Maintenance Corey Smith, Janitorial Bryan Briggs, Probation Tammy Adkins, Treasurer Kristine Lund, Assessor Cody Taylor, Appraiser Jessica Roach, Extension Office Lorie Dye, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Kevin Hathaway. Prayer offered by Cody Taylor.

ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

[9:02:51 AM](#) Commissioner Hancock said they are still looking at the costs on the floor. If anyone wants to walk through let him know and they will work out a time. Lorie asked an address. Commissioner Hancock is not sure they have suite numbers yet it would be the same address as the courthouse. Tammy said for those that are renting they want thirty days' notice so they will need to let them know to make sure they have a location until they can move. Commissioner Hancock said they have to raise the floor before they will be able to get the heating in. Will need to speak with the architects on if they are doing suite numbers. Chairman Farnsworth said all of the mail to the courthouse is delivered to the Clerk's Office. Colleen thinks the same address just different suite numbers. Tammy asked that they let them know. They will have to change mailing addresses and business cards it would be nice to have these printed before moving over.

[9:08:17 AM](#) Planning & Zoning Kevin Hathaway trying to get some annexation done before the growth comes with the new school. Working on cleaning up ordinances. Mitch asked on the codes and how that is coming. Kevin said they are still working on this. This would only be ordinances not their policy. If there is anything they are not sure was included get this to them.

[9:11:03 AM](#) Probation Tammy Adkins does not have anything they are staying busy.

[9:11:17 AM](#) Public Works Dave Walrath not a lot going on doing some shoulder work between snow storms. Leonard Petroleum will be over to raise the fuel tanks today. Have 800 gallons of fuel waiting to make sure they do not have any leaks. Will be able to start fueling next week. Will do a training on the new system. They will eventually have a gate. Have a revised operating plan for the daily cover at the landfill to discuss today. Other than that Solid Waste is business as usual. Is always busy during the holiday season.

[9:12:46 AM](#) Emergency Management/HR Rebecca Squires last week posted the recognition video on Facebook. This has had the most interaction from the past three years on this site. Her office currently looks like a warehouse. Ririe Schools wanted to put together emergency buckets for each classroom so she has warehoused these items until they were all here and will be getting these out to Ririe this week.

[9:13:49 AM](#) Noxious Weeds & Invasive Species Mitch Whitmill had a great time at the Christmas dinner. Outstanding attendance. Department took part in the Midnight Madness Parade. Weather was much better. Hard to start projects this time of the year. The employees they lay off will be laid off this week. Will have minimal staff until after January 2. Will have the employees using comp time that needs to be used. Will be working on a security fence after the New Year to get ready for the fuel tanks from Road & Bridge.

[9:16:38 AM](#) Treasurer Kristine Lund said they taxes have been rolling in. December 20 is on Thursday that is the deadline. Do have their seasonal help. Everything has been going pretty good had gotten a lot in on Friday.

[9:17:36 AM](#) Extension Office Lorie Dye asked when the evaluations are due. Rebecca said this is March or April. Lorie said in January they have a lot of schools are getting ready for these.

[9:18:21 AM](#) IT Garn Herrick has a handout for everyone today. This is basically a snap shot of how many infiltrations they have had in the past few months. To help counteract this they have a training program they will be implementing. Will have Spencer doing some Excel and Word training. Colleen asked if he will set this up. Garn said they will set this up will have classes with six to ten people. Will have some computers they can use or they can bring their own.

[9:21:34 AM](#) Assessor Cody Taylor this is her last department head meeting. Have Jessica here with her today as her first staff meeting. In the office they are busy doing revaluations and a lot of training. Knows that Jessica is almost at her wits end with training. Have a new employee starting today to replace someone that had to quit due to personal reasons.

[9:23:02 AM](#) Clerk Colleen Poole was asked by Marilyn to remind them to have employees use their comp time before PTO. Kristine asked if there was a cap on comp time. Colleen said the cap on comp time is forty hours. Did meet with the State Insurance Fund the premium may be going up because this is based off of wages. Will have some training for supervisors on how to fill out workman's comp reports.

[9:26:14 AM](#) Chairman Farnsworth asked if maintenance and janitorial has anything to add. Bryan said they detailed the bathrooms this weekend. Commissioner Hancock mentions for their contracts in the work scope it does include Probation on this. Thanks everyone for the dinner. Appreciates all of the help. Hopes everyone has a Merry Christmas and a Happy New Year.

PLANNING & ZONING – KEVIN HATHAWAY

• **DRAFT ORDINANCE – AREA OF IMPACT MORATORIUM WITH CITY OF RIGBY – (ACTION ITEM)**

[9:29:42 AM](#) **Planning & Zoning legal counsel Belinda Tanner is in the room**

[9:29:42 AM](#) Kevin has Belinda with him she is Paul Ziel's associate. Has the interim ordinance for the moratorium. They looked at this last time. Wants them to look these over and if they are good with this they need to get these into the paper today. Belinda said they did set this for period of one year or until the impact agreement was updated. Weston had wanted to have a specific start and stop date. Kevin said depending what they want to do with this they would schedule the public hearing on January 7, 2019. Commissioner Hancock thinks they will have a lot of builders that would be upset if they left this at one year. If they see May they may not be as upset but having one year this keeps this open ended.

Belinda said this does give them a deadline having this as May. Kevin believes they can get this done by May. Commissioner Martinez disagrees this is such a big issue and deal and they have so much they have to take into consideration. Does not want to have a dedicated time thinks a year would be fine. Knows the builders may be mad but they have a county that needs to be structured correctly for future growth. Chairman Farnsworth thinks a year may be best but putting May puts some hustle behind the city. Mitch Bradley with City of Rigby comes up this is why he had done just the three blocks. They are a little shy on their Planning & Zoning Department but will be moving forward with Dave and Kevin's help. Will push through this as hard and thorough as they can.

[9:35:49 AM](#) Commissioner Hancock does not think it should take longer than a month to put together this agreement. This is something they have out for the builders. The longer they put this out they open this up for lawsuits and criticism.

[9:36:55 AM](#) Mitch asked Kevin if they could have this done by May. Mitch said Dave Swagger wants this done before that. Kevin said some of the background work is they have gone through and identified different stages. If they go into a new subdivision they can implement these. If they have a subdivision already being developed it will be different. Chairman Farnsworth said the year will affect the City. Commissioner Hancock said a lot have already bought lots in this area. Chairman Farnsworth said if they can get this done by May then it would be fine but they only get one shot. Commissioner Hancock said the second mile they included has a ton of subdivisions in process currently. This will be the biggest issue. Not any major subdivision in the first two miles. Kevin said there are a couple proposed that are coming. Commissioner Hancock said the others they are already building. Mitch said he has been on the mile down this is a big deal. Would love to have a year but thinks they could get this done by May.

[9:39:35 AM](#) Belinda said in section two of the proposed ordinance does say if a valid permit has already been received or if something is already under construction. Commissioner Hancock said the worry would be those that have bought lots already but have not gotten the permits. They will now not be able to buy permits. Knows a lot of them were holding off until spring anyway. Chairman Farnsworth said some builders may want to hold off anyway if they do not have to put in a septic and well. Kevin said this gives the developers an opportunity to look at. This starts the work but will eliminate the problems they have had in the past. Chairman Farnsworth said they have one year or May to choose from. Asked if both of these are legal. Belinda said that is correct. Commissioner Martinez prefers the year option. Not that they would take this entire year he has confidence in those that are part of this but wants to give them the year.

[9:43:09 AM](#) Commissioner Hancock said he prefers May. Chairman Farnsworth said if they do a year they are covered. Commissioner Hancock said they will be coming to the county to see why this was put on for a year. Personally cannot see why they would need any longer than May. Want them to move forward to put the impact agreement together. Chairman Farnsworth said if they do one year the pressure would be on them because they want to shoot for a May deadline. Commissioner Hancock said the heat will be on Kevin to issue permits. It will not be on the City. Chairman Farnsworth does not want to have any hiccups to stall them out. Commissioner Hancock does not think it will be that big of a deal to do. Commissioner Martinez said then they may get done quicker. Commissioner Hancock said it seems like without a time restriction they take longer. There should not be any mistakes. Kevin thinks they can get the important parts in place. Appreciates the extra time so they do not mess up and be thorough. Will have a public hearing and may have people come in on this. Commissioner Martinez said they will not know what will happen in the public hearing. Chairman Farnsworth asked is May long enough since they are the ones that will have to do this.

[9:46:25 AM](#) Belinda said as long as the city can look at the infrastructure guideline they can get everything into place. Drafting the document does not take much time at all. Thinks in the past Ririe did a provision where in the impact agreement were allowed additional time. Chairman Farnsworth asked if utilities would be in place by May. Commissioner Hancock said this is just a document to abide by any building permits in the area. Would have to have water lines in front or sewer lines would have to be hooked into City sewer. Have requirements they are putting on the builders. This would all depend on what the city says. Chairman Farnsworth said they will want to start building in May and will not have water and sewer lines out there. Commissioner Hancock said they would know when it is available. Chairman Farnsworth said so will they put a well and sewer in until the utilities gets theirs out there. Mitch said the rules and stipulations so they build where the utilities will go. Once they have a problem with their well then they hook up to this. Cannot go and make people put all of this in and then say they can't use this anymore. Chairman Farnsworth said thought the reason was to stop the building to eliminate the septic and wells. Kevin said could incentivize this because they would have thirty acres they could build to a higher density on. Chairman Farnsworth knows this will take a lot of money but they need to start digging. Looking at the bigger communities the city has already extended the sewer and water. Takes a lot of money. The growth is coming.

[9:51:30 AM](#) Commissioner Hancock said they want the builders to put the septic systems in a specific location so they can hook up once they come in. Belinda said if nothing else this would put the builders on notice. Commissioner Hancock said then they know how they can hook up. Chairman Farnsworth said if they think they can get this done he is fine with May. Mitch thinks they can get this done by May. Commissioner Hancock said the biggest part will be getting the information. Just like Belinda said drafting the document would be the easy part.

[9:53:29 AM](#) **Motion by Commissioner to Hancock authorize issuing the ordinance for a moratorium for the Rigby Area of Impact agreement with a deadline of May 1, 2019. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – nay, Chairman Farnsworth – aye. Motion passed.**

- **DRAFT ORDINANCE – ACCESSORY APARTMENT MORATORIUM – (ACTION ITEM)**

[9:54:07 AM](#) Kevin said they were looking at moratoriums on accessory apartments. Belinda had a better idea will have her explain that. Belinda spoke with Mr. Davis in an email exchange there may be a difference in interpretation of the statute. This is specific type of permit that they would need to have a finding that there was imminent peril to public health, safety or welfare to adopt an interim moratorium. Under Idaho Code 67-6524 the interim ordinances and moratoriums. Have redrafted this as an interim ordinance. So they would not have to find danger to the public. Essentially this would be a placeholder until they re-write this ordinance on accessory apartments. This looks similar but removes the language that allows for a separate structure. Specifically states an accessory apartment has to be part of an existing structure. This will still have to have a public hearing. With an interim ordinance they still have to put the public on notice. This will be the placeholder while the revision takes place. Commissioner Hancock said this is for one year. Kevin said they would have a public hearing on this on January 7 as well. Chairman Farnsworth

said this would eliminate separate apartments being built. This would have to be attached to the house. Belinda said will have to be part of the existing structure.

[9:57:12 AM](#) Kevin said this corrects issues with potential conflicts in the ordinances.

[9:57:35 AM](#) Belinda mentions that Mr. Davis has not had an opportunity to revise this since it was just drafted this morning. Had concerns of not having findings of the imminent peril to the public. The interim ordinance does not require that. Commissioner Hancock said they will need to have Weston review this. Thinks the ordinance has to be published. Belinda said they will have to look at the publishing requirements.

[9:59:22 AM](#) **Motion by Commissioner Hancock to approve the proposed ordinance as an interim for accessory apartments pending approval from Weston. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[9:59:22 AM](#) Planning & Zoning legal counsel Belinda Tanner left the room

PUBLIC WORKS – DAVE WALRATH

- **UPDATE**

[10:00:12 AM](#) Dave said there is not a lot going on. Have some shoulder work they are doing between snow storms. Did have some drifting they went and plowed. Have put out about 6,000 gallons of salt brine. Have a storm coming in so will be putting more out it seems to be helping.

- **APPROVAL OF REVISED OPERATING PLAN AT COUNTY LINE LANDFILL – (ACTION ITEM)**

[10:01:25 AM](#) Dave has the changes made in the operating plan. Need to stay in contact with one another on the site. For bulk waste it is a thirty day interval to cover. This is so they are not wasting space in the landfill. Need to have this signed. Commissioner Hancock asked if this has to be submitted to DEQ. Dave said they have looked at this but it will actually go the Health Department. Commissioner Martinez asked if Weston has reviewed. Dave said that he has and did not have any issues other than a typo.

[10:03:41 AM](#) **Motion by Commissioner Hancock to approve the revised operating plan at County Line Landfill. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL

- **SNOW PLOW PURCHASE – (ACTION ITEM)**

[10:05:05 AM](#) Mitch said they maintain the parking lots for the county. Chairman Farnsworth asked if the Mud Lake Health Department is being taken care of. Mitch assumed the west side had taken care of this that is who has done it in the past. Is here because they sold their ATV and plow last year to Parks & Recreation. Are finding with the added parking lot it is difficult to plow this with a basic plow. Want to get a v bladed plow to pull snow out between cars. The one he is interested in purchasing is a heavier plow. The one from Iron Baltic is considerably less. One is \$3,900 from Bosch and Iron Baltic was \$1,650. These are different. The Bosch plow has a hydraulic lift motor. The Baltic is a manual still would need a winch to lift the plow. This would be adequate for what they are using this for. Chairman Farnsworth said they are looking at the Baltic.

[10:09:55 AM](#) Mitch wished he had better comparisons but there is not much out there. This will do a lot better job. Come and plow in the mornings. If it is still snowing once cars are pulling in they get the snow packed down. When they come in at night and there are cars still parked here it is hard to get their trucks in to plow. Feels this will do a much better job.

[10:14:03 AM](#) **Motion by Commissioner Martinez to approve Mitch with the Weed Department to purchase of a snow plow not to exceed \$1,650. Second by Commissioner. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

MAINTENANCE & JANITORIAL – COREY SMITH – BRYAN BRIGGS

- **SNOW REMOVAL – (ACTION ITEM)**

[10:15:15 AM](#) Chairman Farnsworth said that maintenance has been maintaining the sidewalks but not the parking lot. It was brought up that the Prosecutor wanted his parking lot plowed. Tammy said for Probation the building owner has the driveway plowed they just need to maintain the sidewalks. Chairman Farnsworth said that maintenance does not do parking lots. Does not think it is a big deal to do the sidewalks but parking lots should be up to the landlord. Corey said they have forty feet of sidewalk over at the Prosecutor's Office. Colleen said here at the courthouse have Weeds do the parking lot and maintenance does the sidewalks. Corey said that they added a hopper on the ATV to spread ice melt. Chairman Farnsworth thinks the cinders are a mess would prefer they use the ice melt. Commissioner Hancock asked Corey if this was working. Corey said they mounted a switch on the hopper to put the ice melt down. Seems to be working.

- **BUILDING SECURITY – (ACTION ITEM)**

[10:19:57 AM](#) Chairman Farnsworth said the courthouse is Bryans building to clean but the maintenance locks this. Bryan thinks this would be easier if it was his responsibility to lock once they are done cleaning. Corey said they usually come back and do a walkthrough. Chairman Farnsworth said on the meetings held here in the evening feels it would make more sense to have him open for these. Colleen clarifies on this room will have Bryan do this from now on. Corey mentions if there is an issue he can always come and do it as well. Corey said they do their walkthrough in the morning so it is fine for them to unlock this side of the building.

PLANNING & ZONING – KEVIN HATHAWAY

- **FURNITURE PURCHASE – (ACTION ITEM)**

[10:22:43 AM](#) Kevin said they are looking at furniture for the new office. Have the two work stations where Jeff and Jenny are that they will leave. Commissioner Hancock said this is GSA pricing. Kevin said this is heavy duty but they are not going for frills. Mickey and Garn have been

looking at this too. Want to standardize as much as they can. This is through Valley. Have been the best so far on prices. Wanted to have their input. Commissioner Hancock said once they decide what they are going to buy they will need to come in since this is a capital purchase. Tammy clarifies that she thought she would not have to since this was budgeted. Commissioner Hancock said if it is over \$1,000 because it is a capital purchase. Kevin thinks they usually take six weeks to get after they order these. Commissioner Hancock said there are some cabinets and desks built in. Kevin said they are looking at the offices. Also provide chairs if they are looking for the new conference room. Commissioner Hancock said they have not started looking for that yet.

- **EXECUTIVE SESSION 74-206 (A) – PERSONNEL**

[10:30:13 AM](#) Motion by Commissioner Martinez to go into executive session 74-206 (A) - Personnel. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **CITY OF RIRIE PLANNING & ZONING COMMISSION - AREA OF IMPACT – (ACTION ITEM)**

Open session 10:50

[10:50:13 AM](#) Recess

Open session 10:56

COMMISSIONERS

- **2019 HOLIDAYS – (ACTION ITEM)**

[10:56:46 AM](#) Colleen had asked around on this. Most did not have a preference. The courts like to have this the same because they cannot close for two consecutive weekdays they have to be open. Chairman Farnsworth thinks they can leave this the same for now. Commissioner Hancock said he does not care it does not affect him was just seeing what employees thought.

- **QUARTERLY REPORT**

[11:00:59 AM](#) Colleen provides them the quarterly report. Have a couple in the negative. The TORT is but will have taxes coming in on that. The Capital Improvement Fund have sat down with Commissioner Hancock will wait to see what taxes come in before they transfer. Decided to not transfer the PILT to the Capital Improvement Fund. Have \$250,000 in general capital so this will buy them some time.

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

[11:04:52 AM](#) Colleen provides some reports. Chairman Farnsworth said the whole building was supposed to be done in December. The water issue allowed them to go elsewhere. They spread themselves so thin.

[11:06:06 AM](#) Rebecca brings in the inquiry of the department heads on the holidays. Commissioner Hancock said it looks like it was almost a split decision. They decided to leave this as is.

[11:06:42 AM](#) Colleen said this is just FYI information. Asked if the heating has been fixed. Commissioner Hancock said they have the ducting moved up. Colleen provides a bill they received this morning. Commissioner Hancock said this is for \$110,000 it does not include anything in addition for heating.

[11:12:45 AM](#) Motion by Commissioner Hancock to approve application number fifteen for \$110,720.69 for D.L. Beck for the courthouse annex. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

[11:13:59 AM](#) Motion by Commissioner Hancock to approve certificates of residency for the College of Eastern Idaho for Lissette Arteaga, Shandi Bernards, Caitlin Briggs, Liliana Velasquez-Duran and Alice Samhour. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

[11:20:18 AM](#) Motion by Commissioner Martinez to approve commissioner meeting minutes from November 19, 2018 with noted change. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

CLERK – COLLEEN POOLE

- **RESOLUTION #2019-7 – DESTRUCTION OF RECORDS – (ACTION ITEM)**

[11:21:05 AM](#) Colleen said this is for Elections. Chairman Farnsworth said this is for General Election 2016, voted ballots, absentee requests, voter log and absentee reports. May 2018 total voter registration. One black damaged ballot box. Copies of old petitions. Damaged handicapped voter parking signs.

[11:21:49 AM](#) Motion by Commissioner Hancock to approve resolution #2019-7 for destruction of election records. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

SOCIAL SERVICES – JACKIE MAUPIN

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

[11:28:09 AM](#) Motion by Commissioner Hancock to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 11:42

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

[11:42:43 AM](#) Recess until 1:00

Open session 1:00

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

- **RATIFICATION OF SUBDIVISION APPLICATION – GENE SCOTT – (ACTION ITEM)**

[1:00:48 PM](#) **Planning & Zoning legal counsel Paul Ziel is in the room**

[1:00:48 PM](#) Kevin will have Jenny give the staff report. Jenny said the owner and applicant is Gene Scott. Request for a final plat application and clustering agreement. Located at approximately 4629 E 150 N. Zoning is R-5. Surrounding zoning is R-5 and R-1. Parcel size is 18.410 acres and 1.670 acres. Surrounding land use is residential home and residential subdivision. Purpose of the applicant is they want to subdivide the 20.08 acres into four lots. Two of the lots would be under five acres so they have also applied for a clustering permit. The others two one is 5.03 acres and 8.13 acres. They received the completed application on July 6, 2018. Parcel is not located in the flood plain. Parcel is not located in any impact area. Access to the four lots is being presented as two separate private roads to avoid putting in a road and cul-de-sac that would be adopted as a county road. Does not comply with section 3.3.3.5 of the subdivision ordinance. Did receive an email from Dave Walrath at Road & Bridge addressing one of the accesses. Have received one anonymous letter in opposition of this subdivision.

[1:05:40 PM](#) Commissioners review information.

[1:09:38 PM](#) **Deputy Prosecutor Weston Davis is in the room**

[1:13:02 PM](#) Chairman Farnsworth asked in the ordinance it said there is not a driveway if it connects to three streets should this be homes? Kevin said that it should. Commissioner Hancock goes over the discussion. Some of this is out of place in the packet it has Auburn Heights as well. Kevin said both hearings were the same night right after each other. Chairman Farnsworth asked the access points. Jenny shows the map with the access points. Kevin Thompson said it is 150 N which is a county road this will access lots one and four. Can see the dashed line. As far as the existing house it accesses off 185 N. Have a house that accesses off where the trees are overhanging which is asphalted. They are going to extend an easement that is recorded to access the other lot so they have two accesses on 185 N and three lots access off of 150 N. Commissioner Hancock said his major question is regarding subdivision ordinance and private roads. Have some confliction because they have private roads in a subdivision. They have certain standards that the subdivision has to be built to or can be private roads.

[1:18:17 PM](#) Kevin said this is a proposed as a four lot subdivision. The subdivision ordinance and other county ordinances are both consistent to allow three or less accesses off of a private drive while four creates a public drive. Mr. Thompson said these are being treated as two separate driveways.

[1:18:57 PM](#) Mr. Thompson said they have road permits for both accesses. Kevin said an access permit is separate. Commissioner Hancock said this does not make a difference. Mr. Thompson said they have three lots off of the access. Chairman Farnsworth said they look at this as a four lot subdivision. Mr. Thompson said this is four lots but nothing in the ordinance says they cannot have a four lot subdivision. Have a subdivision ordinance and have some additional ordinances. Ordinance #17-02 Access Management and #09-03 Road & Bridge Standards, Easement and Right-of-Way Ordinance. Have three they are trying to work within. Ordinance #09-03 section three Road & Bridge standards. Private roads are prohibited in the county unless the private road feeds three dwellings or less, there are no other requirements for private roads. Have the Access Management ordinance. Private roads are prohibited to development of more than three lots or parcels to a public right-of-way or easement except those established prior to adoption if this goes to more than three or more houses or parcels. Have in the subdivision ordinance section 3-3-3-1 talking about streets. Private streets shall be prohibited to developments of more than three lots. Private streets shall be prohibited to more than three lots. So more than three lots are prohibited to developments. The subdivision plat is to transfer title to other people. Have the definition of development any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation. This is out of Jefferson County ordinance. Shall be prohibited to developments with more than three lots. This is a subdivision plat. The development that will take place are three lots and not more than four.

[1:23:49 PM](#) Weston asked what section they are in is it the subdivision ordinance. Mr. Thompson said this is 3-3-3-1 location this goes over cul-de-sacs, streets and locations.

[1:24:30 PM](#) Weston said talking about private streets is it his contention that a subdivision is not a development. Kevin said a development is when they develop the property. A subdivision in code is the actual process they are going through right now. This piece of paper does not change the land. This transfers title from the developer to the individual. Weston disagrees on his definition of subdivision. Not understanding this argument on private streets. Private streets shall be prohibited to developments of more than three lots. Mr. Thompson said this is a subdivision of four lots. A development comes later. Weston asked if a subdivision is not a development. Mr. Thompson said a subdivision is a subdivision. The definition of development is any man-made change to improved or unimproved real estate related to buildings. Have done this and been developing since 1994 with similar subdivisions. This is next to Table Rock Estates. There is a neighbor that has an attorney coming to these meetings and has made the staff nervous. County roads are expensive to the county. Chairman Farnsworth said a private road houses three or less.

[1:28:44 PM](#) Commissioner Hancock asked if they can have private roads in a subdivision. Mr. Thompson said they have and there are a lot of subdivisions that have private roads. It does not make sense to have a county maintained road. Chairman Farnsworth asked as far as county maintaining it is not an issue but how would they tie these all into one county road. If all of these accessed the road then yes but they could bring the road in and build a cul-de-sac. This should connect all four properties. Mr. Thompson said they have irrigation they are trying to keep off the main lines. This is the last piece of farm land that the Scotts owned. His dad did the first survey out here for Gene's dad. This is the last of the farm in the area. This is surrounded by growth.

[1:30:34 PM](#) Kevin said that is why they have to do a subdivision is because they have run out of parcel splits. Mr. Ziel is here representing Planning & Zoning. This is a development under the definition. There are more than three homes being developed there. Could not allow Planning &

Zoning commission to have the private street even though legally he understands they are only accessing three homes. Still have more than three homes going into the subdivision on a private street. Will still defer to Mr. Davis who is the county attorney. Has a different view of what Mr. Thompson is reading.

[1:32:53 PM](#) Mr. Thompson said he has been doing this his whole life. Has been practicing law in surveying. The intent was to not access more than three lots. That is how the county has operated. -Weston said definition of development equals a man-made change. If they start putting shovels in the ground they have a development. Mr. Thompson said the intent is to sell the property. The plat is recorded in the courthouse to sell a piece of property. They may have to go through additional processes before they can develop. Weston what he is hearing is they should just look at the plat and not look at what the future of the land would be. Mr. Thompson said if this complies with State code and county ordinances. Could proceed with phase one and phase two and come in and present this as one road coming off 185 N and then come back with phase two coming off of 150 N. These are two separate roads. Weston understands the argument of coming back in two phases. Are they aware of anything to deviate the ordinances for convenience? Mr. Thompson said possibly a variance. Weston asked if they can look at this from a variance standpoint. Does he believe this application is properly submitted? Once they have lot two putting in a home this is a development.

[1:38:42 PM](#) Mr. Thompson said private streets shall be permitted to developments for more than three lots. This is going to be three lots. Cannot drive on the road to all four lots. These will be two private non-dedicated gravel drives that do not go to more than three lots. Have done this in the past. Will never drive on the private road to more than three homes or sheds. May be breaking this down too simple. If they have a twenty lot subdivision and have forty acre lots coming in from the north they could not subdivide the entire section. As long as they access less than four lots per road.

[1:40:20 PM](#) Commissioner Hancock said it is not the matter of access to them but if they are meeting the criteria for a subdivision. It is not about how many accesses but if they meet the subdivision code and ordinances. If he has a developer that has a forty acre parcel they are dividing into lots that whole piece has to meet the subdivision requirements. These cannot have a private road for certain homes. May not be correct even if it has happened in the past.

[1:42:04 PM](#) Mr. Thompson said when the ordinances were completed there was a committee of about six people and went through this line item. When he read through this the intent that no more than four houses access a private road. Can have three but not four. Goes back to the intent of this when it was written. Naysha had written a lot of this was here for at least twelve years. Had asked for help with a lot of this stuff. May not have gotten the intent across. Weston said he does not make the decision but they intended something different and this fits that intent. If the commissioners look at this in a vacuum that this is just a subdivision and not a development then the roads are permitted. If this is a development they have two private streets.

[1:44:57 PM](#) Mr. Thompson said if each lot is a development then they are not creating access for more than three developments. Weston said lot one, two and four is separate from lot three. Mr. Thompson said there is no way to tie the two together. Each private road provides access to not more than three developments. Weston said he understands Mr. Thompson's explanation but his recommendation to them will be to put form over substance. In his reading of private streets he does not think they can look at a subdivision without seeing the intent to develop. Allowing these two roads into this the substance the burden is alleviated by what Thompson Engineering has put in front of them. Do have one road accessing three residences. This is one of the times they may need to reconsider what the ordinance says. But the way this is set up this is one development with two roads and does not seem to be in conformance with the ordinances. Thinks they could have a viable solution by doing two plats this is more expensive and frustrating but may comply with how the ordinance has been written.

[1:47:06 PM](#) Chairman Farnsworth understands the dilemma. How can they fix this without violating the ordinance? Weston said a variance deals on a per lot basis does not believe they can get one for a subdivision. This will deal with parameters unique to a certain lot. This appears to be a unique lot. Problem is each of these are not being proposed as separate lots. If lots two and four were subdivided and lot three was proposed they are in a tough spot. Does not want to give legal advice on the land.

[1:48:22 PM](#) Mr. Thompson asked if they could conditionally approve lot two and three and come back with a final plat on these with one access off of 185 N. The intent is to get a building permit for a house for the father to live behind his father. They want to put a house in instead of a trailer. Weston asked if this takes this out of clustering. Mr. Thompson said they could adjust this to make five acres. Relooks at this all they need is lot three would hate to do a one lot subdivision but if this is what it takes. Chairman Farnsworth said they want a way to resolve this so they are able to build on this.

[1:49:53 PM](#) Kevin said the commission passed at the last Planning & Zoning meeting a three lot subdivision with a private road. If they could do three lots and access the fourth lot a different way. Commissioner Hancock said they would have two subdivisions which would fix the issues. Mr. Thompson said that is fine this is because there have been too many splits. Weston asked if lots one, two and four be consolidated. Mr. Thompson said there is remaining acreage. Have 20.08 acres. Is zoned R-5 so they can have four lots. If they could conditionally approve lot three on its own so they can get a building permit. At a later date would come in for the other lots and would access on a separate subdivision. This will still be the same thing they are doing now. Commissioner Martinez said they are trying to get this done now instead of stretching this. Mr. Thompson said they turned this in in July. Kevin asked if a variance would cover they have to subdivide this because they have too many lot splits. Could consider this not as a subdivision. Weston said they want to just approve lot three and consolidate this so it is divided into two parcels. Mr. Thompson said they want a subdivision plat on lot three and at a later time will subdivide the remainder of the farm. Weston said platting lot three establishes this.

[1:54:32 PM](#) Weston said this is all one parcel of property. Mr. Thompson said the parent parcel is 160 acres this is what is left which is twenty acres. Weston said they cannot exercise another division. Mr. Thompson said would have to have two subdivisions to get outside of the two roads being in one development. Weston asked what they are subdividing just one lot from. Need to have two lots in the subdivision or they are exercising another division right. Commissioner Hancock said if they do this then they would comply with the ordinances. Mr. Thompson said either way in the end they will have four lots. Will just have another parcel ID number and subdivision name.

[1:56:30 PM](#) Gene Scott boils down to how they read the Bible and how everyone reads this different. Have Mr. Mannford that wants to build a house next to his son. Have been jumping through hoops since March to the point where they are confused and upset. Thinks that Mr. Thompson has made a really good argument. The 2017 ordinance should supersede the rest of them. Commissioner Martinez said they have tried to make this as simple as they can to get the process complete. Mr. Thompson said they have other house cleaning ordinance to expand upon the subdivision ordinances. When they did subdivisions the intent was no more than three developments would be accessed by one private road. Trying to simplify this because it costs \$500 each time. Have to dig a test hole. Started this in March to submit the application in July. At the decision making board after spending six months trying to get here for a decision.

[1:59:13 PM](#) Weston said when looking at subdividing the definition of subdivision is a result of an act of dividing any lot, tract or parcel of land into two or more parts for the purpose of transfer of ownership or development. Will also include dedication of public street. A subdivision they cannot just subdivide one lot and subdivide it into itself. Looks like they are trying to exercise another division right. If they are looking at lot three and one two and four consolidated into one lot then they are subdividing. Does not think they can subdivide a parcel into itself without creating another parcel. Commissioner Hancock said they are dividing two parcels because the other three would become one parcel would divide the twenty acres into two parcels for lot three and the remaining parcel. Weston said that is why he was asking if they are trying to consolidate then they would have two lots. Mr. Thompson said if they did this then they would have to come back again to amend the plat. Would create one five acre parcel and one fifteen acre parcel. Would have to come back and amend this again to get three five acre lots. Is this what they need to do? Weston said he is not telling them what they can do. This may put them in the same position when they would need to amend the plat. Mr. Thompson said this is zoned R-5 and allowed building rights on R-5 that are allowed by the code. Does not know or care how they get there they are just trying to get there. The applicant should have the most rights. Should be allowed to do what is allowed within the code. Trying to figure out how to get there. This is the simplest way without doing amended plats.

[2:02:30 PM](#) Gene said in 2017 they amended the ordinance. Feels they cannot have a blanket over the county because each situation is different. Looks like in 2017 they revised this for a reason. This would probably fit this reason. Weston appreciates Mr. Scott's land rights. The way this is written does not believe this can be done. Does not believe this is the solution around the issue.

[2:05:08 PM](#) Commissioner Martinez asked if there was something similar that was passed. Kevin said this was allowed because there was only three homes. This one has four homes.

[2:05:53 PM](#) Chairman Farnsworth said pending legal advice he is not sure what they can do. Weston would encourage to take these issues into the commissioners so they can consider ordinance changes in the future. Need to know these concerns to know if the ordinances need to be improved. Gene said it seems like Kevin Hathaway commented they already passed something like this. Chairman Farnsworth said the problem is there are four lots on here. Gene said they can put three and two together and allow Paul to get a permit. Weston said this is set up by meets and bounds. May have to rework the plat if that is what they want to do.

[2:08:36 PM](#) Kevin asked if they could table this meeting so they do not have to republish. Commissioners decide to table this until January 7, 2019 at 10:00.

- **AUTUMN HEIGHTS SUBDIVISION – JIM BERNARD – (ACTION ITEM)**

[2:10:14 PM](#) Jenny goes over the staff report. Owner is J&L Holdings, LLC. Applicant is Jim Bernard and Landmark Development Properties, LLC. The request is a plat amendment. This is located in Autumn Heights Subdivision located near 11 N 3700 E in Rigby. Surrounding zoning is R-5 and R-1. Parcel size is .60 acres to 3.30 acres. Surrounding land use is agricultural, residential subdivisions and residences. Purpose of the application is the applicant is seeking to eliminate the central water system from the development. The complete application was submitted on September 6, 2018. The parcel is not located in a floodplain. The parcel is not in the City of Rigby impact area. Did receive one letter of opposition from Brian Nielsen.

[2:11:37 PM](#) Chairman Farnsworth said they are here because they want to take the water system out. Jim said it has been his experience when they put the water system in people do not like this because they are tied to this. Now the state is making them have a secondary water system as well. This complies with District 7 and the Water Resources.

[2:13:14 PM](#) Mr. Ziel comments at the Planning & Zoning Commission there were some questions. This is more of a public policy decision. Is here as a resource if they have any questions. They needed to do this based on exercised reason. When this was previously approved they considered heavily on if this should have a public water system. They are the finders of facts and need to find what is best.

[2:14:20 PM](#) Jim said the previous Planning & Zoning want him to agree to fencing other people's properties and had a provision for the neighbors to connect to community well. Have remade this list now because he does not want to be held to it because it was not right. The protective covenants was inherited to every subdivision. They followed all the rules. This is similar to the Monarch Springs subdivision. Do want to keep the park in this subdivision which is three and a half acres. The park would be flood irrigated. Chairman Farnsworth asked how many lots are in Monarch Springs. Jim said there are twenty-seven. Has met with District 7 and realizes he may have an unbuildable lot if his measurements are off. Chairman Farnsworth said it is possible that every other lot could not get a well. Jim said this meets the criteria for the water and sewer through the state. This lays out better than a lot of the subdivision he has worked out. This will work out better for disposing sewer.

[2:18:16 PM](#) Commissioner Hancock said a question and concern is the City of Rigby is trying to annex this area. Would like the developers to design this to be able to connect into City sometime in the future. Jim thinks they are still a long ways away from the area of impact. Meets all the criteria but there is nothing to say where the cut off is. County Line is a lot deeper with ground water. Have Ryan Loftus here if they have any technical questions.

[2:19:59 PM](#) Commissioner Hancock asked on quality with contamination with the Water District. Ryan said Department of Water Resources did not want to email but said that he would speak with Kevin Hathaway. Jim said they checked with them and they will allow permits. Have half acre exemption on these. Will not have to set up a sprinkler system off of the ditch.

[2:24:01 PM](#) Commissioner Hancock asked if he missed the information in the packet from the Department of Water Resources. Chairman Farnsworth said he just sees a comment from Dennis that they will be in contact with Kevin.

[2:24:43 PM](#) Ryan asked Dennis to comment. Was told that he would speak with Kevin. Other part is the State Department of Water Resources if they have a legal subdivision with a parcel that qualifies for a well they will allow a permit for domestic water with one half acre of lawn. There is nothing that would stop them from allowing this. Weston asked if Ryan could come up and state his name and address for the record. Ryan Loftus 10727 N Yellowstone Highway. This was all conveyed in the Planning & Zoning meeting. This should be in the minutes or findings of facts. Weston said they cannot add new facts since they already had a public hearing on this. Ryan said that everything he is discussing was discussed in the Planning & Zoning hearing.

[2:27:54 PM](#) Weston asked when a plat is presented to the commissioners they usually have a bunch of signatures saying it has been approved. Do they want the commissioners to sign this pending Water Resources approving this? Ryan said they are asking for permission to move forward with the process. This is just the follow up to the Planning & Zoning meeting. Otherwise it would be like having the sentencing and then have the trial. Weston said if they are proposing eighty-three lots and say they sell the ones in the cul-de-sac first then sell some sporadically throughout the subdivision then they run into lots they cannot put a well on then won't they run the risk of having a bunch of empty lots with weed patches.

[2:30:35 PM](#) Ryan said if they approve this Environmental Health will remove the sanitary restriction and subject individuals to permits. Then they have the potential to allow a permit. Say they do not allow a permit to someone that has bought a lot because there is not enough room. Weston said this would not be developed. Ryan said exactly and they would call Jim Bernard who is the developer. Jim said it is his responsibility to make sure these wells and septic are put in the correct location.

[2:32:35 PM](#) Weston said he is willing to take this on then own a bunch of lots with weed patches. Wouldn't it make more sense to get approval from Department of Water Resources? Ryan said they do not approve the plat amendment that is the county's responsibility. These lots are for single family homes. Jim said they have to approve this subdivision to create a lot for them to issue a permit for.

[2:34:38 PM](#) Weston said sanitary restrictions in Title 50 Chapter 13 have been satisfied for the community well. This is for continued sanitary satisfactions. If they approved this he would recommend it be conditional on the Health District approving this once they felt everything was met. Commissioner Hancock said Department of Water Resources does not sign anything. Jim said they have spoken and knows they can get permits from them. Jim said they increase this about half a million dollars to bring this water system up to code. It is quite the dilemma going from \$72 water charge for the residents to \$172 water charge. Even with this all of the worries are not eliminated. Weston said it looks like they have two positions. Some are saying this will have an adverse effect on the water table. Have Mr. Bernard and Mr. Lotus that do not anticipate any impact. Would recommend this conditional on Department of Health.

[2:39:16 PM](#) Jim said they would like to have good steady growth. They like the smaller lots because they are easier to maintain. Have quite a buffer on this. Weston asked on a condition. Ryan said they will not provide a community water system and will not condition this to four bedrooms. Commissioner Hancock is surprised they limited this to four bedrooms. Jim said they are planning on three to four bedroom houses.

[2:46:17 PM](#) Weston said they already approved a subdivision on certain conditions. From this standpoint they are deviating from these conditions on bedrooms and wells. Kevin said this came up during replacement systems. Jim said this takes the same amount of land.

[2:48:51 PM](#) Kevin said one condition was if they dried up the well they would have to be able to mitigate this. Mr. Ziel believes the commission disregarded that comment. Jim asked if it was legal for him to have to provide water. When he gets a water permit it will tell you where you can provide water. Feels this was a bad statement he should not be made to replace anyone's well.

[2:50:09 PM](#) Weston said they are willing to take the risk if District 7 does not approve a well and septic tank for each one of these parcels. Jim said absolutely. Chairman Farnsworth said this may be similar to Monarch Springs. Jim did a well design these are wider and narrower than Auburn Hills. Cannot guarantee this because someone might not follow the rules. When he sells the lots he will have to make sure they are aware of the location and have them sign off on it. Weston thinks maybe that should be written in here. They have some people saying this will affect the water table. Would recommend to make sure they are conditional upon District 7 Health. These are policy issues. They already have a plat they are looking to deviate from. Does not see any legal implications. Cannot look into a glass ball to see if this would really affect the water table or contaminate.

[2:54:06 PM](#) Chairman Farnsworth said they need to decide if they are willing to allow private wells instead of the system. Commissioner Hancock asked about the ordinance for subdivisions. Kevin said this subdivision is already approved and platted. The amendment would affect the water that is all they are amending. They need to look that the plat was approved for four bedrooms. Even if District 7 says it can handle six. Ryan said Jefferson County approves this part of the study. The Health Department recommendation is as long as they do not exceed six bedrooms they will not run out of room. Would be fine if they can limit this to six bedrooms. This is problematic because this was a recommendation from District 7. Thinks this should be based off of what they say. Chairman Farnsworth asked if this will change the size of the system.

[2:57:03 PM](#) Weston is looking at the proposed application. Did they have any discussion in the hearing below about changing this from four bedrooms to six bedrooms? Ryan said that is why he read this email. Kevin said the commission did not address this in the Planning & Zoning hearing. Weston thinks that this is an issue on notice to the public because that change should be reflected on what the application says. Concerned that they still have the freedom on the water issue but if they are changing something else on the plat they need to make the public aware first. This needs to be fairly presented to the public. Thinks the scope is limited by the application they may need to have another hearing on this. Had people known this was happening they may have wanted to come to the meeting? Jim said they can just look at the water system and leave this at four bedrooms for now.

[3:00:43 PM](#) Mr. Ziel said there was some discussion on the bedrooms but feels it got lost in the wash. So they are aware is backing up Mr. Davis this is signed on September 6, 2018 to eliminate central water system after going off the application. Jim said they may leave this at four and if they want to bump this to six he will come back in. Mr. Ziel said after review the notice just states eliminating the central water system.

[3:02:02 PM](#) Chairman Farnsworth said they need to look at just eliminating the central water system and go toward private wells.

[3:02:21 PM](#) Motion by Commissioner Martinez to approve Autumn Heights to change from a central water system to individual well water system for the first amended plat. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[3:05:56 PM](#) Planning & Zoning legal counsel Paul Ziel left room

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)**

[3:07:24 PM](#) Motion by Commissioner Martinez to go into executive session 74-206 (F) - Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.
Open session 3:43

PARK & RECREATION – MICKEY EAMES

- **LAKE GRANT REIMBURSEMENT – (ACTION ITEM)**

[3:43:33 PM](#) Chairman Farnsworth said they cannot extend this grant any further. They did not get the grant used up and have to reimburse the funds to the State. Have to send the funds back to the State and reapply for this grant next year. Commissioner Hancock said Arbor Tech had gotten an advanced payment on the work that has not been completed. Is now necessary to reimburse the State and get as much back from Arbor Tech on the advanced amount for the work that was not completed. Have received \$18,523.25 back in repayment. Total amount is \$22,855 owed to the State. Based on what they discussed there may be future litigations pending.

[3:46:15 PM](#) Motion by Commissioner Hancock to approve refunding \$22,855 back to the State. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[3:47:13 PM](#) Deputy Prosecutor Weston Davis left room

COMMISSIONERS

- **APPROVE CLAIMS – (ACTION ITEM)**

[3:47:31 PM](#) Chairman Farnsworth said his only question was on the shredded tire. Commissioner Hancock thinks they are getting reimbursed by ICRMP on this.

[3:48:53 PM](#) Motion by Commissioner Martinez to approve claims from 11/26/2018 to 12/14/2018 for \$733,865.79. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[3:49:47 PM](#) Motion by Commissioner Hancock to adjourn at 3:49. Second by Commissioner Martinez. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date