

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
MAY 14, 2018  
COURTROOM 4**

Meeting called to order at 9:01. Those present are Commissioner Hancock, Commissioner Martinez, Chairman Farnsworth, Prosecutor Paul Butikofer, Deputy Prosecutor Weston Davis, Treasurer Kristine Lund, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Farnsworth. Prayer offered by Commissioner Hancock.

**CHERYL HIVELY**

• **ATTORNEY GENERAL INVESTIGATION**

Cheryl thanks them for letting her come visit. Intent is not to have a knock out drag out. Wants to carry on a pleasant conversation with some questions on how this Attorney General (AG) investigation was handled on Commissioner Martinez. Has some questions. Would like to start with Mr. Butikofer first. Represented with two items. Weston interrupts that this is a commissioner meeting not an attorney meeting. Would be free to contact Mr. Butikofer privately. Not sure using a commissioner meeting as a forum to contact Mr. Butikofer is the best way or appropriate. Not sure if they want to open this meeting up for him to address issues during their meeting. Chairman Farnsworth asked if she can direct the questions to him. Weston said that it is not that he is not going to want to answer these questions. Thinks it is more of a conversation of pulling him before the commissioners to discuss. Would they do this to other elected officials? Is this how they should use taxpayer's money on how he handles his position? If she is directing questions to him she is holding him accountable in front of the commissioners. Does not want to speak for Paul but they need to be aware of the issue.

Paul said that if she has questions to the commissioners could start with that. If it is questions for how his office handles things it would be more appropriate to meet with him individually. Chairman Farnsworth said to present what she has to him today. Cheryl said more information from the previous meeting would have been helpful. Was advised she could speak to them separately. Does not appreciate the disadvantage. Can go forward and still make her point. Did speak with the Sheriff last week because he would not be here today.

In the investigation quoted from public information records stated had learned against the complaints against Fred Martinez from Jefferson County Sheriff Steve Anderson. Had contacted Mr. Butikofer in May of 2016 but did not remember the exact date. The meeting took place at his office or the Sheriff's was not sure. Mr. Butikofer did not take any notes or record this meeting. Is curious to know why no notes were taken or recorded. This was due to a concern given to Sheriff Anderson as he was leaving for a meeting to Boise. Sheriff Anderson had stated to her that per policy when a complaint or a conversation he had with Ms. Powell had to take this to the full extent. His responsibility to take this to the County Prosecutor to decide where to take this. Wants to know why there were no notes taken or a recording taken because they do not know what was said. Mr. Butikofer indicated to the investigator there was another alleged complaint against Commissioner Martinez. Was approached by Commissioner Hancock at a Commissioner meeting and shown some document in confidence. These were mileage reimbursement claims submitted by Commissioner Martinez. Mr. Hancock had told Mr. Butikofer that he was not sure why Commissioner Martinez had submitted mileage claims when they have a county vehicle. Commissioner Hancock stated that he does not submit claims for mileage reimbursement. Does that sound accurate?

Commissioner Hancock said this is fairly accurate he did not make a complaint but did make a statement. Typically as commissioners they do not charge for mileage. Cheryl asked if there are any statutes against submitting mileage. Commissioner Hancock said that there is not. Look at his comments made that comment. Did not see this as a problem. Feels this is a courtesy. Asked Fed if he could use a county vehicle and he has. Cheryl asked what documents were copied. Commissioner Hancock did not have any copies just brought this up during the claims process review during a meeting. Cheryl said that Mr. Butikofer stated he had been shown some documents by Commissioner Hancock in confidence. These were mileage reimbursement claims. Commissioner Hancock said he had shown the documents during a normal meeting. Cheryl said Mr. Butikofer stated he was shown documents in confidence. Chairman Farnsworth asked if this was after or before they approved the claims. If there is a question shouldn't they discuss this as a board if they are legitimate? Commissioner Hancock asked who authorized him to check the roads. Chairman Farnsworth asked if one commissioner needs to authorize another one. Weston said this is a claims issue and free to discuss these in executive session. Certainly these can be brought up in open meeting or brought up to the AG.

Cheryl asked if there was a motive behind this. Commissioner Hancock said no that he defended Fred. Cheryl said there is a conflict first he takes these documents to the Prosecutor and basically accuse him. Commissioner Hancock said that may be have been the way it was written up but that is not what happened. Remembers what was said. Cheryl said she has he written investigation and that is not what the investigation said. It also stated that he does not submit claims for mileage reimbursement. Which is not true because she has a copy of a mileage reimbursement. Commissioner Hancock said for typical county business he does not submit a

claim. Cheryl said in this that is not what is said. Commissioner Hancock feels she is trying to put words in his mouth. Cheryl said she is pointing out there is a discrepancy between what has been said and wants to know the truth.

Paul said that they are discussing the investigation by the Attorney General's Office. This is their interruption of the reports so this should be questioned at them on how they conducted this investigation. Cheryl feels this is an official document from the AG on the investigation and these are the words that were said. Sees a conflict between what Mr. Butikofer claims Mr. Hancock said. Also goes on to say Commissioner Hancock does not remember talking to Mr. Butikofer about the mileage claims submitted by Commissioner Martinez. Then it is said that he may have mentioned it in passing. Have had a conversation on how back and forth he is with his responses but just wants the truth.

Commissioner Hancock said he is tired of being accused of things that he did not do. In passing during a meeting showed him these documents. Did not say this was illegal or not. Cheryl said that Mr. Butikofer said that these documents had been shown in private.

Weston said if he was a Judge he would tell them to move on because they are both saying opposite things here and will not come to a consensus.

Commissioner Martinez said that for typical run around they do not turn in mileage. This had not been a typical month. This was driving out to the desert during flooding issues. If there is a county vehicle available he takes one. Finds it surprising that just a few months into a term is already being questioned. Did not come to him asking why he had turned in the mileage. Feels they should be working as a unit. Do take county vehicles when available. This was not a typical month.

Chairman Farnsworth said when they get elected into this position it does not come with a handbook. Maybe a seasoned commissioner that has been on board for a while this may be something that should be discussed with someone new. Do go to a meeting in November which is the newly elected officials meeting for ethics in county government. Try to educate them how to run an office. Do not educate on county policies as far as this is what is done in each county. This is a reason when claims like this come forward the board needs to discuss them as a board. Can discuss these and come up with a decision. Have asked that they document mileage with the date and where they have gone if they are going to turn in mileage. Also if at all possible they need to take a county vehicle. Just bought a county vehicle for the county clerk so now they have one that they can use. If one commissioner has a question on the claims this needs to be brought up to the board. The AG cannot tell them how to spend money. It is up to the commissioners. If this happens in the future and there is something they do not agree with let's bring it forward and discuss this. Have done this in the past. It is not fun to battle but it needs to be done.

Paul clarifies his role as the Prosecuting Attorney if he receives a complaint, red flag or concern from a commissioner or Sheriff's Office in this case. When looking at this before a determination is made have to make sure there is not a conflict of interest. There were multiple criminal complaints referred to him by the Sheriff's Office. Had burglary, unlawful entry, stalking and misuse of public funds. This complaint came from one of the Sheriff's Office employees. Sheriff did not investigate this because it was his employee and the commissioners set his budget. Would be inappropriate for the Sheriff's Office to do this investigation. Cheryl understands why they did not do the investigation. Paul said the Sheriff had properly reported this. If he would have covered this up or not reported this then they are not being transparent. Paul said this is the same as if Commissioner Hancock had a concern and did not bring this up then he is not being transparent. Also have a conflict of interest if he should investigate this and make a decision if criminal conduct occurred. Also have conflict because the county commissioners also set his budget. If he covers up information from the Sheriff's Office then he is not being transparent. Ethically is bound. Decision when seeing the conflict of the budget. When that happened got with the Sheriff to see who would be able to do the investigation. Made a determination to have an independent agency handle this. Once this is turned over it could be to any independent agency. Once they receive the information they are not required to do an investigation. They process it how they decide and have a number of options. Idaho Code 31-2002 investigation and actions against county elected officers duties of attorney general. Look to see if there is any base to the report or if it does not require any further investigation. Will determine this independently. Just because a complaint is made they still have the discretion to make a determination. Can issue a finding of no further action necessary. They can require some training. Can determine to continue to conduct the investigation. They concluded there was enough there to have more investigation. Cheryl said these are questions that the AG did answer.

Paul said once the determined this needs additional investigation. Then they accept the duty to be the special prosecutor. Did conclude basically in item three to conduct the investigation set forth in the provision. The AG shall have the authority to issue subpoenas, request documents and things relative to the investigation. After they conclude the investigation they can decide whether or not there was sufficient evidence to move forward. In this case they declined and did not issue official criminal charges. The procedure which is a legitimate county issue. The procedures and the reasons the Sheriff did what they did as well as the Prosecutor. If they didn't do this then he would risk potential ethical violations from the State Bar. It would not be transparent. Between the Sheriff and Prosecutor they followed the statute. Had a conflict turned this over to an independent investigator and they concluded this how they did. Not appropriate for him to second guess their decision. This is open to anyone to read. Then others can make their own opinions.

Cheryl says one of the questions the AG had asked was if the county prosecutor is required to submit to them if this was an elected official. Answer was that the prosecutor does not have to refer this to the AG. Is glad that he did not because it was a conflict. Can refer this to another county or ISP. Asked why he went the route they did. Paul said he did this because they do a good job and this would be fair. The statute specifically refers to county elected officials. The Sheriff as well as himself have the discretion and the AG office was his decision. Feels that Commissioner Martinez should be happy with their choice because they did their investigation and did not find that charges were warranted.

Commissioner Hancock said he never asked for any investigation and has defended him. Had made a statement but did not ask for an investigation. It was a comment in passing and they all have that right. Cheryl asked why he had not brought it up to Chairman Farnsworth. Commissioner Hancock said it was a comment. Went separately and had spoken with Fred. Commissioner Martinez said they did discuss that. Paul said this investigation the comment from Commissioner Hancock did not trigger the investigation. It was the alleged criminal conduct that triggered the investigation. When asking for the Sheriff's report they asked if there was anything else. Also had some information he was aware of from Commissioner Hancock. Was not sure there was anything to this but it was up to them. They had the discretion to fully investigate the mileage as well as the criminal complaints. All they did was pass the information to the AG office. They had a conflict and did not want to be making that decision.

Cheryl said a simple look at the policy on mileage. This part of the investigation could be avoided. Paul said AG decided to fully investigate. Cheryl said the cost of this investigation onto the mileage compared to the other case. Paul said they did not charge the county for the investigation. They charged for mileage, hotels and meals. The hours were not included. Commissioner Martinez asked who this is billed to. Is it the Clerk's Office? Paul said this is billed to his office paid from his budget or the District Court Fund. Commissioner Martinez asked when this was received. Paul said they received the first bill in the summer. Called in order to keep his obligation and not advertise they were doing the investigation called the AG because this was sent to Robin Dunn's Office who brought him the bill. Called to let them know they sent this to the wrong place. Requested they do not pay this until this is done so they have complete confidence in how this information might get out. Asked to pay this all at the end and they felt this was appropriate. Waited until this was over and paid for it. Colleen said this did come out of the prosecutor's budget.

Cheryl wonders why this was sent to Mr. Dunn's office who has not been the Prosecutor for a while. Finds this a serious matter. He had no reason to know. Paul is not sure if he did. Chairman Farnsworth thinks that is a good question for the AG. Asked if this letter went to him at the wrong address why their office even opened this. Paul said he did call letting them know. Cheryl said back to Commissioner Hancock in the investigation did not remember talking to him but may have mentioned something in passing. Commissioner Hancock said this was during the meeting. Cheryl said semantics are important. Commissioner Hancock said they did not sit down and look at these. This was during a commissioner meeting. Typically they do not do this. Commissioner Martinez said typically to his standards. Commissioner Hancock said other commissioners also. Chairman Farnsworth would just prefer if there are issues on the claims then as a board need to discuss this. In the past others have went silent when there were questions. If there is a question they need to hash this out before they approve them. Need to discuss this in full until they move on. Commissioner Hancock said he just showed this to him and did not ask for an investigation. Chairman Farnsworth understands but they need to discuss this before the pass the claims. Had the AG call and he wondered where this came from. Commissioner Hancock was also shocked.

Cheryl said that Commissioner Hancock had brought this up not because he thought this was wrong but because neither he nor Commissioner Farnsworth had done this before. Cheryl asked Commissioner Farnsworth if he has ever taken claim for local mileage. Cheryl said she does not expect them to do any of this work and not be reimbursed. They deserve to be paid for the things they do for the county. There is a conflict and it concerned her that the thought that he may be trying to undermine. There was such a conflict in the two statements. Commissioner Hancock said it was not. Cheryl feels this was conflict. The mileage was approved. Commissioner Hancock did not question this because it was part of policy.

Paul said the flip side in his defense if he had a concern and did not bring it up and it was a big issue they would wonder why he covered this up. The AG thought it was enough to do some investigation and clear Commissioner Martinez.

Cheryl understands feels that this opens things up. Need to have the prosecutor say this is correct. These men were elected to make decisions. Paul said if they have a concern. Cheryl asked why they have policy if they do not follow it.

Paul said that it's good to bring out concerns with full disclosure and not bury them. Chairman Farnsworth said he sees both ways but if there is something in the claims it needs discussed now. Voted against a budget with Hegstead and Raymond. Issues with this so he voted against this. Either has it out or do not agree. The reason for this if you vote and say aye then you approve these. If there are issues that are not proper and they do not agree with then they need to vote accordingly. Did approve the mileage but later it was looked at

Weston is clear that nothing the commissioners do or say would divest Paul from turning this over to the AG office. Cannot come and say because they made a decision that he is divested from his authority from turning this over for investigation. Maybe that was a consideration to see who voted for this and that could have concluded the issue for that. However much time they spent on this is what they felt was warranted. Need to pay attention for public meetings do want to have transparency. Look at a public meeting this

is a meeting which is defined to make a decision or to deliberate toward a decision on any matter. What decision are they deliberating towards? If this is defending their position. They are free and open to the public on their decisions. What issue are they advancing? If they are here to advance someone's political agenda because he thinks that is a misuse of public funds. Are they here to discuss or deliberate toward a decision? If they are talking about how they want to advance issues that is fine but is that how this is noticed. This was noticed as an Attorney General investigation. Which investigation one on Robin Dunn, Blair Olsen or Fred Martinez. Wondering why they are here. What public purpose are they advancing? If it is only to justify positions and reaffirm political positions proceeding a campaign and an election. Go rent a building and have their own forum. What decision are they making today?

Cheryl said this is her time to speak with the commissioners and ask questions that in her mind she finds conflicts with. Wanted to know why Commissioner Hancock had reason to do things they did. Wanted to know why the AG office needed to be involved.

Weston clarifies did she contact Mr. Hancock directly? Cheryl said she did not. Weston asked then why is she here having a conversation with Mr. Hancock. Cheryl said because the claims involve all three of them. Weston said if the question is on approval of Commissioner Martinez claims that is what should have been noticed. Cheryl said then someone should have called and let her know to be more specific. Do not make this difficult to come in. Weston said he is following statutes.

Chairman Farnsworth said he is not worried that the AG investigated this. Took about twenty minutes on the phone with them. If the public thinks they passed a claim they shouldn't have and they can justify this. Just wondered why it had went there. Cheryl wondered why it went there it seemed like a waste of money.

Cheryl a lot of these questions are more for the AG on why they did the things that they did. Will contact them. Did not mean to cause contention just wanted some answers. Commissioner Hancock said that he did not ask for an investigation. Cheryl said that is what his comments turn into. Hopes in the future the three of them will communicate better.

### **JILL KIENLEN**

- **AVERY ACRES – ILLEGAL SPLIT LOT #3**

Jill has Craig Jones with her who owns lots one and two. The way this was platted there were only three lots. Everyone signed off on this. Told to resurvey per Planning & Zoning to make lot two a buildable lot.

#### **Prosecutor Paul Butikofer left room at 10:01**

Went to Kevin at Planning & Zoning to see if this could be a buildable lot. It was five acres went to 4.95 because of the easement. In the minutes it changed two of the lots to 4.95 to be in compliance with the sixty foot easement on highway 48. This easement is not being used as a road. The State of Idaho is not going to issue they will not let them make a road here because it is too close. Originally they did what they were supposed to do. Then the Averys and Williams decide to illegally split lot three cut it off and make it equal. Made this lot three. Elsha McGarry owns take 5.008 acres and now this is 1.60 and now that is less. Right here Avery split this off illegally. Planning & Zoning told them not to do this but they did and got a building permit.

Chairman Farnsworth asked what they are looking for. Jill said they need a buildable lot. It is being taxed as a buildable lot. Chairman Farnsworth asked why they are not taking this to Planning & Zoning. Jill said they are not getting anywhere they try to do things and they do not get anywhere. Weston asked if they are looking for a variance or legal advice. Jill said they asking for a variance. Weston said they have the authority to hear this outside of the Planning & Zoning Commission but do have to go through publication requirements. Not sure there has been any publication on this even if they did want to bypass the Planning & Zoning Commissioner. Chairman Farnsworth said this usually goes to their Planning & Zoning board and then they give them a determination. Sees their dilemma asked if they have been to Planning & Zoning?

Jill said she has spent months trying to fix this issue. It is flagged as an illegal subdivision. Have been taxing this as a buildable lot since 2002. Should be assessed as ag if they are not going to allow a building permit. This is quite a price difference from ag to residential. Chairman Farnsworth said they can transfer this back to the Planning & Zoning meeting. Asked if this could be put on their agenda. This will allow them to make a determination and recommendation. There is not any decision for them to make. Jill said this is like spinning their wheels. Will get this on their agenda to receive a decision.

Weston said there are publication requirements so if they can get this submitted as soon as possible or they are off another month.

### **NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL**

- **HERBICIDE MARKUP VALUES**

Mitch is here to advise them in the past they offer some products for retail. For the overhead and cost they had a fifteen percent markup. Not trying to be a retailer but do retail these products. The values are much lower than competitor markets. Need to increase this to thirty percent to cover their costs. Not sure of what the process is. Chairman Farnsworth said this is not a fee increase just recouping the cost and overhead. Mitch said they put the percent on for overhead cost for storage.

Commissioner Hancock said this is a good program because a lot of these products are sold in large quantities. Would be cost prohibited to buy these. Likes the idea of making the products available in a backpack. Need to cover the administrative costs. Mitch said there are some products they do sell as pre-packaged from the distributor. Would also need to mark these up. For the same container they are far below. The cost for the storage facility and to maintain the overhead personnel.

Weston said the question is if they can do a thirty percent markup on this. Mitch said is this something they need to make a resolution on. Weston said if this is a fee then they have to go this route. Knows there is no benefit to the county to increase this. Would think they could do this administratively but would have to research this. Weston asked what this cost would cover. Mitch said this would cover their costs of purchasing, storing and handling. Weston does not have an answer but he will look into it.

**Motion by Commissioner Hancock to amend the agenda to discuss issuing a disaster declaration. Was just notified of the levee issue this weekend and this is critical. Second by Commissioner Martinez. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Rebecca said at this point have 400 linear feet of the levee that is damaged. The river has cut away about half of the width. This adjacent to the Hall Dairy between Lorenzo and Menan. Went out with Public Works Administrator this morning. The levee has not cut in further but the linear damage has increased. Right now there is an exposed wall about eight feet tall. This is susceptible and Flood District #1 has requested help. This location is not good. The farm roads that lead in will not accommodate heavy equipment. Will have to improve the roads to be able to handle the trucks. Flood Control is working on a second access. If this declaration approved will be getting help from the Army Corps of Engineers. Commissioner Martinez asked about any discussion so far. Rebecca said the Corp said they would be eligible for rehabilitation assistance. There is technical assistance to say what ought to be done, direct assistance to stop the damage being done and rehabilitation where they repair the damage. Chairman Farnsworth said last time they did this they will not touch this until it is breached. Commissioner Hancock asked how much damage will occur if the levee is breached. Commissioner Martinez said this would affect the Dairy. Rebecca said this would not go directly into the dairy. Would get their farm land and there is fifty to sixty homes in the area. Commissioner Hancock said they need to make that assessment so that the Corps and public knows. Knows the Corps is aware because they have been at action level.

Chairman Farnsworth said this declaration will allow them to go in and shore this up and prevent the flooding of the homes. Are there any reimbursements. Rebecca said if the state also declares an emergency there is a potential for a fifty percent reimbursement. If they look at this project and it is more than they can handle as a county then the state will be able to step in. Chairman Farnsworth asked how much this would cost. Dave Walrath said for anywhere from \$50,000 to \$100,000.

Mitch said this discussion has been had and that is why they made the flood district. They maintain and control operations of the levee. Thinks this falls back on the flood control district. Knows they are worried about the damage that could occur. Personally know they are challenged with dollars but this has always been an issue. Have done a lot of work in the past years. The county absorbs these costs. Would definitely sit down with the board to see what their responsibilities are.

Rebecca said this is true the county does not have jurisdictional control. The flood district notified the county on Saturday. Have been replacing culverts and built a turnaround into the existing levee. Do have heavy equipment. Between the access road and necessary work it is beyond their scope. They cannot directly request assistance this all has to be routed through the county.

Commissioner Hancock asked what are they doing they need to take the first action they have responsibilities. Also realize that once they have spent all of their funds they have no other resources and is critical. Did work together last year to save a lot of flooding. Chairman Farnsworth asked if the county will have to step in every year. Definitely all in favor doing what they need to do to save homes. Could not imagine being that homeowner and being at the mercy of the county. Want to step in and fix this but need to be some reimbursements somewhere. Rebecca said the Corps has approved some rehabilitation on the Snake River levee because of the work they did last year. There is some assistance coming. This is by far the worst damage on the levee in years. Commissioner Hancock asked if they could reimburse from this fund. Rebecca is not sure on that.

Chairman Farnsworth reads disaster declaration into the record. "Whereas, there is threat to life and property in Jefferson County, as the result of action-level conditions on the South Fork of the Snake River beginning April 6, 2018; and Whereas, high flows and changing river channels along the Snake River have caused damage to the Heise-Roberts Levee System; and Whereas, failure of the Heise-Roberts Levee System will threaten structures, roadways, infrastructures, public utilities and other lines of communications; and Whereas, a disaster emergency as defined in Section 46-1002, Idaho Code, is in existence in Jefferson County, due to the imminent threat to life and property created by flooding, and Whereas, Section 46-1011, Idaho Code, authorizes the Commissioners of Jefferson County, Idaho to declare a disaster emergency to authorize the furnishings of aid and assistance, thereunder; Now therefore be it resolved and declared by the Jefferson County, Idaho Board of Commissioners, as follows: A disaster emergency is hereby declared to exist within Jefferson County, created by flooding and anticipated flooding, causing potential threat to life and property; and these conditions require the activation of the response and recovery aspects of all applicable local disaster emergency plans; and such disaster may require State emergency assistance to supplement local efforts to protect, rehabilitate and replace public property and to

provide a coordinated multi-agency effort to mitigate, avert and lessen the threat and impact of the disaster. Adopted in the 14<sup>th</sup> day of May, 2018.”

**Motion by Commissioner Hancock to approve the disaster declaration. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Weston asked about reimbursement. This is state or federal. So in this case they are dealing with a levee district. So this is a taxable district. Who is directing the crews? Who is calling the shot on spending the dollars? Chairman Farnsworth said he understands they provide trucks and dirt to shore this up and to keep it from breaching. Weston said they are not asking the county to repair this. Chairman Farnsworth said they are assisting the flood district at this point just wanting to protect the residences in the area.

## **PUBLIC WORKS – DAVE WALRATH**

- **UPDATE**

Dave provides a picture of the levee area from an hour ago. Are working on 4100. Have a blade and several trucks. Not too far to go the access road which is on 3900. This will have to be bolstered with some pit run. Also planning to overlay 3500 E next Monday. Had a citizen come in this morning who had moved the mailbox off of 3800 and they are not getting mail because this is not flat enough. Will take out some material.

Had a call a truck driver from Dust Busters who is interested in the trailer at the landfill. May be negotiating a sale of this to someone. Weston asked if this is over the \$250 they need to publish before they put on the auction site. Dave said he could do that. Not sure when they will begin working on the railroad crossing on the Frontage Road. Will build this up and leave it gravel until they are able to come and pave. Commissioner Hancock said the state will be reimbursing for this. Dave said they are.

Dave sent an email to Miles Anderson on the property on 4100. Sent a counteroffer of higher than the appraised value. Wants to make sure he has access to state highway. Wanted to memorialize his late wife. Contacted Jaramie Magera of Hailey's Creek who will change a street name to Elizabeth. Negotiations are still ongoing.

Chairman Farnsworth asked on the railroad. Dave said they are waiting for the railroad to come in. Trying to keep the closure as efficient as possible. Dave has George out patching. Has learned with the durapatcher if they come in after with a chip seal it sucks all the oil in and they lose all of their chips. Commissioner Martinez said that George does an excellent job on this. The patching truck sat for over two months last year. Would like to have this out patching as much as possible.

Dave said that Solid Waste side same as usual. Should have the work camp out to pick up garbage sometime in the next few weeks.

Chairman Farnsworth asked if they have any objection to 500 being fixed. This is three and a half miles. Dave said this will be a lengthy job. Chairman Farnsworth said they have to start somewhere. If they go around the curve and the other section can be another year. This just keeps sinking. Dave said some grid may need to be put down. Chairman Farnsworth said that Jay had called in seeing if they were going to do anything on the road he came in on before Tuesday. Chairman Farnsworth said on 4200 up to 500 they have this at 40 mph. What if they change this back from 35 mph to 40 mph? On the stop signs does not see any point in the east west stop signs. Would not be opposed to taking these down. If they want to do a speed survey or if they just want to go and change this to 40 mph. Dave is not sure on the legal side of taking down the signs. Chairman Farnsworth said if they took them down would flag these to help notify that the cross traffic will no longer be stopping.

Commissioner Martinez asked on the seasonal help. Dave said it is being advertised right now. Commissioner Martinez asked about mag-chloride. Dave said they have taken out four loads. Dave said Kerry has put a hitch on the new pickup to haul behind the grader. Chairman Farnsworth said to keep looking at deals on pickups and get hitches on all of these. Weston said he may want to touch base with ITD on the signs. Would also leave the flags up for at least a month. Commissioner Hancock said the only good thing about the stop signs is it slows them down. Dave will get with the ITD traffic engineer. Chairman Farnsworth asked if they have hauled all of their chips. Dave said they are probably at about half of what they will get.

- **PUBLIC WORKS POLICY AMENDMENTS**

Weston said they had a proposed policy change presented by Rebecca and Dave. Had made sure this in applicable to law. Have carbon copied them into this to review but did not bring a paper copy. Sent a red line version to see what had been changed. Up to them if they think the language adequately covers the changes. Chairman Farnsworth said on 6.1 this said it is up to the discretion of the administrator or commissioners. Wants to have this say and commissioners. Just want or changed to and. Other than that everything else looked fine to him.

Dave said after this gets approved do all employees need to sign a copy of this. Weston said there is a section at the very end he would have them all sign and put a copy in their files. Chairman Farnsworth reads off duty hours and if they have been drinking alcohol. Dave said they know during snow season they are on call. Weston said they cannot tell them that but they know they can make some money. Is not sure it is their intent to adopt these changes. Basically said before that someone will not get in trouble for partying and calling in saying they are drunk. Do not want them to be drinking and showing up to work. Chairman Farnsworth does not

want to tell them they are on call but they kind of are. Dave said in the interviews they discuss that they can be called out at any time day or night. Chairman Farnsworth said they have not had any issues with this in the past. Dave said with the DOT they are up for random drug testing as it is. Weston clarifies change on 6.1 to add and instead of or. Had suggested language change on 8.1.3 talking about not being penalized but still being expected to work. Not sure if they want to adopt this proposed language. Chairman Farnsworth reads suggested language "If an employee is called in to work during off duty hours and said employee cannot report to work during these off duty hours because he/she has been drinking alcohol or is otherwise is intoxicated, the employee shall notify his/her supervisor and shall not be penalized for his/her inability to report for work during these off duty hours. The employee is still expected to report for his/her regular on duty shift in a timely fashion free from intoxication or the influence of controlled substances (unless otherwise released by a doctor's note). Employees are still required to comply with the remainder of Jefferson County's Drug Free Workplace Policy." Chairman Farnsworth likes this because then this gives them a way out if they were not planning on coming into work. Weston said on 6.1 presume the commissioners are not objecting to the language "at such other times as appointed at the discretion of the Administrator and the County Commissioners as conveyed to the Administrator, consistent with applicable law and county policy." Commissioners think that is good pending that change. Weston will make this change and get it to Rebecca.

**Motion by Commissioner Hancock to change the Public Works Policy sections 5.1, 6.1, 7.5.2.1 and 8.1.3 as so been delineated. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

#### TREASURER – KRISTINE LUND

- **MOBILE HOME ISSUES/CANCELLATIONS**

Kristine is here on some ongoing issues. The owners were Travis Exler who sold this mobile home to David Lee and David Edward Hendricks parcel #MHD09900060010. This mobile home was in Exler's Trailer Court. Sold this and moved this off of the property and got rid of it. Should not have done this. On this situation felt that perhaps they just need to look at this going away. Have a tax amount of \$145.86 with \$100 of this being the landfill fee. Chairman Farnsworth said there is no trailer. Kristine said no but every dollar is important to fight for but feels she has exhausted her efforts. The problem is when a sale takes place title work is rarely done correctly. End up running around trying to locate the mobile home. Did note on the cancellation that \$100 is the landfill fee. (Exhibit A)

**Motion by Commissioner Martinez to accept cancellation on parcel #MHD09900060010 for \$145.86. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Kristine said when they cannot find a mobile home then they can go to the owner of the property.

- **SCHEDULE TAX DEED AUCTION**

Kristine said they have a pending issue with the tax deed auction. Do not believe she has ever brought this. Will bring these to the commissioners. Have one property for Pat Burns. This is for 2014 taxes which is before she got approved for the circuit breaker. Does not have any means to make payments. A sister called trying to avoid this going to a hearing. This is a commissioner decision. The interest itself is around \$200. This does not include the late charges or taxes. The 2014 taxes would be paid for by her sister. Commissioner Hancock asked how much she owes. Kristine said this is around \$500. Taxes after 2014 are doable because of the exemption she has qualified for.

Chairman Farnsworth said that this is around \$500 for 2014 and around \$200 is interest. Kristine can prepare a full cancellation if this is something they want to move on. Commissioner Hancock asked Kristine is she verified the sister will pay the balance. Kristine said they are trying to help so she does not lose her home. There are hardship applications that can be used but these need to be brought in before they become delinquent. This is a solution for the balances of 2014 if they choose to do this. Felt like this was going to a tax deed hearing did order a litigation report and that is \$225. This is something that she cannot waive this but they may be able to cancel this charge as commissioners. It is her charge but does not feel she has the authority to waive this. Commissioner Hancock said they do not want to kick older individuals out of their homes.

Kristine asked if they took off the interest if this would help to be able to get the balance current. Commissioner Hancock said they would need a parcel number. Kristine said the hardship needs to be applied before they become delinquent. Parcel #RPA0005009002G for \$193.31 of interest. (Exhibit B)

**Motion by Chairman Farnsworth to cancel the interest on parcel #RPA0005009002G for \$193.31 contingent on these 2014 taxes being paid. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Have two properties that have not been redeemed have Kelly Jackson and Dennis Anderson. Have sent more notifications saying they will be setting an auction. Went with Barbara Poole to see if the Anderson property was vacant. Did speak with Dennis and let him know that the time has come. Also spoke with family members. Does not feel there is ability to pay this. The other property is for

Kelly Jackson talks to her frequently. Trying to do the best she can but is running short. Have a Ryan Marlow that purchases homes who is interested in the Jackson property. Have worked closely with the title company to have a simultaneous recording. Need to set a date for auction. Discuss dates have to have this scheduled within fourteen months of May 22, 2017 and the Clerk will need time to publish this. Kristine said they are not in the business of taking homes. Since these have gone to a tax deed auction they have to pay current these are 2013 to 2018. Commissioners will schedule this for June 18 at 9:00.

### **PARK & RECREATION – MICKEY EAMES**

- **WATER BOARD VENDOR**

Mickey would like to get with them on what they want do with the paddleboards. Wanted to understand what they decided on the five percent. Chairman Farnsworth said he read through the email. The money is going into Park & Recreation not into the budget. Mickey said if this does not work out they can re-negotiate this. Chairman Farnsworth believes this will be good. Weston encourages them to still do this on an annual basis. Mickey said even the fireworks contracts are yearly. Commissioner Hancock said they had already done a motion pending Weston's review.

- **FIREWORKS/SPONSORSHIP**

Mickey said that Jason James has been doing promoting for the lake. This will be more than one thing. Working on the fireworks currently. Will have different things out there to bring in more people into the lake. Right now Tadd Jenkins wants to match the funds on the fireworks. Do want to have this called Tadd Jenkins Chevrolet Celebration brought to you by Jefferson County Lake or something similar. Mickey said her funds are \$10,000. They would like this to be twenty minutes and this would really add to the fireworks.

Jason said they are generous in doing this. Thought something like this would happen in the future but not so soon. They have buying power with the radio. Massive amount of radio will come into play. Have all of the people in attendance. Will hand out flyers to invite them back to the next events. They do not want to do is take over. Still wants the rest of the community to be mentioned in this as well. Mickey said they will have flyers that will list other sponsors that will also be handed out because radio is not something they have ever done before. Jason said everyone coming in will receive a flyer with the sponsors and the upcoming events that will be held. Mickey wanted to get their thoughts. Jason thinks this is incredible opportunity. Chairman Farnsworth said if they can double their fireworks display. Mickey said a concern is having two exits this is something they need to look at seriously. Commissioner Martinez said the traffic has always been an issue. Chairman Farnsworth said worst case they can park and walk into the lake.

Jason said he has chased down a lot of things. While doing an event only way to make everyone happy is to make everyone happy. Looked at areas for parking. Mickey was speaking with Atlantis the firework people and the biggest they can put is six inches. Have Highway 20 that is the issue. There are some things to discuss in the future. The other exit is a big deal. Mickey said that they like their name on the front and if it is worth \$10,000. Jason said it will bring a lot of people to the lake.

Weston said this talks about a \$40,000 advertising budget. Mickey said that is all them. Jason said they spoke with Tadd Jenkins because they have a lot more pull. Chairman Farnsworth said the radio advertising is all him. Mickey said they are getting \$10,000 match funds. Unless this will not get them twenty minutes then they will add any cost to get this twenty minute display. Chairman Farnsworth said will do at least \$10,000 and this is only nineteen minutes they would pay additional to make this twenty minutes. Mickey said he has done fireworks in the past and they would cover the additional cost. Weston asked about insurance. Mickey said Atlantis covers the insurance. Weston asked if they would try and push any liability off on Tadd Jenkins. Mickey has already spoken with Atlantis on what they can add. Chairman Farnsworth said he is not concerned about Tadd Jenkins name being attached if it will help attract more individuals at the lake. Mickey said they are trying to get additional ones.

Weston said this is brought to you by Jefferson County and the following sponsors. Mickey said these are the others that have helped. Advertising on the radio has a minimum amount of donation to be included but the flyers will include everything. Chairman Farnsworth said the more they contribute the more their name will get put out. As long as everyone that contributes is on the flyer. Parking will always be an issue. Do they need a motion to approve this? Weston said they do not have a contract. Mickey said this is the proposal. Will bring back a contract for them to sign.

Weston clarifies on a motion on Road & Bridge policy. Realized an email that was forwarded they also updated the organizational chart. Not sure they reviewed the entire policy. Before they sign this they should review the organizational revision that was included. Chairman Farnsworth asked if they made any changes to this. Weston said that they did and just picked up on the fact this may not have been in there. Chairman Farnsworth said they may want to review this completely.



**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)**

**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.**

**Open session 12:44**

**Deputy Prosecutor Weston Davis leaves room at 12:44**

**COMMISSIONERS**

- **JANITORIAL/SECURITY ISSUES**

Bryan Briggs is present for discussion. Chairman Farnsworth said they have a letter that they need to review. Had some concerns brought to their attention from the Sheriff's Office. These are issues that they see could be potential liability. Have some items of concern as far as maintenance issues. Commissioner Martinez said his request is to terminate the contract and make this more serious. Have had some other issues that have been a clear safety concern. Commissioner Hancock is not ready to terminate the contract. Believes these issues can be addressed. If they let Bryan know what need to be done he will do it. Should not have children here when they are cleaning. Commissioner Martinez brings up past items such as screws and razor blades. Bryan said he could give everyone a recount of events that have happened. Commissioner Martinez said this still runs the risk of losing the state contract.

Chairman Farnsworth said they need to approve the letter that addresses Bryan. There has not been a complaint. There are concerns and he needs to be aware of these so there are not problems in the future. Bryan said they had hired Jordan and she brought her daughter. Right now she is not coming. Commissioner Hancock said the Sheriff was concerned about having kids run around these areas. Chairman Farnsworth said there are a lot of hazardous things there. Bryan said they do not look at anything. As far as the kids they are not going into the offices. At this point they will no longer bring them in.

**Motion by Commissioner Hancock to approve the letter to Bryan Briggs addressing their concerns on cleaning issues at the courthouse. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Commissioner Hancock said they have window washings and look at the casings for dust. Chairman Farnsworth said they explained the water issues. Spoke to Arbor Tech and the parts should be here and put this back together to be able to start watering the lawn. Commissioner Hancock said they have the root suckers that need cut and have the birds nest at the jail. Chairman Farnsworth said they will begin to do a building inspection along with a jail inspection to make him aware of any issues. Bryan said sometimes he will get a paper in his box but not very often. Chairman Farnsworth said they need to keep the jail contract. Bryan said he understands. Commissioner Hancock said twice a year windows need to be done. Bryan said carpets come out of his expense do the windows as well. Commissioner Hancock believes it does. Also suggests he could put together a checklist so they know when something has been done.

- **NEW BUILDING UPDATE**

Commissioner Hancock said that they are moving along. Bryan said they will be putting in the second floor this week.

- **SIGN CERTIFICATES OF RESIDENCY**

**Motion by Commissioner Hancock to approve certificate of residency for the College of Western Idaho for Briley Wight. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **APPROVE COMMISSIONER MEETING MINUTES**

**Motion by Commissioner Martinez to approve commissioner meeting minutes from April 23, 2018. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

Recess to review claims

**Open session 1:33**

- **APPROVE CLAIMS**

**Motion by Commissioner Hancock to approve claims from 4/23/2018 to 5/11/2018 for \$943,441.01. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

**Motion by Commissioner Martinez to adjourn at 1:35. Second by Chairman Farnsworth. All in favor – aye. Motion passed.**

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*Chairman of the Board*

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*Date*

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*Clerk of the Board*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*County Clerk*

\_\_\_\_\_  
*Date*