

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
MAY 7, 2018**

Meeting called to order at 9:00. Those present are Commissioner Hancock, Commissioner Martinez, Chairman Farnsworth, Deputy Prosecutor Weston Davis, HR/Emergency Management Rebecca Squires, Public Works Dave Walrath, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Martinez. Prayer offered by Weston Davis.

INSURANCE – CARLOS APONTE

• **REPORTS**

[9:00:46 AM](#) Carlos provides quarterly reports. Also added the end of year for the aggregate. This is all the claims paid by the county. Not the individual stop loss on each person. Last year ended at ninety-two percent loss ratio which was higher than prior year at seventy. They had more claims than the previous year. So far year to date are at ninety-nine percent. Historically the first quarter the aggregate goes up because they have run out from the prior year. The second and third quarter start to dip back down. Any claims from the end of December will show up on the first quarter.

[9:04:13 AM](#) A graph shows the trend line is going up some. This is an amazing graph when thinking of the ten year trend line. This is one of the best trend line in all the groups he has. Better than any standard fully insured group.

[9:05:05 AM](#) RX was a little flatter than it is right now. Summarize the monthly fees based on census. This is 2017 and 2018. Goes up and down because of the amount of individuals on and off the plan. Have a summary of claims from Blue Cross from 2017 notice this is paid by excess loss. These are the claims that are paid by the stop loss. Any claims that individuals had over the stop loss of \$60,000 then they pick this up and pay it. They paid \$118,000. Commissioner Hancock said didn't they pay over \$200,000 in premiums. Carlos said on the spec they are running well. The aggregate is what is higher than normal. Specific has not had any losses that has exceeded what they paid in premium.

[9:07:18 AM](#) The first quarter have paid \$14,000. Can tell the aggregate is high because in the left column they had \$162,000 in January drug claims were \$23,000 for a total of \$185,000 but stop loss only paid 14,000. So only one person went over the stop loss. Like to see the specific in the black and have more people incur claims than have one go over with a large amount. Shows the large claim reports through end of 2017. Paid in large claims over \$10,000 paid a total of \$589,000. So with the total charges they are still getting a significant discount. Some of these large claim individuals have termed. Carlos said on three to six month expenses they get case manager reports. These are for ongoing conditions. Would rather see the rotator cuff being repaired than cancer because they get this fixed and are done and do not continue to incur claims.

[9:11:29 AM](#) Have the first quarter report for 2018. In total claims are down from prior year. Last year were at \$297 vs \$202. Per member per month is \$348 vs \$229. Per employee per month is \$526 vs \$829. To give them some perspective the State of Idaho right now is \$781 per employee per month with similar benefits. Below that right now. Prescription costs are higher at \$59,000 vs \$29,000. Overall at \$262 vs \$327.

[9:12:50 AM](#) Rest is demographic information with ages. Breaks this down. They have an experienced and seasoned group. Have less females than males on average. Average count is 128 last year was around 119. Breaks down the contractual agreements. Shows a visual of when the claims are billed and what is paid. Shows the adjustment totals.

[9:14:58 AM](#) Facility in-patient had decreased seventy-five percent. This goes up and down. In-patient is any hospitalization at EIRMC or Mountain View where they stay overnight. The other is out-patient this decreased by two percent. Mountain View being the higher out-patient provider. Talked about this before during renewal time doing trainings. Had employers who have allowed them to come in and do education. Out-patient is less expensive than in-patient. More of these procedures can be done out-patient. Not all of these can be done this way but it is good to keep this in their mind. A lot of the time the doctors do not know the savings.

[9:20:15 AM](#) There are times they recommend doing the procedure or surgery at a hospital if they have a history of illness. Still thinks the employee needs to be the one that drives this. When they have management training this would be good to bring up.

[9:21:30 AM](#) Last pages are prescription costs. All he is going to throw out they do have some brand name prescriptions that could go to generic. Will have more detail later on these costs. So far this year the costs are higher on prescriptions than in 2017. Seen that the generics are getting filled more but the brand names are still higher due to their costs. Also have mail order available over retail. This is not highly utilized. This would be for maintenance prescriptions. Opportunity for savings for both and this gets shipped directly to their home.

[9:24:30 AM](#) Have a report from Teladoc. This is from December 2017. Savings off of the reasons someone called in is \$25,850. This could be savings from individuals calling in and not going to the ER. Weston said he used this back in February and waited four hours. Tried it again and they had a three hour wait is this typical? Carlos said that the consult may be done through the app but he would call in to schedule a time for the consult. Longest he has waited is an hour and a half. Carlos said he recommends calling in. This allows them to schedule a time for the consult. Commissioner Hancock said he did have a thirty-five minute wait when he had called on the phone. Carlos said the app is if they have more of a question and do not want to see someone right away.

[9:31:47 AM](#) Commissioner Hancock said they are saving \$25,000. Only paying \$12,000 for the service. Carlos said they are \$517 they inflate this because of when and where they would go. Hard to verify that on their end.

• **NEW HIRE INSURANCE PREMIUMS**

[9:33:33 AM](#) Carlos is asking for a decision on the new hire premiums. Colleen said that she spoke with Matt. Could allow them to do the lower premium and also add sixty days to be tested. Commissioner Hancock said they can stick everyone on the low premium. Carlos said he also visited with Matt. Only then the comment if people really need to get on the insurance. If it was him would be comfortable going sixty days. Knows this is still a good benefit. Allow more time to complete the wellness. Chairman Farnsworth said they put them on the low and give them sixty days. Carlos said keep the thirty days but allow sixty days to get the test done. If they do not get this done within sixty day then it would go up. Commissioner Martinez asked on Marilyn's input. Carlos said to keep this the same or move this to sixty days. If they really want to not switch payroll

twice but want individuals to get a lower premium then they would have to change this to the first of the month following sixty days. If they are on the low and the rate will go up to this a lot of them will get this done so they are not changing payroll twice. Colleen asked if this would affect Matt. Carlos said it would not but Marilyn would need to keep track of this. Commissioner Hancock said that they can start them on the low at thirty days and will allow them sixty days to get tested and have the online assessment done.

[9:39:35 AM](#) **Motion by Commissioner Hancock to start people on the low rate and will have sixty days to get tested. Will still offer this at thirty days. Would go to Express Labs will also do the SOAR wellness. Second by Commissioner Martinez. Start them on the low have to have the test and assessment done within sixty day. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

PUBLIC WORKS – DAVE WALRATH

• UPDATE

[9:42:22 AM](#) Dave said he had been at the NACE conference. For Solid Waste Monday they had a big rain storm which made it slick on Peterson Hill in Bonneville County so they had another 540 ton day. This is a big day for Circular Butte. Will advertise this week for a mechanic and a seasonal position. This is the second season they have done a seasonal. Will also have two seasonal positions for Road & Bridge. Commissioner Hancock asked what they do at the landfill. Dave said they will pick garbage and take care of the grass and trees. Seems to be a constant trend of how busy it has been. Once they get a transfer station hopefully this will get taken care of. On the Road & Bridge side today they are patching on the culverts they replaced on 3500. Plan to overlay on May 21st on 3500. Met with the School District and ITD for the intersection on Highway 48. Will put that turn lane in and reconfigure this. ITD representative had no issues with their plan. Will have to grind off the thermal arrows. Measured this last Thursday looks like the signal heads will line up.

[9:47:03 AM](#) On 3800 not planning on doing much here until after school is out. This includes the excavation on the east side of the road. Will widen out about eight feet. The facility man at the school will have to move some fencing to accommodate the turn lane. Had a few canal bridge issues one was on 4700 E. Alerted to the problem on Wednesday by Commissioner Hancock. Will require some more work. Commissioner Hancock said he will ask the canal company to help pay for this. Dave said the other issue was the Burgess Canal on 4100 E. Did also cause some scour. Getting the piles out should help these issues. Planning to work on 4100 E from 630 N to 700 N. Got notices to go out to them. Will begin gutter work and will pave late this month early next month. Commissioner Martinez noticed on 3800 the grass clippings have a large strip. With these grass clipping they were not able to put any fill in. Dave said they do see quite a bit of this in the gutter. Sometimes people burn tree limbs as well. Obviously the grass clippings just sit there. Commissioner Martinez asked if they are going to clean this up to help widen the road. Chairman Farnsworth said once they get a compliance officer it will help with these situations. Commissioner Martinez brings this up because they had equipment there and this area was left. Dave said is not sure the exact spot he is talking about but they are not done on 3800. Commissioner Hancock said they have moved a lot of the mailboxes. Dave appreciates the Scouts delivering the notices.

[9:55:26 AM](#) Chairman Farnsworth said Jerry had said they were not going to do the road by the Buttes on Madison County line. Dave said this is down on the list but still on the list. Chairman Farnsworth asked on Basset because the state was going to help. Would like to see 500 put on the list between 4250 and 4300 there is a nasty dip. Dave is worried this may require a total rebuild. Have bad base and is not sure an overlay would work. Chairman Farnsworth said this needs to be dug up. Commissioner Hancock said they would need new pit run. Dave said possibly grid.

[9:57:48 AM](#) Commissioner Martinez said he had some questions on 500 and 800 and when the chip seal will be done so he can let the residents know. Dave said this will be later in the summer. A chip seal is best done during the hotter part of the summer. Thinks the first or second week in July.

• PUBLIC WORKS POLICY/ROAD & BRIDGE HOURS

[9:59:13 AM](#) Chairman Farnsworth asked if the hours for the mechanics have been changed. Dave said he was waiting for the policy to be changed. Also asked if they can start these new hours after Memorial Day. Chairman Farnsworth asked where this policy came from. Dave said this was adopted April 25, 2011. Rebecca said there was a motion in 2011 for the adoption of the policy. Chairman Farnsworth said they want to change the hours. Can they just take this out of the policy? Does not believe they should have a policy that is stringent on the hours. Need to be able to change these as they need. Commissioner Hancock said they could clarify that these hours are not set in stone and are able to change these. Would allow the administrator to change these as needed. Commissioner Martinez asked if hours are in the county policy.

[10:03:07 AM](#) **Prosecutor Paul Butikofer is in the room**

[10:03:17 AM](#) Commissioner Hancock said that they all have different hours. Chairman Farnsworth wants this changed. Could delete this section in the policy or they can change this to be 8:00 to 5:00. Do not have time now to have breakdowns the crew is going to be busy. Dave said it will help to get a mechanic hired out at the landfill.

[10:05:01 AM](#) Weston said they can change this whatever they want. Have forty hour week. It is a wise idea to have a work schedule to hold employees too. If they want some latitude unless directed by Public Works Administrator or Commissioners then the schedule would be as follows. This would give them the ability to change these hours as they need. Do other county departments have these policies and if not why do they have this one? Commissioner Hancock asked the Sheriff if he has one. Sheriff Anderson does. Rebecca believes that the larger departments have these. Weston said looking at commissioners forty years down the road and anticipate that the mechanics will work the following days. Dave mentions also the office. Weston said this would provide written communication saying the hours that will now be as followed. Needs written down as follows.

[10:08:58 AM](#) Chairman Farnsworth wants Dave to bring in the hours he wants them to work and rewrite section 6.1. Weston said he can help with the wording. Dave would like some flexibility. Weston said to send this to Rebecca to make sure they are not violating any laws. If they get this to him by Wednesday they can get it on the agenda for the next week.

PUBLIC WORKS – DAVE WALRATH – NOXIOUS WEEDS & INVASIVE SPECIES MITCH WHITMILL• **COORDINATING SCHEDULES**

[10:10:16 AM](#) Commissioner Martinez said he and Mitch took a drive looking at borrow pits there was a concern on the new grass that is planting. Knowing the schedule so they can get this handled faster. Mitch said they will put a finer material on top. When they are rehabbing these areas they need something more to establish. Dave said this will be similar to 100 N.

[10:11:56 AM](#) Mitch said he has spoken with Dave and knows where they will be paving so they can get the sterilizing done before they go out and do their work. Dave said it is nice to kill this stuff on the edges. Also talked about mowing. Obviously would be nice to get out early. Mitch said they usually hold off until this goes to full set seed.

[10:13:46 AM](#) Commissioner Martinez said they need to get the intersections mowed down. Mitch has a mower they use for the re-vegetation. If they have an issue they can send the mower out. Will try and keep in better contact to know where they are working at.

JAY CLARK• **ROADS**

[10:15:58 AM](#) Jay Clark has provided a petition (**Exhibit A**) to change some things on the roads. There are two items filled that page up with signatures can get more if they need more. Came in alone because most of these people work full-time. This is regarding the speed limit on 400 N between 3800 E and 3900 E. Changed this to 35 mph around the first of the year. This is a nuisance trying to go that slow they feel that even 45 would be better. The east of this is 35 mph within City limits. Would like this speed changed back. Also the stop signs on 100 N and 3800 E by the new stake center. Majority of the travel is north to south. They have a steady stream north to south from the high school. Very little traffic east to west. These are the two requests they have.

[10:19:09 AM](#) Commissioner Hancock said they had several people come in on 400 to requested to move this down to 35 mph. Jay asked if there was a petition. Commissioner Hancock said no the Georges and Bryson's had come in. Jay said that all roads are bad in the winter time. Jay said there is a big space on the south side of the road they can walk. There is plenty of room on the south side. Commissioner Hancock said there was concern that there was a lot of homes. Knows that Paul lives on this road. Paul looks at petition and there are four that live on 400 N that want it changed back. Personally he is one of them that likes this how it is. Knows that his parents also like this. There are twenty-six access points on this road. Have had several accidents by his home and others. Jay said only one serious accident out there. Anyone can go too fast and have a bad accident. There is only one bus stop on the west end it was he was told by the School District. Paul said most of these individuals drive at least five miles over what is posted. Chairman Farnsworth asked why they made this a four way it used to be a through. Dave thinks it makes sense to make this a through. The amount of traffic on 3800 warrants a two way stop. Chairman Farnsworth asked the speed on that road. Commissioner Hancock said this is 45 mph for the first mile and then to 35 mph to the High School. Jay said it is 45 mph out to County Line. If they could take a look at this they would appreciate that. Can get more signatures if they need more.

[10:25:20 AM](#) Dave said his recommendation is he can do a speed study. Were able to lower this without a speed study due to the residences. Gives some flexibility. Generally speaking these are set by what eighty-five percent of the vehicles are driving. Jay asked that they raise this some to help satisfy some of them. Dave said they can put out the hoses. Paul asked if this will tell how many vehicles. Dave said this counts vehicles and what their speed is. Can look at the residential area with children and pets. Chairman Farnsworth said they looked at this with all of the residences. Paul said they use 400 to go to the schools.

CHERYL HIVELY - SHERIFF – STEVE ANDERSON – PROSECUTOR – PAUL BUTIKOFER• **EXECUTIVE SESSION 74-206 (B) – PERSONNEL**

[10:28:00 AM](#) Weston asked who is calling this executive session. Understand Cheryl Hively is a member of the public. Excludes this unless the commissioners are hearing complaints on personnel. Need to be clear can always feel free to report if there are issues to report. Or if they do not think the department head will be responsive they can come and report this. The statute said they can only hear complaints. Cannot go into executive to answer questions. If there is a request to hear a complaint that is to protect the county from future liability. From that standpoint the members of the public can report a complaint but commissioners are not to comment or answer any questions. Not a lot of statutory authority or case law for this particular situation. If members of the public want to schedule an executive session this is something they need to thing of. Cannot have secret meetings with some of the public and not inform others. Cheryl said open session would be fine. Weston said then this was not properly noticed if they pull off the executive session. People need to know what is being discussed. Cheryl said she is here to discuss the Attorney General investigation into Fred Martinez. Weston said if this had been noticed as going into an executive session now if this is something different than this needs to be in open session. Cannot say they can't have the discussion but does not believe this is properly noticed for today. Would encourage that they set this up for the next commissioner meeting so that the public has an understanding of what this discussion is.

[10:32:55 AM](#) Cheryl said that in reading through the codes that Audrey provided thought this was the best place to put this because some of the discussion may be intense. The questions that she has and the answers that she is hoping to receive. Hoping to be considerate to those that they are asking questions too. Weston said if they are not hearing complaints and are responding to complaints then this needs to be in open session. The other avenue would be reaching out to the commissioners individually. If there are individual issues she can contact them individually and they can give her their feedback.

[10:35:35 AM](#) Cheryl would like to have both the Prosecutor and Sheriff present during this discussion. Weston said if the question is if the investigation should have been done by the Prosecutor Office and not the Attorney General. Could also contact Paul or the Attorney General's office. Want to make sure she is getting the information that she wants.

[10:37:20 AM](#) Cheryl said that she will reschedule this for the next meeting.

[10:38:01 AM](#) Recess until 11:00

Open session 11:00

GIS – SHERRY LUFKIN• **CONFERENCE**

[11:00:44 AM](#) Sherry said the GIS department pays a yearly maintenance fee for the software. This includes updates and technical support. With this they get two complimentary seats to a conference in California. In the past have not taken advantage of this. For this year decided she wants to take advantage of this. The \$1,500 fee will be waived but there will be a flight from Salt Lake and hotel cost. The folks from Madison County and City of Rexburg are going so will travel with them. There is money in the GIS budget to cover all of expenses. Look at this as a way to collaborate with peers throughout the United States. Commissioner Martinez asked if they just hired someone or are hiring. Cody said in the Assessor's Office have Kaye Field who is retiring she is the deed processor. Sherry wanted to inform them believes this will be a good opportunity.

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

[11:04:47 AM](#) Motion by Commissioner Martinez to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 11:17

[11:17:43 AM](#) Motion by Commissioner Hancock to deny case #2018-15 for the lack of cooperation and possible ability to pay, approve case #2018-19, deny case #2018-17 due to non-resident and deny case #2018-21 because the individual has medical insurance. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[11:19:14 AM](#) Recess until 1:00

Open session 1:00

PARK & RECREATION – MICKEY EAMES• **PUBLIC HEARING – ORDINANCE**

[1:00:47 PM](#) Mickey provides copies of the ordinance. Chairman Farnsworth opens the public hearing. Mickey said this is to add ordinances at the lake. This came about from a gentleman that had requested they had a leash ordinance. Have had an issue with someone who had an electronic leash on their dog. They need to have a physical leash that can be seen. The title and purpose of the ordinance is to set down ground rules for the lake. Weston has reviewed this. Have set up a guideline of five consecutive days allowed. Trying to get rid of vagrancy over at the Mike Walker Boat Dock. Will give people notice with a sign. It is \$5 a night out there a night on the honor system. Have deputies that drive through this area to help monitor the issues.

[1:05:52 PM](#) Mickey said that the big thing at the lake will be the tow away zone. Will call the Sheriff's office and they will call a tow company at the person's expense. The off leash law will give one warning. Will then have fines starting on the second offense is \$25, third offense is \$50 and fourth offense is \$100. Chairman Farnsworth said the major changes are the off leash law, towing and the Mike Walker. Weston said there is also clarification for alcohol use. Weston said this is the first thing he has heard of an electronic leash. Mickey said this is like a training collar. Weston said they do not get shocked if they go more than ten feet. Mickey said this is something the gentleman controls.

[1:08:41 PM](#) Chairman Farnsworth asked for any public in favor, neutral or against. Do not have anyone present. Chairman Farnsworth closes the public hearing portion and will move to deliberations.

[1:09:08 PM](#) Chairman Farnsworth asked if they see anything that they have issues with. The main points of concern were the dogs off leash, parking and alcohol and these have been addressed. The punishments for violations are added into the ordinance.

[1:09:59 PM](#) Motion by Commissioner Martinez to approve the ordinance for Jefferson County Lake Title 1 Chapter 2. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

• **RESOLUTION # 2018-17 – SALE OF ITEMS – PUBLIC SURPLUS AUCTION**

[1:10:32 PM](#) Mickey has a resolution to sell the two front tires on the backhoe. Mitch with Noxious Weeds said they might as well sell them. Gave measurements of the tires. Commissioner Hancock asked if they are bidding on the back tires. Mickey said they are and she is excited about that.

[1:12:26 PM](#) Motion by Commissioner Hancock to approve resolution #2018-17 for sale of front tires off of a John Deere backhoe at public surplus auction. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

• **CAMPGROUND HOST CONTRACT**

[1:13:01 PM](#) Mickey said she has Lorna Scott out as the campground host this season. Only change to the contract is she added \$25 for cleaning the front bathrooms. Do have some cash flow coming in now and is working with Colleen. Chairman Farnsworth said this is up from \$250 to \$275 every two weeks. Colleen asked if she had the budget to cover this. Mickey said that there is enough in campground host line.

[1:14:23 PM](#) Motion by Commissioner Martinez to approve the campground host contract for Jefferson County Lake for \$550 a month. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **VENDOR PROPOSALS**

[1:15:06 PM](#) Mickey has two proposals to present. Had one they already signed for the paddleboards. These individuals will not be able to make it. Had given her a name to reach out to but had received a call from Cristian. Cristian does this professionally will allow them to speak with him. Would get five percent of what they make every day instead of a flat rate. Have a lot of different things they can bring out. Great insurance with two million in liability insurance. Her recommendation is to accept this proposal and contract.

[1:17:31 PM](#) Cristian thanks them for the opportunity thanks Mickey for being able to meet and work on this. Have set a great standard out at the lake. A little about him his background is in urban planning. Worked in county government was the county administrator for Summit County in Park City, Utah. Worked on the Olympics. After the Olympics had a large contingent of people that loved what they had done. Also did some economic development. Had roots in northern California in marina development. Dad had been the marina harbor master in the east San Francisco Bay. Had the opportunity to work with the Palisades Ranger Districts to work on facilities. Now live in Idaho Falls. Feel this would be a great opportunity to have the boards at the lake. Have an excess of forty-nine paddleboards, ten peddle boats and seventeen kayaks. Have other amenities as well. Insured by Evolution Insurance Company out of Draper, Utah. Have two million cap. Have their own docs that are used. The county has spent enough money on the facility. Typically they pay three to three and a half percent. Put enough investment in this facility so they have offered a five percent. Have local residents that come here to have fun. Employ mostly out of BYU-Idaho. Guarantee they will be available when the lake is open. Goal is to make \$20,000 which is six times what they have received in the past.

[1:23:00 PM](#) Commissioner Hancock said with the number of boards they have how many would they put at the lake. Cristian said would start with twelve paddleboards, eight kayaks and four peddle boats. The peddle boats are eleven feet wide. Cristian said they have more but they have to dock the peddle boats and these are not easily moved.

[1:25:40 PM](#) Mickey said he had also brought up a floating trampoline that could be a possibility. Cristian said they could rent this out to individuals who are having parties. Then they can anchor this by the party for the entire party to use. This would make it so they were in charge of those that used it. Mickey said they could expand what they are doing at the lake. Look at the little docks covered with kids would be nice to spread things out. Have some fun stuff that they may be able to try.

[1:27:44 PM](#) Weston said this will be a percent back instead of a user fee. Cristian said if he only had to pay a flat fee feels they would be getting away without paying. Mickey said in the past vendors have been paying \$250. Weston said he has not seen this proposal or contract. Mickey said this is what they have on file. Have them go ahead and fill out the contract with the proposal. Commissioner Hancock thinks this will be beneficial to the lake. Hopes this will be beneficial to him as well. Cristian said they helped put a marina together and have started an aqua park. This is inflatable play equipment in the water. Mickey said they have slides and walls. Cristian said he is sensitive that they have the haves and have nots. Do not want to make it to expensive that not everyone can participate. Mickey wants to make sure that it is inviting to everyone. Will have a building where they will rent this equipment and not a trailer.

[1:33:07 PM](#) Weston said this contract is set up as a flat fee but where this is a percentage he needs more time to review. Not sure if they are prohibited from making money on this. May be in compliance but he would like to view the proposal. Cristian said he could pay the \$250 with their approval and upon Weston's review could move toward the percentage. Weston said they can approve this pending review. Chairman Farnsworth said they can approve this pending the outcome of Weston's review.

[1:36:59 PM](#) **Motion by Commissioner Hancock to offer tentative approval for the contract with Pinnacle Recreation and Jefferson County Lake baring any objection by Wednesday, May 9. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[1:39:47 PM](#) Cristian said there are some Bureaus where they are prohibited to make a profit on this. Weston said the concern is if they are generated a profit can they turn this back around and into the lake.

[1:40:44 PM](#) Mickey has a food vendor. Granny's Fun Food will have fruit, veggies, lemonade, cupcakes and packaged ice cream. This is a flat fee of \$250 for this vendor.

[1:42:02 PM](#) **Motion by Commissioner Martinez to approve the contract between Granny's Fun Food and Jefferson County Lake. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

PLANNING & ZONING – KEVIN HATHAWAY

- **BUILDING PERMIT**

[1:43:07 PM](#) Kevin said they are adding onto the schools bleachers asking if they can waive the fee of \$140 for this. Commissioner Hancock knows they have done this in the past.

[1:43:46 PM](#) **Motion by Commissioner Hancock to approve and waive the building permit for School District #251 for the bleacher addition. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

COMMISSIONERS

- **ROCKY MOUNTAIN POWER GRANT**

[1:44:26 PM](#) Tim Solomon had sent out a note saying they had \$1,000 they would like to use in Jefferson County. Knows that the fireworks need sponsors but knows there may be other projects. Commissioner Martinez said the fireworks are always a good thing. Tim asked if they have any particular projects that may need some contribution. Commissioner Martinez said they could put this toward the Shop with a Cop Program. Tim thinks that is a good program. Rebecca said on the Emergency Management side could look at the placement of Narcan in responding vehicles this is the countermeasure to an opioid exposure. Or stop the bleed kits.

[1:47:21 PM](#) Tim said if they want to think about this they can. He was contacting them was to raise the question if there is a project or event that they feel stronger about. Commissioner Hancock asked on a timeframe. Tim said within the next thirty to sixty days would work. Chairman Farnsworth said that they will look at something for this. Would like to see it help a project. Rebecca mentions 3M has a film they put on glass that does not allow bullets to go through.

[1:48:46 PM](#) **Deputy Prosecutor Weston Davis left room**

[1:49:05 PM](#) Tim said they have helped a lot in Jefferson County. Would like to drive some dollars. This is out of his contribution budget. Like to pull back instead of throwing money to the same place each year and evaluate other programs.

- **NEW BUILDING UPDATE**

[1:50:25 PM](#) Tammy said while visiting with Colleen and Rebecca had brought up phones. Before the phones were up to the department to purchase these. This is \$3,000 to \$4,000 for the phones. Not sure if this was figured into their numbers or if she need to add this into her budget. Commissioner Hancock asked if they can transfer the phones they have now. Tammy said the ones they have now will not work with the system. Thought this was around \$300 to \$400 per phone and will need around twelve. Commissioner Hancock said this is not in their numbers.

[1:52:09 PM](#) Colleen said with the new building will the utilities be moved and paid from general with the rest of the courthouse. Tammy said she has planned through February for the power, phones and rent. Commissioner Hancock said they will have to put the additional funds for utilities into the general they will have to budget for the time they are in their current building. Tammy asked if they will have any desks. Do these need to be planned for in their budgets? Have been given budget sheets and she has never had a reception desk because these have been built in. So needs to know if this will be built in or if they need to purchase one. Asked if they are using the lottery funds to help pay for the building. Commissioner Hancock said they were planning to use these funds. Tammy said she will roll these funds over in her budget to be used.

[1:54:40 PM](#) Colleen asked if any of the offices have built-in desks. Tammy said she met with the architect and they may do desks in the reception centers but need to verify. Would the desks be put in capital or office equipment? Commissioner Hancock said office equipment. Colleen thinks there should be some type of desk in the reception areas. Tammy said they have a few that are falling apart that they will have to replace. Clarifies that she needs to add the phones. Commissioner Hancock said she will need to add the phones. Tammy said they also need a line for people to call in for drug testing. Need to know who to go to on this would this be Mike? Rebecca said she spoke with Mike and he would have to contact someone first to make sure that it would work. Tammy said there is a computer program that allows the same option she just needs to know how to proceed.

[1:58:16 PM](#) **Deputy Prosecutor Weston Davis is in room**

[1:58:21 PM](#) Chairman Farnsworth said the walls are really going up fast.

- **SPRINKLER SYSTEM**

[1:59:39 PM](#) Chairman Farnsworth said that they need the yard on this side tied back in but the system was on the other side and a lot of the controls were ripped out. Did they put any money in to have this reattached? They could take this out of general maintenance. Need this hooked back up now that the rain has quit or the rest of the lawn will be dead. Will have to have Bryan get on this and get it repaired.

- **RESOLUTION #2018-18 – DISPOSITION OF PROPERTY AND FUNDS**

[2:00:59 PM](#) Colleen said this is regarding the food bank and turning this over to them. Shows what is being turned over to the Giving Cupboard. They have the funds that were given to the Food Bank trust. Chairman Farnsworth reads resolution #2018-18. "At a meeting of the Board of Jefferson County Commissioners, State of Idaho, on the 7th day of May, 2018, the following was adopted to wit: Whereas, the Jefferson County Food bank has recently been replaced with a new food distribution program, The Giving Cupboard; and Whereas, Jefferson County will be donating some items used at the food bank to The Giving Cupboard for continued use at The Giving Cupboard; Be it ordained that Jefferson County shall donate to The Giving Cupboard all pallets and food items, five rolling carts, one handcart, all boxes and lids and white deep chest freezer. Be it ordained that Jefferson County shall claim the following items; one rolling cart, one handcart, one folding table and two plastic totes without lids. Be it ordained that Jefferson County shall donate the money in the Food Bank Trust (#9175) to The Giving Cupboard in the amount of \$2,315.22. Approved and adopted this 7th day of May, 2018"

[2:02:46 PM](#) **Motion by Commissioner Hancock to approve resolution #2018-18 for disposition of property and funds from the Food Bank to The Giving Cupboard. Commissioner Martinez said this will benefit the residents. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **DISTRICT #5 – ANIMAL DAMAGE CONTROL BOARD NOMINATION**

[2:03:39 PM](#) Colleen received a letter from the Wool Growers Association. Jeff Siddoway is currently sitting in this position for the Animal Damage Control Board. Need to send in their nomination.

[2:04:39 PM](#) **Motion by Commissioner Martinez to nominate Jeff Siddoway for the Animal Damage Control Board. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **SIGN CERTIFICATES OF RESIDENCY**

[2:05:45 PM](#) **Motion by Commissioner Martinez to approve certificates of residency for the College of Southern Idaho for Arvel Ashcraft, Alma Engberson, Giesel Gonzalez, Kaebree Nebeker, Colby Peterman and Quincy Roundy. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[2:06:04 PM](#) **Motion by Commissioner Hancock to approve certificates of residency for the College of Western Idaho for Ashlyn Barnes, Kevin Boyle, Ridley Furrows, Tate Jones, McKenzie Mecham, Ashley Meyers, Hallee Sainsbury and Emily Yates. Will deny certificate for Brooks Heaps due to lack of residency. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

- **APPROVE COMMISSIONER MEETING MINUTES**

[2:08:26 PM](#) Motion by Commissioner Martinez to approve commissioner meeting minutes from April 9, April 16, April 24 and April 30, 2018 with noted change. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

COMMISSIONERS - PLANNING & ZONING – KEVIN HATHAWAY

- **CHALLENGER PALLET CONCERNS**

[2:10:29 PM](#) Kevin said he has made two unannounced visits since April 24, 2018. Still have this as an open investigation. Chairman Farnsworth asked the residents what has been happening since the last time they met.

[2:11:47 PM](#) Thomas O'Reilly, the President of the Snake River Homeowners Association (HOA), asks Kevin if any equipment was running when he was out there. Kevin said one time there was minimal operation and the other time there was not any operation. Tom said they may shut down except for late night trucks. Feel very strongly that they cannot continue to go down this road. Feel that the law is with them. Their concerns are there is some redress that needs to be made. Time is now to act on this. Clear they are operating outside of their zoning.

[2:14:42 PM](#) Commissioner Hancock said he thinks this sound is coming from the dryer system. Tom believes there are several issues. Dust collection system is extremely noisy. Could be mitigated but only will if the county forces this. Poor planning on the placement of equipment. Know they are in excess of their zoning. Already know there is no doubt. Commissioner Martinez asked about the relationship between Commissioner Hancock and Tad Hegstead. Should he recuse himself? Weston asked if they are deliberating toward a decision. Not sure what the public is requesting. Tom said they have this for them. Weston said if they are asking for deliberations.

[2:16:05 PM](#) Commissioner Hancock said to what Commissioner Martinez that his wife ran against Tad Hegstead when he ran. Have not spoken to him. Does not have a business relationship with Tad or anything of that nature. Commissioner Martinez brought this up because he had a recent meeting with him. Commissioner Hancock said that Kevin was there as well. Chairman Farnsworth brings this back to task. Just taking information.

[2:17:14 PM](#) Weston said he is not doing a deposition. Trying to understand some things in reviewing the past minutes. There are issues of light, noise and hours of operations.

[2:17:47 PM](#) Jay Hill has a brief summary and feels this will answer a lot of Weston's questions. Goes over what happened since they last meet. Two nights after they met woke the lady up around 10:30 and left at 2:00 in the morning. The amount of truck traffic last Friday had never seen so many trucks. Had a camper outside their house running the diesel all night. See this coming down to two issues. There is enough of a problem that seventy-six people signed a petition. One is the zoning violation. Did not read these ordinances into the record last time. Jay reads ordinance 3.3.16 light industrial. "The purpose of the light industrial is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities. The zone should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential development, therefore, some type of screening may be necessary. Number three - Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment. In the LI zone roof pitch less than 3:12 – 38 feet at highest point." Have equipment there much higher. Jay reads ordinance 3.3.16 heavy industry. "The purpose of the heavy industrial zone is to provide locations for industrial activities that have greater than average off-site effects." This is what they are experiencing. Still a question if the permits issued by the county allows them to do what has been done. "Conditional uses the commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment."

[2:21:14 PM](#) Jay said the second part is the nuisance he wants read into the record. Chapter 6 section 5.6.3 Nuisance defined. "Anything which is injurious to health or morals, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property is a nuisance." Have been exposed to noise that exceeds OSHA guidelines. It was so loud last summer you could not get near it without plugging your ears. It hurt to be around this. Gentleman had claimed they were not sure which piece was causing the noise. First is zoning violations. They have to live as a consequence to the plant expansion. Problem they have is noise which is annoyance. That recording was taken inside their home. The light seems to have approved to some extent. Their hours of operations has increased their exposure with the new construction and the amount of truck traffic. Want to enjoy their homes without the noise. Has gotten to be ridiculous. Have had a resident move due to these issues. Not sure how those that live right next to the plant handle it.

[2:26:12 PM](#) Jay asked who initiated the contact with Challenger Pallet on the night of their meeting. Kevin called them. Jay said that Kevin had sent a letter on March 5 and the meeting was held April 24. They didn't even have the decency to respond. The owner did not show up for the meeting. Cannot say they have not tried. Want the same things they asked for in the last meeting.

[2:27:22 PM](#) Jay said that issuing an injunction to immediately address the most pressing issues. Summer is just starting want to be able to enjoy being outside. Start a process to re-evaluate the conditions that Challenger Pallet operates. The permits they have do not cover machinery. Believe they are outside of their zoning and moved into heavy industrial. Some of this is a nuisance but is dangerous and harmful. Number three would think this would be a great step for existing and future businesses to have system to monitor these businesses. Called Central Fire and cannot name the last time they had any inspections. One spark and they would have a fire. Would like to make sure that oversight is being used in the future for county facilities. Jay thanks them will answer any questions.

[2:29:43 PM](#) Weston said his role is to make sure they are doing everything according to the law is not a decision maker. Need to be able to help look into legal matters. Had read definition of nuisance. Jay said this is chapter 6 section 5.6.3. Is ex-law enforcement and started at Jefferson County Sheriff's Office. Went and looked at state codes. Idaho is lacking as far as noise. Is a federal law. Could not find anything besides disturbing

the peace. Weston will get this from Captain Wolfe. Weston asked if a conditional use permit had ever been issued to Challenger Pallet. Kevin said there has never been one issued.

[2:32:30 PM](#) Jay said this cannot be fixed in a day or two. They are not calling to shut down Challenger. There are jobs and taxes coming to the county. Are asking for with quick action would to have some conditions without having to be exposed to this. Work with the attorney to get these items ironed out. Are asking for their help. They have put up with a lot.

[2:33:41 PM](#) Commissioner Hancock believes what they are saying. They should not have this noise and light that are so disturbing to them. They need to take care of these issues. Chairman Farnsworth said they are going to stay on this and do whatever they can legally. Weston asked if they have an HOA. Jay said that Snake River Estates has one but Bear Island does not. Tom said that he is president of the property owners association. Have been in contact with all of the surrounding neighbors including those that signed the petition. Makes it clear it is not just Bear Island and Snake River. There are other properties affected.

[2:36:54 PM](#) Mike Myers lives in Snake River Estates did testify the 24th of April. Expressed that he had been gone on a mission with the church and how dramatically the area changed while they were gone. Since the interest of this has heightened they have gotten quieter. Thinks they are playing games. Noticed that they have done better from his viewpoint. Invested a lot of money in the equipment. In a businessman they want to get a return. Ask that the next time they visit the plant to have them run the equipment while they are there. If they are honest then they will do this and can have a decibel meter to know. Have money invested in this equipment so they will be running this. His understanding is they are trying to sell this plant.

[2:40:12 PM](#) William Smith clarification from Weston Davis it is excessive noise also have sawdust that is lofting over their homes. Massive amounts that are a fire hazard. Blinding lights that shine out. Smells that come out of there. Make food grade pallets these can be made with steam or fungicides. Have to be closely contained to make food grade. If they do sell this to an out of state out of county will likely see an operator who is not local. Do not believe they have any permits to produce these. It is going to require some participation with the plant to get these items taken care of. Would be nice to redirect the lights not into their bedrooms. Had been fighting the commissioners like crazy on the zoning. Want them to enforce this properly. This is to protect property values. Chairman Farnsworth said that they will be looking at the J brakes and issuing a county wide ordinance. The rest of this they are working on. Asks Kevin on the businesses in Rigby when they sell these do they go in and inspect them. Kevin said they go and make sure they are compliant. William said DEQ should be involved in this as well.

[2:44:47 PM](#) Commissioner Hancock said the equipment put in the buildings not sure they usually have a list of what is in the buildings. Look at Idahoan as far as the appraisal standpoint. Have not seen this if it is in their ordinance. Kevin said they do a plan review. During this they review these items to make sure it is configured safely. Look at if there is a fire hazard. William said that he has lived there forty-one years. If there was a problem before would go and speak with them and they were great neighbors but in the last few years these things have changed dramatically. This is now heavy industry.

[2:48:20 PM](#) Jay said the letter that Kevin had sent to Challenger basically asks where items were located and they did not respond.

[2:48:39 PM](#) Voyd Stewart lives in Snake River does not believe that Challenger has an air quality permit which is required by the State of Idaho. One of the things if they could come up with operating hours that were reasonable and control the noise levels. Knew that they were there. Challenger also knew that the homes were being built when they sold the property. A governing body approved a subdivision to go next to light industrial. Looking for something fair and equitable. Want to be able to enjoy their lives and homes.

[2:50:05 PM](#) Ward Whitmore Bear Island did have a HOA. This expired in 2006 and decided not to renew this so they do not. Do have a community well and with that have the Bear Island Water Association which he is president of. Have periodic meetings to address water issues. The issue with Challenger came up at the end of one of their water association meetings. To him it looks like the county is taking data. Is Challenger Pallet light industrial or not. Thinks reading the definition that it is clear they are heavy industrial. The pallets they make do not support the county's needs. They are the largest purchaser of lumber in the area. Suggest that in reading the first definition that they are not light manufacturing and so they are not light industrial. This gives them authority to do a lot. What is the purpose of them taking data.

[2:54:14 PM](#) Chairman Farnsworth said they need to make sure they do not cross any bounds. Need to make sure they have the legal ramifications to take these actions to regulate them. Ward said that he is not an attorney but there is no way this is light industrial. Feels they can make this decision sooner or later. Could argue that Challenger knew that putting this equipment in would have adverse effects. With rotating equipment they can turn this up it makes more noise. Need to address the issues of light and heavy industrial. Can make a short term decision based on the definition. Have to hang in there because they are playing this game. If they continue and do not make a lot of noise. This morning it was pretty loud. Want to know what the focus is. Can address the law. Given a note that the residents have made at least seven calls to the Sheriff since the meeting. One of the comments made is that they would be a good neighbor. The track record is not good and have not been responsive. Think they have all the tools they need. Need to parse this instead of collecting data. Thinks they have enough information to make some sort of decision. One issue understand they are looking at a noise and light ordinance. Did just hear of the nuisance ordinance from Jay.

[2:58:43 PM](#) Tom said there expectation is that they do not wait. Have the authority. They are asking that they stop the damage. They are suffering damages on a daily basis. Familiar with the issues in Ririe and now they are in the middle of a lawsuit. Do not want to be in a lawsuit are trying to be good neighbors. This can be in whatever form they determine. Need an injunction to put them on notice that these issues need to be mitigated. If they just collect data they will push this down the road until this is no longer their problem. The next guy will be able to hold this up in court. Weston asked about a lawsuit in Ririe. Tom said the property owners are suing City of Ririe for not enforcing their zoning. Weston asked if any of the surrounding neighbors as an HOA contacted civil council to see remedies they have available. Has the HOA contacted a private civil attorney to see about a violation of civil nuisance? Tom said they have not they have come to the county. Weston said there is a reason a HOA is formed this gives a legal entity rights. Implication that the county would face a lawsuit for failing to enforce their ordinances. Civil standpoint there are code enforcements by the jurisdiction and civil relief from the individual landowners. Understands the benefit to push the county because this does not

cost money. Two parts here. What obligation the county has and what rights they have as citizens. If throwing all the chips at the county and suing the county if they do not do anything. Tom said they have never mentioned that.

[3:03:12 PM](#) William said when they pass a zoning ordinance that they do not have the duty to enforce that zoning ordinance. Weston wants to know if they have explored the other end or not. William said they have not but if the county fails to enforce their ordinances they will go after the county who has fallen down on their job. Weston said his question is if they looked at a civil nuisance lawsuit. Tom said no they have not. Weston said he is trying to understand what actions they have taken.

[3:04:58 PM](#) Weston asked if they have looked at this on the civil end or if they are only looking at the county to enforce their ordinances. Need to know what they have looked into. William said they are asking for the county to enforce their ordinances. Weston is hoping that the ordinances are in fact as specific as they say they are. Tom asked if these ordinances are legal. Weston said that he is asking if the ordinances are specific. Has to convince a Judge that it is as specific as they say it is. That is why he requested a copy of the ordinance from Jay. Have talked with John Wolfe will get a full copy. Needs to understand the whole picture if the Judge say this is not specific enough need to know what else they have.

[3:06:56 PM](#) William does not see why a Judge needs to be involved they are asking the commissioners to use their authority. Jay said they do not want to go down the criminal road. Could have went out and found a lawyer and sued Challenger but it sounded like the commissioners are willing to look into this and do something about this. Commissioner Martinez does not want these residents to have this ridiculous noise another year. They need to enforce the codes they have. Chairman Farnsworth said they came in as light industry can they make the determination for heavy industry. Commissioner Hancock asked how they picked the light industry in the beginning. Need to look at the zoning requirements. Chairman Farnsworth said if they go over the noise level of a nuisance can they send out law enforcement out to cite them.

[3:09:02 PM](#) Weston said they have the county ordinance in place. The commissioners do not direct the Sheriff. Have two sets of ordinances. Have the zoning ordinance and title five which he will get a full copy of. Do not know Challenger Pallet but needs to understand. Not fighting for anyone and would be equally annoyed if he had to live in this area. Where in the zoning ordinance is light industry and heavy industry defined. Tom said light is defined straightforward. Weston misspoke he is looking at light manufacturing. Tom said this is the welder working and a plant operating 5:00 to 5:30 in the morning and shutting down no earlier than 10:00 at night many nights in excess of 2:00 in the morning.

[3:11:52 PM](#) Weston said they run around the clock and it is quiet. William said this meeting would not being held. Weston said he does not see hours as definition or sound as part of light manufacturing. In combination there is no way to say this is light manufacturing not because the ordinance says that. Ward said the purpose for light industrial is to provide for the community's needs for light manufacturing. Does this meet the community's needs? It is clear this would be for what the community needs. Heavy manufacturing does not address the community's needs. Does this meet the community's needs? Some may be for the community such as the jobs serve the community.

[3:14:34 PM](#) Weston said also have the nuisance have one for zoning violations. On the nuisance its self only saw the first page needs to see the rest. Will get this from John.

[3:16:03 PM](#) Bob Ward knows a lot have spoken on the issues the backup alarms have not been addressed. These are annoying early and late. Being annoyed to an extreme need to have something handled by the county. Hours are really important. Do not need trucks running all hours of the night. Need to look at hours of service. This starts the backup alarms which are required by OSHA. If they run them to 8:00 to 5:00 they could put up with that but not all hours of the night.

[3:17:57 PM](#) Commissioner Martinez they need to enforce what they have. If that involves calling the Sheriff's Office. Commissioner Hancock said they are in the process of hiring a compliance officer. Tom said they could put them on notice today. This is a high priority for the county. That they are looking for mitigation and that staff is working on specific issues. They have done everything they can do. Ward said they have contacted Challenger multiple times.

[3:19:55 PM](#) Jay said this ordinance gives them the opportunity to set working conditions. Number four under light industry. If they choose to violate then it is a matter for the Sheriff's Office. Weston said that is why they need a court order. The Commissioners cannot tell the Sheriff what to do. The court can force the Sheriff to do something. Weston said the injunction they are looking for a misdemeanor does nothing. An injunction gets an order from the court. Understands that they want to limit the hours of operations, limit the decibel readings. If they get enough information to the court to give the Sheriff specific instructions. Cannot get damages that would be civil lawsuit. If the order is not specific enough the Sheriff does not have the correct authority if he cannot prove obstruction. If they are trying to enforce this have to have a specific order. Jay said this does need to be specific. With the history is this is not specific Challenger will take advantage of this. Weston said the Judge will get as specific as the ordinances are. If the ordinance is not specific is there enough to define what a nuisance is and ability to instruct the Sheriff on what to do.

[3:23:12 PM](#) Jay said the next time he is annoyed can he call the Sheriff's Office to complain on a county ordinance. Sheriff Anderson said yes.

[3:23:41 PM](#) Ward responds if Challenger was out operating and the ordinance changed can they be held to light industrial. If a house burns down do they rebuild this to current ordinances? Thinks the answer is yes. So the comment if Challenger was there and all of the equipment should be governed with that ordinance. Chairman Farnsworth asked if there is anything to do today.

[3:24:57 PM](#) Weston said they cannot change any ordinances would have to list that. To change this they have to have this drafted and properly noticed. Have two sets of ordinances. Under this can the Prosecutor put together a complaint for an injunction. Again the Prosecutor is an elected official so this would be up to his discretion to make this decision. Is representing the Prosecutors Office and will have to go and talk with Paul. Have the recording from the last meeting and the minutes and this will help them make the decisions.

[3:26:15 PM](#) Tom said none of this is up the Commissioners it is up to Paul. Paul gets to make the decision if they enforce the zoning. Mike said they may comply if they get a letter from the county. Why start with a lawsuit. William said that even word of this has caused them to change behavior at least temporarily. Weston said the legislature passes a law the commissioners enforce laws. Bound with what they have. When someone commits a crime they go to the Prosecutor. The Commissioners are the legislative body enact the ordinances for the county. The Prosecutor enforces these with the Sheriff.

[3:28:06 PM](#) Tom said it would not be right to have the Commissioners send Challenger a letter saying they are working without their zoning and to list their expectations. They could voluntarily follow this or they could take this to Paul. Want the Commissioners to stand up and request them to interact with the county and take corrective issues. There is no question that there is issues. No need to haul them in front of a Judge. Weston said if they issue this letter. At the same time they pass a new nuisance ordinance that could affect Challenger Pallet. Where they now made a public statement does this disqualify them from enacting a new ordinance? Does this disqualify themselves? That is why it is better to start with the Prosecutor. Whenever they start litigation they start with a demand letter. Will speak with Paul tomorrow. Cannot speak for Paul on a timeframe. Believes he is responsive. Believes this could be done in a timely fashion.

[3:31:18 PM](#) Tom said there was a lot of legal research done and this information was turned in during the first meeting. Weston said another thing appreciates the discussion. The first letter from Planning & Zoning was a request for information. Process to move forward is to have Planning & Zoning send out a letter. Will be in consultation with Kevin Hathaway in making sure they have an appropriate demand letter. Jay said under light industrial what they have asked for is setting ground rules with conditional uses.

[3:32:50 PM](#) **Prosecutor Paul Butikofer is in room**

[3:33:00 PM](#) Weston said they need to be clear what a conditional use permit is. If they have a lot of land and want to do something that is not generally allowed. This does not comply with zoning but will allow you to proceed under these conditions. That is why he had asked if Challenger has this in place because then the county can come back and say they are violating these conditions. Understanding there is no such conditional use permit. The section that talks about conditional use permit may not be applicable unless they can find that they are running off of a conditional use permit. Know on a commercial property and they want to open a business they may not need to come get authority. Understands that Challenger was already permitted in this zone so there were not conditions attached to this property. Now what if there is not a conditional use permit? Have the zoning ordinance and the nuisance ordinance. Do these give them authority to put conditions on the property since there is not a conditional use permit? Jay said that this conditional was based off of light industrial instead of heavy industrial. Weston said they have two different types of zoning. Is there use noncompliant with their zoning? If it is not complaint what enforcement powers do they have? Part of the injunction could be hours of operations, decibels and lighting. Will speak with Paul and Kevin this week at how they will proceed.

[3:39:17 PM](#) Kevin said they will know something once they define what route to take. Chairman Farnsworth said they can call Kevin to get updated on the situation. Have heard them again will keep working on this. Tom hopes that they respond. Chairman Farnsworth hopes they respond to this. Paul said they can always put this on the agenda again if they do not feel it is being addressed. Jay was told to call into the Sheriff's Office when this is a nuisance is this something they should continue? Paul said yes. Chairman Farnsworth said all of this helps document. Jay said the Sheriff's office has been great responding.

[3:42:15 PM](#) Recess

Open session 3:51

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)**

[3:51:25 PM](#) **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 4:41

[4:41:25 PM](#) **Motion by Commissioner Martinez to go into executive session 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[4:58:39 PM](#) **Prosecutor Paul Butikofer left room**

Open session 5:01

COMMISSIONERS

- **BUILDING WALKTHROUGH**

[5:01:20 PM](#) Sheriff Anderson, Colleen Poole, Audrey Moon, Kristine Lund and Commissioners walk through the building to go over issues. Sheriff Anderson shows the root suckers on all of the trees that he had asked be cut off. The lawn needs maintained with weeds, mowed and watered. Windows need washed. Believes this needs to be done at least twice a year. Take care of the garbage inside and outside. Remove the bird nest that is obviously in the drain at the Sheriff's Office. Front doors leading into the Sheriff's Office is dirty. Bring to attention spider webs, carpet stains and dirty floors. Fixed the black molding that was coming off in dispatch with wood screws. There is dust everywhere on all of the ledges.

Open session 5:33

[5:33:06 PM](#) Commissioner Hancock said as part of the security they also need to talk about maintenance of the building. Will put this on next week's agenda.

[5:34:48 PM](#) **Motion by Commissioner Martinez to adjourn at 5:35. Second by Commissioner Hancock. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date