

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
JUNE 4, 2018**

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

**PROBATION – TAMMY ADKINS**

• **RESOLUTION #2018-20 – SALE/DESTRUCTION OF PERSONAL ITEMS – (ACTION ITEM)**

[9:02:35 AM](#) Tammy said that she had given this resolution to Weston who did not see any issues. Have the van that is out in the parking lot that was donated from the Supreme Court. This is maybe driven once a year and is a drain to her budget having to maintain it. Felt with Mitch getting the bid website going that this would be a good opportunity to put this on the website. Thought to have a starting bid of \$1,000. Looked through Bluebook and it was \$1,000 to \$2,200. Weston wanted her to make sure they knew this needed advertised and she realizes that this will need to be advertised.

[9:03:45 AM](#) Chairman Farnsworth said this is for one 1994 Ford Econoline 350 SE Series with 91,688 mileage will have a starting bid of \$1,000.

[9:04:05 AM](#) Commissioner Hancock does not see any issues.

[9:04:11 AM](#) **Motion by Commissioner Hancock to approve resolution #2018-20 for sell of the 1994 Ford Econoline Van. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

**ROCKY MOUNTAIN POWER – TIM SOLOMON**

• **GENERAL UPDATE**

[9:10:03 AM](#) Tim wanted to come by and remind them of the contribution they would like to make to the county and see what they had decided. Chairman Farnsworth said they will be looking at using this at the lake and having a park bench with their name on this. Wanted something that would stick around. Tim asked who he should work with. Chairman Farnsworth said it will be Mickey. Tim hands out a service report. (Exhibit A)

[9:11:38 AM](#) Tim goes over he covers about eight counties in his region. Total contributions to Jefferson County since 2014 from the foundation is \$23,000, direct contributions are \$4,400, sponsorships are \$9,600 and in-kind work of \$3,500 for hanging Christmas lights where small counties do not have a bucket truck. Total about \$40,500 this is through 2017. Basic facts they serve 11,612 customers here. Last year delivered 403,937,387kWh. Property taxes paid \$374,659.

[9:13:07 AM](#) Tim is not sure if they are familiar with franchise fees. In Idaho all cities have franchise ordinances. At least for electrical utilities the cities can request a franchise fee under state statues to pay back to the cities for being in their town. These can be different rates. Dubois charges ten percent. Rexburg charges six percent. Ucon charges three percent. Four cities and towns where they collect these. Periodically they will audit these towns. Have them check to make sure all the annexations are all listed. Lewisville remitted in 2017 \$3,720.43. Mud Lake remitted in 2017 \$4,978.28. Rigby remitted in 2017 \$99,671.86. Ririe remitted in 2017 \$12,783.37. Total with all four is \$121,153.94. Regional contributions in 2014 was \$58,100, 2015 was \$69,050, 2016 was \$50,790 and 2017 was \$43,300 for a total of \$221,240 contributed since 2014 across the region.

[9:16:04 AM](#) Offer incentives to businesses and residents to use less energy. If they use less energy then they are not having to build more generation and transmission. Can look at the amount of incentives paid. For business customers had paid incentives of \$364,291. Residential customers paid \$64,417 in incentives. Paid the county \$428,708 with incentives. Savings of 2,665,387 kWh in a year. Annual cost savings of \$183,505.97. Approach small businesses to help them replace the lights. Can come in and do the work and some cases will pay for seventy-five percent of the work. Handing a check on the savings alone.

[9:17:43 AM](#) Chairman Farnsworth goes over the savings of kilowatts for businesses is 2,437,40kWh, residential is 227,907kWh and county is 2,665,387kWh. Tim said the average Idaho home uses 957kWh a month which is 11,484kWh a year. Thanks them for their time.

**PARK & RECREATION – MICKEY EAMES**

• **INDEMNITY CLAUSE ON MAINTENANCE CONTRACT – (ACTION ITEM)**

[9:21:57 AM](#) Mickey said that Weston did this. Commissioner Hancock said that he had printed this off. With this they are trying to add in that Arbor Tech is able to use county equipment. If someone gets hurt they usually go after everyone. Paul said the indemnity clause said they would have to have insurance to cover the county. Commissioner Hancock said this would change after they approve this today but would go through the length of the contract. Chairman Farnsworth said this is helpful because they already have the equipment out there to use.

[9:26:35 AM](#) **Motion by Commissioner Martinez to approve the modification clause on the maintenance contract between Jefferson County Lake and Arbor Tech. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

[9:28:05 AM](#) Chairman Farnsworth said they received the grant. Mickey said they did. This is \$300,000 to build a fourteen foot wall and also new fire pits.

[9:30:01 AM](#) **Motion by Chairman Farnsworth to move social services executive session up from 11:00 to 9:30. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

**SOCIAL SERVICES – JACKIE MAUPIN**

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

[9:30:18 AM](#) Motion by Commissioner Hancock to go into executive session 31-874 & 74-206 (D) - Records exempt from disclosure. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[9:36:33 AM](#) Deputy Prosecutor Weston Davis is in the room

Open session 9:53

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

[9:54:09 AM](#) Motion by Commissioner Hancock to deny case #2018-22 due to hospital not submitting data and lack of cooperation. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[9:55:04 AM](#) Chairman Farnsworth said on case #2011-64 will have Jackie go and discuss some ideas with them and will have her bring those back to the board.

[9:56:22 AM](#) Recess until 10:00

Open session 10:02

**JAY HILL**

- **CHALLENGER PALLET UPDATE**

[9:56:22 AM](#) Jay Hill comes up. Had an experience this morning 89.9 at 6:00 this morning. There were two of them that called the Sheriff's Office. Since the last meeting they have put a lot of money into this facility. Believes this is what has added to the increase of hours. Working twenty-four hours a lot of nights. Still working at 1:00 or 2:00 in the morning. Having deliveries on Sundays and the middle of the night. Truck drivers will pull in from Saturday until Monday morning. Got a 90.2 reading off of the semi while standing on his side of the fence. Noticed the gate to the facility was open went and asked them to move the semi this was at 11:15 at night. Have had numerous calls to the Sheriff's Office since the last meeting. Plays a recording from cell phone from May 15. This is their life. Listen to this all the time. Has been a year and over a month since the April 24 meeting and almost a month from the May 7 meeting. Came back in to see where the county is at with this. They cannot even use their own backyards.

[10:06:09 AM](#) Chairman Farnsworth spoke with Planning & Zoning this morning. Have been putting a file together. Have google photos with how this has changed over the years. Kevin said he has this ready to go in the next few days to the Sheriff's Office and Prosecutor's Office.

[10:06:53 AM](#) Tom O'Reily asked if a letter was ever sent. Weston said that this would be a letter sent once they were able to move forward. Tom said they challenged this in previous meetings that if they are out of their zoning and the county suggested sending a letter.

[10:07:35 AM](#) Chairman Farnsworth said the whole thing will be going to the Prosecutor in the next few days. Jay asked how much time once the Prosecutor gets this. Paul Butikofer said the first move will to screen for any criminal prosecution then would need around thirty days. Jay asked if the powers attached to the zoning laws and the responsibility of the commissioners. Paul said they will screen this once they receive the report. Jay said the noises are harmful and dangerous. Up in the hearing loss range. Ward Whitmore said OSHA guideline is 85 decibels. If exposed to this more than eight hours a day then they need wear hearing protection. Weston asked if they contacted EPA. Jay said they paid for a subdivision to go over EPA laws. This money was no longer funded so they do not have any way to enforce this. Weston asked if they are asking local authority to enforce a federal law.

[10:10:23 AM](#) Jay said in a previous meeting he went over that the federal government would be responsible for high level things. Then county and city law would take care of the rest. Some have enacted noise ordinances but we do not have anything in this county. Asking to enforce the nuisance law. Ward said they are not asking to enforce federal law. Want them to enforce the county zoning and nuisance law. "Nuisance is 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." It may be complicated how they deal with this but this is not.

[10:12:13 AM](#) Paul said that his office has not received anything yet. Ward said they have given statements, petitions and the Sheriff's Office has come out numerous times. Really angers him when he is trying to watch TV. Lives on the other side of the river they are a quarter of a mile away. Deputy Roberts came out and he was stunned with how loud it was out on his deck. Coming across this plant boundary is a lot of noise. When they get evidence that the decibel reading is over the OSHA guidelines. Jay said EPA maximum is 55 decibels. Provides a copy that describes the decibel reading. (Exhibit B) Had an 89.9 reading this morning on his decibel reader.

[10:15:19 AM](#) Ward recognizes they have not received the information. Have addressed the nuisance. Cannot comprehend that this is not in violation of zoning. Goes over the light industry this is to serve the community. Received a US legal definition of light industrial and legal definition. "Light industry refers to manufacturing activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Light industries require only a small amount of raw materials, area and power. The value of the goods produced is relatively low and they are easy to transport. Light industries cause relatively little pollution when compared to heavy industries. As light industry facilities have less environmental impact than those associated with heavy industry zoning laws permit light industry near residential areas. It is a criterion for zoning classification. The manufacturing of clothes, shoes, furniture, consumer electronics and household items are a few examples of light industries." (Exhibit C) The zoning law is absolutely clear. They are putting out a noise level of 89 decibels they need to look at the OSHA regulations. Not asking them to enforce federal regulations. The question to follow up is there any doubt they are not within their zoning. Has been over a year since they started coming in. To him and a lot of them they are waiting to see what they will do.

[10:20:13 AM](#) Jay said this effects over 200 people. Spoke with Kevin who had talked with Challenger and they said they have increased their business. This does not resemble what was there before the fire in 2006.

[10:21:01 AM](#) Tom asked on the reports they are waiting for from Planning & Zoning is the nuisance complaints. Paul said they take this in priority crimes are first priority once they get this from the Sheriff's Office. Have met with both Kevin and Captain Wolfe. Captain John Wolfe has been in charge but have not received a final report. After they make that determination then they will look at the zoning part. Jay said that could be a misdemeanor. Weston said they will screen this against the county ordinance. Tom asked if Planning & Zoning does not have enforcing authority. Paul said they get the information from the Sheriff's Office who get it from Planning & Zoning. Tom said they are operating outside of the zoning but it may not rise to a criminal action. Typically a zoning department has the authority to enforce the zoning without going through the Prosecutor. Could go tell the facility they are operating outside of their zoning and what they need to do to be within the zone. Chairman Farnsworth said they now have a compliance officer. Tom agrees with what they are doing but it is obvious they are outside of their zoning. Records from permits have stated that when these were applied for this was for warehousing. Now this should be considered manufacturing. From the zoning standpoint would like the zoning department to go in and bring them into compliance.

[10:25:20 AM](#) Chairman Farnsworth said a couple of days Kevin will turn in what he has found. Are willing to do whatever their legal department tells them they can do. Knows they are passionate about this have listened to all of their testimony. Ward mentions that Bill Smith could not be here today he sent a letter to Planning & Zoning asking for permits and who signed this. Kevin said he got an email. Ward said some concern is this facility is owned by a former commissioner who should know what the zoning is.

[10:28:29 AM](#) Jay said to finalize this would like to feel a sense of urgency. If they lived by this they would understand. Have provided the Sheriff's Office and Planning & Zoning with a lot of documentation. This has been tougher and tougher to put up with this. Chairman Farnsworth asked that Planning & Zoning and the Prosecutor move on this as quickly as they can.

## **PUBLIC WORKS – DAVE WALRATH**

### **• UPDATE**

[10:29:30 AM](#) Dave said they have been clearing driftwood off of the bridges. Will be out grading and weeding with the blades.

[10:30:32 AM](#) **Deputy Prosecutor Weston Davis left room**

[10:30:40 AM](#) Will move toward preparing 4100 for an overlay. On Solid Waste wants to give a shout out to Brandy Ward. Had a business that was past due and were able to get this paid current. Will have monthly safety meeting tomorrow morning and him and Ted will interview for the mechanic position. Will start back on 3500 all the way to County Line. Will not be able to get hot mix from HK until after July 4. Struck a deal with Depatco for the same price a longer haul but they will have to get through this. Chairman Farnsworth asked if they are doing prep on other roads. Dave said on 3800 to make the widening work it will take some effort. Commissioner Martinez asked if they had any seasonal applicants. Dave said he only had two applicants that have already received jobs. Was considering hiring Wendell Barnes but he can only work nineteen hours. Would pay him at his previous rate. Dave said this is a sign of the economy.

[10:34:06 AM](#) Chairman Farnsworth said they will finish 3500, then the lake road, then go to 4100 and back to 3800. Dave said HK is unable to provide hot mix because they have a big project on Highway 33. Taking the old bridge out this is single lane being operated by a signal light. Chairman Farnsworth asked what would be after 3800. Dave said 4225 out in Labelle. Working on a few issues will need a zipper working with Teton County. Already indicated we could use this. This would be used out on 500. Also on the railroad crossing on 4000 E. After that will pause and do chip sealing on all of the roads that were paved last year. Chairman Farnsworth said they have 3500 then lake road, then 4100, then 3800, then 4225, then 500 and railroad on 4000 E.

[10:38:07 AM](#) Chairman Farnsworth said there is a ditch on 500 that floods clear across the road. Dave said he received a text and pictures on this last night. Chairman Farnsworth thinks the farmers may need to do something this floods every time they irrigate.

[10:40:03 AM](#) Chairman Farnsworth said that 3500 is almost done. Commissioner Hancock asked if the leveling course will be adequate. Chairman Farnsworth asked if they did the leveling course then chip seal this. Dave said they are trying to get a foot wider in each direction. 4225 will be one like this.

[10:41:09 AM](#) Citizen Cheryl Hively compliments the work being done on 3500 they have done a good job. Dave said they are doing a thorough job on this. Want to make something that will be around for years to come.

[10:41:58 AM](#) Chairman Farnsworth said doing the leveling on some of these roads. Dave said 3500 gets a lot of traffic. Will repair 3800 as well but was waiting until school got out. Will put flashing stop signs at 100 N 3800 E and will add cross traffic does not stop. Chairman Farnsworth said could coordinate with a deputy to have someone there. Commissioner Martinez asked if George is out patching. Dave said he is out fixing holes. Tomorrow will be focusing on the lake road to get this patched up prior.

[10:44:08 AM](#) Paul asked on 400 N where they dropped the speed limit from 35mph and went back up to 40mph. Dave said he did not do a speed study. Does afford him flexibility as it goes into residential. Paul had a neighbor ask him why it was changed again and directed him to call Dave. Dave said most do not know how speed limits are set they are set as what they are being driven not what we want them but residential areas have some leeway.

## **COMMISSIONERS**

### **• NEW BUILDING UPDATE**

[10:46:03 AM](#) Commissioner Hancock said an issue was brought up on the front doors they do not have this scheduled to have a card entry. Also have a handicap access for the door. Other item they brought up asking if they can change the doors to match the doors that we have on this building. Would be a savings of around \$4,000. If they match he felt they wouldn't mind. Chairman Farnsworth thought they were already going to match this building. Commissioner Hancock said that Scott Nielsen will get this information put together and bring it in. The handicap access to meet standards has the button that they push and the doors open.

[10:48:19 AM](#) **Deputy Prosecutor Weston Davis is in room**

[10:48:30 AM](#) Commissioner Hancock has not received anything back from Omni as far as the breakdown on the costs they discussed in the last meeting.

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

[10:51:28 AM](#) Motion by Commissioner Hancock to approve commissioner meeting minutes from May 21, 2018. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

- **EXECUTIVE SESSION 74-206 (B) – PERSONNEL – EVALUATIONS**

[10:52:02 AM](#) Motion by Commissioner Martinez to go into executive session 74-206 (B) – Personnel – Evaluations. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 11:15

**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)**

[11:16:35 AM](#) Prosecutors do not have anything.

[11:16:38 AM](#) Motion by Commissioner Hancock to adjourn at 11:17. Second by Commissioner Martinez. All in favor – aye. Motion passed.

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*Chairman of the Board*

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

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*Clerk of the Board*

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

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

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*Date*