

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
JULY 2, 2018**

Meeting called to order at 9:02. Those present are Commissioner Hancock, Chairman Farnsworth, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Farnsworth. Prayer offered by Colleen Poole. Commissioner Martinez is not present.

[9:03:55 AM](#) Chairman Farnsworth wanted to take the opportunity to thank the Park & Recreation employees. They put on a great show. Tadd Jenkins donated a lot of money to help. The lake was sure full and believe this went well.

**COMMISSIONERS – SHERIFF STEVE ANDERSON**

• **JAIL INSPECTION – (ACTION ITEM)**

[9:04:39 AM](#) Commissioner Hancock, Chairman Farnsworth and Audrey go over to the jail inspection. Met Sheriff Steve Anderson and Nora Ortega. Sheriff Anderson said that the lake had a lot more individuals this year. Worked out good. Nora said they had ten missing children throughout the day. Sheriff Anderson introduces the new kitchen cook, Eimy. The kitchen is very clean and organized. Have three female inmates working. Have two in the kitchen and one doing the laundry. Sheriff Anderson said they have gotten five pieces of workout equipment for the indoor recreation room. Will be having a gentleman come and bolt the equipment down to the floor so inmates cannot move the equipment. Have the library available. Also have the outdoor recreation area where they like to play handball. Go into master control where Deputy Clements is working. They have eighty-eight inmates. With forty-four males and forty-four females. Will be bringing in a contract to have the potential to hold another forty-four female inmates. Go into the sallyport area to look at the new transport van. This van can hold twelve inmates. Have ten in the back and two in the front so they can transport both females and males in the same trip. Go out and look at where the heavy equipment is working on the new building. This road will need some work once the new building is done. Go out through dispatch and through the Sheriff's Offices.

**Open session 9:51**

[9:51:02 AM](#) Chairman Farnsworth said they just got back from the inspection. Had eighty-eight inmates with forty-four males and forty-four females. The jail looked good. Sign the inspection report. **(Exhibit A)**

**COMMISSIONERS**

• **NEW BUILDING UPDATE**

[9:53:07 AM](#) Chairman Farnsworth said they are working on this. Commissioner Hancock said they will be working today and tomorrow then taking the rest of the week off. Are ahead of schedule. Things are moving right along.

• **BUDGET**

[9:53:45 AM](#) Colleen is looking at budget workshops on July 16 and July 17. Commissioner Hancock he will be gone on July 17 will be in McCall. Colleen said they could still do some on July 16 in the afternoon. Go over schedules. Decide to do some on July 16, July 23 and July 24. Chairman Farnsworth asked if everyone has turned in their budgets. Colleen said almost everyone does still have a few still out.

• **QUARTERLY REPORT**

[9:56:34 AM](#) Colleen provides the quarterly report. Things look good. The debt service fund is negative paid the fee on this. Would wait to make the payment then transfer the money. Sheriff Highway Safety Grant usually is always in the negative until the grant money comes in. Commissioners review report. Colleen said that this does not include the taxes yet because they just came in on June 20.

• **JULY 18 DISTRICT 6 MEETING – (ACTION ITEM)**

[9:59:45 AM](#) Colleen said they are hosting the District 6 meeting out at the Lake. Have a shelter reserved for the meeting. Will get with J'lene to see about advertising reminders. Wanted to see what they wanted to do. Asked if they wanted to have Lil' Mike's cater this or how they want her to proceed. Chairman Farnsworth said she can move forward with Lil' Mike's. Commissioner Hancock said that Broulim's also caters. Colleen asked if other counties put money toward this. If not where do they take this from. Commissioner Hancock said they could use the contingency fund since this is not a budgeted item. Colleen thinks this is from 11:00 to 1:00 on July 18 at the Lake shelter A.

**ASSESSOR – CODY TAYLOR – CHIEF DEPUTY ASSESSOR – MARILYN WILLIS**

• **HOMEOWNERS EXEMPTION – WOOD –RPG0224012020A – (ACTION ITEM)**

[10:03:41 AM](#) **Chairman Farnsworth said they will recess Board of County Commissioners and reconvene as a Board of Equalization.**

[10:04:18 AM](#) Cody said they had a confusion with a wrong address. The mailing address got changed for the whole property. No response and they had to make a change before the fourth Monday in June so they took off the homeowner's exemption. The individuals that lived with the Woods moved and they changed the address for themselves as well as the individuals that still live in the home. Long story short they need to reinstate the homeowner's exemption because the Woods do live in the home.

[10:05:58 AM](#) **Motion by Commissioner Hancock to grant the homeowner's exemption for Wood on parcel #RPG0224012020A. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

**COMMISSIONERS – ASSESSOR – CODY TAYLOR – APPRAISERS**

• **BOARD OF EQUALIZATION – RAND WATSON – RPE022015002E - (ACTION ITEM)**

[10:07:49 AM](#) Rand said over the past years the residences have gone up. The past year it went up \$18,000. Went in June to the Assessor's Office. Went back and asked his mother who lives next door. **(Exhibit B)**

[10:08:46 AM](#) Clerk Colleen Poole swears in Rand Watson, Pat Kelley and Jessica Tate. Jessica asked that Chairman Farnsworth goes over the rules first. Chairman Farnsworth said they will have him state his testimony and then the Assessors will have their time to state their findings. After that they will each have time for rebuttal. Commissioner Hancock said their job is to make sure they were assessed at fair market value.

[10:10:11 AM](#) Rand said met with his mother and looked at her assessment hers increased 5.3 percent and his increased 11.3 percent. Her house is newer. His home is log on sandstone. There is not a concrete foundation in seventy-five to eighty percent of the home. The outside electrical panel has been updated. This is now a 200 amp panel. This concerned him where there was such a difference. In the same area on Main Street in Menan. Was told this was due to it being coded different. There was not going to be any adjustments. Wanted to petition to see if they could explain to him why his home is appraised so much higher. The home is older in the interior framing there was glued newspaper from 1901 Deseret News. Is the fourth generation in that home. This is a log frame home. Has done cosmetic changes with updated windows and doors. Seems like each year the values go up more.

[10:14:45 AM](#) Appraiser Pat Kelley hands out packets to the commissioners. Have the subject parcel with a picture of the home. The information they have said this was built in 1900. In 2000 was remodeled with stucco and metal roof. Is in average condition for an older home. The main floor has 2,029 square feet the attic is 384 square feet for a total of 2,413 feet square feet. On .88 acres in Menan. Has a detached garage 504 square feet and is included in the value of the home to qualify for the homeowner's exemption. Has two other out buildings. The home is getting an adjustment for the foundation so the whole home is getting this. Assessed value for 2017 was \$141,339 for 2018 \$158,068 the increase is due to the increasing market. The market has gone crazy in the county so has increased significantly. Walked around the home on June 20 with permission of the homeowner to take current photos of the exterior. Have spoken about walking through the home but was unable to at this time. Per Idaho Code 63-205 required they have to appraise each parcel off of market value. Look at comparable sales and homes. The office realizes that not all homes are identical. A price per square foot is figured. To figure this they look at the sale price they subtract land value and outbuildings. Divide this by the total square feet of the home. Look at the rest of the packet shows pictures of the subject property. Breakdown of the sale prices of the homes. The comps the county has chosen. Shows where these homes are in comparison. Also have Mr. Watson's comparables are in the back. The subject parcel has 2,413 square feet and a detached garage with 504 square feet. Value is \$158,068 land value is \$33,540 and there are other improvements. Take the improved value minus the land and take the square feet and divide this which makes it \$51 a square foot. All comparables they have used have similar square feet. They range from \$56 to \$63 a square foot. Looking at Mr. Watson's comparables are mostly 1,500 square feet. The breakdown on these is anywhere from \$78 to \$92 a square foot. Based on these comparables being half the square footage of the subject parcel. Feels they have fairly valued this with the comparisons. The entire home has been adjusted due to the original foundation issue.

[10:22:15 AM](#) Rand Watson puts this towards an automobile as he has a Ford Pinto and there is only so much a custom paint job can do to the old Pinto. Still does not understand why his went up so much more than the neighbor's home. Not sure why his went up 11.8 percent and his neighbors only went up 5.3 percent. When they called to do a walkthrough he and his wife were both at work. By walking around the outside of the home you can tell this is not on a foundation. There is no concrete. There is siding into the dirt. Would not see any issues because the siding goes into the dirt.

[10:23:53 AM](#) Pat said they do not work off of percentages because there are so many variables that affect the home. Look at like homes to come up with their values. Did try and do a walkthrough and they could have arranged another time to do a walkthrough. The market value in the county has risen tremendously throughout all of the homes. Some went up a small amount others went up a large amount. Depends on the market value. The value of this home is based off of market value. Jessica said there was an adjustment on the foundation. Can see how between market sales they have this at \$51 and the other comparables start at \$56 so it is lower than market value. Pat said this home has a lot more square footage than the homes he had in his comparisons.

[10:26:33 AM](#) Commissioner Hancock imagines in looking at the outside the inside is just as nice and the foundation is still holding. Rand said the floors are not level if you walk on these it slopes. This is limited lifetime past fourth generation they may be able to make this another generation. Where the foundation is in the dirt the wood is rotting away. The home will not last that much longer. Rand said it looks nice. Commissioner Hancock said this looks nice and realizes that they are not taking that into account on the appraisal. The cost per square foot is lower than even the ones he had brought in. Have taken this into account and trying to be as fair as possible. Chairman Farnsworth said the comp homes they have looked at are all homes with same square footage. When looking at cost per square footage his is much less than all of the comps that are brought in. Commissioner Hancock said this is an older home but has taken care of this. Have seen newer homes that are sometimes in worse shape. Feels they have done a fair appraisal. Some new construction have gone up forty percent.

[10:31:00 AM](#) Chairman Farnsworth does not believe they have missed anything on this. Comparables are fairly close to the neighborhood. Commissioner Hancock said the comp they have is built the same way as his home. Commissioner Hancock said they are looking to make sure everything they have done is assessed fairly similar as the rest of the county.

[10:33:05 AM](#) **Motion by Commissioner to uphold the Assessor's value for Rand Watson on parcel #RPE022015002E. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

[10:34:45 AM](#) **Chairman Farnsworth said they will recess Board of Equalization and reconvene as Board of County Commissioners.**

## **EMERGENCY MANAGEMENT – REBECCA SQUIRES**

### **• CAPABILITY ASSESSMENTS – (ACTION ITEM)**

[10:36:27 AM](#) Rebecca has everyone sign in because our time is part of the match for the grant for the consultant. This is all based off of the time spent. The next step in the mitigation plan. The documents before them will be put into the plan. Commissioners have not had time to review this information. Rebecca said a lot of this is more specific to other municipalities. Commissioner Hancock said there is a lot of information in here may need to take some time to review. Rebecca said if they could read through this information and get her any changes by the end of the week.

- **MITIGATION STRATEGY – (ACTION ITEM)**

[10:46:07 AM](#) Rebecca said these are proposed actions for the mitigation plan. Have to have at least one action for mitigation. If they have any amendments to these just let her know. Most have already been being done but they need to document that these are happening. Commissioner Hancock asked if they have to describe how they will handle the action item. Rebecca said they have adopted the building codes. These are the standards as to which they enforce. Likes to keep these broad enough that they are not too restrictive.

[10:50:51 AM](#) Rebecca said doing a hazard proof checklist to make a home safer. Go over some changes. Rebecca has not developed the manmade hazards so will be getting some guidance on this. Not sure what they would do in a nuclear event. This is not the official document but would like to get this submitted. Not sure it needs a vote since this is still a draft.

[10:59:44 AM](#) Rebecca said when they send an email reading through these let them know how much time is spent so she can count this toward the grant.

### **SOCIAL SERVICES – JACKIE MAUPIN**

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

[11:00:19 AM](#) Motion by Chairman Farnsworth to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

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

Open session 11:02

[11:03:02 AM](#) Recess to review claims.

Open session 11:38

### **COMMISSIONERS**

- **APPROVE CLAIMS – (ACTION ITEM)**

[11:38:53 AM](#) Motion by Commissioner Hancock to approve claims from 6/11/2018 to 6/29/2018 for \$737,179.47. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

[11:39:34 AM](#) Recess until 1:00

Open session 1:00

[1:00:24 PM](#) Chairman Farnsworth said they will reconvene as a Board of Equalization.

### **COMMISSIONERS – ASSESSOR – CODY TAYLOR – APPRAISERS**

- **BOARD OF EQUALIZATION – BYRON BLAKELY – RP04N40E256066 – (ACTION ITEM)**

[1:00:43 PM](#) Clerk Colleen Poole swears in Jessica Roach, JaLene Thomas and Byron and Teresa Blakely. Commissioner Hancock said their responsibility is to make sure these appraisals are fair and accurate with the market values.

[1:01:40 PM](#) Byron is here for that and to find out what is going on in the county. **(Exhibit C)** Will be facing \$45,000 to fix the issue. Hoping could get a listening ear from the commissioners. Would like a better view on his path forward. Chairman Farnsworth said this is if they feel they are improperly assessed then they go through their findings to make sure the value is correct. If there are other issues they cannot discuss them unless they are on the agenda. Byron asked if they need to talk about other issues then he would need to schedule another meeting. Chairman Farnsworth said they would need to get on an agenda to discuss these issues.

[1:05:13 PM](#) Byron said they have issues with the neighbors. Asked on gravel pits these are the leading cause of water issues. This was dug at night without permits. Have lived and looked at this for fifteen years. Have gone out trimmed trees trying to be good neighbors. Have the roots coming into the ground. Struggle to make peace.

[1:09:43 PM](#) Chairman Farnsworth asked if they are in disagreement of how the Assessor's Office has valued their property. This is where they are at today for this meeting. Byron is not sure if he has to get an attorney but he needs to find a way to have these issues affect them. Chairman Farnsworth said they can only deal with property values. If they want to come in on the other issue then they would have to come back in. Byron said historically when the value goes up the taxes go up. Wondering where the light is at the end of the tunnel. Would be hard pressed to sell this home with a gravel pit in front of it. Not saying they agree with the assessment but if they need to set another forum to discuss this they will. Chairman Farnsworth said if this falls in their purview they can look at this if they are not following ordinances.

[1:12:58 PM](#) Byron asked if they have to have the range property assessed for fire. Commissioner Hancock said they created a fire district and this is assessed a fee. If they are outside technically they do not have to respond to the fire. Byron said they do not have any structures so not sure why they should be assessed this fee. Chairman Farnsworth said they need to move on to be on the correct topic. Byron said looking at concrete bridge asks if they can sand instead of salt this bridge. The bridge face is already starting to fail. Will schedule another meeting to discuss his issues.

[1:16:31 PM](#) Assessor Cody Taylor said they did not have a chance to speak so will the Commissioners uphold their value. JaLene said they repeated and asked to make them aware they were here appealing values.

[1:17:32 PM](#) Motion by Chairman Farnsworth to uphold the Assessor's value on the Byron Blakely property parcel #RP04N40E256066. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

[1:19:10 PM](#) Recess

Open session 1:27

- **BOARD OF EQUALIZATION – STEFANIE HATHAWAY – RP00653000040 (ACTION ITEM)**

[1:28:20 PM](#) Clerk Colleen Poole swears in Jessica Roach, Pat Kelley, Stefanie Hathaway and Collette Hart.

[1:29:48 PM](#) Stefanie typed up the property assessment. Depends where they live how much the land is worth. Hard to find five acre lots up for sale similar to her home. The ones up for sale are not selling. Their home does not have any expensive upgrades. Would not appraise for the \$313,000. Feels this should be a lower value since it is on old farm land. Goes over some repairs and the maintenance. First part have provided some houses that are up for sale. The last three are homes that have been sold. Goes over a home that sold in her area that sold for \$257,999. These homes have landscaping which they do not have. Collette Hart talked that their basement is not finished. Stefanie said the second home sold but did not list the selling price the listing price was \$265,000. Third home is sold did not list purchase price was listed at \$279,000. Also has homes that are currently up for sale. Collette goes over some listings the one on 98 N 4100 this is the same level with similar buildings. Has been for sale for a long time and has not sold at the \$280,000. Had another one in the area that they dropped the price on because they have had ten or eleven different individuals walk-thru with no offers.

[1:41:08 PM](#) Appraiser Pat Kelley hands out packets. The subject parcel has photos with what this is assessed at and the breakdown. The Hathaway home was built in 2001. Is in Silver Creek Estates and is in average plus condition for the year built. Two story with a basement with vinyl and stone exterior. Total square footage is 4,508 with 2,890 finished square feet the garage is 528 square feet with an unfinished basement. Home has three bedrooms and two and a half bathrooms has a 3,000 square foot metal insulated shop on the property that is valued at \$22,176. Home is 4.62 acres and is valued at \$51,557 this is based off of five acre sales within the county. The assessed value for 2017 was \$281,422 and 2018 value is \$313,273. This is based off of the current high market. Have looked at similar sells with square footage, year built, design and rooms. Office realizes that not all properties are the same so they look at a square footage value per parcel. Method is used when looking at larger size square footage where they have fewer sells. To figure the prices of square foot take sale price minus land value and outbuilding and divide this by total square footage. Take value of home and divide this by total square footage. Look at the packet they have the breakdown. Have subject parcel and their comparables at the top. When Mrs. Hathaway brought the appeal form in they had some of homes that had not sold and they have to base this off of homes that have sold. Have to look at square footage and they do not compare manufactured homes with stick build homes. Try and keep the comparable to the same year as the home. Can see a map of the property can see the home and building. In looking at these stresses that the pictures they were shown at the first they are not allowed to use homes that have not sold per Idaho Code. Jessica said that land size makes up a lot of the value. Comparable sales are not similar to her property and the square footage. Pat said based on like properties and how they have the home valued feels they are fair and equitable.

[1:49:38 PM](#) Stefanie agrees it is hard to find comparables to her home. That is why she brought in some that had sold and thought they could figure out the land value to add to the property price. First acre is valued at \$24,000 then add the well and septic so \$34,000. How much is each acre after that. Pat said it depends because they base this off of how many acres they have and the area. Commissioner Hancock said this depends on the area. Jessica said this area is different then Labelle area due to the trees. Stefanie said the lot size the \$34,000 is included in the \$51,557 that \$17,557 for the difference on the acreage. From what she can tell they are still under the value of \$313,000. Understands the difference in lots where she is they will sell for less then Labelle area. Commissioner Hancock said these have been adjusted. Stefanie said the last ones are in her area. If adding an extra \$1,800 for lot size these are still under what her home is valued at. Commissioner Hancock said the home is \$239,000. Have to look at square footage. Have to take this into account. Collette asked if this is livable square footage. Commissioner Hancock said this is they have removed the basement. Jessica said the value is still there it is just valued as unfinished. Commissioner Hancock said there are homes west of them over in this area on 4000 the lots were selling for \$25,000 for one acre and the homes are over \$200,000 and they are tiny homes. Collette said these are new homes with upgraded kitchens. This home is old the roof needs replaced and the windows need replaced. Have issues in the basement because this was not laid right. Stefanie said this home will cost more than it is worth to fix this up. Collette said the carpet is also old same year as the house.

[1:56:00 PM](#) Stefanie said they spoke with someone and they said it would be over \$10,000 for new windows. Would need new siding. Over \$11,000 for a new roof. The two car garage is only two cars wide. The square footage is what it is. Thinks the value has increased over the years but does not feel this has increased \$30,000 in one year. Collette said there are similar homes still on the market.

[1:58:35 PM](#) Pat said that Idaho is a non-disclosure state. The homeowners do not always get sale information. Appraised these per square footage. Have the depreciation on there as a 2001 home. This covers normal wear and tear of the home. This takes the value down. Looking at this it is \$53 a square foot. The closest one that is similar is \$68 a square foot everything else is more. This is valued less than others that are similar. Years built are similar and the sale dates are within their perimeter. Older homes that are valued on this are \$73 to \$75 a square foot. With the information they have and the comparables that have sold feel like they are fair and equitable to the Hathaway's home. Jessica said they cannot value a home by how much increase in one year they have to go off of market value.

[2:01:36 PM](#) Chairman Farnsworth said their job is to make sure the Assessor's Office has gone off of comparable values. Have 4,500 square feet. Collette said they are counting the garage because this is not 4,500 square feet believes this is inaccurate. Stefanie believes they have 4,100 square feet because they count the outside of home. Had 1,200 upstairs, 1,400 on the main floor and 1,400 in the basement. Jessica said they have the main floor 1,272 main 1,618. Taken out for the basement not being finished. Stefanie said they need to re-measure the square footage. Chairman Farnsworth said they have them at \$53 a square foot and the closest comparable with similar square footage is \$68. Believes with what they have here they are fair in their assessment. Stefanie asked on the square footage difference. Commissioner Hancock asked where they get the measurements. Jessica said they physically measure the property in 2001 when it was built. All new construction is measured. Collette asked if they have proof of the measurement because they feel this is inaccurate. Stefanie said either that or they were told incorrectly. Can this make up 500 square feet? Jessica said they are willing to re-measure homes if they need to. Commissioner Hancock believes most measure from the outside and believes with the square footage cost it is pretty reasonable.

[2:07:19 PM](#) Commissioner Hancock said looking at this believes that the Assessor's Office has been more than fair on how they have assessed this. Have seen an increase.

[2:10:04 PM](#) Chairman Farnsworth said they do not see anything where the Assessor's Office has valued anything wrong. Commissioner Hancock said they have followed all of the standards to come in at this value. Feels this is reasonable at \$53. Stefanie asked for a re-measurement. Jessica said they measure on the outside on all homes. Pat shows the sketch of the measurements. Jessica said Mrs. Hathaway called on June 5 and talked with Debbie. None of this information was brought up in the conversation. Then they came in on the last day when Mrs. Hathaway filed the appeal. Stefanie said she could not come in any sooner. Chairman Farnsworth said they will have to go off of the assessed value at this time.

[2:13:09 PM](#) **Motion by Commissioner Hancock to uphold Assessor's value on parcel #RP00653000040. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.**

[2:14:12 PM](#) Chairman Farnsworth said they can work with the Assessor's Office to schedule a re-measure.

#### **APPRAISER – JESSICA ROACH**

- **VALUE CHANGE LETTERS – (ACTION ITEM)**

[2:20:36 PM](#) Commissioners sign no value change letters for the Assessor's Office.

[2:21:15 PM](#) **Chairman Farnsworth said they will adjourn as the Board of Equalization and reconvene as the Board of County Commissioners.**

#### **PUBLIC WORKS – DAVE WALRATH**

- **UPDATE**

[2:21:29 PM](#) Dave not a lot different from last week. Did mention the railroad crossing planking will be happening this weekend. Did get a call from Miles Anderson and have hammered out a few issues on the acquisition of the property. Assured him they could have access as long as it is 250 feet minimum from the intersection. Should finish up on 4100 E today and will move over to 650. Have lots of individuals that have requested Thursday off so it will be a short week. Then will begin the prep work on 3800 E. Hot mix they are using on 4100 is from the Teton Plant. Was able to get the Lake road done before the fireworks. The mud is getting tracked onto the road. Chairman Farnsworth said maybe they should give Mr. Boyce a call and suggest they get some gravel to help knock off the mud. Dave said the traffic was challenging. Had exiting traffic go through Barrion Estates and Waterstone. The middle lane was for incoming lake traffic. Figured out traffic control but it was challenging.

[2:28:11 PM](#) Dave said they would like to have two more trailers stripped and resurfaced. Have done this the last two years. Figures the price will be similar. Chairman Farnsworth said this keeps them looking good. Dave said they hired an individual to start getting the mowing done. Chairman Farnsworth said he does not have anything else. Had some compliments on the Lake road and 3500. Dave said they will be moving to chip sealing soon. Goes over the issue with the power substation on County Line. Chairman Farnsworth said they may need to get with Tim Solomon on this.

[2:33:03 PM](#) Recess until 3:00

**Open session 3:00**

#### **SNAKE RIVER ESTATES – BEAR ISLAND – JAY HILL – WARD WHITMORE – BILL SMITH**

- **CHALLENGER PALLET UPDATE**

[3:00:38 PM](#) Jay Hill said here they are here again. Last Wednesday night was one of the worst experiences they have ever had. Started at 9:30 at night. Went to bed at 11:00 that night. Called to sign a complaint and the Sheriff's Office responded. There was a cloud over the tanks out there that was the largest he had ever seen. Found out later that Linda Higgins had called the Sheriff's Office due to the sawdust that was blowing over. After signing the complaint his wife got up at 4:00 and it was still just as loud as ever. Linda said she has also called the Sheriff's Office. Thought there was a big fire so she had drove over to check.

[3:04:01 PM](#) **Deputy Prosecutor Weston Davis is in the room**

[3:04:41 PM](#) Linda complains on the noise. Cannot sleep they have to have their windows shut due to the smell. Jay said they have talked to neighbors and after hearing this all night everyone is ticked off. His opinion is they are really starting to get irritated on how this is being handled. Has worked as a cop on felony and misdemeanor cases that have not taken as long as this process has. Cannot sleep or use their own backyards. Do not seem to be getting their attention. Will keep comments somewhat limited. Had Mr. Davis ask him questions on how they can enforce federal law. Does not believe this was a fair statement and maybe someone else should handle the case. Want the county to enforce their own laws. They were created by elected officials. Bill Smith said the zoning ordinance was made by the individuals. Jay said it is hard to argue all they have to do is read the code. How many of these buildings exceed thirty-eight feet? Where is the permits for the systems? Where are the inspection reports? In his opinion tends to believe they do not exist. Their own ordinances give the commissioners the ability to act. His opinion the Prosecutor's Office is taking away their ability to do anything. Also makes it so Planning & Zoning does not have the ability to do anything.

[3:09:43 PM](#) Jay said that Challenger Pallet does not have any permits issued by the State. Started this process with the county in March. Special meeting was on April 24. They have built what they wanted, increased hours and truck traffic. They told Kevin that they have had at least a thirty percent increase. Not sure what they have to do or say but they need to get something done. Feels there is something else going on that he does not see. Have been involved in a lot of misdemeanors and felonies. Are they too afraid to stand up and say they are in violation?

[3:11:42 PM](#) Chairman Farnsworth said they are listening to them. Have turned this over to Planning & Zoning who has turned this over to the Sheriff's Office and the Prosecutor's Office. Bill asked where the Prosecutor is at. Deputy Prosecutor Weston said they are on day twenty-one out of thirty. Have had lengthy discussion with Paul and he expects a report out on Friday. Jay asked why they are not pursuing the actions in the code.

Weston said the remedy is a criminal code. Bill said the commissioners are empowered to issue a conditional use permit. This is so far out of light industrial. Jay said county ordinance 3.3.16.3 "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."

Commissioner Hancock said this is when they apply for a conditional use permit. Jay said this is under conditional uses reads the first of this it states "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."

[3:15:09 PM](#) Kevin said conditional uses can be applied. These are done in the condition with something that is not allowed. During the review process they can have conditions. Cannot go back after the fact. Jay asked if there was a conditional use permit. Kevin said there is not that he is aware of. Bill asked if they ever had any permits from after the fire. Kevin said this is something they are working on. Bill said if there was an application and permit the conditional use business would not kick in. That may be where this whole thing fell through.

[3:17:00 PM](#) Chairman Farnsworth said at the time this was built it was light industrial so there would not be a condition on this. Commissioner Hancock said this was not rezoned to light industrial until after 2006. This did not have a zoning designation. Bill said it should have defaulted to residential. Commissioner Hancock said the problem is they have been in existence for forty years. Prior to this it did not have a designation is what he understands. This may be part of the problem. Bill said when the original zoning ordinance was passed there was an extensive effort to zone the county. Commissioner Hancock said this was in 2006 and they had some real issues.

[3:18:38 PM](#) Jay said the majority of the new construction as it exists now has been in the last two years. Bill said this is when this has really become an issue. The horrendous noise and the sawdust being blown into homes and eyes. Jay said the lights are about a third mitigated. Ward said it depends how they are oriented to the plant. Jay said that Challenger their unwillingness to talk with any of them. Have not responded to the county. Chairman Farnsworth asked if they have submitted record requests. Jay said he did this morning. Bill said he has also but not gotten any response on his written request. Kevin said that went out on Friday. Part of the trouble and the complexity this has spanned a lot of years and a lot of different regulations. The permit they are reviewing is over one hundred pages. By no means are they not trying to get them the information they request.

[3:21:39 PM](#) Jay is surprised the permits are not part of the evidence package. How do they make a decision if this has been done lawfully if not all of the documents are available. Jay had requested the entire air/dryer blower system. There are certain things that cause a lot of noise. It is a mechanical noise. Ward thinks this is rotating equipment that whines when they start it up.

[3:23:23 PM](#) Ward asked on the process are they looking at the nuisance or the zoning or doing both concurrently. Weston said the criminal investigators are looking at this. His understanding is when this is complete charges will be made or a letter will be written on their decision. Have spoken with Paul who could not be here today. Thought they would have something last week. Mondays are hard days due to court all day. Jay said when the criminal is done then it will go to him for the civil. Paul will make a decision if any civil action needs to be taken. If criminal charges move forward that will be done first.

[3:25:25 PM](#) Jay said other than criminal is this the only way to address these issues. Weston said the homeowners can file a civil lawsuit privately. They face issues when there is a possibility of a private lawsuit.

[3:26:15 PM](#) Jay said that Jefferson County issues a permit. Had to hire individuals to build this. His shed is not liable to cause any noise issues. Need to make sure what was built corresponds with the permit that was issued. Bill asked if there is a certification of zoning compliance.

[3:27:21 PM](#) Kevin said they have a plot plan and go over if items are allowed. Once this happens the permit of the structure is reviewed. Bill said a light or heavy industrial facility is being built it's not the matter of the dimensions. Need to certify they are doing what they say they are going to do. Or they need to change the zoning. Have doubled the size of this operation and have taken this from light industrial to heavy industrial. Had never had a problem until the last two years. Why was this allowed to happen and since it has what will they do to change this back to a light industrial operation.

[3:29:35 PM](#) Jay reads zoning ordinance 3.15.5 Zoning Certificate Required "It shall be unlawful for an owner to use or to permit the use of any structure, building, land or part thereof hereafter created, erected, changed, converted or enlarged wholly or partly until a zoning certificate, which may be a part of the building permit, has been issued by the building official or representative." Continues and reads zoning ordinance 3.16.2 Alternative Remedy "In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or the land proposed to be used, is in violation of this ordinance, the building or land in violation shall constitute a nuisance and the County may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute and injunction, abatement, or other appropriate proceedings to prevent, enjoin, temporarily or permanently abate or remove the unlawful location, construction, maintenance, repair, alteration or use."

[3:30:57 PM](#) Ward said that a comment to Mr. Davis statement is what they do as private citizens is none of their business as far as a private lawsuit. Need to determine if this is best for the county to enforce their own ordinances. Firmly believes they are out of the light industrial zone. They want to know what they going to do about this and when? Feel they are going to get a legal argument. Mentions there are a lot of people involved that the county has a lot of history with having good ol' boy politics. Worried because former commissioner Tad Hegsted is the owner of this. Are they going backwards? Want to be sure they rise above what has happened in the past.

[3:33:37 PM](#) Chairman Farnsworth said that from what he has heard that on Friday there will be a report ready. Weston said this is the commissioner meeting if they want to talk to the Prosecutor then they can call him directly. Ward asked if this would be public or private meeting with the Prosecutor. Weston said they would have to call him. Chairman Farnsworth said they would have to call Paul to see what he wanted to do.

[3:35:03 PM](#) Bill has Linda come over to show them how bad her eyes are hurt. It is really a bad situation living in this area.

[3:35:53 PM](#) Recess

**Open session 3:44**

**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)**

[3:44:47 PM](#) Motion by Commissioner Hancock to go into executive session 74-206 (B) – Personnel. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed.

Open session 4:05

[4:06:02 PM](#) Motion by Commissioner Hancock to adjourn at 4:06. Second by Commissioner Martinez. All in favor – aye. Motion passed.

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*Chairman of the Board*

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

\_\_\_\_\_  
*Clerk of the Board*

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

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

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