

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
AUGUST 13, 2018**

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

EMERGENCY MANAGEMENT – REBECCA SQUIRES

• **AED PURCHASE – (ACTION ITEM)**

[9:02:17 AM](#) Rebecca is cleaning up the 2017 grant. This is 100% match. Have enough money for an AED defibrillator. Do have two quotes one was \$1,500 and the other was \$1,495 so very close. Spoke with Sheriff Anderson and he prefers Cardiac Science. Did run this past Weston. Is here today looking for approval to purchase a defibrillator under the SHSP grant for \$1,500. Commissioner Hancock asked if this is just for the Sheriff. Rebecca said this will be for the jail. It will give them the opportunity to see if they like this product. Have an end goal of getting these defibrillators into all of the patrol cars.

[9:05:20 AM](#) **Motion by Commissioner Hancock to approve purchase agreement with Cardiac Science for the defibrillator purchase for \$1,500. Second by Commissioner. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

• **PRE-DISASTER MITIGATION (PDM) GRANT**

[9:06:36 AM](#) Rebecca received notice from the state for the pre-disaster mitigation grant. This is where they can apply for grant fund. These are the approved action items under the old plan. Looking at where they are having damages. It is the Harrison Canal that they need to protect the footings. Will hardening the bridge by laying concrete would help mitigate damage. This is the project she would propose. Estimate this at \$100,000. This grant is a seventy-five/twenty-five so they would have to match twenty-five percent. Presents them with a list so they can look at anything they would think of as a higher priority. Chairman Farnsworth asked if this would be on the canal company. Feels they should fix the problem they created.

[9:09:27 AM](#) **Deputy Prosecutor Weston Davis is in room**

[9:09:39 AM](#) Rebecca is only looking for direction if they want to go for the grant and if they do what type of project would they want to look at. Chairman Farnsworth is all for the grant is just looking for something else to use this on. Commissioner Martinez mentions the fire protectors in all homes. Rebecca said that Central Fire does already have a project for this.

[9:12:13 AM](#) Rebecca said in looking at this list that is why they are updating their plan. If they want to look at the booster pumps she just wonders if this money will come in later then they need it. Chairman Farnsworth would not like to spend the grant money on the canal company. Rebecca said they could approach them because they want this fixed they could administer the grant and save them seventy-five percent of the cost and they pay the match.

[9:14:27 AM](#) Chairman Farnsworth asked if they have to know where the grant is going before they apply. Rebecca said that it is project specific. Chairman Farnsworth asked what fight the bite is. Rebecca said this was before the mosquito abatement was formed. Commissioner Hancock thinks the bridge would be a good project if the canal company pays the match. Need to make sure the bridge does not wash out. Rebecca said the RC&D are training in writing the grants will work with them.

[9:18:07 AM](#) Rebecca said for the PDM grant will talk with the canal company and RC&D. On the economic grants this is because they had an emergency this is not emergency management but she can start the conversation. Commissioners think they should start this.

NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL

• **UPDATE**

[9:19:42 AM](#) Mitch has the crews out working. Following up on the spot treatments. Will be addressing vines on fences these are a noxious weed. Will spray the fences. Commissioner Hancock asked if they spray the plant itself. Mitch said this is hard on grasses but they spray the plant. Try to make a light rate on the grass. Discuss roundup and the issues they have had.

[9:22:43 AM](#) Mitch has been keeping an eye on the lake. The algae was developing so they took care of the treatment. Have had some bites. Called Department of Ag and they went out and did some sampling. There was a trip bug that starts in the grass and they migrated to the water. These do bite people. Will be losing two crew members around the end of the month. Will begin doing fall treatment. Have had a lot of requests to come out and spray.

[9:27:57 AM](#) Chairman Farnsworth said if they have weeds running rampant. Mitch said that everyone needs to control these. Cannot go after federal but can the state. BLM came to them on the south side of Skaars feedlot. Started there last week. They pay for this and are good to cooperate. Has been too hot for the spray project up in Kelly Canyon. Once it cools off this will be a few days of work with the agencies they pull in for help.

COMMISSIONERS

• **AUGUST 27 MEETING – BUDGET HEARING**

[9:33:01 AM](#) Colleen said asked on August 27 if they could hold the commissioner meeting in courtroom four. The school election is the next day so they will be using this room for trainings. Will move back in for the budget hearing that evening at 6:00. Will get this to the paper on Friday. Commissioners think this will be fine.

- **REQUEST FOR PROPOSAL – JANITORIAL/MAINTENANCE – (ACTION ITEM)**

[9:35:33 AM](#) Colleen said they asked for a copy of the request. Got this from Rebecca. Need to review this for changes. There is an addendum that may need to be incorporated. Need to start reviewing this so they can get this out for bid. Commissioner Hancock said they could put out two different RFP for the different scope of work. So they could include the Sheriff's Office as well. Then in this they can state they can award this to two different bidders or they could incorporate this into one. This would save a lot of advertising and reviewing contracts. Need to have the Sheriff give them his scope of work. Chairman Farnsworth said what they will do there will be different. Commissioner Hancock said a lot of items such as heating these are tied together. Colleen said some cleaning companies this is all that they do. Could be possible that they would need to have a maintenance person as well. Commissioner Hancock said then they will have the annex coming on at the first of the year. Colleen said they will have three months that will be different. Commissioner Hancock said they could make this a separate line item. Colleen suggest they take a look at this and she will get ahold of the Sheriff for his scope of work. Commissioner Hancock knows they need to get this out. Will add it to the next agenda.

- **CODIFICATION SYSTEM – (ACTION ITEM)**

[9:40:50 AM](#) Colleen is not sure where they are at. Weston said that Kevin had sent out a packet would recommend from a legal standpoint. On page thirteen it says term of agreement this should end three years after the first approved code. Does not like that because Idaho Constitution requires they do not enter into agreements longer than one year. When they talk about this would like it to be subject to available funds.

[9:42:55 AM](#) **Prosecutor Paul Butikofer is in the room**

[9:43:09 AM](#) Weston also would like that they can terminate with notice to be added. Has sent out these changes to Kevin. When looking at the subscription there is an annual one for \$450. Recommends subscribing to this annually because this allows past ordinances to be available to the public. Would like to talk with Kevin because there was discussion with making changes to ordinance and never being written down. Would recommend the customer banner of \$250 because if a member of the public finds the code and it says Municode it shows they have opted and has the county logo present. Is additional money to brand this but feels it has a purpose. Another option is when they update the code it takes the ordinances and they automatically go into code. Would not recommend this now because it will take around eight months to get this together. When adding the other items in the lump price is \$995 annually. Adds search ability into the code. Thinks this is a benefit to the public. Would like to have Kevin look into this. There is Municode this is where they can upload minutes and agenda notices. This would allow them to update these minutes and agendas. Is not clear if this is an annual or onetime fee.

[9:49:01 AM](#) This is an extra cost but thinks this is a good option. Wants Kevin to look at this before they give the final approval. Colleen needs to know if they need to add more into the budget. Have \$10,000 in now. Weston is not sure if they came back at \$16,000. Colleen said they did but got them down to \$10,000. Commissioner Hancock thinks they would like the package. Weston said this would be publicly available. Would have Kevin run this past the company. Weston would like to know on some of these options. Other recommendation is having the PDF and Word version so they do not lose their work. Will bind ten binders. Weston said would like to have Kevin confirm on some of these questions before they make a decision.

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

[9:57:27 AM](#) Colleen provides updated progress reports. Commissioner Hancock said this is not a change order it is to request a price on the change items. Will discuss this more with the architect at 11:00.

JAY HILL – WARD WHITMORE – BILL SMITH

- **CHALLENGER PALLET ISSUES**

[10:02:35 AM](#) Jay Hill comes up before the board. (Exhibit A) "Good Morning, My name is Jay Hill and I have a community statement from Snake River Estates to be read into the record, I estimate that my statement will take approximately fourteen minutes and I appreciate it if all questions or comments be held until I complete my statement. It has been over a year since we met with the County to ask that a noise ordinance be enacted and it's been almost four months since we had a meeting to specifically discuss the extreme machinery noise, sawdust particles in the air, lighting that illuminates our homes and an extraordinary amount of vehicle traffic that, when combined, has had a significant effect on the lives of almost 200 Jefferson County residents. We are still here, as are the same issues. We are still here, as the record indicates, asking for one thing from the County, and that is to enforce the laws that the County has passed and are on the books. This story begins even prior to the April 24th Commissioners' Meeting. After suffering the effects of the Challenger growth for over a year and seeing no action by the County to enact a noise ordinance, residents realized by early 2018 that something needed to be done. Residents began contacting the County, which included presenting a petition signed by seventy-six people living in proximity of the facility. Kevin Hathaway, of Planning & Zoning, sent Challenger Pallet a letter in March 2018, which contained some reasonable questions concerning the growth of the facility over the past few years. The letter requested that Challenger respond within seven days. No response was received. Mr. Hathaway even made two additional calls to Challenger Pallet after the requested deadline had passed and no response was received. Challenger made it clear that there would be no engagement to find a solution, as they did not return his phone calls. When Idaho News reporter Mike Price met with a group of us to be interviewed, just after he had interviewed the owners of Challenger Pallet, he reported to us that one of the owners of Challenger Pallet advised him that "I did not receive the letter." A copy of a signed receipt indicating that the letter had indeed been delivered was included in the evidence packet submitted by the Prosecutor by Kevin Hathaway, so clearly the statement doesn't appear to be accurate. Hathaway's report that was turned into the Prosecutor's office also contained the following quote: "They (Challenger) told me that their attorney had advised them not to answer the letter, due to potential and competitive, market sensitive issues." Market sensitive issues... Really? I will leave it to you to decide the reason or reasons why Challenger did not respond. Now let me address the events of April 24, 2018. A lot has happened since that day that we believe is significant to the way this whole process has evolved. First, I should mention that when Kevin Hathaway and one of his employees showed up at Challenger Pallet on April 24, 2018 for a scheduled meeting, they were somewhat surprised to find that one of the County Commissioners was already there. We have confirmed that Planning & Zoning did not

call and invite the Commissioner, as they were doing their job as part of County government. Again, I leave it to you to determine who, in fact, invited the Commissioner to the meeting when a public meeting was scheduled for that very night at the courthouse. Secondly, a representative from Challenger Pallet did not attend the Commissioners evening, although they were invited by Mr. Hathaway, which, in our opinion, is more evidence of an unwillingness to involve itself in the process to resolving the significant and ongoing issues. During the meeting with Challenger Pallet that day, Kevin Hathaway, in his report, indicated yet another opportunity for Challenger to resolve the issues. When Hathaway asked the Challenger owners if they would be willing to participate in a joint effort to resolve these complaints, they responded, "We've done all we're willing to do. If we have to get our lawyers involved, we will." When the Commissioners meeting took place on the evening of April 24, 2018, it greatly surprised us that not a single person from the Prosecutor's office attended. Little did we know that this apparent incident would be the start of an on-going trend by the Prosecutor's office to minimize and distance themselves from the issues. As a result of the April 24, 2018 meeting, Kevin Hathaway started to investigate the zoning issues. Hathaway's subsequent report contains several "conditions" that are problematic when compared to Jefferson County ordinances. He states in his report, "In reviewing the files for Challenger Pallet, it appears they do not have building permits for the Kiln building built in 2016." He also states that "There is no record or permit that allows them to have built the three large sawdust accumulators located south of the new production building also built in 2016" He goes on to state that these very structures exceed the thirty-eight inch maximum height allowed by approximately twenty inches. Mr. Hathaway refers to the new building as a "production building." It is our understanding that the building was permitted as a warehouse. However, when Mr. Hathaway toured the "warehouse", he found processing equipment to be present in the building. Hathaway was quoted in the Idaho News article written by Mike Price as saying "He is investigating whether or not the equipment was included in the permit for the new building Hegsted constructed" We are not clear as to whether this specific issue has been resolved. We are also not clear as to whether any taxable equipment was reported to Jefferson County at the time of installation. Mr. Hathaway also contacted the Jefferson County Sheriff's office and asked if they would assist in gathering evidence by way of responding to citizen complaints and recording the noise or other factors that were causing issues with nearby homeowners. It should be mentioned that over forty complaint calls to the JCSO were made in less than a two-month time period. In addition, residents were asked to provide written statements, video and still-picture photographs and to contact the JCSO whenever conditions existed that were considered detrimental to the lives of people living in proximity to the facility. An unusually large amount of evidence was turned over the JCSO by residents living near Challenger. The amount of evidence indicates the frequency and intensity of the disruptive factors that were and still are, crossing the property line and invading our neighbors. The JCSO was asked to collect the evidence from residents and from Planning & Zoning Department and then turn the evidence into the Prosecutor's office. Once the evidence was turned over the Prosecutor's office, we were told that it would be thirty days before a decision was made as to whether to pursue criminal charges against Challenger Pallet. It was decided by the Prosecutor that his office would pursue the "Nuisance" ordinance first, which is identical to Idaho Code 52-111. We have several issues in the way the Prosecutor handled this situation. First, there are two ordinances involved in the Challenger Pallet issue, those being the Nuisance ordinance and the Zoning ordinance. The zoning ordinance states, under 3.16.2: Alternative remedy. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used, or the land proposed to be used, is in violation of this ordinance, the building or land in violation shall constitute a nuisance." Will not read the rest of this. We have questioned the decision to pursue just the Nuisance ordinance when the Zoning ordinance, which is central to this whole issue, covers both ordinances. We have also questioned why the Jefferson County Prosecutor needed thirty days to make a decision on a misdemeanor. The Prosecutor's office was well aware of the decibel readings that residents were being exposed to the increased working hours of the Challenger facility to include work that continued through the nights on an ever-increasing frequency. They were further aware that people were not able to use their yards due to the dangerous levels of noise that were resulting from an "admitted" thirty percent increased production rate. They were also aware of the substantial increase of truck traffic due to Challenger shipping "pieces" of pallets to the other locations for assembly. The source being Planning & Zoning and they were certainly aware that Challenger Pallet had increased the size of their facility and had newly installed equipment with much of it not having a permit as indicated by the Planning & Zoning report. You can decide why the decision to pursue the Nuisance code was made and why it took thirty days to come out with a decision not to prosecute, as we can't logically explain it, especially when the County's zoning section flows up to the Purpose Statement. This is the section that prefaces the zoning codes section 3.1.0 general provisions. "Purpose: An ordinance providing for the establishment of zoning within Jefferson County, Idaho, under the constitution of laws of the State of Idaho. The zoning regulations and districts herein established have been made in accordance with specific goals and designs for Jefferson County to promote the health, safety and general welfare of the residents of Jefferson County, Idaho." It is apparent that the Prosecutor's office failed to take the aforementioned "Purpose" statement into account, as their attitude and/or behavior throughout this entire process can be described as disinterested, slow to react, hostile at times and many of their decisions appear to us as having benefited the very people who have caused the issues. Furthermore, they fail to include all relevant evidence in their decision to prosecute, to be precise, all of the JCSO evidence that was obtained by the officers themselves. Essentially making the time that officers spent dealing with this issue a waste of time and taxpayer's money. We were shocked when the Prosecutor, or his deputy, attempted to pass the buck by telling us residents to "take care of this matter yourselves." This suggestion was made several times and can be verified by reading previous meeting notes. Perhaps the most shocking statement came from the elected Prosecutor himself, when told by an affected resident that he wanted the Prosecutor to enforce "your own ordinances," replied that they were "not his ordinances and I didn't pass them." We won't comment on that statement, as it would appear to speak for itself. Additionally, there have been five signed complaints turned over to the Prosecutor's office by affected residents and not a word has come out of the Prosecutor's office as their status, nor has any word been forthcoming as to the decision by the Prosecutor's office to prosecute Challenger Pallet for zoning violations. Given the evidence, what does it take for the Prosecutor's office to do their job and actually prosecute? Simply put, we believe that the Prosecutor's office has failed to do its job and we find that the process and decisions that have been made out of that office to be an embarrassment to the county and offensive to residents that simply ask that they County follow its own laws. It is our belief that the Prosecutor's office has no interest in involving itself to the point of various sources, into a complicated mess with no end in sight. We further believe that the Prosecutor's office, through its actions and decisions, have affectively prohibited, or at the very least, inhibited the ability of the JCSO, Planning & Zoning and the Commissioners of the county to do their jobs effectively. Just last week, the Prosecutor's office directed

Planning & Zoning to extend the timeframe for Challenger to submit an application for a Conditional Use Permit. This means that it will be October at the earliest before anything can be done to mitigate the issues that affect our lives. Meanwhile, Challenger keeps running equipment that Planning & Zoning contends is not permitted and using buildings that are not permitted. The Prosecutor's office is saying to us, as they have for the last four months "Live with it." Therefore, we have come to the point that a request is hereby being formally made to the Commission of Jefferson County, Idaho. We ask the Commission voice a resolution and vote to hire outside legal to take a fresh and objective look at this situation before it gets completely out of hand and puts the county, our county, at an increased risk of liability. It is almost unbelievable that a company can do what Challenger Pallet has done, according to the County's investigation and other empirical evidence and not be charged with criminal charges based on standing County and State law. It is also unbelievable that Challenger is still using and operating buildings and equipment that has not been approved by the County, and according to the County, is unpermitted."

[10:17:46 AM](#) Ward enters his comments. (Exhibit B) Want to enter the full statement but in essence of time will not read all of this. August 13, 2018 Challenger Pallet Supply expanded production facility during 2016 and 2017. Expansion has a new large warehouse with they believe an automated saw mill, sawdust blower and collection system. Jefferson County Zoning & Planning (JCZP) issued a report on May 18, 2018 regarding Challenger offered by Kevin Hathaway has numerous quotes here. Quotes Kevin Hathaway "It also appears there is enough evidence to support a nuisance or disturbing the peace complaint, per Idaho Code." "They (Challenger) told me that their attorney advised them not to answer the letter (JCZP letter to Challenger dated March 5, 2018), due to potential confidential and complete, market sensitive issues." "I also asked if the ultimate resolution of these issues included additional buffering or other things, would they (Challenger) be willing to participate in a joint effort to resolve these complaints?" Mr. Hegsted and Mr. Bennion emphatically stated they would not. "We've done all we're going to do. If we have to get our lawyers involved, we will."

Ward reads "Jefferson County Zoning Ordinance 3.16.0 identifies remedies for violation of the zoning ordinance. Ordinance 3.16.1 identifies willful violation of any zoning ordinance provision as a misdemeanor punishable by jail time or fine. Mr. Butikofer issued a statement that the Jefferson County Prosecutor's Office is not taking criminal action at this time against Challenger Pallet for Nuisance or Disturbing the Peace despite being provided with the following: A comprehensive report from JCZP detailing how Challenger is operating in apparent violation of the zoning ordinance. A petition signed by seventy-six residents identifying noise and light nuisances from Challenger and requesting Jefferson County remedy the problem. At least seven signed statements of residents identifying impacts from Challenger and requesting Jefferson County remedy the problem. Audio and video evidence of the noise emanating from Challenger. Photographs of decibel meters showing high decibel measurements. Four to six incident reports from Jefferson County Sheriff Office (JCSO) regarding Challenger showing date and time of the nuisance complaints. Sergeant Johnson said these are less than a third of the recent incident reports on Challenger collected by JCSO. We believe that residents made at least forty calls to JCSO regarding Challenger nuisances. Sergeant Johnson said the Prosecutor's Office never requested the remaining balance of JCSO incident reports. Mr. Butikofer's statement identifies three factors he used in his screening process regarding whether to criminally prosecute Challenger: 1) Was a crime committed and 2) can it be proved beyond a reasonable doubt? We believe the answer is yes to both based on the large amount of evidence provided by JCZP, residents and JCSO. 3) Is prosecution the ethical thing to do? We believe it would be unethical not to prosecute if a crime was committed and could be proved beyond a reasonable doubt. This third factor is troubling in that it suggests the Prosecutor's Office may not believe that enforcement of county ordinances needs to be done objectively. Mr. Butikofer's statement does not state how he resolved his three factors nor does it specifically state whether he addressed these factors at all. When asked why he refused to prosecute, Mr. Butikofer stated that this was privileged attorney client information between the Prosecutor's Office and JCZP and JCSO. Kevin Hathaway of JCZP stated that he has no written information that sheds any more light on Mr. Butikofer's decision beyond what was in Mr. Butikofer's written statement. JCZP confirmed migration of the same nuisances crossing the plant boundary as identified by the residents. We believe that the majority of impacts emanating from Challenger are from the new automated sawmill, new sawdust blower and collection system and possibly the new kiln. A photograph from Google Earth proves that this equipment was recently constructed since it did not exist as of the September 10, 2015 photo date. Residents continue to measure sound from the Challenger plant at decibel levels above that deemed injurious to hearing by OSHA and defined as annoying by the EPA. Residents adjacent to Challenger experience excessive noise from trucks servicing the plant at all hours of the day and night. Residents have photographed clouds of dust surrounding Challenger's new blower and sawdust collection system on multiple occasions including after dark. Sawdust certainly emanates from the plant when blown by the frequent Idaho winds. Jefferson County Commissioners witnessed eye irritation of a Bear Island resident during a public meeting held July of 2018, which she attributed to sawdust that she smelled at the time. JCZP reported that Challenger stated they were instructed by their attorney not to respond to a JCZP letter and that they will not participate in a joint effort to resolve complaints. We understand that JCZP has sent a letter to Challenger instructing them to request a meeting of the Jefferson County Zoning & Planning Commission to impose use restrictions on themselves to resolve apparent zoning violations. Residents find themselves in the untenable circumstance of suffering impacts from Challenger operations while waiting for Challenger to request imposition of restrictions on themselves to resolve issues that Challenger has stated they have no intention of resolving. We believe JCZP is pursuing its path to resolve Challenger zoning issues because of lack of action by the Prosecutor's Office despite clear evidence of zoning violations. We believe that attorneys from the Prosecutor's Office have tried to absolve themselves from responsibility to enforce Jefferson County zoning ordinances by repeatedly suggesting residents litigate against Challenger. It is the responsibility of Jefferson County and not residents to enforce county ordinances. Nuisances caused by Challenger have persisted for more than a year. It is past time for Jefferson County to remedy Challenger zoning violations and resulting impacts on residents. Ordinance 3.16.2 states an alternative remedy that Jay has already read. The May 18, 2018 report prepared by JCZP states it is apparent that Challenger is not conforming to their light industrial zoning and some Challenger structures are not in compliance with zoning requirements. We understand that the letter JCZP recently issued to Challenger states Challenger is operating with "unpermitted" equipment, which is a zoning violation. We believe that JCZP has reported overwhelming evidence that Challenger is currently operating in violation of the Jefferson County zoning ordinance and this is a nuisance per 3.16.2. East Idaho News reported that Tad Hegsted said the county commissioners have his back and represent him as a business owner. Mr. Hegsted was quoted by East Idaho News as saying: "I was a county commissioner for ten years. I know how

this works. The commissioners are going to defend me. That's our stance. That we have broken no laws. You allowed us to build here." We believe the JCZP report and JCSO evidence shows that Challenger is operating in violation of zoning requirements and therefore has broken laws. We don't believe that Jefferson County issued permits to Challenger that "allowed" them to build in violation of light industrial zoning. Mr. Hegsted's statements have raised residents' doubts regarding whether Jefferson County is treating participants in the Challenger zoning issue impartially. We request that Jefferson County Commissioner secure outside legal counsel to provide unbiased assessment of applicability of implementation of Jefferson County Ordinances 3.16.2 because of lack of action by the Prosecutor's Office to remedy Challenger zoning issues via ordinance 3.16.1. Outside legal counsel should also review all evidence and determine whether remedy via ordinance 3.16.1 is warranted."

[10:25:46 AM](#) Commissioner Martinez comments this is the first time this has happened. Hope they can come to an understanding. Would not be opposed to looking at further outside legal counsel. Chairman Farnsworth thanks them for their time.

PUBLIC WORKS – DAVE WALRATH

• UPDATE

[10:26:40 AM](#) Dave has a stack of information. Met with Civil Science that is doing the design on the Annis Highway project. Have a couple of alternatives on the realignment on 600. Have a horizontal adjustment which is the most logical. The other is vertical adjustment the idea is they would raise the road up just north of the intersection. Can see on both of these proposals and the bottom line cost estimate. Commissioner Hancock said they are trying to straighten this out not raise it up. The vertical in his opinion improves this but they are not correcting the issue. Horizontal option does a better job of correcting this. Can save \$100,000 they discussed in the meetings. Dave said one of the things not included is the placement of culverts thought the county could do those. These are all over the cost of the project. Commissioner Hancock said they are using costs from the Twin Falls area so currently they do not have accurate costs. This project is set for 2020 or 2021. Dave said big ticket items on super pave. This is hauling and laying this down. Thinks this number is high.

[10:32:57 AM](#) Commissioner Hancock said they have paid for the engineering costs. There may be a problem to get the funds needed. May look at less miles. Chairman Farnsworth likes the horizontal fix. There have been some bad wrecks on this road. Dave said they left this to approach the property owner to see how they feel about this process.

[10:34:23 AM](#) Dave said have had more discussion with Mr. Anderson on the 4100 right-of-way. Had several things he wanted included in the purchase and sale agreement. Issue with number six that they will decrease taxes accordingly and there will be no increases. Also discussed access. State stipulates the accesses by what the speed limit is. The spacing is four hundred or five hundred feet which would not be doable. Commissioner Hancock said they have access through the subdivision already. Dave said they would have an access two hundred feet from the intersection. Have not gotten back to him will do that to see where they are at. Commissioner Hancock said they did an appraisal of the property. Dave said Mr. Anderson believes this has increased since the December appraisal.

[10:37:05 AM](#) There was a Planning & Zoning hearing Thursday relating to the new grade school on 200 North. School district had Keller Associates do a traffic study. Provides this to the commissioners. Submitted a thirty-year building plan at the hearing.

[10:40:03 AM](#) Have a no build solution on southbound that already warrants a turn lane. Build option have a northbound right turn lane and southbound left turn lane. Then 3950 and 200 north would need turn lanes. Question was asked on this analysis. There is software that they use to input number of cars and buses. One of the things that is a positive is all of the kids live south of Highway 48 between US 20 and 4100. This should ease traffic crossing Highway 48.

[10:42:13 AM](#) Commissioner Hancock knew they would need to do this and with a new school traffic will only get worse. This confirms this.

[10:42:42 AM](#) Dave said have talked about putting out a bridge deck seal project. Have the specs for this. Commissioner Hancock said that ITD uses these specs. Dave said this is an epoxy overlay. Commissioner Hancock asked how much life this adds. Dave thinks twenty years. Try to do as many as they can within their budget. Would do the Heise Bridge, Great Feeder and maybe the South Twin Bridge. Commissioner Martinez asked what temperature this needs to be applied at. Dave said they need seventy-five degrees. This is a warmer weather treatment to get the epoxy to cure. Commissioner Martinez asked on how long the traffic has to stay off. Dave thinks the state keeps the traffic off for a day or two. Then move out to Menan Bridge. Chairman Farnsworth said the Heise Bridge is a very important one that is showing signs of wear. Dave said they have some asphalt patches that would need removed prior to shop blasting. Dave would like to put something out within the next month.

[10:46:43 AM](#) Commissioner Hancock asked if the state has anything on price per foot. Dave is not sure they have put out a project this year. Commissioner Hancock said that D.L. Beck is right here they could ask what the prices run.

[10:47:38 AM](#) Dave said on Solid Waste side having issues with the scrapper. The electronic control module (ECM) is having some issues. This is around \$5,000 for the part. Had a few issues with compactors over the weekend. Kerry thinks the one out at Circular Butte lost an injector. Durapatcher is being demoed today and tomorrow. Out west of Roberts today. May be all afternoon. The factory rep from Mississippi is there. Will have Madison come and look at it. Couple of highway districts may be interested as well.

[10:51:20 AM](#) Dave said their mechanic is requesting to have a scanner for the codes. They do have a scanner but it is a 2008 model that cannot be updated. This is only used for vehicles that are 2008 and older. Only have one laptop they can do this with. Not capable to do the Deere or Volvo. This new unit would be updatable. Would be used for all of their trucks. This would make the shop up to speed with Western States and Conan. Chairman Farnsworth said this is \$7,000. Commissioner Hancock asked if they still need the software and license. Dave will follow up with Brock and get back to them. Commissioner Martinez said for something of this amount he would prefer to see three bids.

[10:54:51 AM](#) Dave said they took a pause to do some maintenance on the spray bar. Brooming off the roads they have chip sealed so far. Will get to 500 and 800 this week. Commissioner Martinez knows they were promised these would be the first taken care of. Commissioner Hancock said they wanted to start on one side of the county to be more efficient. Chairman Farnsworth asked how long they have to get the oil off. Dave said three hours. Will be at 500 and 800 this week.

[10:56:11 AM](#) Dave said after that will do 3200 E will auto seal on 100 N. Have done some out in the Ririe area. Struck a deal with ITD to use their zipper. Planned to do that Railroad crossing but they decided to rip this with the graders. There is one out in Lewisville they would like to fix on 500 N. Not sure how well this will work but they are going to try this. Drop down in those planks it is significant. Next month they have some work to do on the courthouse property. Commissioner Hancock said this will depend on what they have done. They do not know yet. Dave said usually they have a lot of guys take time off in September.

[11:04:37 AM](#) Bob Ward will not read a statement. Has a question for each commissioner to answer. Are you at least in agreeance that Challenger Pallet is operating illegal? Has a copy of a letter from Planning & Zoning and it states they are operating illegal since the structures were not permitted and are over the allowed height.

[11:05:16 AM](#) Weston said this is a fair question while in deliberation but making an outward opinion in a public setting would eliminate them in the decision.

[11:06:08 AM](#) Bob has come to quit a few meetings. Never have any answers they were wanting to go to the commissioners because that is who they vote for while if they are out there running illegal. If they let them do whatever they want then so can they. Want to know why they are not being treated fairly. These businesses come in and do whatever they want. If they do not get a handle on them is not sure what will happen. Tired of not getting any answers. Is a busy guy have to take time off of work to play this game? Want them to know they are not happy they are not getting answers quick enough. Have a bunch of political jargon. Respect them and expect more out of them because they cannot give them an answer. Commissioner Martinez wants something resolved. Bob asked why they are allowing them to file for a permit illegally. Trying to allow them to come in and apply. When they are operating outside of their zoning. Wants to know why they are still running.

[11:10:27 AM](#) Chairman Farnsworth said they are working on this. Do not want the commissioners' to conflict themselves out.

[11:11:22 AM](#) Weston said the Idaho Legislature states if they are taking an action it has to state action item on the agenda but was not noticed that way. Then they run the risk this was not stated as an action item. Tom said this is why they are upset. Should have explained it that right then and there. Have this convoluted assumption. If they had stated this in the beginning this would have solved a lot of their issues.

[11:12:40 AM](#) Chairman Farnsworth said with this new change if they do not specify action item they have to reschedule on this. Linda Higgins complains about the sawdust and the quality of air. Looking for them to have empathy. Jay did not know of the changes.

[11:16:28 AM](#) Gwenna Hill comments that they have a request to get outside counsel would like them to review this and have it added on the next agenda. Thanks them for their time.

SOCIAL SERVICES – JACKIE MAUPIN

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

[11:17:05 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 11:25

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

[11:26:02 AM](#) Motion by Commissioner Hancock to deny case #2018-26 for lack of residency and are not the obligated county. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[11:28:02 AM](#) Recess

Open session 11:31

NBW ARCHITECT – SCOTT NIELSON & TOM WOOD

- **ANNEX BUILDING – (ACTION ITEM)**

[11:31:47 AM](#) Hydrogeologist Tom Wood had been asked to look at where they are at in the peak of groundwater. Water levels fluctuate. Maintain a number of wells for decades. Do not have anything super close are around two to three miles away. Peak at the end of August or can stay high until October. Trying to average out the peak. Also took a look at what they can do with pumping. When pump they make a cone of depression that makes the water flow. Pumping the water level down they are achieving seven to nine inches. Using these numbers have back calculated on the aquifer. This is pumping rate and storativity. Back calculate of this is very rough. Looking at this increase and the pumping rate out is at 900 gallons a minute. If they sunk in two wells pump each of these at 300 gallons a minute. With the river cobbles the probability is high. This is not a cone of depression. This takes a lot of pumping to get this down. Can receive some benefit by installing wells. If they can focus under the building they would rather do this.

[11:37:09 AM](#) Commissioner Hancock asked about the floor is the northeasterly direction should they pump from the north east corner. Tom said the issue is access. The rigs are large with a trailer. There are some issues with access. Commissioner Hancock asked what size casing they are putting down. Tom said eight inches. Could install trash pump. Will go measure this. They could put submersible pumps in. Is complicated. They have to have a drilling permit if over so many feet.

[11:38:56 AM](#) Scott said they have talked about taking advantage of the pit they have. Have moved a lot of sediment into this. Going to recommend they put in a couple of wells. Depth on non-permitted is eighteen feet. This would be nineteen feet before main floor level and five feet below basement. The fee for a regular well is \$75 a piece. This would be to their advantage to go twenty-five to thirty feet. Would put this in for monitoring and future pumping. Will get them into the main floor so they need to get a parking lot done. Is going to take some time to solve this but

want to keep the project moving. Will request the county to check into this if they will require a permit. If they can solve the current problem around thirty days then they can open the building. Have been given a quote of \$12,000 to \$15,000 on these wells.

[11:42:41 AM](#) Weston said they are asking to pay for a subwater issue. Scott said a decision was made to put in a basement and they did the soil samples. Weston asked who decided to dig down thirteen feet. Scott said did some measuring and kept the duct work as high as they can. They could raise the floor to eliminate some head pressure. Ten feet will work. Could raise the floor fourteen inches. Some duct work is eight feet up will have to be raised and widened. Once this goes through the wall there is not a big area there. The basement is this deep to get duct work, electrical lines and still have an eight to nine foot ceiling in the basement with the thought of having offices at some point. Could they have gone shallower probably but not shallow enough to accommodate the subwater. Weston asked if the county will have to pay to raise the floor. Where the specs on the depth produced to the county commissioners. Scott said yes. Had a soil report done from twelve to fourteen and a half feet deep and the soil reports indicated no groundwater in the middle of June. The hydrological sees water at twenty to sixty feet. Paul asked on completion date. Scott said if they can get the site work back on schedule. The building is on schedule worst case scenario would be end of January. Colleen said she had most of the department's budget until February.

[11:47:36 AM](#) Weston remembers they talked about subwater and the hydrology indicating those reports. This would have been disclosed to the commissioners where would this have been at. Scott said this is standard in this type of construction and was in the floor plans. Based on the commissioners' decision in the area they decided to move ahead on the basement. Scott is absorbing any costs that is going into solving this. Paul asked on the solution.

[11:49:50 AM](#) Scott said they will raise. Will put a gravel layer underneath the two concrete slabs. Would add considerable amount of weight. If they can drop the water level between pumping and the floor this is where they are looking for a solution.

[11:51:23 AM](#) Weston understands that no decisions will be made until they bring this back in. Scott said they need to know what direction to move. That would be a reason to drill the wells. If they delay the project more they are just increasing the costs. Commissioner Hancock said they will take the pit they have and have perforated pipe put in to hook to a pump. Scott said then they will be pumping from both locations. It has been a high water year. Rigby Lake is two and a half miles away. Will look at the steps when they add onto the floor.

[11:54:00 AM](#) Weston asked if this will affect the elevator. Scott said this will affect this some. There is already a foot of concrete in the elevator shaft.

[11:55:01 AM](#) Commissioner Hancock said these are \$12,000 each. Tom said these are monitor well these are the six inch wells. The ten inch ones are more of a specialty. Thinks the eight inch well is the best option but needs more data. Scott said they have the report they have put in \$20,000 into pumping. Ryan has a cost of around \$2,000 to date and his is free so far. Commissioner Hancock said the quicker they can solve this the quicker they can make a decision. The most viable option is the wells. Scott said after talking with Mr. Scoresby next week should have more information. Commissioner Hancock asked if they have a slurry with bentonite. Tom said this helps it coming from below. Scott said they may still pump from inside of the building.

[11:58:44 AM](#) Tom mentions when doing the back calculation the aquifer is 100 feet deep. There are layers within this. Weston asked for future resolutions does this cover equipment costs. Scott said fuel and equipment costs. Weston said the solution would be cost intensive up front. Scott said this would be electric motors. Would depend on the year. Have had Commissioner Hancock bring in a lot of his piping. The wells would allow them to get back working on the project. Asked best guess on a cost. Tom said the eight inch would be around \$20,000. Scott asked if they go one six and one eight. Tom said when they put in a well permit for a larger diameter having an eight they would get a lot more water. Chairman Farnsworth does not see a significant savings. Commissioner Hancock knows they need to do what they can to make the whole building useable. Scott said they will see if Blair Scoresby has anything else. Weston asked that they table this and discuss this during executive session. Chairman Farnsworth thinks they can discuss this and come back with a decision today.

COMMISSIONERS

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

[12:08:13 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 1:04

- **PERSONNEL ACTION – (ACTION ITEM) – NO ACTION**

[1:28:35 PM](#) Chairman Farnsworth said they are not taking action today.

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)**

[1:05:06 PM](#) Motion by Commissioner Martinez to go into executive session 74-206 (F) – Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

Open session 1:28

[1:28:44 PM](#) Recess

Open session 1:31

BUDGET WORKSHOP

- **TREASURER – KRISTINE LUND**

Commissioner Meeting Minutes

August 13, 2018

[1:31:38 PM](#) Chairman Farnsworth said in looking at the salaries was looking at getting these closer in line with neighboring counties. Have five percent for the Treasurer have fifteen percent for each employee. Commissioner Hancock asked if these positions are both part-time. Kristine has a four-day and a three-day employee. Commissioner Hancock asked about the revenue projections are up \$2,461,000. Colleen said tax levy is at \$7,000,000. Difference between actual budget and published is \$198,233. Still working on the cash forward. On the publish budget put everything in high and now working on putting the actual numbers in.

[1:38:02 PM](#) Commissioner Hancock asked why they are bumping up part-time as much as the full-time. Kristine is doing this by hour. Commissioner Hancock asked if they would look at having a full-time person. Kristine said they have good experienced employees that are happy with the schedule the way it is. Feels it is not in her best interest to change this. Commissioner Hancock said there is another part-time line. Kristine said this is used during December. Get by with the three of them in June. Use this as little as possible. Commissioner Hancock said this was raised \$1,000. Kristine increased this because had to do an hourly increase just to get them on the step & grade chart. With the total budget amounts that is absolutely doable on this line. In this line over the years is if they have someone full-time that would be supplemented in that line. This would be her first choice in cuts. Commissioner Hancock said every little bit adds up. This is the only thing he sees. Changed this to \$6,750.

- **CLERK/DISTRICT COURT/INDIGENT/VETERANS/ELECTIONS – COLLEEN POOLE**

[1:44:34 PM](#) Colleen goes over a change in the Elections. The administrator had already gotten an increase. This is paid from two different funds that is why this is split. Half of the year is paid out of one and then they switch to the other. This is looking at retirement there had been some discussion on this last year. Commissioner Hancock said the increase was at eleven percent now this is around fifteen percent. Is not sure if they need that type of an increase. Commissioners decide they will leave this at the original request. Colleen said this is the only change since the original meeting.

[1:50:22 PM](#) Commissioner Hancock asked in District Magistrate Court salaries. Colleen said there were a lot of changes there. One of these went from part-time to full-time. Have had a lot of turnover and then hired at a lower rate. Hired mid-budget from part-time to full-time. Commissioner Hancock asked on the law library. Colleen said this is given to her from Bonneville County. Thinks they have this kept in even though it has not been used. Could take this down and if they do need this take they could take it from somewhere else. Take it down to \$2,500. Colleen said the deputy clerk and comp time is temporary. Will be going live in October so that should be going away next year.

[1:55:14 PM](#) Commissioner Hancock said go to Indigent does not see any issues with the salary. Budgeted \$250,000 for hospitals. Do have the CAT fund to help on these. Look at the years they have spent. Colleen said this is a guess they never know what will come in.

[1:56:33 PM](#) **Prosecutor Paul Butikofer is in the room**

[1:56:56 PM](#) Colleen is comfortable to take some out of this line if they need to. Cut \$50,000 from this. Commissioner Hancock said back to the issue with the Food Pantry. Was said by Weston that it is illegal to donate any money into this. Commissioner Martinez said there was an agreement beforehand to help. Commissioner Hancock said they could keep the \$1,000 in for transportation of food for the first year.

- **PROBATION – TAMMY ADKINS**

[2:01:01 PM](#) Tammy said they had a change to tri-county. Have \$17,340 and they typically have to pay a portion. Sent the numbers and they ended up with a cash reserve. Can take this down to \$14,500. Commissioner Hancock asked about mileage. Tammy said that she already took this down \$2,000 because they will be over here at the courthouse. Chairman Farnsworth said the wage is ten percent. Tammy said this is 9.5 percent. Commissioner Hancock said this would bring her in line. Tammy said overall this was a seven percent increase. Have some two to three percent and others that were at fourteen percent. Knew there were some that were really low and others were closer. Have budgeted until February for rent, power and phones. Have added some in for capital vehicle upgrade. Commissioner Hancock wants to be able to move these funds out. Colleen said it does inflate the budget and limits the amount they can levy. Need to get with Computer Arts on how they can do this.

- **EMERGENCY MANAGEMENT – REBECCA SQUIRES**

[2:10:15 PM](#) Colleen said they have change the name from Civil Defense to Emergency Management. Have a salary increase from \$33,915 to \$45,391. Rebecca said this changes this to thirty-five hours and puts it in the median of emergency managers throughout the state. Commissioner Hancock said they talked about going salary. Rebecca said there are tests to supply for a salary positions. Commissioner Martinez thinks they could look into this. Chairman Farnsworth had a thought to move this from under the Commissioners to the Sheriff's Office. Rebecca said this would require an ordinance change. Commissioner Hancock does not see any issues. Chairman Farnsworth asked who Madison County is under. Rebecca said the Fire Department. Fremont believe is under the Commissioners. Bonneville believe is under the Commissioners. Statewide this is half and half. Chairman Farnsworth thinks it would make more sense under the Sheriff because when an emergency comes in they are the ones directing traffic. Rebecca said there has been as much of a public works aspect as a Sheriff's Office. Has been heavy on the public works side.

[2:17:15 PM](#) Rebecca said there is place to cut is the maintenance and operations line is up to \$50,000 because this is what they had been spending for disasters. Commissioner Martinez asked why Flood District #1 does not do something like this. Colleen said they can only levy so much. Rebecca said the Corps is coming in to do rehab work. Does not know what will happen in the future. Commissioner Hancock thinks they can cut this down to \$25,000. Rebecca asked on the grant line this cushion gives them the latitude to spend this on other grants.

- **ASSESSOR/REVALUATIONS/GIS MAPPING – CODY TAYLOR**

[2:23:50 PM](#) Colleen said there have not been any changes. Cody does not want to change wages. Had a change needs to be \$24,097 on the new line for the motor vehicle employee. Have a capital line increased this \$15,000. Could take this back. Did not have any changes on GIS. The only change was wages in this budget. Colleen asked on the contract this was decreased. Cody said Marla changed this. Cody said on revaluation line 0006 this was an error so they took this down. On travel education line can take this down to \$9,000. Just have had a lot of new hires. Looking at replacing their printer can take this down to \$7,000.

- **PUBLIC DEFENDER – JOHN STOSICH**

[2:34:06 PM](#) Colleen only has on the public defender is have raised the receptionist/clerical. Is hoping to get her to be a paralegal. John said the raise put into the budget was just with the reclassification of the position. Believes this is twenty-eight hours not thirty-two. Colleen said they will not be able to raise this mid-year. Chairman Farnsworth has \$50,000 for the conflict public defender. John believes this will be a reasonable amount.

- **PLANNING & ZONING – KEVIN HATHAWAY**

[2:38:01 PM](#) Colleen said that he did make some changes. Public Bill Smith said as a taxpaying citizen he support one hundred percent whatever budget request for this department has shown himself as a great asset. Need more resources. These zoning conflicts are piling up. Public Jay Hill echos everything that Bill has said. Have spoken with Mr. Hathaway and is very pragmatic with vision for that department. Colleen said the changes on salaries has brought them more inline on the step & grade. This fits them exactly into the step & grade. Changed map editing took this down. Took repairs and maintenance down \$1,000 and consultant down \$5,000. Looks like he was trying to make up the difference from the salaries. Did add the \$10,000 to the professional services that had been taken out last year. This was to obtain their own legal. Commissioner Martinez asked on the vehicle. Chairman Farnsworth said one car is dying and need a vehicle for the compliance officer.

[2:47:09 PM](#) Commissioner Hancock is not doubting Kevin but is asking for a twenty-six percent raise. Public Laurie O'Riley said that there had not been enough oversite with the county on permits that would bring in revenue in the past. Allowing the individuals to do their jobs sufficiently and paid well enough feels they would have better oversite. Jay sees they are looking for substantial raises. Commissioner Hancock said this has been a long-term problem. Had five years without raises. Then moved to step & grade and fell behind. Tom said comps they do not want to pay kool-aid wages. Are on the low end have to keep and attract quality people. May seem painful when they approach this. Commissioner Hancock said since he has been in they have to get these comparables to sister counties. The training costs when they are losing people. Really have tried that is why they are seeing huge raises. Chairman Farnsworth states they did not have the funding before. Commissioner Hancock said they also look at experience and years of service. Colleen said they took an average. Will never be able to pay what other counties pay what other counties do because they do not have the tax base. Chairman Farnsworth said the step & grade looked at longevity. Jay asked if performance is involved. Colleen said this is up to the department heads. Tom responds that the tax revenue base the issue is with the proper management Jefferson will surpass Fremont. Can bring businesses in to have future growth. Colleen said they are in a better shape financially.

[2:58:14 PM](#) Paul notices that they have beefed up Planning & Zoning for a compliance officer. Are asking for \$40,000 for legal services. If the commissioners approve this budget unless this legal individual is deputized they cannot go to court. Chairman Farnsworth said the compliance officer if they are bringing in those that are not compliant these would go to him anyway. Paul said if they have independent counsel they cannot prosecute on behalf of the county. Not a bad thing necessarily if they want this employee they are funding to prosecute or defend they would have to be deputized. Would only do this if they worked under his office.

[3:02:25 PM](#) Rebecca goes over the wage comparison. If there is a 'g' it means grade and 's' is step. Department head should be grade ten. Inspector should be around a six and is a grade five step five. Building official should be seven or eight and has them at eight. Permit tech should be two to three. Appears they have done a fair job concerning the wage assessment. Rebecca said Law Enforcement and Planning & Zoning were the furthest behind. Colleen said she will be sending the published budget to the paper on Friday.

- **SHERIFF'S OFFICE – SHERIFF STEVE ANDERSON**

[3:06:33 PM](#) Chairman Farnsworth starts with waterways. Sheriff Anderson asked the carryover from 2016, 2017 to 2018 are they carrying over more money. Will this be more? Colleen said he will overall she would have to look at these. If they were going to need to cut wouldn't they just take the same carryover from the previous years? Sheriff Anderson thinks they have more carryover. No change on waterways the reimbursement from the state. Nothing has changed on this.

[3:09:12 PM](#) 911 does not have any cuts. Nothing has changed. Commissioner Hancock asked on salaries in that fund do they have one deputy paid out of this. Sheriff Anderson has this and one paid half out of this and general. Highway Safety Grant did not change at all.

[3:10:37 PM](#) Go to the jail. Have a change on maintenance. Had issues with not having control of these until after the fact. Is out of his control. Chairman Farnsworth said they had some unexpected items. Sheriff Anderson just knows the lines they have in red he has no control over. This is contingent on him having his own maintenance over there. Commissioner Hancock said they will be putting out a new bid. Will have the Sheriff as a separate line item. Sheriff Anderson said this is a place they can make cuts but the issue he has is he would rather be in the general fund and have his employees get their raises. Commissioner Hancock said they have additional staff. Sheriff Anderson said they have new inmates they are housing. Cannot be understaffed. Do not want the deputies to be in danger. Making the immigration and IDOC contracts are being fulfilled. Chairman Farnsworth said they are good on the food. Not approving anything yet. Colleen said they put the maintenance and cleaning in the jail budget. Commissioner Hancock said they usually have ninety inmates can go to 135 so can only increase that many. What is the forecast for additional income? How much more of these types of inmates will they receive? Sheriff Anderson said these are consistently staying steady. May have to put a twelve foot fence around the back pod.

[3:23:20 PM](#) Move to Justice. Colleen asked on 402-00-32 had budgeted for half and now have budgeted for the full thing. Schools are paying half of this. Can divide this in half. Rebecca adds they have to keep the whole amount in and count the reimbursement as revenue. Sheriff Anderson said the jail inspections the clearance rate is at fifty percent. Commissioner Hancock asked on capital vehicles. Sheriff Anderson said this is two SUVs and a pickup. This is part of the rotation they asked he put together. Sheriff Anderson said they would rather have the salaries but then they have to look at vehicle maintenance. Commissioner Martinez said they replaced three last year. Sheriff Anderson said they got two Tahoes and the jail transport van. Has helped doing the rotation plan on their maintenance line. Sheriff Anderson said on the uniforms could go back because these are for the non-certified employees if they have to could take off \$5,000.

[3:32:49 PM](#) Public Jay Hill thanks Sheriff Anderson for the job he has done for the department. This is his background and thinks it is terrific to look after his people.

- **PUBLIC WORKS – DAVE WALRATH**

[3:33:41 PM](#) Start with Special Road & Bridge. Commissioner Hancock said they have \$25,000 for crushing. Dave said they acquired some from ITD to cover them for the year. Also some crushed base they will acquire. Chairman Farnsworth asked if they have a stockpile in Hamer. Have road oil for \$40,000. Dave said durapatcher oil is included. Know they went over in culverts for FY18 but they did a lot of replacement on 3500 and 3800. Capital Bridges they were going to have \$240,000.

[3:42:09 PM](#) Chairman Farnsworth said they are okay on the Special Road & Bridge. Move to Solid Waste. Have a line open. Commissioner Hancock said they will be replacing this person. Dave said that was his plan as per their request they will have County Line open three days a week starting next spring.

[3:45:13 PM](#) Commissioner Hancock asked on fuel does he think this would stay this high. Would \$80,000 be good to keep this at? Dave said this is a hard one to speculate on. Commissioner Hancock goes over previous years. Chairman Farnsworth asked about well monitoring. Chairman Farnsworth said they dropped the fuel and gas to \$80,000 and well monitoring to \$40,000. Public Tom O'Riley asked on well monitoring they may look at shipping these samples to a different location and it may be cheaper. Chairman Farnsworth said to take out the \$10,000. Dave thinks on the hazardous waste they may be able to take this down. May not take latex paint because if you open the lid and let it dry out it can be put in the landfill.

[3:54:08 PM](#) Go to Road & Bridge. Commissioner Hancock looks at looking for seasonal help. Did get the mower. Need more than \$6,000. Dave said this was figured at \$10 an hour. Commissioner Hancock said this would help to have flaggers. Discuss raising this to \$12 an hour. Go to \$7,680 for each of these lines.

[3:57:27 PM](#) Chairman Farnsworth asked on wages. Dave said when looking at this paid for the skill level and experience. There are different skill levels. Is in the process of changing the titles want to make this simpler. Could have senior operator and operator. Chairman Farnsworth goes over the title. Dave said some of these have just been hired. Will be renaming these. Will be senior operator or operator. When he does his personal action forms this year he will change these. Makes it too complicated. Chairman Farnsworth asked if there is anything in here that could be cut besides wages. Dave said the fuel is at fifty-nine percent. Fuel dispensing system will be ready this fall so they can buy this when it is low. Drug testing line may go up because everyone is included in this now. Paint have used \$2,000. This will go up once the roads are chipped and the go out and stripe. The bottom line is still less. This can be accounted in the capital equipment line had put in \$600,000 with the hopes of FEMA money purchasing another grader. With the wage increases it was 8.7 percent increase overall without the mechanics' salary added in. A concern is maintenance parts. Have \$100,000. Add \$10,000 into this. Commissioner Martinez asked if he is forecasting parts on something. Dave said this is replacement parts on everything to keep this running.

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

[4:13:02 PM](#) Mitch said he has budgeted this fairly tight to begin with. Would assume leave the salary portion untouched. These are seasonal part-time people that are required to maintain state licenses. Have one that is hired for five months then terminated for thirty days and back on for five months. Biggest benefit because they do not have any benefits. One area in travel other took this back down. Training and registration they have to meet the state requirements for licensing. Discuss fuel will be over this year. Mitch said they have the truck rotation in place this has helped on their maintenance.

- **PROSECUTING ATTORNEY – PAUL BUTIKOFER**

[4:23:19 PM](#) Chairman Farnsworth said this is controversial. Heard if they received a big raise last year they would not ask for as much the next year. Paul said he did not only asked for a five percent which is the same as the rest of the elected officials. For Weston asked \$65,000 last year the board authorized \$60,000. Mike went from \$65,000 to \$70,000. Have Weston at eight percent and Mike is at four percent. Commissioner Hancock said Weston is eleven percent and Mike is five percent. Paul said the step & grade was fifteen percent across the board. If the board approves for the attorneys and staff they are below the fifteen percent. As far as their competitors they are asking for \$67,500 for Weston have a Civil Deputy in Madison makes \$78,000. Commissioner Hancock asked the percentage of Weston's time. Madison gives them eighty-five percent of their time. Paul knows he is spending more time. Training someone new in Planning & Zoning. Depending what the board wants to do with a civil attorney. This is something Weston does a lot of. This will free up time for the rest of the department heads.

[4:30:06 PM](#) Public Bill Smith comments that he does not encounter the Prosecutor's Office often. But has encountered them in the past few months. Use his words against him they are not "his" ordinances and "he" did not pass them. That said it appears that Mr. Butikofer did not read their job descriptions. If they are not his to enforce whose are they. Have called this office multiple times and have never gotten past the receptionist. Mr. Butikofer said that he did not miss any calls. Bill said the only discernable product has been Mr. Butikofer's small statement on his criteria for not prosecuting an offense in the county. Have received lectures from the attorneys at these meetings. Obstructed Kevin and the Commissioners with what they have been trying to do.

[4:33:01 PM](#) Public Tom O'Riley would like to address Mr. Weston Davis from his experience found that he is wholly unprepared. Had listened and read the notes and had no concept even with the time he spends with Planning & Zoning. Are they requesting counsel or are they involving themselves. This is not the first county he has been at a meeting for. When there is a problem the attorney has an issue they do not go and talk with the department head and tell them what not to do. Let them decide if this is good counsel. Does not see any warrant for an increase for Mr. Weston Davis. His experience is that he is unprepared. Received one of those lectures and personally was quite disappointed.

[4:35:23 PM](#) Paul stands behind Weston they know what it was like before. Commissioner Martinez is not going to vote for any raises in this department. Comment was that they would not ask for any raises. Chairman Farnsworth goes over legal clerical. Rebecca said this is grade six step nineteen. Paul said this is Judy. Has been with the county over twenty years. Competitor made \$50,000 in Fremont County with the same level of experience. Judy said that while working for Robin went seven years without a raise because they were not in the step & grade.

[4:37:47 PM](#) Laurie O'Riley stated the Prosecutor got a big raise last year and is still getting one this year. Commissioner Hancock said the receptionist has changed fourteen percent. Paul said they have been through three receptionists. Before they hired her they let the new person know they wanted to cross train and change this to legal assistant.

[4:39:45 PM](#) Tom asked what are the deputies being paid? Sheriff Anderson said this starts at \$15 an hour. Tom asked the increase they are looking for. Judy said this would bring her up to \$48,000. Tom thinks there is something wrong when a deputy is making less than a legal secretary. Paul said that she has twenty years of experience. Tom said that she was introduced as an office manager. Paul said this goes off of what the committee found. Laurie asked how much prosecution is happening. Sheriff Anderson said that a deputy would make around \$36,000. Paul goes over stats. Laurie sees neglect in prosecution. Paul knows they are unhappy but has given statistics. Jefferson County had sixty-two percent child sex abuse cases filed compared to eighteen percent in Madison.

[4:45:13 PM](#) Jay said his focus is on the higher end employees. The only one he has knowledge of is Mr. Davis. In his working career raises were base off of performance. Has spent years in law enforcement and never received this. Jay asked about the salary. Paul said he made \$85,000 last year. Jay asked him to show them results. Paul asked if his decision regarding Challenger would have been different would their treatment of him and Mr. Davis be different. Jay said that this took four months. Then had thirty days to decide on a misdemeanor. Asked about citations filed by himself and Tom. They are all humans and they all make mistakes. Doing the right thing can be hard.

[4:48:33 PM](#) Paul said his decision was his and he owns this. Ran this by three other attorneys. Jay saw the evidence. Paul said if the Commissioners decide he had gotten this wrong they can appoint someone else. Will they be satisfied with their decision? Jay said that he will have to be. Laurie said it was her understanding that the Bonneville County attorney would have prosecuted.

[4:51:13 PM](#) Rebecca recommends from HR right now the numbers for the attorneys they are not from the step & grade chart would strongly recommend to get them on this chart. They are county employees and should step with other county employees.

[4:52:09 PM](#) Chairman Farnsworth said if they are bringing in an attorney to assist Planning & Zoning so they will not need Weston as much so will hold this at \$60,000. Rebecca said legal clerical is grade six. Commissioner Hancock goes over having someone advise Planning & Zoning. Paul said taking him off of this will free up a lot of his time. Took them back to a year ago when he had asked for \$65,000 kept him at \$60,000. Ended up having department changes and did not allocate additional resources for the Prosecutor's Office.

[5:03:18 PM](#) Chairman Farnsworth said if they are going to add an attorney for Planning & Zoning will no longer be spending time there. Paul said they will still be over there for prosecution. Whoever they put in would be just advice they cannot go to court. Chairman Farnsworth goes over if they are advice only. Paul said that Paul Ziel was deputized. The decision on Challenger Pallet was from the bottom up they all did legal analysis.

[5:05:53 PM](#) Chairman Farnsworth said deputy criminal grade twelve step eleven at \$78,354. Receptionist change this to legal assistant for \$30,035 grade three step three. Paul wanted this to go to \$32,000. Colleen does not have that change. Chairman Farnsworth thinks grade three step two for \$30,035. Legal clerical Paul said this was at fifteen percent. Commissioner Hancock said this is not just a percentage. Paul said this is twenty years' experience. Commissioner Hancock believes there are others that have the same years and experience that do not make this. Rebecca said most departments have decreased the steps to put this in the seven to eight percent range. This decision is one they have to agree upon.

[5:13:09 PM](#) Chairman Farnsworth said the victim coordinator is grade five step seven. Paul asked this one's percentage. Judy said she has been here for three years. Rebecca said grade five step seven is a fourteen percent increase. Commissioner Martinez said if they do this then everyone should be able to go back through their salaries. Rebecca said the eight percent for the legal admin would be \$45,312 target on the chart. Commissioner Hancock said grade six step thirteen would be the closest.

[5:17:50 PM](#) Chairman Farnsworth goes over the changes. Legal clerical at \$42,806 grade six step nine, Weston at \$60,000 does not fit in the chart. Chairman Farnsworth wants to make sure everyone gets some. Paul asked if Kevin will burn through \$40,000. Chairman Farnsworth knows that he is going through a lot of stuff that will cause a lot of grief. The codifier will help. Paul thinks this may be a good step a year from now they may want to make this position a Deputy Prosecutor. Would give Kevin a year to have independent legal advice. Thinks it would be best to have a Deputy Prosecutor. Paul said that last year they had still requested \$65,000. Chairman Farnsworth said if they take the \$10,000 out then it would be \$50,000.

[5:23:52 PM](#) Paul said they have a new person in Indigent that gobbled up time and Kevin has gobbled up even more time. Commissioner Hancock said that rates do go up but this is a tough one. Chairman Farnsworth said they will not get an attorney for \$30,000. Worried about \$40,000.

[5:27:43 PM](#) Kristine asked if Weston could be a fulltime. Paul said it is not an option they could get a different civil attorney.

[5:28:23 PM](#) Commissioner Martinez will not pass these raises but it only takes two. Colleen asked on the salary officer. Chairman Farnsworth said this is a \$4,700 raise. Gave him \$10,000 last year. Commissioner Hancock said they need to realize that five percent is a lot more on his than on those that are \$50,000. Should get at least a two to three percent increase. Trying to get an eight percent increase for the office manager. Trying to fit Weston into a box. Colleen said a two percent increase is \$1,900 and a three percent increase is \$2,850.

[5:33:05 PM](#) Commissioner Hancock goes over the changes. Have \$45,094 for the office manager. Weston would be grade 11 step one \$62,837. Victim coordinator \$37,052. Chairman Farnsworth is not totally sold on these numbers. Colleen said these can always be taken down.

- **COMMISSIONERS/GENERAL/AIRPORT/CAPITAL CRIMES DEFENSE FUND/HEALTH DISTRICT/JUNIOR COLLEGE TUITION/TORT/VETERANS MEMORIAL MAINTENANCE/DEBT SERVICE FUND/PAYMENT IN LIEU OF TAXES/CAPITAL IMPROVEMENT FUND**

[5:35:05 PM](#) Go over these most of them will not change. Colleen said they have PILT and Capital Improvement. Rebecca throws out if Emergency Management is moved then it would have a gap with HR and PIO for the website. Wanted to make sure this was considered. Commissioner Martinez wants his wage to go down to \$1,000. Chairman Farnsworth said he wants to leave this and they can take this down because it is a service. General fund added office equipment. Colleen thinks this is pretty tight. Can get a published budget this will help her do the L-2. Will hopefully have the colored sheets on Monday. Commissioner Hancock brings up the Data Processing put in for a full-time assistant. Knows that Bonneville County pays a lot less than that. Chairman Farnsworth said on work performance Garn has saved the county.

[5:43:24 PM](#) Recess

Open session 5:55

COMMISSIONERS

• **SIGN CERTIFICATES OF RESIDENCY – (ACTION ITEM)**

[5:55:18 PM](#) Motion by Commissioner Hancock to approve certificates of residency for the College of Eastern Idaho for Ryon Bauer, Kevin Huffaker, Aleisha Kruckeberg, Alison Likes and Whitney Thompson. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[5:55:50 PM](#) Motion by Chairman Farnsworth to approve certificates of residency for the College of Western Idaho for Ashleigh Argyle. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[5:56:04 PM](#) Motion by Commissioner Martinez to approve certificates of residency for the College of Southern Idaho for Michelle Lang. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

[5:56:42 PM](#) Motion by Commissioner Hancock to approve special budget commissioner meeting minutes from July 24, 2018. Second by Chairman Farnsworth. Roll call taken. Commissioner Hancock – aye, Chairman Farnsworth – aye. Motion passed. Chairman Martinez was not present.

• **APPROVE CLAIMS – (ACTION ITEM)**

[5:57:47 PM](#) Commissioner Martinez asked on a vaccine for a child from Solid Waste. Colleen said for the Prosecutor has some badges and pepper spray. Colleen said they had the courthouse payment and an annex payment. Also in Road & Bridges busy season.

[6:17:47 PM](#) Chairman Farnsworth said the Park got a picnic bench with the Rocky Mountain Power grant that has their name on it.

[6:21:46 PM](#) Motion by Commissioner Martinez to approve claims from 7/23/2018 to 8/13/2018 for \$966,183.43. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

NBW ARCHITECT – SCOTT NIELSON & ASPEN ENGINEERING – RYAN LOFTUS

• **ANNEX BUILDING – (ACTION ITEM)**

[6:19:33 PM](#) Motion by Commissioner Hancock to approve the exploratory well drilling for our subwater problem and authorize the architect to spend up to \$20,000 on monitoring wells. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[6:22:21 PM](#) Motion by Commissioner Martinez to adjourn at 6:22. Second by Commissioner Hancock. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date