

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
AUGUST 20, 2018**

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

COMMISSIONERS

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

[9:02:46 AM](#) Motion by Commissioner Martinez to approve certificates of residency for the College of Southern Idaho for Coleen Pavey and Lydia Stubbs. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[9:03:14 AM](#) Motion by Commissioner Hancock to approve certificates of residency for the College of Eastern Idaho for Michael Boudrero, McKenzie Burgess, Jarron Bushman, Brittany Cureton, Jose Estrada Carillo, Ricardo Hernandez, Elish McElprang, Oscar Panchecho Murillo, Carol Russel and Holly Wood. Will deny one for lack of residency for Jonathan Turner. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

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

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)**

[9:04:38 AM](#) 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 10:36

[10:37:17 AM](#) 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 10:53

[10:53:41 AM](#) Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis left room

PROBATION – TAMMY ADKINS

- **SIGN VAN TITLE AND BILL OF SALE – (ACTION ITEM)**

[10:57:41 AM](#) Tammy asked for clarification on signing the titles. There were some questions and no one had the answer so she is here today to have the title and bill of sale signed. Tough situation because they had to wait to come get the van until she had this signed. Chairman Farnsworth thinks they already passed the resolution so they could get ahead of him to sign this in the future. Tammy said they sold this for \$2,550. Chairman Farnsworth signs the bill of sale and the title.

SOLID WASTE – BRANDY WARD

- **MEMORANDUM OF UNDERSTANDING – BONNEVILLE COUNTY – (ACTION ITEM)**

[11:01:12 AM](#) Brandy Ward said she was asked to bring in the memorandum of understanding. Chairman Farnsworth said this is for Bonneville County to grind up tree limbs and brush. Have had the legal counsel review and approve this.

[11:01:36 AM](#) Motion by Commissioner Martinez to approve the memorandum of understanding between Jefferson County and Bonneville County for services with Solid Waste. Second by Commissioner Hancock. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[11:03:11 AM](#) Brandy mentions they have set the Hazardous Household Waste collection day at County Line landfill for September 7, 2018.

- **UPDATE**

[11:03:54 AM](#) Commissioner Hancock said Dave was not available today. Was told they are out working on 500 and 800. Chairman Farnsworth said they had some issues in Labelle. Need to go out and brush this off. They also did some brooming they need to correct on another property. Need to find out where they are at on the roller if they are going to get bids.

COMMISSIONERS – CLERK - COLLEEN POOLE

- **BUDGET**

[11:07:04 AM](#) Colleen sent the published budget in at \$23,788,607 are at \$23,398,585. Made the requested changes last week. Have the auditor coming in tomorrow to balance the final numbers. Need any changes today. Commissioner Hancock asked on their revenues. Colleen said that non -tax revenue is \$12,929,913 and tax revenue is \$7,018,072.

[11:10:49 AM](#) Chairman Farnsworth wants to look at a few. Commissioner Martinez wondered about the line in Civil Defense for disasters he thinks they should take this all out. They know the Army Corps of Engineers will be coming and fixing the problematic areas on the levee. Colleen said they had reduced this some last meeting. Felt like then it would be there and would be grant eligible to reimburse. Commissioner Hancock said

this would help with fire as well. Colleen said they reduced this to \$25,000. Commissioner Hancock thinks they need to keep this. Chairman Farnsworth said they may just need to be selective with how they use this. Will move this down and finish discussing this afternoon.

NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL

- **UPDATE**

[11:14:31 AM](#) Mitch said they are still doing roadside treatments and spot treatments. Completed the contracts with the railroad. Hopefully a lot of the landowners will see a benefit. Will need to address the eyesore that their junk creates. Some areas there are over 150 acres that needed sprayed. This is a substantial amount of area. Have had numerous complaints over the years. Also have agreements with the BLM to do some work. This is not all county property but it is within the county. They cover the costs so there is no cost to the county or taxpayers.

[11:20:02 AM](#) Have not done anything out at the landfill on county line. Will get this string trimmed down this week. Have to do it by hand because the ditch is right there. Will take care of that this week. Will start working on the areas where they have done borrowpit work. Will get this addressed with them. If the weather will hold out they will continue working.

COMMISSIONERS

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

[11:22:56 AM](#) Colleen said this is what they had been given last meeting. Will go and print off the Sheriff's Office scope of work. Chairman Farnsworth shows the suggestion from Weston. Will they want a different maintenance agreement for the two buildings? Commissioner Hancock said they will divide these up because they do not know what they will get. Chairman Farnsworth asked what will need to be changed.

[11:25:37 AM](#) Commissioner Hancock said the verbiage on the award process will need changed. Chairman Farnsworth said Sheriff's Office, Courthouse and annex will be included. Commissioner Hancock said they want this broke into sections but want it stated that they can award this all to the same person if they decide to. Chairman Farnsworth said currently cleaning Probation and Extension already so will need to incorporate that into the new building. Commissioner Hancock said they will need an adjustment to the rate. When they are no longer doing that they will be doing the same over here.

[11:28:50 AM](#) Commissioner Hancock said the Sheriff's scope does not reflect any maintenance. Commissioner Martinez asked if they can have a maintenance person separate that takes care of all of the buildings. Commissioner Hancock said there is a learning curve on this to become familiar with the equipment and all of the buildings are tied together. Colleen said there are a lot of things that will need to be fixed. The older the building gets the more maintenance they will see. Chairman Farnsworth asked if they need to list what needs maintained. Commissioner Hancock said that he would. Colleen said then they could come back and say this was not included otherwise. Commissioner Hancock said the more thorough the scope of work is the better because it limits issues. Colleen asked on the next step. Chairman Farnsworth said they need to meet with Sheriff to go into more detail. Commissioner Hancock thinks they will need to have one person doing the maintenance. Colleen said if it is something they can't fix they call someone. Chairman Farnsworth said the major stuff with the HVAC they would need a professional to do. Commissioner Hancock said general maintenance can be done. Chairman Farnsworth said it would be good to go through this with the Sheriff. Commissioner Hancock said they will have an elevator in the new building that will usually do their own maintenance.

[11:36:36 AM](#) Chairman Farnsworth as far as money they left the original amount and the Sheriff added \$80,000. Colleen said they left the janitorial the same currently so they should be okay. Chairman Farnsworth said he would rather have the cleaners have some input for the maintenance.

SOCIAL SERVICES – JACKIE MAUPIN

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

[11:41:58 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.

- **APPROVAL OR DENIAL OF INDIGENCY APPLICATION – (ACTION ITEM) – NO ACTION TAKEN**

Open session 11:59

- **RESOLUTION #2018-25 – DESTRUCTION OF RECORDS – (ACTION ITEM)**

[11:59:52 AM](#) Motion by Commissioner Hancock to approve resolution #2018-25 for destruction of Indigent records. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.

[12:00:31 PM](#) Recess until 1:00

Open session 1:02

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

- **PUBLIC HEARING – PLAT AMENDMENT – WATERFRONT ESTATES DIVISION #1 THIRD AMENDED – (ACTION ITEM)**

[12:00:31 PM](#) Jenny goes over the staff report. The owner and applicant is Cody Marshall. Location is near the corner of 250 N and 4625 E. This is R5 zoning. Surrounding zoning is R5 and R1. Parcel size is 2.15 acres for the Taylors, 2.07 is being divided and 1.95 for the Marshalls. Surrounding land use is residential subdivisions and farmland. Applicant wants to divide the lot six and add half the acreage to lot five and the other half to lot seven. Complete application was submitted on July 6, 2018. The parcel is located in a floodplain within zone A. Not located in the City of Rigby impact area. The plat amendment creates two lots have one at 3.19 acres and one at 2.99 acres suspects their programing rounding up.

[1:04:15 PM](#) Chairman Farnsworth asked if there is anyone signed up in favor, against or neutral. There is no one signed up from the public. Chairman Farnsworth said it looks like they have made two lots out of three lots and just made these bigger. Does not see any issues with this.

[1:05:28 PM](#) **Motion by Commissioner Hancock to approve the Waterfront Estates Division #1 third amended plat. Second by Commissioner Martinez. Roll call taken. Commissioner Hancock – aye, Commissioner Martinez – aye, Chairman Farnsworth – aye. Motion passed.**

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

[1:12:52 PM](#) Kevin said that Weston had come back with some questions for Municode. They have now come back with all of the items changed. Commissioner Hancock knows had an issue on period of performance. Kevin said this was changed. On the cost they have added that this will not exceed \$1,100. Had asked if they have all of the Sheriff's Offices ordinances. Colleen said Weston had wanted wording about not going three years. Kevin said they changed this so it is not a multi-year commitment. Also added that they may terminate the contract with sixty days' notice. Had been discussing what level of subscription they would need. The one that is \$995 a year provides all of the options. Will get this option free for a year to see if we like this. Will also get Municode Docs. Not sure if this is a benefit to put the meeting minutes on this site. Commissioner Hancock believes they already approved this pending legal counsel review.

[1:21:10 PM](#) Recess

Open session 1:49

INSURANCE – CARLOS APONTE

- **INSURANCE RENEWAL – (ACTION ITEM)**

[1:49:49 PM](#) Carlos has the renewal and the reports. Could look at suggestions for next year. Will come back and go through the data analytics another time. Do have a stop loss proposal. Go over the document the last orange box at the top this is a current cost right now for 2018. This is January through December. Did send this out to bid to see what they would get. Looks like Blue Cross will still be the best numbers to renew with. We're going to keep everything flat on the fixed costs. Shows Med prescriptions this is the aggregate premium. Have kept this at \$19.20. The aggregate factor this is the amount they need to fund to cover the maximum liability. For the aggregate factor section in 2017 this took a decrease. We're not getting close to the aggregate factor. Not paying this to Blue Cross they are funding this to the VEBA account. In 2018 it went up to \$663 and proposing to come in at \$706.56. They originally came out with this in July. Took an average of three years. Ended up at ninety-two percent last year. Came back with \$680.53 which is what they are funding at since they never took the decrease in 2017. Gives them a two percent increase overall. The only increase was on fixed cost.

[1:56:34 PM](#) As far as the bid have the Regence option. They came out with a lower fixed cost but the aggregate was higher. Pacific Source was not close on anything. Overall budgeting for the two percent. Last year they did not have much of an increase. Would recommend to renew with Blue Cross. Colleen asked if she is good with two percent more budgeted. Carlos said that will be fine.

[1:58:03 PM](#) Commissioner Hancock said the bottom line Regence is less but there are other things they need to look at. Carlos said the maximum liability and aggregate factor. This will be higher at the top. Commissioner Hancock does not think this would be worth making a change. Carlos said they were still waiting for claims from July. Told Cross to keep them in the mix because they needed to keep it at \$680 on the aggregate factor. Shows the aggregate report so far are at seventy-five percent.

[2:02:46 PM](#) Carlos has the claims graphs. The medical claims have been crazy.

[2:02:59 PM](#) **Deputy Prosecutor Weston Davis is in the room**

[2:03:07 PM](#) Carlos also has the prescription graph. Has a large claim report have one that hit the specific. Will set up another appointment for next week to go over this in more detail. Wants to talk on the large claim prescriptions. Have some recommendations to educate employees by using alternative prescriptions the ones that are less expensive. Have more prescription drugs in the large claim report then they have in the last few years. In the back is Delta Dentals report that shows a comparison from 2016 and 2017. Does not see anything on the costs they have been the same the last few years.

[2:06:51 PM](#) Commissioner Hancock was concerned on the amount the county paid on the dental and the insurance premiums. Carlos said this is some of the benefit design will bring this in next time. Then they can see if they want to make some changes. Carlos said the small change was not significant enough to cover the claims.

[2:08:10 PM](#) Carlos said the HRA claim report shows what has been dispersed. This is for the employees currently on the plan. Includes rollover deposits. The total dispersed is what had been paid out. Are at thirty-one percent. Thinks the employees like this and it helps make consumerism. Helps them by shopping around when they try to save the HRA. The last report is Teladoc. Shows where they are at. Shows generic information with savings year to date. Shows they are saving around \$10,000. Colleen said they are doing better at using this tool. Carlos said that utilization has definitely gone up. It is \$7.50 per employee per month. Will come back and spend some more time going over this. Have really good reports that go in deeper to see if they want to make any adjustments.

[2:13:49 PM](#) Wanted to come and recommend to stay with Blue Cross on the stop loss. Commissioner Hancock thinks this is going fairly smooth. Does not see any need for any great increases. Chairman Farnsworth said they will not have to pass any increases on. Commissioner Martinez asked Carlos how he picked his other companies that bid. Carlos said there are other ones available these are just some of the larger ones. Shopped these in the past. Will come back in next Monday.

SCOTT NIELSON – RYAN LOFTUS – DAVID BECK

- **ANNEX BUILDING – (ACTION ITEM)**

[2:17:37 PM](#) Scott wants to catch them up on the last week. After going back out to the site they did not want to waste the pit they already have dug. Want to put an eight inch well there to pull the water out. Had spoken with David could drive piling down. During this discussion it got them

going in a different direction. Have not expended any of money they approved from last week's meeting. Have to address raising the floor in the basement. In discussions thinks they can do this with seven inches. Have to continue to pump to mitigate the head pressure. While putting in another floor they are proposing a drainage system. Have David here to help on the scheduling and cost. All they have so far is some sketches.

[2:21:10 PM](#) Ryan said they spoke on this have done a good job of sealing out the water. Want to take advantage of this. Want to keep all the outside water out. Thinking of this as the put in a drainage system between the two floors. The major issue is the elevator shaft, the hole in the floor to reduce the hydraulic uplift and the restroom plumbing. These areas will let the most water through. Cannot have any wrap material around these pipes. Are confident at this point that they can pump the amount of inflow they have.

[2:23:36 PM](#) Scott said they have had a lot of conversations. When they said take advantage of the pit they would put in a perforated pipe wrapped with rock similar to a burrito. This helps them move a great deal of water. Will give them more advantage on the flow direction. The burrito would be into a six inch system that would go down. Also talking about one on the northwest corner so they can create the best hydraulic solution. This was the initial push to mitigate the problem. David came back with some numbers. If they can mitigate the water so they can go back to working on the basement they can keep the project closer to being on schedule. If they can mitigate the water and cover the hole they can get the parking lot done. Trying to formulate the best plan to keep this moving. The critical path is not inside of the building at this point. The outside is because of weather coming now is the big concern. Have some options. Have studied this for six weeks now. This is the first time he has had to deal with this magnitude of water. Are satisfied they can do this with seven inches added in the basement with a network of pipes and gravel between the slabs. Getting fairly comfortable with what they have discussed. Could complete a decision in the next week or ten days. Had looked at doing this by time and materials so they pay an amount and they do not exceed this. Do not have an order of magnitude on the numbers at this point. Need to go back over the floor. Think the most productive they can be is to have an understanding on where they are at and where they will be heading.

[2:28:44 PM](#) David reiterates they recognize this will impact the interior schedule. Got a critical path if they want a parking lot for this building. Road & Bridge needs this to be done by mid-September to pave. Have some leeway. If this is not decided soon they will not have a parking structure until spring thaw so this is the critical part. The drain and rock they are working on this will come to a design and implement this as quickly as possible. Need to make the November paving goal.

[2:30:08 PM](#) Blair Scoresby said in looking at this today this will be an approach to solve this. The concept of the drains in-between keeps them with a dry floor. Will have some redundancy to make sure they do not need more pumping power.

[2:31:26 PM](#) Scott said they need to know today how much to raise the floor. They are trying to keep the head pressure down. They are all in agreement that the seven inches would be enough. Ryan said they would have two layers of floor with the gravel in-between. Is an offset the more ballast they add the higher the water can go. Adding more concrete to the floor will add 140 pounds. If they have groundwater twice this high for every foot of head they come up with 62 pounds. At the seven inches they can use the basement and have enough ballast to hold this floor down. Does not believe this is the highest groundwater year. The decision is the trade off on the ballast.

[2:35:03 PM](#) Blair said if they want the extra safety factor they would need to look at fourteen inches. Ryan said with twenty-one inches they would only have to pump what is beneath the floor. Commissioner Hancock said it has dropped with the pumping. Ryan said it has been an effective tool this year. Using the burrito drain that Scott went over he is confident this will keep the water out. Have the interior pumps for the water that comes in-between the two floors. Commissioner Hancock said it will be a challenge to get the gravel and concrete inside of the basement. Scott said this will not be a simple task. Did hear an interesting statistics that the aquifer is two feet higher than last year. With all of the re-charging wondering how this effects it. Came to a conclusion if they know how they will manage all of this they will be able to make a guess on this. Chairman Farnsworth said in the past few years have not seen the reservoir full at the end of farming season.

[2:38:41 PM](#) Scott said the recommendation is seven inches on the floor. This will help get the crew working. As far as the site works would need to get the burrito in on the west end then they can replace the pump. How do they want the budgeting on this? Do they want to look at phases or when they have amount on the entire thing? Commissioner Hancock said the two cisterns are easy to get would know a cost. Still need an easement and the right to pump. Scott said that in the discussion with Tom Woods they would not prohibit from them pumping into the canal. Asked if they need to go and pursue the easements. Commissioner Hancock thinks they can do this themselves. Scott would have Ryan write up an easement. Weston asked that write up be sent to him.

[2:43:53 PM](#) David mentions there are some variables they do not fully understand. A time and material would be the better way to go. If they want hard money they would have to cover their cost and contingency. Commissioner Hancock would like them to provide a price list. David said this would be fully transparent. Trying to understand how they want them to proceed in pricing this forward.

[2:45:30 PM](#) Scott asked on a schedule to do the burrito. David said this would take a week to do this once they have a design. Then they would better know the cost. Scott said will put them on a times and material to not exceed the \$20,000 that was approved in last meeting. Will work on the east end and will plan on seeing them on a weekly basis.

COMMISSIONERS

- **CHALLENGER PALLET/REQUEST FOR CEASE AND DESIST – CHALLENGER PALLET PERMITS – (ACTION ITEM)**

[2:47:54 PM](#) Chairman Farnsworth said that they have met with their legal counsel today and went over this issue. Have had Planning & Zoning send out a letter. If they do anything before the deadline then this negates the letter. This has a deadline of September 6, 2018 to file an application which would be for a hearing on October 4, 2018. Met with legal and went over some confidential information to benefit the county and the residents. Realize they are not in an ideal situation. To not step on their own toes they need to follow the time limit they have been given. If they do not move forward by then. Laurie O'Riley asked why the deadline was extended. Chairman Farnsworth said they needed to allow them time to come in and be in compliance cannot ask for immediate attention. They do not want a Judge coming back on them. Would like to move forward. Laurie states this takes an hour of the day how much time do they need to figure this out and come in and apply for a permit. Chairman Farnsworth is not sure why they are not coming in. Commissioner Hancock said this was allowed thirty days. Weston said there is a publication requirement and

this gives Planning & Zoning the needed time to submit publications. Tom O'Riley said the original date was still changed. Understands that legal counsel told Planning & Zoning they needed to give them thirty days. There was also some text in there that was removed. Understand where the commissioners are coming from but feels they are getting bad advice. Have a video to show from a week ago on August 10. This shows the unbelievable amount of material that is being pumped out of the warehouse. Understand they would typically give a business an opportunity. Feels if this was their homes they would not tolerate this. Have Walt and Jesse Jones behind the facility who has terminal cancer and has not been able to enjoy their yard for two years. Up until two years ago they never heard anything on this. Bill Smith comments a lot of this is done at night. Linda Higgins complains about her eyes. Jay Hill understands the situation they are in that they have to take the legal advice they are given. Has worked with the legal process and what upsets him is the delay with the Prosecutor's Office. The extra month. This does not take into consideration that they have to be exposed to this. Getting tired of saying this. Hearing unbelievable decibel levels inside their house. This is driving them nuts. Does not understand why Challenger Pallet has not responded after the letter which came out May 28, 2018. So the County has known since then that they are not permitted to run these systems. They do not have a permit. There is harm being done to people. There was an analogy of having toxins dumped into the Snake River and it being handled immediately. Need to expedite this process.

[2:59:15 PM](#) Chairman Farnsworth said that they have given them a date of September 6, 2018. Jay asked if they do not come in and he doubts they will what will the county do on September 7, 2018. Chairman Farnsworth said they will have to weigh out their options. Laurie asked if they would be able to red tag them immediately. Looked up any business or industry in Idaho that has pollutants in the air needs a permit. Look at the EPA stats. This is not a joke even if the legal department thinks it is. Have a lady that lives behind the warehouse that has terminal lung cancer and they cannot function out in their yards. Not sure why they cannot red tag this. Can give them the whole month to comply but need to red tag this today. Already sent them a letter they can look at further research they need to have the proper permits. Every time they have come to a meeting they have defaulted in the favor of the people that have broken the law.

[3:04:15 PM](#) Tom said if they start a fire they would not wait thirty days. Have volatile organic compounds (VOC). The majority of VOC materials are carcinogenic. If he went out and poured chemical into their ditch everyone would freak out. They are doing this into the air. That is why permits are required.

[3:06:31 PM](#) Commissioner Hancock said they as a county they do not permit this type of discharge that is DEQ. Laurie said they did not apply for this. Tom said they still have ordinances and they are breaking the law. Never came out and laid out their reasons for not prosecuting. They are giving them the power. Tom plays a video of the cloud of sawdust blowing out. Have the kiln that is not permitted. Provide photos of the kiln and the sticky material that it creates. Is not acceptable to have this material pumped out into the air. Would like them to entertain a motion to red tag this. This does not function properly the kiln and the blower. Needs to fix this and get permitted. Cannot wait for Challenger.

[3:11:27 PM](#) Jay called Bonneville County Planning & Zoning who has over twenty years of experience and spoke at length on this problem. Was told they would have red tagged that facility immediately. These gentleman are here taking the heat on this. Is there something that can be done?

[3:12:32 PM](#) Weston said they have mentioned several times the air quality. Need to understand there are certain things that he is not allowed to discuss. Mentioned they have brought this to the attention of DEQ. They are covered by state law and prosecuted by the Idaho Attorney General. When they say that DEQ is taking note. Good he is glad they should be the ones prosecuting the air quality. Raising good points but when talking about who should prosecute air quality which is not covered by the county ordinance. Knows the concerns are serious they can put these on DEQ. On the DEQ website it states that once a violation has occurred they will determine the proper action. Many factors are considered include number of violations, seriousness and types of violations and willingness to comply. Issue a warning letter, issuing a notice of violation, referring to Idaho General Office for enforcement.

[3:15:01 PM](#) Tom said no one is asking them to prosecute this. They have spoken with DEQ. This is not what they are asking for. Laurie said the equipment producing all of the hazards without permits is not allowed by the county. That equipment needs to be taken off line. This is being operated outside of county law. That is where they want the county to step in. Tom said this is the typical example of what they have gotten. The recommendation is do nothing. These guys do a poor job. Came to them originally about a noise ordinance. In that year has this office ever come to them on a proposed noise ordinance? Is there anything about solving a problem?

[3:16:38 PM](#) Chairman Farnsworth said they need to have Planning & Zoning draft a noise ordinance because they do not have one. Bill said they will draft one up. Laurie said all other counties have one. Chairman Farnsworth said they are finding a lot of ordinances that need adjusted and corrected. They do have someone in place now to work on these. As far as the permits go and the two structures not having permits is there anything they can do today without stepping on their own toes to correct this. Commissioner Martinez has the same question because he does not know.

[3:17:44 PM](#) Bill Smith said the ordinance has a clause on what can be done when they are operating without permits. Tom said this is on the books. Bill reads zoning ordinance 3.16.2 alternate 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, and the County may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute an injunction, abatement, or other appropriate proceeding to prevent, enjoin, temporarily or permanently abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use." Weston said they did have their legal counsel this morning. Do have the authority to obtain legal counsel outside of their office to look over this matter. The Idaho Constitution asks they make a findings of necessity when they do this.

[3:21:09 PM](#) Chairman Farnsworth does not want to take a beating. His head is about to explode on this deal. The Prosecutor's Office has been busy on this. They had a meeting this morning. Have a confidential attorney client letter he needs to go through on what they can and can't do legally. This is to not put the county and the residents at risk. Is not able to understand why Challenger continues to do this. Not sure why they won't fix these issues. Tom mentions they do not see anyone from Challenger here. Laurie said innocent people will defend themselves.

[3:23:12 PM](#) Linda does not believe they have addressed this again they are always looking at the next week. Understand they care but feels this has still not been addressed. Want to come in for an answer. Chairman Farnsworth said they asked for information and got this and are working on this. Because of the nature of this cannot divulge this but they are trying to make this work out.

[3:23:47 PM](#) Cheryl Hively asked why they do not want to enforce their own ordinances. What good are the ordinances if they do not enforce this? Tom said this is simple they need to enforce the ordinance. Where has this information been the last two months? Chairman Farnsworth believes they have been working on it. Laurie asked if this information is coming from the point of how they can defend Challenger. Chairman Farnsworth said this is protecting the county and citizens. Tom asked how it is not legal to red tag and stop equipment that is illegal. If he gets pulled over driving illegally his car would be impounded. Have a noise ordinance that applies to mufflers on cars. If he gets pulled over they will impound the car if the muffler is creating a hazard. This is more serious than a muffler on a car. No reason legally they cannot stop someone creating a health hazard. That is bad advice. The equipment should be shut down where it creates a health hazard to the rest of the community.

[3:27:03 PM](#) Laurie asked what it will take for them to do something. Chairman Farnsworth wants to make sure this is legal. Bill said that is a two edged sword in trying to mitigate risk for the county. Hegsted may sue the county but the other risk is doing nothing and this opens the door to numerous situations like this. Then others will they did not prosecute them so they can't prosecute me. Tom said they will all be protected by Mr. Hegsted suing because he will throw a tantrum and not be able to tell the commissioners they work for him. The county will be in bad shape if they do not go enforce their ordinances. They have to do be in compliance with state law. That equipment needs to be shut down. Laurie said they are complicit to any damages that are suffered because of this equipment if it is not permitted.

[3:30:02 PM](#) Chairman Farnsworth asked if they could discuss this in an executive session? Weston reviews the agenda not opposed to talking with him but the way the agenda is set up they have already covered their executive session. When they added the action item rule they changed when an agenda can be amended.

[3:30:18 PM](#) Commissioner Hancock asked what DEQ is saying. Tom said they are a toothless lion in this state. They say if you own a business and emit material then you need to apply and determine if your levels are sufficient enough to license. Worked with other states and this is the biggest joke he has ever seen. Laurie said they are waiting for the guy who did not even apply for a building permit to decide if he needs a permit from DEQ. Tom said they have had inspectors over there who want photographs. Knows they are in violation of county ordinances and codes. This is a major health issue. It is not acceptable to have the county take a stance of inaction. Commissioner Hancock said they had indicated they talked a great length on the nuisance ordinances and state laws they have. These have been discussed and addressed. Are very concerned about this. They are not protecting Hegsted. Are trying to do this with a legal remedy. Sometimes that is slow. Bill said they should have red tagged them back in May.

[3:33:12 PM](#) **Chairman Farnsworth and Weston Davis left room**

[3:33:12 PM](#) Tom said the same questions have been proposed to other counties. Were told if they do not have a permit then they are shut down. Commissioner Hancock said they permit the structure not the equipment. Tom said anything plugged in is part of the structure. This is international code. Commissioner Hancock said they have looked at the codes and this is part of this. Tom said he has a lot of experience with this. No reason they cannot stop them. Laurie said they do not trust the intent. Was told that Mr. Butikofer did not think it would be ethical to prosecute. No one else they have spoken to thinks that anything he has said makes any sense. Feels there is political motivation. Looks slimy and they do not trust this. Commissioner Hancock said they are concerned about their health and welfare.

[3:36:31 PM](#) Tom said this states he applied for a warehouse. The intent was to have the structure be a manufacturing facility. Ripping off the people within Jefferson County. The Sheriff's Department should be over there saying they cannot use this equipment.

[3:37:29 PM](#) Commissioner Hancock said looking at this from the standpoint that they do not have the data. Bill said Planning & Zoning stated that they were using non-permitted equipment.

[3:39:34 PM](#) Jay said these are misdemeanors that have made something simple into a very complicated mess. Have been in here around seven times. Taking up all of their time. They are the ones that have to live with this. Laurie said this is either incompetence or corruption. Tom said the video meets the requirement for nuisance. Wonders where this will be after putting this off for another thirty days. Laurie said this feels like a stall tactic.

[3:43:57 PM](#) Bill said they could go out and stop this today and have not altered their letter. It is still asking them to come in and get a conditional use permit. On September 7 they will all be sitting here knowing they blew them off again. Tom said the law is clear all other counties have stated they would be red tagged. If you build a structure illegally should not be able to continue to use the structure.

[3:45:13 PM](#) Linda said in a meeting they had discussed trying to resolve this. It has gotten worse. If they need to keep their word and resolve this.

[3:45:52 PM](#) Daryl Bingham has a family farm on 300 N could he put a rifle range in and can go ahead and put his berms up an shoot 10,000 rounds a day. The berm should contain ninety percent of these. Tom said the building in violations need to be red tagged. If he wants to make pallets great. They did not have these problems before. All of a sudden decided to make changes. Could have this exact operation with a few modifications and be doing it legally. Has the attitude that he can do what he wants. Takes offense that they are here to put him out of business. Never been the case.

[3:48:24 PM](#) Jay asked why they do not get outside legal counsel. Commissioner Hancock said that they have done a lot of research. Tom said they are not uneducated people they know what they are doing. Want to help bring this county up to speed. It is a growing county. Need laws and zoning to bring in the type of industry to keep this area growing. Linda mentions they are Idahoans they have lived with Challenger for years. Have not tried to hurt anyone all they care about is their health, wellbeing and do not want to die because of what others are doing.

[3:33:12 PM](#) **Chairman Farnsworth and Weston Davis are in room**

[3:33:12 PM](#) Chairman Farnsworth said after consulting with legal they will visit with Planning & Zoning and will give Challenger until September 6, 2018 as stated in their letter. Will wait and see what happens on this date. Tom asked for a compromise that if by the end of business

on September 6 that they red tag this building for the non-complying equipment. Otherwise this will be another thirty days. Jay mentions he had an extensive conversation with the red tag process feels that his thinking is more appropriate. If Planning & Zoning goes and red tags this then enforceability becomes an issue. If they issue a court ordered injunction this would be more enforceable. Just said this would not be as powerful as if Planning & Zoning red tagged this.

[3:57:37 PM](#) Chairman Farnsworth said they will go with the September 6, 2018 date to see and they will look at this after that time.

[3:57:57 PM](#) Laurie asked on a special prosecutor. Chairman Farnsworth said this would have to be under necessity. Would be spending money needlessly. Thinks they have a fair plan laid out at this time.

TOM & LAURIE O'RILEY

• COMPRESSION BRAKES – (ACTION ITEM)

[3:58:49 PM](#) Tom said they had discussed an ordinance for compression brakes on County Line Road. The travel speed from far side of Challenger is not an appropriate speed limit. Have farm and semis on this bridge. Do not like to see the people with farm equipment being killed. The compression brakes might not be an issue if the speed limit was reduced. Wants these signs up immediately. Chairman Farnsworth said they can adjust speed limits depending on different variables. Would need an ordinance on the compression breaks.

[4:01:35 PM](#) Chairman Farnsworth said they will look into the speed limit and the ordinance for the compression brakes. Commissioner Hancock thinks the speed limit is the key on those S curves. Tom said this has become a popular bicycle route now as well. Chairman Farnsworth said they will address the speed limit and the compression brakes.

COMMISSIONERS – CLERK - COLLEEN POOLE

• BUDGET

[4:05:02 PM](#) Chairman Farnsworth has a few changes. Commissioner Martinez brings up the Assessor's Office. For the officer going up where this is an elected position. Commissioner Hancock said they took five percent raise across the board. Thinks on his opinion that this should stay the same. Colleen said that all three the Assessor, Clerk and Treasurer are the same. Rebecca said several years ago they were out of step and they made them equal. Elected officials do not fall into the step & grade. Colleen said some counties they are the same and others they are not. Commissioner Martinez wanted to look at the raises in Road & Bridge with the cash flow being down.

[4:08:33 PM](#) Commissioner Hancock said some of these he would like to lower. Chairman Farnsworth said the whole reason for the step & grade change was they need to make this fair across the board. Wants to make this fair and equitable throughout the whole county. Commissioner Hancock does not want a five year employee making the same amount as an eighteen year employee. Chairman Farnsworth still has concerns with the Prosecutor's Office. Commissioner Martinez does not believe any raises should be given. Biggest point was to bring him up last year with surrounding counties. Commissioner Hancock said they did do some changes last time. Chairman Farnsworth said legal administrator believes they are going too high on this. Colleen said in the meeting last year they were trying to fit them into the step & grade chart. In trying to fit this position in they had to take the higher rate. Did this thinking they would not get a raise in three years but they have changed this to offer a raise every year. Rebecca said they were outside of the step & grade before. This is office manager and runs the office under Paul's direction. Is not certified paralegal but has experience. Chairman Farnsworth asked if she is a legal secretary. Colleen said there is not a certificate for legal secretary it is a paralegal. Commissioner Hancock asked Colleen her opinion. Colleen said she did work for a private firm for twenty-six years and was not a certified paralegal because it would not have increased her pay any. May do the work but is not certified. That is really good pay for a county office in Rigby. Worked for around \$34,000 with twenty-six years' experience. Chairman Farnsworth thinks \$42,224 which is a grade six step eight. Colleen has Clerks here for just as long that do not make anywhere close to this much.

[4:17:35 PM](#) Commissioner Hancock said they put Weston down for a little increase so they could get him into the step & grade chart. Chairman Farnsworth does not want to kick Weston but if they relieve him of Planning & Zoning that will free up a lot of his time. Commissioner Hancock does not know what percentage of Weston's time they get him. Decided to try and get him into a box. Do not know what the percentage of time they get. Victim coordinator was at grade five step seven. Chairman Farnsworth said he looks at the Clerk's budget then pulls out the Prosecutor whose staff is at a lot more. Colleen said they came over higher. Commissioner Hancock said the Clerk's Office is at thirty-five hours and the Prosecutor is at forty hours. Rebecca said they pulled offices back instead of laying people off.

[4:24:45 PM](#) Chairman Farnsworth wants to be fair and equitable throughout the county. Want to make some changes with Road & Bridge. Discuss time. Colleen needs to have this changed the hearing is next Monday.

[4:26:28 PM](#) Commissioner Martinez goes back to the Prosecuting Attorney thinks the officer needs to stay with the two percent increase. Keep the deputy criminal with what they did with him last year. Chairman Farnsworth said this amount puts him competitive with the Public Defender. Colleen asked if they should put the Public Defender into the same step and grade. Commissioner Hancock said the last time they met they gave the Prosecutor a two percent raise. Colleen said they asked for \$10,000 last year. This year he had asked for two percent then called and changed this to five percent because he hear that is what other elected officials were requesting. Commissioner Martinez wants to hold this at \$95,000. Commissioner Hancock thinks the two percent is at least a cost of living. When comparing with other attorneys he is still lower.

[4:34:27 PM](#) Colleen asked when she would get Road & Bridge numbers. Chairman Farnsworth said if anything changes there should be money left over. Colleen said they do not levy Road & Bridge but needs this as soon as possible.

[4:38:16 PM](#) **Motion by Commissioner Hancock to adjourn at 4:38. Second by Commissioner Martinez. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date