

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
FEBRUARY 4, 2019**

Meeting called to order at 9:01. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Paul Butikofer, Sheriff Steve Anderson, Captain Nora Ortega; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Young. Prayer offered by Chairman Hancock.

**SHERIFF STEVE ANDERSON – CAPTAIN NORA ORTEGA**

• **AMEND IDAHO DEPARTMENT OF CORRECTIONS (IDOC) CONTRACT – (ACTION ITEM)**

[9:02:06 AM](#) Chairman Hancock said that Captain Ortega is representing the Sheriff because he is in Boise. Captain Ortega thinks the Sheriff brought this up. They have a new agreement with IDOC they will pull their females and replace them with males. Chairman Hancock said this is the same as they have currently is just changing this to males. Captain Ortega said they are adding five more so from forty up to forty-five. Chairman Hancock said it tells them on the amount of inmates but does not say anything on an increased amount. Captain Ortega said they are working on the billing for the IDOC inmates. Chairman Hancock said this is the first amendment to the agreement that is already in place. Paul asked who drafted this. Captain Ortega said IDOC drafted this. Paul asked if it spells out a rate in the original contract. Chairman Hancock said the original does have the rate.

[9:06:04 AM](#) Chairman Hancock said they have a first amendment with Idaho Department of Corrections for Jefferson County. This is housing services for IDOC inmates at the Jefferson County Jail from July 15, 2018 which was the original agreement. Changed from minimum of forty females to a minimum of forty-five males. Will hold a minimum of forty-five beds for IDOC inmates. Commissioner Young asked if it is okay without an amount. Chairman Hancock said this agreement is only changing the number of inmates from forty to forty-five and females to males. Paul said they pay for the forty-five beds regardless. Captain Ortega said at the moment they have forty-five.

[9:07:26 AM](#) **Motion by Commissioner Young to approve the amended agreement with Idaho Department of Corrections. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

**JAN CLEMENTS – CANCELLED**

• **CELL PHONE TOWER**

[9:10:54 AM](#) Audrey informs them that Jan had called in and cancelled. Chairman Hancock asked if Weston would get anything on this. Commissioner Young said from what he was told by Colleen this was filed improperly with District Court.

**COMMISSIONERS**

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

[9:12:15 AM](#) Chairman Hancock said this change order thirteen and has already been approved. Just needs a signature. Commissioner Young said they spoke at the construction meeting on the progress. The electricians are about halfway through the wiring. Will be switching on heat sometime this week. Chairman Hancock said once the wiring is hooked up they will fire up the boilers. Commissioner Young said they had some questions on change orders and will look at each claim once these come in. Chairman Hancock said there is a lot of progress being made.

[9:14:46 AM](#) Commissioner Young said they need to finish the trim work and have some clean up items. Chairman Hancock said this is close. Are being told they will be ready for occupancy by the first of March. Commissioner Young said there is a hang-up they are having some issues with the elevator. They may not be able to get this until March. Can still move in without this but do not want to have to carry all of the items up the stairs. Commissioner Young said they had to change this order and they had to reschedule their dates.

[9:16:15 AM](#) Paul asked on guidance for moving Probation and Prosecutor offices. Should they get some movers to do this? Chairman Hancock said this is a valid question knows that Tammy has moved her department herself in the past. Commissioner Young asked if they could use some county employees over at Road & Bridge. Paul has three females he does not want lifting and with his shoulder does not want to see any workers comp. Audrey said that she believes that Tammy did budget for movers. Paul does not think that he did. Commissioner Clark asked how much they have to move. Paul said he has a lot of heavy stuff. Desks and file cabinets. Commissioner Young said they could get a U-Haul truck with dollies. Paul said they have desks that will need to be put together. Thinks they have worked this out with the supplier. Knows they had put some of the stuff together when they moved into Main Street. Commissioner Young said they will need to line some of this up. Chairman Hancock said they may see if Dave could spare a couple of guys to help for half a day. Paul said it would take a day. Asked on occupancy. Chairman Hancock said that Planning & Zoning Building Official will issue the occupancy. Would be able to issue a temporary permit. Feels the construction they are doing a good job. Quality of workmanship is good from all of the subs. Will meet again on Friday at 9:00.

- **AGREEMENT WITH DEPARTMENT OF ENERGY – (ACTION ITEM)**

[9:20:13 AM](#) Audrey hands out the agreement needs all four copies signed. Weston has approved this it is the same as in the past did include his email on the top. Chairman Hancock said this is with Jefferson County and the Department of Energy. In lieu of PILT the Department of Energy has so much land so they pay Jefferson County direct. This is for payment for land within Jefferson County. Commissioner Young asked when this had been increased. Chairman Hancock said he is not sure. Audrey mentions that in Weston's email he mentioned the amount decreased. Chairman Hancock said there is not a whole lot they can do Weston has reviewed this. Has decreased a little bit this is always a worry about a decrease. Paul asked if this gives up PILT money. Chairman Hancock said this is just paid directly from the Department of Energy. The Department of Energy controls this land.

[9:23:49 AM](#) Commissioner Clark said they have 9,893 acres within the county.

[9:24:06 AM](#) **Motion by Commissioner Young to approve the agreement between The United States Department of Energy and Jefferson County DE-NE700099. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

[9:27:57 AM](#) **Motion by Commissioner Young to approve certificates of residency for the College of Southern Idaho for Joseph Bramwell. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:28:15 AM](#) **Motion by Commissioner Clark to approve certificates of residency for the College of Eastern Idaho for Jana Capener, Maideli Hinojosa, Amy Martin and Jaylan Thueson. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:30:16 AM](#) Recess to review minutes

Open session 9:45

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

[9:45:57 AM](#) **Motion by Commissioner Clark to approve commissioner meeting minutes from January 14, 2019. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:46:36 AM](#) Recess until 10:00

Open session 10:01

## **NEIL BROWN – DAVID STODDARD**

- **KELLY CANYON**

[10:01:56 AM](#) David Stoddard is Neil Brown's business partner lives at 2819 W Meadow Lark Lane in Idaho Falls. Neil suffered a heart attack a few days ago so it will be a few days before he is back up and running. Sole purpose was to express appreciation on the good work for the ski resort. Appreciates the Sheriff's department especially Officer Gonzales and Officer Wray for keeping the area safe and keeping this secure. Appreciates Dave Walrath and the good work the crew has done plowing and sanding. Very appreciative of their good work.

[10:03:37 AM](#) Appreciates the commissioners for helping out in regards to the ski hill. Have a lot of people come up with busloads of kids. Wants this to be a good recreational opportunity for the community. Most of the jobs are given to Jefferson County and some in surrounding counties. Very appreciative for the concern they have for making this a pleasing area. Try and do their best to have smiles on all of the faces up there.

[10:04:35 AM](#) Chairman Hancock asked how it is working for those going cross country skiing and using the parking. Knows they provide parking for a small fee. When using a boat dock there is a small fee. David said they have ongoing dialogue with this group. Have attempted a number of solutions but none have been to the satisfaction of the group. Still trying to get at a resolution. For their information the 218 road that goes through the forest is part of the ski permit with the forest service. Do not have exclusive use on this though. Only thing is that other uses cannot materially interfere with their operation. Part of the issue with them being there has been a tendency of individuals parking wherever and their predecessors dealt with this. Do not think the fee is out of line. What doesn't work is for them is to have pets running loose among the skiers. This is a growing trend with incidents involving pets. Got read the riot act from their insurance carriers about issues with pets. Does not want to drag the county into this. This is not something they need to worry about. Hope that people realize that when they want to come up and recreate that they cannot provide 24/7 snow free parking. Try to make this as safe as possible. But to answer the question yes they continue to have dialogue to try and make most of the people happy.

[10:08:29 AM](#) Chairman Hancock appreciates him coming out. Dave mentions a letter from Mike Abbot who is head of the ski club. May want to review this. This has been going on for quite some time. This letter was on both the dogs and parking. The parking is the

biggest issue as far as they are concerned. This narrows the area down where they cannot get through. Has had discussions with the Forest Service. All of the sides can never agree. Will need some public parking somewhere. Would have to be up to the Y junction. David said the only place they can turn around is right by the lodge. Everything up from there is fairly narrow and is not easy to do without going to the Y junction. This is probably around a mile. The Y junction was inside of their permit area. When the Forest Service made a parking lot and restroom they carved this out of the permit area.

[10:12:32 AM](#) Chairman Hancock said the groomer starts and does the trails to Moody Meadows. Appreciates him coming in. David said he did not read the letter. Dave said that it is recent that Weston wanted him to review the situation on this and will get information back on this. David said they all want parking for little or nothing and want to allow their dogs to go wherever they want to go. Dave said in the letter it is said they leash their dogs until they get to the forest. Commissioner Young asked if there is a leash law. David said they have a no pet's policy. Have allowed pets on a leash if they clean up after them but ninety nine percent do not do this. A large number do not want to pay any fee. If they speak with insurance companies if they do not charge something and something goes wrong the insurance company has the ability to not cover them. They could get sued and not have coverage. If they are doing things according to the arrangements then the insurance coverage is secure. Commissioner Young asked if there is anything the county can do. Dave said he spoke with Deputy Williams and there is a leash law for vicious dogs. But who knows what that means. They do not know if a dog is vicious or not.

[10:17:01 AM](#) Chairman Hancock said they are trying to avoid other skiers from hitting a dog. Do not want to have collisions with dogs. David said even if they are right there with them held tight they have to go for a mile plus to get to where they are going. Having a six foot leash on a road that is not that wide only takes being on the end of the leash to cause a hazard. The leash could be crashed into just as easy. Have suggested to the forest service another location.

[10:20:04 AM](#) David said most of them come up on the weekends. The ski club has huts out in the forest. Others get angry that they close their gates when they are not there. They are open pretty early and open until 10:00 at night six days a week. This should be ample amount of time. At one point they plowed an area outside of the gate for this very purpose and it was abused as an area to park and not pay. It was only \$5 a car but it did not work. Appreciates a number of things that have been tried. Thinks it is reasonable and makes sense. Will keep trying to sort this out.

[10:22:10 AM](#) Commissioner Young appreciates the jobs and services they provide to the county.

## **PUBLIC WORKS – DAVE WALRATH**

- **UPDATE**

[10:23:21 AM](#) Dave does not have a lot to report. Dealing with slick intersections and other places around the county. Has been working with the foreman and supervisors and coming in on areas that need an overlay, BST and chip seals. Was a piece in the paper last week it did not include the location but it will be held in this room. This will be next Wednesday at 7:00 for the Annis Highway pavement rehab project. The roads that were overlaid will put clean chips on those. Will have ten miles of BST and close to that on overlay. Chairman Hancock asked on any additional roads on the west side. Dave said this will be added in the plan. Have some ideas for this.

[10:25:13 AM](#) Chairman Hancock asked if they heard on the grant they applied for. Dave said they did not score very well on the bridge deck overlay. Chairman Hancock spoke to one of the people on the board and he said that they needed to put the proposal together better. Did not see this and is not sure what others did but said that the proposal was weak. Dave said he is not very good at flowery language. Hopefully they have two more grants in one for the sidewalk at Jefferson Elementary and the other for STP rural for intersections on 200 north at Old Yellowstone and 4000. Will see what happens with these. Chairman Hancock never looked at these. Thought it was a good proposal. Dave said this was systemic which is encouraged and involved two other counties. One thing about this it was more of a maintenance thing versus an improvement. Chairman Hancock said he is on the transportation board and may ask on this. Knows a lot of them had a lot more information.

[10:27:40 AM](#) Dave said a lot of that is fluff. Chairman Hancock wants him to be aware of this. Will do more research. Dave said every one of the bridges they were doing was on collector roads. They are major county roads. Sure he could improve on his grant writing abilities. May get with Rebecca on this in the future. Chairman Hancock said this was what one individual told him. Commissioner Young asked if they could read others so they know what to compare these to.

[10:29:13 AM](#) Chairman Hancock asked if they heard anything on the road going out to the Cannon Dairy. Dave said he was called last week for information on the width of pavement and right-of-way. Chairman Hancock asked if they were working with the Development Company. Dave may need to get with Ted Hendricks on this. Chairman Hancock said this is a big deal. Ask to update the other commissioners. Dave said there was some disaster money from 2017 and they took a big chunk out for projects that economic development related. Believe it was Chairman Hancock who thought to pave 2100 East from County Line to 400 North. This would be four miles. This is a major operation at Kettle Butte Dairy. Chairman Hancock said they have 14,000 cows out there with 7,000 being milked three times a day. Dave said they bring in feed from all of the surrounding farms. It is very significant ag operation for the area.

Chairman Hancock said this FEMA money was available to help prevent and increase economic development. Had a dual purpose. Look at they we're not able to get milk trucks out in the 2017 flood. Had to hook big tractors on the milking equipment to pull this through the flood for three miles. Dave said Bonneville County did not apply or receive FEMA money so were ineligible for this grant. One of the logical things would pave the Bonneville County roads but they are not eligible. Commissioner Young asked if they have this money now. Chairman Hancock said not yet they are in proposal stage. Dave said there is a match required. Looking at doing in-kind work. Would need pit run and crushed base brought in and could possibly pave this. Estimate is around three million. Base is not really good there is a lot of cinders right now. Would need a lot of pit run brought in. Chairman Hancock said it is fairly good base.

[10:33:37 AM](#) Chairman Hancock said this is a major project but if they are funding ninety percent of this. They were one of the only counties that had a project that fit. Had a FEMA guy from Seattle that met with them. Dave was not sure on the amount of jobs the dairy provides but it is a significant number. Chairman Hancock said they also felt this would increase fifteen to twenty more jobs. This is economic development and having the road system. In addition they wanted participation from the business. Cannon Dairy has also committed private money toward this project. They have been part of the discussion. Commissioner Young asked the FEMA guy if they need to contact him. Chairman Hancock said the Development Company was getting the data together. Dave will touch base with Ted.

[10:35:39 AM](#) Chairman Hancock said they are going to be moving into the new building is there a chance maybe one day they could use some Road & Bridge guys to help move. They have the Prosecuting Attorney Office and Probation Office. Dave said they could probably do this. Chairman Hancock does not know when and realizes if there is snow they cannot do this. Dave comments on the parking lot at some point will haul three quarter in but pavement wise they are looking at end of April. Chairman Hancock said they want all of the frost out. It is compacted now but is not to grade will need to get crushed gravel in. Commissioner Young said once they put this in people can park on the crushed gravel. Chairman Hancock said that will only be temporary.

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

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

[10:37:22 AM](#) Motion by Commissioner Clark to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[11:10:55 AM](#) Deputy Prosecutor Weston Davis calls into meeting

[11:24:25 AM](#) Deputy Prosecutor Weston Davis hangs up from meeting

Open session 11:24

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

[11:24:51 AM](#) Motion by Commissioner Clark to deny case #2019-7 for lack of cooperation and application has failed to comply with Idaho Code 31-3511. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

### **JEFFERSON COUNTY FAIR – CARL ANDERSON**

- **WELL AGREEMENT – (ACTION ITEM)**

[11:26:53 AM](#) Chairman Hancock asked Carl to come up and give them some information. Carl said the information they think this is about sixty years old. Had an agreement way back when this first started. This is a domestic use the dairy has a couple houses and office on this it is not used for irrigation at all. Chairman Hancock said they could get their own permit. Carl said they flood irrigate.

[11:27:18 AM](#) Deputy Prosecutor Weston Davis is in the room

[11:27:45 AM](#) Carl said this is domestic use. In talking with Steve Shively as well as the Jefferson County secretary they have never paid any electric bills. Mud Lake Water users pays this. The only time they have big use is during the week of the fair. Do have high school rodeos where they use water for a few days but they have never been billed for electricity. They never see a power bill. Have put the new well in. As they recall they approached them in the budget hearing about putting this well in. They had already put this in during the August fair. Chairman Hancock asked if this is a deep well. Carl is not sure how deep this went. Their twenty percent was \$4,400.

[11:29:50 AM](#) Prosecutor Paul Butikofer left room

[11:29:56 AM](#) Carl did approach and received an additional \$4,000 on this so they did go ahead and pay the bill and shows a copy of the check. Expected to be billed for this but did not get billed until January. Have been speaking with Weston on this contract and he has talked to their attorney. They have been treated very well never had any problems. Chairman Hancock said that \$4,800 is a lot cheaper than they can put a well in. Especially since it cost \$20,000 to drill this it must have been deep. Commissioner Young asked where this is. Carl said right in Terreton. Chairman Hancock said it is right along Highway 33. Just looking at the drilling costs trying to figure out the depth.

[11:32:27 AM](#) Weston spoke with their attorney. Was easy to get along with and is an area expert with water law. Most of the concerns have been rectified. One was this did not have legal descriptions. Thinks this has parcel numbers. Has a printed out agreement with these parcel numbers. Also an easement. It says that the parties have an irrevocable license if they are in compliance with the agreements. The license is permission to use property and usually can be revoked at any time so he saw irrevocable license. Looked this up and Idaho does allow irrevocable licenses. They have permission to go on the current location where the main lines are. Generally best practice would be to have an easement so they know how wide this is. They do not want to get this technical. If the county wants this done they want the county to pay for the survey. Happy to do this just do not want to pay for the survey. Granted a license and it is irrevocable. Sounds like the parties have a good relationship. Did have a question in which he does not have an answer is under 4C has a question that they are to pay twenty percent of the electrical connections. Normally they have an office on the premises. Is the well separately metered so they are not subsidizing the cost of the office? The attorney thought it was separately metered. Carl does not know. Chairman Hancock said they have never received a power bill on this well. If they started though they could have an issue. Weston imagines the houses are separate. Chairman Hancock said the houses are owned by the Mud Lake Water Users. Carl provides the invoice on the pump. Weston said this is for the pump not the power.

[11:36:35 AM](#) Carl said they have never been billed for electricity out there. Chairman Hancock thinks if this is not separated there is no way for them to charge. Weston said this was the remaining issue. Commissioner Young thinks this should be clarified. Weston said they did not connect to get an answer on this. They cannot subsidize a private interest. Commissioner Young said it would not be hard to put this on a separate meter. Chairman Hancock will table this until next meeting. Weston asked Carl to see if this is separately metered. Knows their attorney was going to ask but if he has a good relationship with them. Carl can call Steve Shively on this.

#### **COMMISSIONERS - DEPUTY PROSECUTOR – WESTON DAVIS**

- **LEGAL COUNSEL: EXECUTIVE SESSION IC 74-206 FOR PERSONNEL, HIRING CONSIDERATION, EMPLOYEE EVALUATION AND COMPLAINTS (1)(A) & (B), PENDING LITIGATION (1)(F), OR DELIBERATIONS ON LABOR NEGOTIATIONS OR PURCHASE OF PROPERTY (1)(C) – (AS NEEDED)**

[11:40:04 AM](#) Motion by Commissioner Young to go into executive session 74-206 (B) – Personnel. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 12:09

- **PERSONNEL ACTION – (ACTION ITEM)**

[12:09:47 PM](#) Motion by Commissioner Young to appoint Ed Mortensen and Michael Clark to the Planning & Zoning Commission. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[12:10:28 PM](#) Recess

Open session 12:55

[12:55:59 PM](#) Motion by Commissioner Clark to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[1:01:26 PM](#) Prosecutor Paul Butikofer is in the room

Open session 1:08

[1:10:46 PM](#) Motion by Commissioner Clark to adjourn at 1:10. Second by Commissioner Young. All in favor – aye. Motion passed.

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*Chairman of the Board*

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*Date*

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*Clerk of the Board*

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

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

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