

**JEFFERSON COUNTY COMMISSIONER MEETING AGENDA
MAY 13, 2019**

Meeting called to order at 11:00. Those present are Commissioner Clark, Chairman Hancock, Sheriff Steve Anderson; Audrey Moon is clerk of the board. Pledge of Allegiance led by Audrey Moon. Prayer offered by Commissioner Clark.

SHERIFF – STEVE ANDERSON

• **OLD BOAT TRADE-IN – (ACTION ITEM)**

[11:03:31 AM](#) Sheriff Anderson said they purchased the new jet boat with grants from the state. Have the river boat and jet skis that are old. Lieutenant Fullmer has met with Bott Yamaha will give them a good deal on the trade in of the old boat and jet skis so they will be able to purchase two new jet skis and a trailer with this money. Have been on those jet skis for a long time. Have plenty of money in their budget. Would look at trading these in and purchase two new jet skis. Provides the bid from Bott. Willing to give them. Chairman Hancock said not much for the jet skis. Sheriff Anderson said \$1,000 is good for as old as they are. Chairman Hancock asked on the boat. Sheriff Anderson said they are giving them \$6,500. It is a 1990. Chairman Hancock said these hold their value. Sheriff Anderson said that Lieutenant Fullmer did the research and was comfortable with this amount. Also \$500 for each jet ski. Chairman Hancock asked if they had another bid. Sheriff Anderson said he does not have that information with him. Knows that Action was low on the trade in. Getting a total trade in of almost \$8,000. Would get 2018 models if this is approved but these are new. Chairman Hancock would like other prices from other vendors. Sheriff Anderson said he can prolong this for a week and get the other prices from him he is not in today. Chairman Hancock said if they could bring in two more. Commissioner Clark said at least one more so they have a comparison.

• **AMMUNITION PURCHASE – (ACTION ITEM)**

[11:08:09 AM](#) Captain Lynn Parker has an order for ammunition. They are looking for authorization of \$5,600. Last year the freight was \$140. Did find out this morning the city may want to piggy bag on their order. Would be in the ballpark of \$1,000 for that. The 9MM rounds for POST have to send them with 12,000 rounds when they send them to the Academy. Need to have enough so they can do this. Chairman Hancock asked on the ammunition do they have the pricing somewhere. Captain Parker said they have the contract with Salt Lake Wholesale for the state bid. Have not priced beyond them. Chairman Hancock thought there could have been another vendor. Sheriff Anderson said Javelin Arms could not do a better price. Chairman Hancock said this is a state bid so they do not need any others.

[11:09:56 AM](#) **Motion by Commissioner Clark to approve ammunition purchase for the Sheriff's Office for \$5,833.57. Chairman Hancock said in addition may purchase some ammunition for the City of Rigby who will reimburse them. This is the state purchase price. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

ASSESSOR – JESSICA ROACH – GIS – ERIC SMITH

• **INVOICE – GIS DATA RENEWAL**

[11:11:21 AM](#) Jessica and Eric wanted to come in they have the Esri contract for the GIS mapping data needing paid. Since this is such a large chunk they wanted to go over what this is with the new commissioners. Chairman Hancock asked how much this is. Jessica said \$10,240.30. Chairman Hancock asked what this is. Eric said this is maintenance costs. Chairman Hancock asked if these include software upgrades. Eric said this is just the maintenance. Jessica said some are portioned out for the departments. Just wanted to let them know and answer any questions they may have. Commissioner Clark asked if each of these go on a desktop. Eric said some of this is to desktops but they have updaters that continually update information. Some of the pricey ones are pushing this data out to the public to serve their needs.

[11:13:40 AM](#) Jessica will submit this next time for the claims and wanted them to know what it was for.

ASSESSOR – JESSICA ROACH – TREASURER – KRISTINE LUND

• **OFFICE SPACE**

[11:14:36 AM](#) Jessica said Colleen had wanted to be in on this discussion as well. Commissioner Clark said she may be back if they move on to the next item. Will wait for Colleen to come back.

PARKS & RECREATION – MICKEY EAMES

• **VENDOR CONTRACTS – (ACTION ITEM)**

[11:15:41 AM](#) Mickey has the summer vendors. Have the Wood Shack they have shaved ice they have been there before. Trying to not have the same people every year. Thinks everyone should have a shot at this. Have Eagle Rock Business Solutions groups have variety of food, water, lemonade. They are new. Chairman Hancock asked on the fee. Mickey is doing a flat fee of \$350. Does not want to do percentage on these. It goes in spurts on these items. They are not always busy. This is a new business and they will have a lot of things that will be used. Have Lakeside Subir. Have tacos, fruit cups, corn on the cob and flavored waters. This is a new adventure for these people. Gave them the best times and will have to work on this to see what works best. People are mad if they are not there at times that are listed. Chairman Hancock asked if they registered businesses with the state and if they all have insurance that is necessary. Mickey will have a copy of both of these. Commissioner Clark asked if they all park in different spots. Mickey said on the one side she has electricity out there. Commissioner Clark asked if they would have these three plus the trailer. Mickey knows that the trailer needs painted. Would never have more than four food vendors. Commissioner Clark thinks there are a lot of vendors. Mickey told Cristian if the food is good people will come in just for that. If this does not work this will be the warming and rental shack for the

ice skating rink. Chairman Hancock asked if they will move this. Mickey said this is on the tennis court it is not in the parking lot. Had no one using the tennis court. This had been just space that was never used. That is why the area worked for the ice skating rink. This is the warming hut and rental shack during winter time.

[11:18:14 AM](#) **Motion by Commissioner Clark to approve a vendor contract between Wood Shack LLC and Jefferson County Lake. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

[11:20:50 AM](#) **Motion by Commissioner Clark to approve a vendor contract between Lakeside Subir and Jefferson County Lake. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

[11:21:10 AM](#) **Motion by Commissioner Clark to approve a vendor contract between Eagle Rock Business Solutions, LLC and Jefferson County Lake. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

[11:22:06 AM](#) Mickey said the water is coming up finally in the lake. Commissioner Clark asked how long until it is full. Mickey said the end of May or first part of June. Chairman Hancock said they did not get the recharge this year. Commissioner Clark said the way they measure the recharge and retention some of the retention did not measure enough. Have four canals that scored high enough but the Feeder channel did not. Chairman Hancock said has been in negotiation may be able to divert some water from the dry bed.

EMERGENCY MANAGEMENT – REBECCA SQUIRES

[11:24:19 AM](#) Eric had to resubmit with different dates this has been approved just needs a signature and will get this resubmitted.

- **RESOLUTION #2019-22 – DESTRUCTION OF RECORDS – (ACTION ITEM)**

[11:24:48 AM](#) Rebecca said moving helps them eliminate. Has resolution #2019-22 for destruction of records. Have passed this by legal and the clerk's office. Chairman Hancock reads resolution. "Resolution authorizing destruction of records. At a meeting of the Board of Jefferson County Commissioners, State of Idaho on the 13th day of May, 2019, the following was adopted, to wit: Whereas, Idaho State Statute 31-871 requires the Board of County Commissioners to authorize destruction of records that are not required to be retained as permanent records and that have met the minimum retention period provided by the County's record retention schedule and are no longer required by law or for County business; and Whereas, the custodian of the listed records has proposed for the destruction of certain records that have exceeded their minimum retention; and Whereas, approval for the destruction of the below listed records has been obtained from the Idaho State Historical Society, when required, and the County Attorney as provided by Idaho Code 31-871. Be it therefore resolved that the Board of Jefferson County Commissioners hereby authorizes the immediate destruction of the original paper records. Job applications and interview notes for applicants not hired dating 2004, 2011, 2012, 2013, 2014 and 2016. 2011 Community Development block grant records. 2009 Recovery Act Justice Assistance grant program records. 2011 Justice Assistance grant records. Local Emergency Planning Committee meeting minutes and committee applications prior to 2011. 2017 Eclipse RV camping administrative permits. Commissioner correspondence prior to 2015. 1993, 1994, 2004, 2008, 2009, 2010, 2011, 2012, 2013, and 2014 Tier II reports. 1994 hazardous materials flow study. 1988 radiological monitoring meeting roster. 1993 and 2004 DOE/JCSO MOU. 2009 mitigation planning documents- excluding the adopted plan. 2004 planning grant application. 2011 pre-disaster mitigation grant application. 2004 to 2006 SHSP grant records. 2006 LETPP, I/COM grant records. 2005 LETPP, I/COM grant records. 2016 to 2017 job applications and interview records. 205, 2007 and 2012 exercise record. 2009 volunteer training record. 2013 BHS monitoring visit record. 2010 EMI applications. 2005 to 2008 Homeland Security grant applications. Approved and adopted the 13th of May, 2019."

[11:28:37 AM](#) **Motion by Commissioner Clark to approve resolution #2019-22 for destruction of records. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

- **LEVEE INSPECTION UPDATE**

[11:29:31 AM](#) Rebecca said on April 29 went out with engineers from the Army Corps of Engineers, Jefferson County Sheriff deputies and Madison County Emergency Manager. Toured the levee from Roberts Bridge to the feeder headgate. The repair sites from last year look fabulous. Have some new damage at the Hall Dairy repair site. When the flows were higher they lost about ten inches of levee in a span of about fifty feet. Will continue to monitor. The river rider is going back out every couple of days. They are down now at about 6,800 at Lorenzo. No longer damaging. These flows will increase again as Palisade's increases from the really high country. Corp of Engineers are evaluating to rehab this site one more time. Should not have seen this kind of damage this year. Participated in the Upper Snake Interagency Wildland group. Was a fantastic exercise. Took place out in the Menan Buttes. Was good to get all of the agencies out there. Got them all familiar with the area. Chairman Hancock said as long as they do not use exploding targets out there. Rebecca said the reservoir is lower now than it was last year.

ASSESSOR – JESSICA ROACH – TREASURER – KRISTINE LUND

- **OFFICE SPACE**

[11:32:51 AM](#) Jessica said they have rearranged the offices. Going on twelve years there was some patching where Planning & Zoning was. Colleen, herself and Kristine have discussed repainting the department areas. Would this be something they need to put in their budgets or could they take this out of the building and grounds budget. Chairman Hancock said he thinks this should come out of the building budget. Not sure what they have left with the new annex. As of October 1 they could add money in there. Jessica said what Colleen told her they have in repairs, maintenance and building fixtures they have \$11,250 and then the other line they have \$40,000. Chairman Hancock said he will have to talk to her they have to hook the sprinkler systems and is unsure the costs of that but it will need to come out of this. Put roughly \$26,000 into replacing control systems and needs to verify this was taken out of the appropriate budget. If they have money available he does not have an issue with using this money. Does not think it should be in their budget it is part of the building. These are the funds they should use.

[11:35:18 AM](#) Kristine asked if they could move forward with getting some bids. Along the way then they would know if they would have to wait until October 1. Chairman Hancock knows there are issues with this building want to make sure they are taking care of this. Kristine thinks maintenance will help preserve the building. Chairman Hancock said they will look at leveling the concrete. Talked with the maintenance individuals and they want to make sure the building is upgraded. Commissioner Clark talked with Bryan on the cleaning issues and some of their concerns. Chairman Hancock knows they have been having some issues. Knows they need to pay attention to detail. Kristine tries to be careful Bryan does not need to have all of them directing him. Commissioner Clark thinks he needs to be aware of their concerns. Kristine said they have written them down before and is not sure if it is taken seriously. Chairman Hancock said if they do what is in the contract they should be fine because that is what is expected. Kristine said the public use areas should be cleaned and sanitized daily. They do pay for this service.

[11:39:40 AM](#) Commissioner Clark knows that he had a good talk with his help. Kristine thinks this comes down to training and managing. Understanding they can work on getting some bids. Chairman Hancock said to have them do specific areas. Commissioner Clark thinks they can bid each room and then they can prioritize.

[11:41:08 AM](#) Jessica asked if they are going with just painting or are they looking at carpet. Chairman Hancock said if they look at painting first. Kristine thinks if the carpets were cleaned more often they would last better.

Recess until 12:00

[11:54:01 AM](#) **Prosecutor Paul Butikofer is in the room**
Open session 12:00

EASTERN IDAHO PUBLIC HEALTH – GERI RACKOW

• FY2020 BUDGET – (ACTION ITEM)

[12:00:26 PM](#) Geri Rackow is the director of Eastern Idaho Public Health. Is here to go over the fiscal year 2020 budget. **(Exhibit A)** The total budget is \$8,353,092 which is a 2.42 percent increase from the previous year. Based on the county population and taxable market value. Jefferson County will see an increase due to the population and increase in values the total is \$136,199 which is \$2,869 more than the previous year. The increase is due to population and property value increase. They are not asking for an increase in total dollars but the increase comes off of the values. Budgeting for a 9.27 percent increase with fee revenue. Will have an increase to their septic program. With building increasing they are having an increase in this program as well as the adult immunization program. Another highlight is the Idaho Legislature has passed House Bill 151 adjusting licensing fees for food establishments which are set in Idaho Code. The last time this was changed was 2009. This bill will have the fees increased in phases. Were allowed temporary fees. Will not see the increase right away. Goes into effect in January 2020 and January 2022. Receive subgrants and will see an increase of 1.75 percent. This is federal money that goes to the State of Idaho and they get these grants for WIC, family planning and preparedness program. Increasing a little bit. Have a new program called Partnership for Success that provides help preventing underage drinking. Also have an increase for tobacco education and control, prescription drug overdose prevention, oral health, family planning and medical home coordinator programs. Some will get decreases such as immunization provider visits, epidemiology, public health emergency preparedness, hospital preparedness and physical activity and nutrition. In January of this year the Statewide Healthcare Innovation Plan (SHIP) grant ended so they will no longer reflect this amount. The legislature appropriated money to the health district to expand home visiting for health educator work with families with young children and they do home visits and teach parents skills. The legislature is committed to find a more stable funding for this. Salaries are always a challenge. In addition to giving all employees a salary increase of \$550 the Idaho Legislature recommended a three percent increase. Since they have been lagging for so long are looking at a five percent increase. Would get an increase per merit. They are not a state agency but look at the state guidance. Had to submit this to division of financial management and human resources. Overall funding increase of five percent.

[12:09:39 PM](#) **Prosecutor Paul Butikofer left room**

[12:09:43 PM](#) Geri said they had a decrease on health insurance. Anticipated this was going to bump back up but has stayed steady. Last year this was a \$200,000 savings. Seeing some increase in PERSI with a .62 percent increase for them and a .37 percent increase for the employee. Chairman Hancock asked about health insurance and if they are self-funded. Geri said they use the state payroll, PERSI and state medical insurance. They have a policy through Blue Cross that includes the district health departments.

[12:11:11 PM](#) Geri said operating expenses have increased by 2.43 percent. Largely due to increased volume of activity in adult immunizations as well as new operating expenses.

[12:12:07 PM](#) **Prosecutor Paul Butikofer is in the room**

[12:12:13 PM](#) Geri said these are the highlights. Things are stable in the offices. Have not had any more changes. Commissioner Clark asked how many are in the building. Geri said they have four all the time in Rigby but have others that come up and help out for specific days. In Mud Lake they have Brenda Bloom available on Thursday. Chairman Hancock asked if they have a septic tank individual out here. Geri said Vincent is in charge of the septic program. Chairman Hancock clarifies on the vehicles amount of \$240,000. Geri said this is the amount they are allowed to spend on updating of their fleet without special approval. Geri said they are required to have a public hearing for the budget which is June 20. It will be in the Idaho Falls office. The chair of the county commissions can participate in this committee or they could give this to Commissioner Young. Will need this signed as a proxy before this date. Geri said they have her numbers if they have any questions.

[12:17:15 PM](#) **Deputy Prosecutor Weston Davis is in the room**

SOCIAL SERVICES – AMY JOHNSON

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

[12:17:55 PM](#) Motion by Commissioner Clark to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

Open session 12:34

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

[12:34:11 PM](#) Motion by Commissioner Clark to approve a notice of continuance on case #2019-07 and a notice of continuance on case #2019-09. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

[12:35:09 PM](#) Motion by Commissioner Clark to approve the issuance of a subpoena to appear on case #2019-09 and #2019-07. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

PROSECUTOR – PAUL BUTIKOFER

- **PAYMENT SOURCE – TREASURE LITIGATION – (ACTION ITEM)**

[12:36:46 PM](#) Paul said this is for the Treasure litigation. Should have seen an email that the Judge dismissed the Legal Cause of Action. Weston is a part-time deputy prosecutor has his job description. In the job description it goes over what happens with litigations. Includes a certain number of hours of unplanned litigation. Anything over this amount is discounted \$2,500. Then the balance would be due to Weston's firm as time billed. Do have a bill for up to this point and may include everything where the case was dismissed. There is one item they were going to take out because Weston was already here for \$74.00 for .4 hours with total amount of \$3,272 due that is outside of his legal job description since this was a Planning & Zoning litigation that ICRMP did not cover. They defended Kevin Hathaway and Jeff Ottley so thinks they could take this out of the legal line in the Planning & Zoning budget. This would pay for this first round and hopefully that is the end of this. If not he has a line in his budget. Colleen said Planning & Zoning has two lines. Chairman Hancock thinks they take this out of the legal line first. Colleen asked if this will go over that line with Paul Ziel's contract. Paul said there should be around \$4,000 left in this line. Paul said they should have enough to cover this. Weston said this would have been higher but had been working with Mike Winchester to help tag team this and keep the costs down. Have a lower government rate. Do not like to look for exceptions but they did not have any control over this. Paul said this takes them up to the hearing date with the order dismissing this. The information on the case is public information. Until they file an appeal there is nothing else to talk about. Colleen said they would need to know where to take this out of. Paul has an itemized bill and will write the budget line on this.

- **FURNITURE MOVING COST – (ACTION ITEM)**

[12:43:54 PM](#) Paul said that moving costs were more than they expected. The first quote was going to be under \$1,000 but that was bid with a working elevator.

[12:44:22 PM](#) Deputy Prosecutor Weston Davis left room

[12:44:24 PM](#) Paul said they did not have an elevator so it took about a day and a half longer. Still was less than the other bid they had. Went over by \$62.50. Chairman Hancock said this is not a capital item and he is an elected official so he does not see any problem. Chairman Hancock just hopes they are happy over here. Paul said he will take this out of the furniture line. Took his own personal furniture for now. Does not fit as well as he would like. Still needs to decide what he is going to do. Took his for now because it was available.

COMMISSIONERS

- **EASTERN IDAHO PUBLIC HEALTH BOARD NOMINATIONS – (ACTION ITEM)**

[12:45:41 PM](#) Colleen has the Eastern Idaho Public Health Board nominations. These are yearly nominations. There is one for each of them to fill out then she can get these sent in. Chairman Hancock asked if they cast this for one. Colleen believes it is for both. Chairman Hancock said it is either Bill Leake or Brent Mendenhall who is now the commissioner.

[12:46:48 PM](#) Prosecutor Paul Butikofer left room

[12:46:50 PM](#) Chairman Hancock said this is for the trustee and Bill was a former commissioner. Madison would prefer to have the current commissioner. Chairman Hancock also thinks this position should remain as a commissioner.

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

[12:48:06 PM](#) Colleen has a progress update. Talked about the chairs last meeting. Checked on the top two choices. The one they could not get any discount on. The other was \$245 on the Arcadia Executive. Chairman Hancock thinks that is the one they would want to go with anyways with the lifetime warranty.

[12:49:11 PM](#) Motion by Commissioner Clark to approve eight Arcadia Executive chairs at \$245 each delivered. Will take this out of commissioners' capital office equipment. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

[12:50:18 PM](#) Chairman Hancock reads an email from Scott Nielson the architect. Need to have certification for the state electrical inspector that there was no water damage to the mechanical equipment. Since they were storing items in the bathroom and there are no lights they want some temporary lighting. Also sent a punch list for mechanical items yet to be done. Finish the clean, clean out the blocks where they saw, chillers set and running, install metal installation covers that are water tight. Needed to know what the pipe was sticking up in the roof drain. Need to seal exhaust fans and paint meter gray.

[12:51:50 PM](#) Deputy Prosecutor Weston Davis is in the room

[12:51:57 PM](#) Clean out all roof drains and check membranes, seal pipe penetrations, fire dampers and a few more things that need to be tidied up. Other than this thinks everything else in the building is complete. Colleen asked about any other billings. Chairman Hancock said they have to do curb and gutter on the westside of the building. Need to do the sprinkler systems. Colleen asked about striping the parking lot. Chairman Hancock said they are supposed to do this. Rebecca said in conversations with Blair he is aware and is waiting will strip the front and back at the same time. Chairman Hancock said also regarding the new building talked on Thursday to American Pump the pumps will be in today. There was an issue regarding the panels not all of these will come with the pumps. Had some items on backorder. Did remove the trees from the easement area in back of the health department to put the pipes in. One of the questions later will be regarding the easement and what is happening there.

[12:55:52 PM](#) Recess

Open session 1:05

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

- **JEFFERSON COMMERCIAL COMPLEX – BLAKE LARSEN – (ACTION ITEM)**

[1:05:35 PM](#) Jenny goes over the staff report. Property owner is Blake Larsen and applicant is B&S Larsen Investments. This is a plat amendment that went before Planning & Zoning board in April. The location is 4038 E 461 N. Zoning is C-1. Surrounding zoning is C-1, C-2 and R-1. Parcel sizes are 10.080 acres, 5.570 acres and 4.53 acres. Surrounding land use is commercial and residential subdivision. Went before the Planning & Zoning Commission and is before them for a final decision. The applicant wants to amend two of the three lots to put in an additional thirteen lots and dedicate the road to the county. Received completed application on January 15, 2019. Legal notice was sent to Jefferson Star on February 15, 2019 to be published on February 20, 2019 and February 27, 2019. Notice sent on Feb 21, 2019 to property owners within 1,000 feet. Property was posted February 25, 2019. Courthouse was posted February 21, 2019. Parcel is not in floodplain. Parcel is within the City of Rigby area of impact. Chairman Hancock said this was recommended approved by the commission. Jenny said it was and provides the new map.

[1:07:51 PM](#) **Motion by Commissioner Clark to approve the Jefferson Commercial Complex Division #1. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

- **PUBLIC HEARING – AREA OF IMPACT AGREEMENT (AOI) – CITY OF RIGBY – RESOLUTION #2019-24 - (ACTION ITEM)**

[1:09:51 PM](#) **Planning & Zoning legal counsel Paul Ziel is present**

[1:10:10 PM](#) Chairman Hancock will move into the public hearing. Before they start there is information they want to present. Wants to present information from the Planning & Zoning department.

[1:11:28 PM](#) **Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis are in room**

[1:12:02 PM](#) Chairman Hancock said they are waiting for the presentation. **(Exhibit B)** Kevin said they will go through this are free to ask any questions during the slideshow. Chairman Hancock said they will answer the questions as they come. Kevin said this is informational. Goes over an explanation of an area of impact. A designated area of planned development. Has a map and application. Allows the city to allow areas that will be serviced by water and sewer. Changing the boundaries a moratorium was placed on construction in January.

[1:15:07 PM](#) Nancy Hansen asked for clarification of date on the moratorium. Chairman Hancock said this ended on May 1 but was only on a specific area. Kevin said the moratorium ended on May 1. Size is based off of State Statute 67-6526. Requires three factors: trade area, geographical and the area that could be reasonably annexed in the future. This is necessary because they are required by law to have an area of impact agreement. Is required before the city can annex but does not mean the area of impact will be annexed according to Idaho Statue 50-222. This is to ensure orderly development. Will not be annexed into the city. Annexation will be at the request of the property owner and is governed by Idaho Statute 50-222. Idaho Law HR 25 protects parcels over five acres. .

[1:17:25 PM](#) Nancy Hansen asked when this law was changed. Chairman Hancock said it will go into effect as of July 1. Nancy asked how long since this had been changed. Chairman Hancock knows this is current law as of July 1, 2019. Jeff Ireland said if they have five acres they cannot be forced to annex but if they have less they can be forced to annex. Chairman Hancock said it is based on whatever the law says. Jeff said this does not make sense. Chairman Hancock said the services before annexation can take place the city has to provide services in the area before they can have any annexation take place. Where he is at they do not have the services. Jeff asked if there was a limit of when this could be addressed. Chairman Hancock said he does not believe there is a limit. As they get into the hearing they will address this.

[1:19:42 PM](#) Kevin said some may want to be annexed into the city and could be favorable to be connected to city water and sewer. Can they continue to farm in the AOI? Idaho Code 67-6529 no power granted which deprives any owner of full and complete use of ag land. Will protect parcels over five acres from forced annexation. Will property taxes increase? Property will not be valued higher due to being in the AOI. Population growth will continue with or without the AOI as they have seen. Population in 2018 had 28,761 projected to grow to 32,274 by 2023. In 2018 have 9,528 homes and is expected to grow to 10,144. Paul said they have a question in the back.

[1:21:23 PM](#) Earl Hansen said he is back on the county taxes. Knows that county taxes will not go up but are city taxes higher than county taxes. Mayor Richardson said if they request to be annexed the taxes are higher. This does not change any rules of annexation. There is no annexation restriction or enhancement. The entrance into the city is by request to be brought into the city as far as he knows. The intent of the council is to leave this. There is no desire to go out and grab properties. This would not change any of that law. If they are part of the city they would have higher taxes.

[1:22:50 PM](#) Kevin continues. If they have that many new homes they could have twenty three subdivisions. Can they retain surface water rights in an AOI. Provides in 4.4.4 under Idaho Code 67-6537 and land use changes will be required to use surface water. Domestic water supply.

[1:23:38 PM](#) Nancy Hansen asked if a well goes out would they issue permits as typical. If they are living in this area will they receive a new well. Chairman Hancock said they would not be required to hook in unless they have been annexed. Would depend if they have service by their property. Would have to drill a well or fix the well they currently have.

[1:24:21 PM](#) Kevin said the AOI will help the water table has been lowered cannot be deepened. Newly platted subdivision would be required city hookup or a community well system. This will help during cross contamination.

[1:25:03 PM](#) Nancy Hansen asked if the state is still allowing a community well. Knows there is a subdivision on the west of 3700 and they had some issues with a community well. Chairman Hancock said the state does allow community wells they just have to meet certain standards. Mitch Bradley with City of Rigby said DEQ recommends them.

[1:25:38 PM](#) Kevin said who has jurisdiction in the area of impact. Administration would be regulated by the county within the provisions set forth in the agreement. Building permits would be issued by the county with input from the city. Heard before a joint Planning & Zoning commission. This is also in the draft agreement with the area of impact. If they live within the area of impact how will this affect them? Will be governed by levels. Level one this is undeveloped and unplatted land that has not been submitted to the county for future land use prior to the effective date of this agreement need to comply with the area of impact agreement. Level two development is permitted where construction is not complete at the effective date of this agreement. They will negotiate with the owner and developer but will not have any mandates. Level three development is previously completed or platted prior to this. There are no requirements to comply with the area of impact agreement. Applicable city ordinances within the area of impact agreement is vertical curb gutter, mow strip, french drains, fabric under road, paving thickness of three inches, street lights, sixty feet of right-of-way with forty-two inch roadway.

[1:27:24 PM](#) Nancy Hansen wants to clarify if this gets approved this applies to them immediately. Chairman Hancock said this is new developments under level one. Weston asked to explain the levels again. Kevin said level one is bare ground then all of the terms will apply. Level two is a subdivision that is partially built out. Only some of these items could be negotiated. If their house exists nothing would change for them even after the area of impact is adopted. They will not change the zoning. Nancy said if they own land to build in the future then all of this would apply to them. Kevin said they would be treated differently. This is for high density development ground. Nancy asked if this is clearly written.

[1:29:15 PM](#) Blake Larsen has a question on the commercial one where this has been approved would this be under the number three category. Chairman Hancock said this would be exempt because this has already been approved. Blake said they will go as is with the septic. Paul Ziel said they are in the position where it is negotiable. Could come talk to them and ask that they consider doing this but they will not mandate this.

[1:30:34 PM](#) Kevin said water connections will be in the front yard and sewer in the back yard. Will have cul-de-sac for emergency vehicle turn arounds. Will have fifty-five foot minimum frontage. Anticipate that fiber optic conduit will be available for new development. Even if services are brought out they will not be required to abandon their private well. May at a future date want to connect. Private system cannot be connected to city services.

[1:31:40 PM](#) Steve Stringham where is the law that if they had city services they could force annexation. Paul Ziel clarifies city they can do forced annexation. Be clear if they meet certain criteria it does not change the annexation. If there is a different council they could annex them whether this AOI is in effect or not. What the mayor and the city council is saying is they will not force anyone in. This is a promise from the City of Rigby. Mayor Richardson said this always comes up this does not inhibit annexation powers. There is something about forced annexation because they do not do this. Have had petitions for annexation which they have done. Does not change annexation powers. The people on this are voted on by this area. Cannot say this is impossible. Paul Ziel represents Jefferson County and they agree with the Mayor. The area of impact agreement they are required to have this. They have negotiated this and are following state statute. This can be a step toward annexation.

[1:35:37 PM](#) Mayor Richardson said one of the big issues one of the surrounding subdivisions has a failed water system. They came and asked to adopt their water system. They cannot annex them in because this would be a huge cost due to the way this was built. Cannot bring them into the city. This is to have things built a certain way so that in the future they could be brought in. These are minimum requirements they do not want to impact people. Development is happening and are trying to plan for twenty years. Water systems are failing and they cannot help.

[1:37:16 PM](#) Kevin goes over what requirements will be applied if it is not available. Will negotiate if sewer and water are not available. The intent would be reasonable compromise between current subdivision ordinances. The AOI is to manage the growth and direct this as much as possible to have the lowest impact. Could keep doing what they are doing or they could move forward.

[1:40:06 PM](#) Chairman Hancock said that they have in favor Mayor Richardson asked Mitch if he will represent the Mayor. Mitch believes he has already spoke. Have Steve Stringham signed up as neutral. JoAn Wood, Carl Poulsen, Rod Barber, Nancy Hansen, Earl Hansen and Jeff Ireland signed up in opposition. At this time since the Mayor has left will turn the time over to Steve.

[1:40:50 PM](#) Steve Stringham 3747 E 38 N. Signed up mainly to be part of the discussion and to know what was going on in the meeting. Moved from West Jordan and has seen things go bad when they have not been planned out. To a certain degree this is needed if this is done correctly. If they do not have things planned out they cannot go backwards and fix the issues.

[1:41:51 PM](#) Paul Ziel addresses the commission there is one provision in 5.1 there was a question if this applies to individual homes. Look at 5.1 will read this "Joint County and City Planning & Zoning Commission shall be formed to review applications for subdivision plats and other land use issues including but not limited to high density housing, zoning, (ie: apartments and care facilities) and plat amendments." Would want to make the commission aware during this public hearing believes that Mr. Hathaway was honest and correct and is representing the way he is reading this as it could be for high density housing. Want the commissioners to be aware there could be a possible problem. Could be differences on what 5.1 means on single family housing and small developments.

[1:43:45 PM](#) JoAn Wood 3778 E 500 N. Have talked with several people such as the Mayor and Mr. Hathaway and they have allayed some of her fear. Concern they have where they live is this whole project is a planned development. This concerns them on their farm ground on 3800 E and 500 N. This is pretty much all farm ground. Understands this goes down to 3700 and this takes a large chunk of farm ground. Knows that Mr. Hathaway is aware of the water table problem they have out here. Lot of years they do not have water out there. Then in July they are flooded out. Have a septic tank in the backyard where they run water from the land back into the canal. Have to pump this to keep it away from the house. The instability of the water table has concerned them with a possible development. Knows they are looking at future development. The requirements they

are putting in place for developments are needed. Really concerned they are looking at this ground out there. There are three plats of properties that are for sale. People are asking \$8,000 for an acre. Cannot farm for \$8,000 an acre. Would need to look at the impact for those trying to maintain a farm is considerable if there was expansion in the area. Understanding everything they have said to them is not as concerned as she was. Not a person on 3800 N up 400 that wants to see any development come in. This has been a rural area. Her place is the old Wood house homestead. Knows they have the right to farm but also have neighbors who complain when the tractors run all night long. If this is planned development they would like to request that they leave the parcels out on 3900 to 3800 north of 400. Understanding that 400 goes down to where the new school is being built on 4800. If they would go to 400 and down for the area of impact but not over to 500. This is almost all farm ground. The water table is too unstable. Back where the drybed area is they were looking at twenty homes but Health & Welfare came out and said they could not. If they have city sewer and city water it may take part of the problems away. With the way the water table is they still sink their tractors occasionally. Would rather they take a look at this and if this is in their expansion. Chairman Hancock said they will be looking at the size of the area. Hopes people have had the opportunity to read the area of impact agreement. Have had a lot of input into this to try and make this the best they could. JoAn would ask they consider leaving these parcels out. Chairman Hancock said they will consider everything.

[1:50:28 PM](#) Carl Poulsen 3774 E 500 N. This information that has been shared has eased his mind some. It was mainly the unknown. Is also concerned about the water table. Also have concerns about the subdivisions going into the area. Does feel better but there are still some concerns about taxes and water.

[1:51:37 PM](#) Rod Barber 462 N 3800 E. Lived up in Madison County they went through this same thing. The thing they really noticed is when putting a subdivision in the people that move in are not farmers. Then they start getting complaints. Farmers do bale hay at night and would get complaints. People always want these turned off so they could sleep. Own two and a half acres and a neighbor has two and a half could they combine these parcels to meet the minimum of five acres. Weston would recommend they speak to an attorney on this. Rod appreciates the information and hopes they look at the current individual landowners.

[1:54:01 PM](#) Nancy Hansen 28 N 3700 E. First request is with the way social era of today if information could be put out different. Found out last night. Knows they have to publish in the paper. Thinks they need to get notice to people. Chairman Hancock said they did publish this on the county web page and in the Jefferson Star. Nancy asked if they have a Facebook page. Rebecca said it is just under Jefferson County. Manages the social media for the county. Only posts the items that departments provide. Nancy would request anytime a sign is posted they put this on social media based on the limited time. Does have another resident that lives on 3700 E was able to get signatures on a petition to remove square mile of 100 N to 3800 E. Generally have a one mile radius. They are two miles and moved here to move to the country. There are properties under five acres but looking for their prosperity. Not looking to be annexed in. Understands those that have more than five acres cannot be forced into annexation unless the laws change. Had nine people contacted that would like to remove the bottom corner. Weston interrupts and asked Chairman Hancock to mark this as exhibit. Nancy appreciates the information. Understands the intent of the current administration is to not annex but they have to look forward for the generations ahead. When administrations change and others have different agendas. Would request that they do not include the lower quarter understand the need because the development is on the westside by 3700. The other item with building permits if they decide to build in ten years there is possibility on who interrupts this they would then have an unexpected landowners and may not have rural.

[1:58:56 PM](#) Earl Hansen 28 N 3700 E. Will not reiterate what his wife said. Would like to have the mile removed. Grew up on Hitt Road when this property came available on 3700 he does not own he was excited because he did not want neighbors. Concern is by getting this in there it will make it easier for those areas to sell little pieces and would become a lot of neighbors. Were finally able to come out here. Watch the growth out there it is incredible. In favor of what they are doing does agree this has to come they need the infrastructure. But at the same does not want to make it easier for neighbors to come in. Wants to keep this country.

[2:00:41 PM](#) Jeff Ireland 54 N Yellowstone Highway. Just opposes this. Thinks this is an overreach. Not going to go this far. Has been here since 1969. Have extended this to the state buildings. Thinks 2.2 miles to the south is overkill. They will not bring services out to the area. Is opposed things maybe a little wider and then this could be revisited.

[2:01:37 PM](#) Chairman Hancock said before they close the public hearing is there anyone that has not had an opportunity to testify that would like to. Weston asked for a moment to review a clarification and after that if there are any additional comments from the public. Has been reading through this. First he heard on this representing only high density housing. Has not been representing Planning & Zoning in this process. Had some concerns did not recall anything specifically related to high density housing. Exhibit C is any and all unplatted land. This would be all parcels even small parcels. Is limited in some respect in section 5.1 talks about high density housing. Have to think at one point is it any and all then they narrow the scope to not apply to individual parcels. Scope under section one level one needs to be redefined and clarified. Chairman Hancock thought there was a definition of high density. Weston does not believe there is one in there. Chairman Hancock said they need to know what constitutes high density. It makes a big difference. Weston thinks this needs to be clarified. Paul Ziel thinks he is correctly reading this. If they do not clarify this could include individual homeowners. Chairman Hancock said they need a definition of high density and what areas are included. Weston said this is the City of Rigby proposal and is what is being looked at now. Is the county limiting the proposal on high density and they ratify this they would be okay. This is not the county proposal this is in cooperation with the city. Need to redefine this area of impact. If they have this concern they are free to amend their proposal.

[2:06:27 PM](#) Kevin said land use decisions including high density such as care facilities and apartments. Weston said the problem is when defining exhibit C to what properties this applies to. Have level one two and three that are defined. Level one is not limited it only says any and all so this could be an individual plat. Would need to make sure they are clear if they are only talking about high density areas. Could make the amendment and City of Rigby can look at that with their legal counsel and decide if they ratify this. Paul Ziel said exhibit C is what is being referred to. Agrees to what Mr. Davis is saying. Need to include what is high density. Chairman Hancock said they do not have a definition of high density in this document. Would need to have this to make this clear. Paul Ziel said they could clean this up easily. Chairman Hancock said they could do an

amendment or something to that effect. Could give some others that need to be cleaned up as well. Does this open up any questions from the public today?

[2:09:05 PM](#) JoAn Wood asked if they would accept a petition from those not able to be here today to leave parcels out of the expansion. Weston said this would have to be presented at the meeting. At some point they have to close the hearing and not accept things after the fact. Since this is an informal process hearsay does not apply. They would have to take this if it is credible. JoAn said this would not be part of the hearing. Jeff Ireland asked if the paperwork of the agreement was the PowerPoint. Weston said Planning & Zoning should have a proposed area of impact agreement available. Jeff went last week and was handed the slide show we saw and a map. Chairman Hancock said the actual agreement is being proposed. Jeff asked if they can have a copy of this. Kevin said this was not available for distribution yet on Friday it was still being worked on.

[2:12:56 PM](#) Chad Billman wanted to clarify on the Planning & Zoning presentation it discussed the growth. They tied this into the City of Rigby but is that the county as a whole. Chairman Hancock said this is the county as a whole. Chad said with that being said what is the proposed expansion and how much of the growth would be in this area. What is the growth being projected. Chairman Hancock said they are trying to bring this growth into the city so it is more condensed growth. Chad asked if this is really why people are moving to Jefferson County to live in the city. Chairman Hancock said there is too much speculation on either side to answer this.

[2:15:15 PM](#) Kevin said they are amending the subdivision ordinances within the county to make these more in line for these types of restrictions.

[2:15:49 PM](#) JoAn Wood asked if in fact they had a proposal for a development out in the area if the people objected would they go to the county or the city. Chairman Hancock said that is an excellent question. In the area of impact would have a separate commission for Planning & Zoning established to hear actions for Planning & Zoning in that specific area of impact. Would be people living in the area of impact. Would have two members on that commission. Spells this out in the area of impact agreement. They will have two selected by county and two selected by the city. Kevin said one from city and one from county within the area of impact. Could have dual roles. Paul Ziel intervenes the legislature wants the area of impact because it gives them better representation in that area.

[2:18:36 PM](#) Nancy said they do need to clarify the any and all because if an individual homeowner is tasked to have a sixty foot right-of-way with a curb and gutter would be a huge issue for a home not in a subdivision. Need to specify exactly what high density includes.

[2:19:03 PM](#) Chairman Hancock closes the public hearing. As commissioners in discussions will discuss this. They are all entitle to hear. Will discuss some of these issues. One of the areas is the exact area of impact. Have numerous testimony that this could be shrunk down. Have had this question before is it not available to them to adjust this area of impact over time once services are actually being extended. Can they not change this map? Thinks the agreement is mostly adequate but maybe the map is over expanded. Probably could be taking more land than they will see in development within the next ten years.

[2:20:27 PM](#) Weston said to be clear on a notice standpoint they cannot go bigger than the proposed map. The area of impact agreement and map can always be amended. Overtime they will see as city grows area of impact grows. Can change the boundaries. If the utilities start moving north then they can look at northern expansion. A lot of the questions are based towards the City of Rigby and the funding they have to expand and if they choose to expand. Could look at this in six months or three years. Need to look to make sure this is what they need for growth.

[2:22:06 PM](#) Chairman Hancock asked if they amend the size of the map and make some clarifications to the agreement can they do this in the meeting or do they have to have another meeting and have another hearing. Weston said as long as the proposed changes are within the boundaries. So if they are not any larger. Chairman Hancock said that clarifies this for him. Paul asked about the definitions. Weston said they can make these changes but the city would have to ratify these. Would need a code section and definition. Chairman Hancock said they need a code definition so there is no misunderstanding later when homes are being built. Another issue he had a question on the ability to make changes and decisions if they find that the city services are not available. Is on 6.2 if projected city services are not available in the AOI the developer can appeal for special condition requirements. County shall consider the likelihood and timeframe on when city services would become available. Sees a problem with this. If projected services are not available the city will say they are available but will want the developer to pay to have this three miles. So is it available or it is not available. Thinks this could be a big issue. This is the one he has had to deal with. This is 6.2 this is where they have the latitude on negotiations under this agreement. Changes from the city requirements. This is critical because who will say if city services are or are not available. Personally has lived in the same home for thirty-five years and have not seen city services come out half a mile in his direction but have this map going three miles out. Are they moving the developments back out from the city are they defeating the purpose of what they want to do. These are things they need to look at. Paul thinks they do not want to have this too far out. Might make the area of impact tighter.

[2:29:09 PM](#) Paul thinks they need a definition of availability so they are not relying this would be available and is not. Chairman Hancock said if they pay for this it would be available. There would be a cost element. Been quoted \$500,000 a mile or maybe more. Mitch said sewer is \$47 to \$51 a foot and water is \$42 to \$47 a foot. It is hard on the sewer it will be decided by the grade. It can grow astronomically. Chairman Hancock is trying to look at all perspectives. They would put the infrastructure into their developments on the assumption they can hook in. It is the additional costs to bring this to the subdivision. Knows they could have some costs back as others hook in. Still sees this as an issue on what is available. Paul said they have a problem with what is available. If half a mile is available this will affect how large the area of impact would be.

[2:32:12 PM](#) Commissioner Clark said his thought is the area of impact if they do not get them to the standards then they cannot hook up in twenty to thirty years. Makes this easier to hook up eventually. When they get a denser population. Trying to get this planned for the next twenty or thirty years so they could hook in. Chairman Hancock knows they do have to do something. Need to try and see what will happen five to ten years from now. According to the last information Jefferson is the fourth fastest growing in the State of Idaho. Need to look at the future to determine what they can do to help.

[2:34:19 PM](#) Commissioner Clark said there was a question where the growth is taking place and wants to ask Kevin where most of the permits are being issued at. Kevin said within a five mile radius of the City of Rigby. This has been typical. Can look at the density definition and

when the services are available. Chairman Hancock said they cannot force growth within the city. Try to protect the rights of landowners. Sees two issues. Need to define what high density is and the necessary requirements. Also a definition of what available would be.

[2:36:28 PM](#) Paul said he is in the area of impact and is a quarter a mile outside of city limits. Not sure if water and sewer is available. Kevin said there are no basic standards. If they want to go on the edge of the city they do this to county specs. Then they have a subdivision that can conform. Can pay for a well and sewer. One of the problems throughout the county is the water table. These could become unsuitable for permits. Extend the water and sewer to these areas. If they have infrastructure they have a moot point on contamination. This agreement protects them. There are still some potential for annexation. Can make this smaller but not bigger. Went to the city and asked for their input. City believes they can provide services in this area. If this becomes a problem they can revisit this and make the area smaller. Paul would recommend they draft the language of concern and table this discussion. Do not have the third commissioner available. That would be his advice and recommendation.

[2:44:01 PM](#) Commissioner Clark thinks as he looks at this and the comments maybe they need to look at this a little more. Weston said they can table this but if they want to have more public hearing they would have to republish. Want to make sure they have corrections made. Paul said if they table this they cannot take any more public comment. Discuss a timeframe. Paul Ziel mentions he would not be available this day.

[2:47:04 PM](#) **Motion by Chairman Hancock to table this until Tuesday, May 28, 2019 at 10:30. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

[2:49:42 PM](#) Recess

Open session 2:57

[2:49:49 PM](#) **Prosecutor Paul Butikofer left room**

- **WRITTEN DECISION – GILGEN PROPERTY – (ACTION ITEM)**

[2:58:19 PM](#) Kevin said this was an appeal for conditional use permit for Tina and Kelly Gilgen. Heard by Jefferson County Planning & Zoning Commission after referral from the City of Ririe. Public hearing was on October 4, 2018. This was tabled for reconsideration to be heard again on the November 7, 2018. Weston said they have already heard all of this. Could propose the findings and facts and see if they have any changes.

Chairman Hancock asked if there are any facts they would like to present. Kevin said those are listed on the document. Would they like to review or should he read this. Chairman Hancock said they will review this at this time. Does want to make a couple statements in the findings they have looked at one of the issues is some of the ordinances of the City of Ririe only apply to the city limits of Ririe and not the area of impact. There are some issues they want to correct these with a new area of impact agreement. Have to look at what is currently there and there seems to be some gaps. Finds on number ten a mobile home was previously existing. The mobile home is intended to house the son of the applicant and he is within one degree of consanguinity. Is partially disabled and makes it difficult currently to provide for himself and his children. This is a request for a temporary unit until the son can take care of himself and live independently. Under the City of Ririe ordinances there is not a hardship exemption. Biggest issue in support of the prior decision is that the City of Ririe ordinance specifically says within the city limits. This makes a big difference. Knows this is a technicality but it says within the City of Ririe. The decision substantiates that they agreed to what was decided back in the original hearing. Robin Dunn said they do not know what the written decision is. Weston said they issue the decision then if they want to appeal they can. A judge would not open this up. Chairman Hancock said the written decision is to sustain the action taken. Now therefore it is hereby ordered for the Gilgen applicant for a temporary conditional use permit as it pertains to a mobile home is granted this decision is subject to annual review by either JCC or Ririe area of impact to confirm and look at changes of circumstances to order vacation of this conditional use permit.

[3:03:43 PM](#) **Motion by Chairman Hancock to approve the written decision to sustain the action taken. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

[3:05:46 PM](#) Weston said to remind the public the intent is not to hide the decision. This decision was made back in January with Fred Martinez who made the motion. This just confirms the decision in writing with the rationale behind this.

[3:06:09 PM](#) Marty Anderson represents the Gilgens understands this is not a hearing. Would ask on the effective date the building permit was issued January 14, 2019. This decision is just a written finding to memorialize this. Thinks this should have an effective date of when the permit was issued. Weston said what he is suggesting this would be ordered back nunc pro tunc back to January 14, 2019. This should not affect rights of appeal on the written decision. Robin Dunn said this would affect the appeal process. Would be up to the City of Ririe. This would move this pack to that date and would change the appeal time. Mr. Anderson said there is no process for a motion to reconsider. The decision date was the decision date. Have not reconsidered this. This is a written decision memorializing the previous decision. Robin said they have filed a motion for reconsideration or they would not be reconsidering this. Weston said the parties are making arguments. This memorializes the decision from December 3, 2019. Whether or not appeals are filed would recommend they sign this as of today and if this would not be nunc pro tunc. This does memorialize the motion of Commissioner Martinez.

[3:10:37 PM](#) **Planning & Zoning legal counsel Paul Ziel left room**

SENATOR – VAN BURTONSHAW – REPRESENTATIVES – JERALD RAYMOND – ROD FURNISS

- **LEGISLATIVE UPDATE**

[3:12:57 PM](#) Chairman Hancock appreciates having them here today. Senator Burtenshaw said they have done this one other time and took all the time they had talking. Thought they should just open this up to questions on legislation they are concerned with. Chairman Hancock brings up cost of Medicaid to the county. If they use the formula from the state this could cost the county a lot more than they are currently spending. Senator Burtenshaw said he has been assigned to this interim committee. What Senator Hill was concerned with is this was really going to impact southeast Idaho. Paul asked is this because of the size and revenue. Senator Burtenshaw has the figures in his truck. Representative Furniss said they have other agencies that offer help in this community. Representative Raymond said they have been over these before. Have been conservative over the years. Chairman Hancock said they are lower per population than the rest of the state. Under the formula they are proposing they could see a

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\$200,000 increase. Paul asked how this affects the CAT Fund. Chairman Hancock said they are capped at 11,000 on the indigent fund. This is for the amount of people under Medicaid. Representative Furniss said they are looking at a five year history of what they have paid for indigent. Some of this is being kept separate it depends on the county. Chairman Hancock said they have their attorney here during hearings and executive session. Colleen asked if they wanted the Public Defender who is defending indigent people. Paul said this has only been tracked two years. Representative Raymond said that would be another subject. The numbers they looked at are from IAC but thinks they need to make sure they are comparing apples to apples. Another question is how they feel about having property taxes fund healthcare or should there be another source. Chairman Hancock personally does not like the idea of property tax paying for healthcare. Commissioner Clark feels the same way. Representative Raymond said currently the indigent fund on a county basis is property tax could take this money and move this to pay the state it is still property tax. Chairman Hancock would rather look at other sources. Senator Burtenshaw asked on other recommendations. Chairman Hancock said they only have so many sources. State income tax and sales tax. Colleen said they also get a portion of these and that could make their portion less.

[3:20:54 PM](#) Commissioner Clark said after he reworded that saying they were looking at taking the indigent fund and giving this to the state. Colleen said they never know how much to levy though in the indigent fund so wouldn't want to give all of this money to the state. Representative Furniss asked if this has decreased. Colleen does not think significantly. Is not sure this is all to do with Obamacare. Representative Furniss said if they had some data they could look for solutions. Planning to ask other counties for this information. Chairman Hancock asked Colleen to get this information. Representative Raymond said they would all like the information. Representative Furniss asked what all information would be included. Chairman Hancock said the salary would be included. Representative Furniss asked for breakdown of the information thinks that would be the most beneficial.

[3:24:15 PM](#) Senator Burtenshaw said they have looked at ways to help the gap population. Originally when he was first aware there was 38,000 people then it went to 78,000. Since the Medicaid signature this went to 90,000 now he has heard 160,000. This number is all over the map. Will not know where they are at for the first couple of years. One of the things they tried to do with the state exchange is keep those on this it would save them \$10 million. Medicaid rules bring them off of the exchange then they would have to reapply. Put some side boards in the Medicaid expansion to help with this. Will cost \$42 million a year in state funds. Near \$400 million in federal funds. Depends on the population this could increase substantially. Portion will be ten percent on this. Because the number has fluctuated it is hard. The bill written by Representative Wood was designed to help fund the Medicaid issue but is not set in stone. As an interim committee they are trying to understand what it will take from the counties to make the Medicaid expansion flow. This will be a tough issue.

[3:27:09 PM](#) Representative Raymond said Medicaid expansion will go into effect January 1, 2020. State has planned fund this for the first six months so come July 1, 2020 they will have to figure out how to continue to fund this. The committee will gather information and will make recommendations when they go back into session in January. Senator Burtenshaw said this is the biggest issue. Representative Furniss said they sat on the governor's budget and saw projecting out revenues. The hospital testified they would make \$90 million because now they would get paid for Indigency. So in his humble opinion there should be some money from the hospital systems to absorb some of these costs. Only way this happens if they take the \$11,000 down to maybe \$1,000 and the CAT Fund could go away. Drafted a bill to change this but it never got anywhere. This needs to go down. This is the only way to really protect the counties. Colleen asked if they would take the allocations from the CAT Fund. Representative Furniss said they had a CAT Fund previously for people that could not get onto insurance. Senator Burtenshaw said it would be a few years before they know. Colleen asked about doing away with Indigency completely. Representative Raymond said he does not think so. They do not know they might fall into a new gap. Commissioner Clark asked budget on the CAT Fund. Senator Burtenshaw said usually around \$20 million.

[3:31:38 PM](#) Chairman Hancock brings up insurance issue knows that Representative Furniss was looking at putting in place and creating self-insurance programs. The state is still under Blue Cross. They are not even self-insured. Representative Furniss said they have some flexibility to get quotes from other companies. Chairman Hancock hears from teachers that the health insurance is so expensive that they can hardly afford it but do not qualify for support on the exchange because they are eligible for a program. Representative Furniss said he has had discussions on this. Wanted schools to be more functional with being self-funded. Representative Furniss said a lot is spent on health insurance. Trying to standardize the charges. This is being talked about. Chairman Hancock said they talk about paying teachers more. Need to look at why they need to be paid more. Then they can have more dispensable income. If they are having to pay \$1,500 a month for health insurance it does not leave a whole lot left. Have had numerous teachers approach him.

[3:36:35 PM](#) **Deputy Prosecutor Weston Davis left room**

[3:36:39 PM](#) Representative Furniss said they could look at their net salary after health insurance. Then could look school district wide. Representative Raymond said the Governor has tasked at least three sub committees.

[3:37:35 PM](#) Commissioner Clark said another issue and realize when driving around on the roads is there anything being talked about on the road maintenance. Chairman Hancock said they could increase the fuel tax. Can see \$0.10 difference in a day on fuel. Senator Burtenshaw said back in 2015 when this was increased he tried to get a half cent elevator increase each year. Trying to get \$100 million to help. This year will spend \$725 million on roads. Still have the surplus eliminator but there is some pressure on this. Does not know anyone willing to go down that road. Keep talking about taking taxes off of groceries. Last year cut the taxes by \$129 million. There is always a place for that funding. Chairman Hancock said there is not a fairer tax than the fuel tax. Senator Burtenshaw said the fall out is the electrical cars. Expect funds coming from gas taxes may be reduced. Chairman Hancock said his opinion there have been numerous proposals. Sits on the Transportation Committee and suggesting looking at electrical vehicles they are still using the roads. If going to an electric vehicle could take an average mile of cost and charge a mileage tax. Would be a mileage tax because they have to be fair to the users of the roads. Could send this in once a year. Representative Furniss said they could add this onto the registration fees. Chairman Hancock said a lot are hybrids. Representative Furniss said they could look at a diesel or trucking tax.

[3:41:55 PM](#) Commissioner Clark opposed taking the grocery tax off everyone pays this. Representative Raymond said that if they file a tax returns they get the grocery tax back. Chairman Hancock asked what other issues they have. Representative Raymond said they had a bill come up and may be reintroduced would shift the rainy day funds into an investment type fund. Would look at moving these to a growth type fund. Over time these could provide kickbacks. Did not make this through. Senator Burtenshaw said this needed to be rewritten. The interest needs to build for a while. Representative Raymond said they did not know where the revenues would come in. Chairman Hancock is still for the users cannot see four or five cents a gallon. It is amazing have their Road & Bridge Administrator here. Have done a wonderful job. Representative Raymond thanks them as a county for what they do.

[3:44:30 PM](#) **Deputy Prosecutor Weston Davis is in the room**

[3:45:31 PM](#) Dave said there was a bill to turn every county into a highway district. IACERS is very concerned about this because the person introducing this bill is planning to do so again. Trying to treat all counties the same does not necessarily work.

[3:46:18 PM](#) **Deputy Prosecutor Weston Davis left room**

[3:46:21 PM](#) Dave will get the information to Representative Raymond. Representative Furniss asked about anything legally. Paul does not think so. Joined the Capital Defense Fund in case they have any capital murder trials. Premiums have gone down because they have not utilized this. Did have the largest marijuana seizure was less than three percent of THC. Still illegal in Idaho. Not sure what Ada County will do.

[3:55:43 PM](#) Chairman Hancock said Public Defense is always an issue. They have their own Public Defender now and it has been a cost benefit. It is one of those unfunded mandatory requirements. Will continue to look at this a lot. Representative Furniss asked if the state could manage this. Paul said they could have a state office and have it taken over by districts. Not sure it would be more efficient. It would satisfy the execution certified council. If they have a capital case they could send these out. Is good that we have a full-time Public Defender. Representative Raymond asked if they took out the funding component how would they feel. Chairman Hancock does not have a problem. Paul likes local control. Colleen said she would rather not have local control. Clerks feel on the application for grant would rather do a report on how they spend the grant and not have to request the grant. Chairman Hancock thinks this is under the Public Defense Commission. Senator Burtenshaw said they have been working on education still. Chairman Hancock is not opposed to calling any of them appreciates them coming in. Representative Furniss said they have been working well as a team and work out issues even if they do not feel the same way.

[4:03:00 PM](#) **Prosecutor Paul Butikofer left room**

DEVELOPMENT COMPANY – TED HENDRICKS – PAULINE JOHNSON

- **ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION GRANT – (ACTION ITEM)**

[4:03:22 PM](#) Ted Hendricks is here looking at getting the Cannon Dairy road funded. EDA had asked them to submit the full application. Have indicated that they need to do to bolster their application. Need to work with the companies to augment some of the jobs toward manufacturing. Palletization would be manufacturing. These are jobs EDA would look at for a nine year period of time. Have a long time to look at the jobs. Main thing is what the application is seeking and they need to firm up costs of the project. Have this at \$4.5 million project. Want to relook at the budget to make sure they are comfortable. This would be funded by \$500,000 local which can have in-kind work. Anything companies that are benefiting can put in with the county. Combination of funds to make that \$500,000. Other \$4 million would include \$3.5 million from EDA and \$500,000 from State of Idaho commerce. If they lower the cost of the project that is fine it would just lessen the grants. Chairman Hancock said they could have Mr. Clayton come up on his organization as far as new business and whatever else they may see. As commissioners they authorized so much for phase one and phase two already. Ted said they had the contract in two phases. Had \$10,000 for the pre-application and then they have the application to the State of Idaho and EDA.

[4:09:15 PM](#) Chairman Hancock asked what would happen if they only get approved by EDA and not the state. Ted would be shocked if this happened. Chairman Hancock said the state is looking at the job creations. Ted said they can count the jobs for both criteria. Can look at counting secondary jobs as well. Jobs such as if Cannon Farms sold all their milk to a yogurt company they could count those jobs from making the yogurt as well. Have so much flexibility on the jobs they look at second and third job tiers. Have representative coming back out on Thursday from Seattle and hoped that Troy could spend some time with them around 3:00 on Thursday. Would like to meet with the principals in the area and other companies that would benefit. Only have five weeks to get this all put together. Then if that application is approved they would receive a letter of commitment. Have plenty of opportunity to pull out during this.

[4:13:05 PM](#) **Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis are in room**

[4:13:05 PM](#) Troy Clayton with Cannon Dairy said they have added 300 cows. Have capacity of having 18,000 cows. When they add 300 cows they will increase 90 pounds a day. The projects just keep coming for them. Currently looking at solar and wind technology out there. Partnered with Jerome Resources. Will be looking at infrastructure growth. They do not have specific plans but know what it takes to be competitive and will have to evolve. They have gotten good relationships with the local farmers.

[4:15:14 PM](#) Chairman Hancock is not sure Ted is aware but this spring they had problems getting milk out again. Mainly was on the Bonneville side they had to have tractors hooked onto milk trucks to get milk out.

[4:18:13 PM](#) Ted has never seen EDA come back on a municipality if things went array. Especially if something happens with the economy. Once they get the jobs documented they can walk away. Has also never been given nine years to create jobs. Usually are only given two years. Can get pretty innovative with brainstorming to bolster their application.

[4:19:20 PM](#) Pauline spoke with Robison Farms and Jerome Resources. Chairman Hancock knows that Troy has given them some ideas with job creations. Next week they will have to put their heads together.

[4:22:12 PM](#) Chairman Hancock thinks if they can be innovative they can move forward with this. Can see there will be benefit from this out there. Ted said this road could facilitate opportunity for the future. Pauline asked if they are one of the larger employers in the county. Troy said they

have about 110 employees. Ted said this helps seek the \$3.5 million. They need to create and retain 100 jobs per million dollars. Troy said they can look at adding 100 cows and what this does to the chain. Some of the milk goes to the Chobani plant and Schreiber's cheese.

[4:27:57 PM](#) Ted said they would want to take Richard out to look at the facility. Would also like a letter detailing this road flooded again this year. Knows this application is due on June 26. Ted asked if they could be available. Troy said he would be.

[4:31:59 PM](#) Recess

Open session 4:43

PUBLIC WORKS – DAVE WALRATH

- **COMPACTORS - SOLID WASTE – (ACTION ITEM)**

[4:44:10 PM](#) Dave said as they heard from Gaylord they are having an issue with the compactors. Will need to address these. Kerry Romrell mechanic for Road & Bridge said they are looking at a cracked head which would run around \$10,000. Dave got an estimate to rebuild the whole machine. Kerry said the motor, hydraulics and differentials. Dave said this would be \$326,000 it includes a three year warranty. Chairman Hancock asked if they looked at any used ones. Dave said he did get a price on a new machine. Looked at trading in CAT 2 to reduce the damage. Without the trade they are at \$685,000 and with the trade are at \$610,000. Commissioner Clark asked on CAT 2. Dave said CAT 2 is sitting at Countyline it is a 1998. Chairman Hancock asked if anything was wrong with this. Kerry said the engine was rebuilt. This is scheduled to be hauled back out to the landfill. Dave also got a quote on leasing a new machine this is about \$97,000 a year. Chairman Hancock thinks they might as well buy one. Dave said the only thing about the leases they are always under warranty. Chairman Hancock asked how long they have had this machine. Dave said it is nine years. Dave said it is a five year lease. They have a guarantee buy back. Commissioner Clark asked what the maintenance has been. Kerry said they are about \$3,000 to \$4,000 of maintenance a year. This is low has not seen all of the work orders. Dave said this is important equipment for Circular Butte.

[4:48:09 PM](#) Chairman Hancock asked if they have looked at anything used. Dave said usually these are shot and hard to find. Chairman Hancock asked what it cost to rebuild the motor. Dave said \$52,000. Kerry said this is an electronically controlled system. Chairman Hancock said they have replaced alternator for \$1,200. May not need to do that. Kerry said this is with a three year warranty. Dave said they had three compactors at one time. Commissioner Clark said they have two compactors. Chairman Hancock said they are down to one now. Kerry said if they had to use this they could they have to get over 150 psi to blow the hoses. Tested the radiator and it is exhaust compression. Thinks the head gasket is what is doing this. Dave said they should go back to having three for redundancy. Obviously did not budget for this so they could limp along until FY20 and come up with a plan. Commissioner Clark asked on a new one how long out are they. Dave thinks maybe six months. Commissioner Clark said the one that went down they have spent about \$3,000 a year. Dave said they could pull up the bills for Western States. This was bought new. Commissioner Clark thinks that is what they need to look at when buying new or used. Dave said originally they had paddles on the wheels. Had cleats they were able to put on. Chairman Hancock looks up some online. A lot of these are at 10,000 hours. Still want a lot and they have a lot of hours on these.

[4:55:19 PM](#) **Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis left room**

[4:55:25 PM](#) Kerry said at the end of the leases they can decide if they want to keep them or not within the five years. Commissioner Clark said it will depend what the buyout is. Dave said the \$690,000 is set up just like CAT 4. Would like to lease one and own two. Commissioner Clark said they could do some of the rebuild on CAT 4 and not do the total right now. Dave thinks they will fix the head for now. Chairman Hancock said once they pull the head off they can see. If they do that or the motor rebuild it could keep this running for a while. Dave said they would look at purchasing or leasing a machine. If they rebuild CAT 4 could send this to Countyline and have CAT 2 as a backup. Chairman Hancock said they have several options. Doing a quick check on the used ones online are worn out. Dave said these are used for rough work. Chairman Hancock would start with the motor.

[5:01:14 PM](#) Dave is trying to have them do a better job on cleaning these machines off better. It is not going to be a cheap and easy fix. Will explore more options.

- **WORK CAMP AGREEMENT FOR CIRCULAR BUTTE LANDFILL – (ACTION ITEM)**

[5:01:52 PM](#) Dave said they have the work camp agreement for them to come and pick up garbage for a couple weeks. Chairman Hancock said this is the same as they have been doing out there.

[5:02:19 PM](#) **Motion by Chairman Hancock to approve financial plan and work plan agreement for Circular Butte and St. Anthony work camp for a ceiling amount not to exceed \$10,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.**

- **PUBLIC AUCTION RESULTS**

[5:03:46 PM](#) Dave said they had three items sell on the auction. A-3 is a Ford F-800 sold for \$1,701. Used dozer tracks sold for \$100. Tank trailer sold for \$510. Rebecca asked on the trash pumps. Dave said they will try again on the trash pumps they did not meet the reserve. These have a \$2,000 reserve.

- **SUBDIVISION SPEED BUMPS – (ACTION ITEM)**

[5:05:31 PM](#) Dave got a call from someone in Stonegate about putting up speed bumps like the lake has. Understands their frustration with speeders. Don't want to set a precedence. Told them to call the Sheriff's Office. Chairman Hancock said personally would rather not does not want to be liable for taking off a muffler and other subdivisions wanting these. Dave does not want the holes in the roads.

- **SURPLUS VEHICLE - SOLID WASTE – (ACTION ITEM)**

[5:06:53 PM](#) Chairman Hancock asked about the visit to Shoshone. Dave said the truck drove good. They have another truck coming out that would have less miles. Would make a good service truck for the mechanic out at the landfill. Kerry said right now is using the old Escape with a bucket of tools. Commissioner Clark thought the price was a little high. Dave said they do not know how they gauge the price of a service body. Chairman Hancock said the price is usually zero asked if they would take an offer on these. What year is this? Dave said this is on the front page. Commissioner Clark said this is a 2012. Chairman Hancock said that is seven years old already. Wonders what they would take. Dave said he could throw out a number. Chairman Hancock said the last one was a good deal. Dave said the last one has a weird seat but it's a good truck other than that. Chairman Hancock said this has 100,000 miles. Dave thinks there was a deduction on that. Would see if they would entertain a bid.

- **DENNING WELL DRILLING ESTIMATE – CIRCULAR BUTTE – (ACTION ITEM)**

[5:11:02 PM](#) Dave has a bid from Denning Well Drilling to put a cap on the monitoring wells. They put a tube down the four inch wells so when they use the measuring tape they are not conflicting with the wires. Two at Countyline, one at Circular Butte and one at the old Mud Lake landfill. Estimate is \$735 a piece so \$2,940 for four. This would protect them from the wires that are in the well when using the tape. Also worry about losing the electronic weighted piece. The PVC pipe would make this so that would not happen. Chairman Hancock asked what happens if they lose this. Kerry said they would have to buy another one.

- **UPDATE**

[5:13:29 PM](#) Dave has the State Highway Route Capacity maps. Have not had any request yet. This is color coded and shows what they are rated for. They did get the under the curb stuff ready this morning. Working on the River Road are putting some surfacing on this. Kerry said there was a fire earlier and one of their trucks were stuck and unable to loop through. Dave said they will do the otta seals or BST first. Will start on this side on the county. Chairman Hancock said they need to prioritize the list with him. Dave said they will use three quarter inch farther out. Once they are done will do the chip seals on roads that were paved last year and overlays will be the last thing. Will try this year on the subdivisions the fog seal is not enough. Could chip seal with smaller stuff.

[5:18:41 PM](#) Dave said there is a note in the plans and feels it somewhat indicates they should be responsible for the boxes. Found out they are not on the hook for the stripping. Saw that the trees were gone. Chairman Hancock said they will take the parking lot out of the new building. Will have more when they do the back parking lot.

[5:23:10 PM](#) **Prosecutor Paul Butikofer is in the room**

[5:27:39 PM](#) **Deputy Prosecutor Weston Davis is in the room**

COMMISSIONERS

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

[5:27:46 PM](#) Motion by Commissioner Clark to go into executive session 74-206 (B) - Personnel. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

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

Open session 7:18

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)**

[7:18:51 PM](#) Motion by Commissioner Clark to go into executive session 74-206 (C) – Acquisition of real property. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

Open session 7:24

COMMISSIONERS

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

[7:24:50 PM](#) Motion by Commissioner Clark to approve certificate of residency for the College of Southern Idaho for Meesha Frye. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

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

[7:25:34 PM](#) Motion by Chairman Hancock to approve commissioner meeting minutes from April 8, 2019 and special commissioner meeting minutes from April 10, 2019 with noted changes. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

[7:26:03 PM](#) Recess to review claims

Open session 7:57

- **APPROVE CLAIMS – (ACTION ITEM)**

[7:57:19 PM](#) Motion by Commissioner Clark to approve claims from 4/22/2019 to 5/10/2019 for \$403,726.93. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed.

[7:57:51 PM](#) Chairman Hancock said they need to pay for the parking lot provides the invoice for Colleen.

[7:58:13 PM](#)

Motion by Commissioner Clark to adjourn at 7:58. Second by Chairman Hancock. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date