

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
JUNE 24, 2019**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Paul Butikofer, Deputy Prosecutor Weston Davis, Sheriff Steve Anderson, Planning & Zoning Kevin Hathaway, IT Garn Herrick, Probation Tammy Adkins, Treasurer Kristine Lund, Assessor Jessica Roach, Parks & Recreation Mickey Eames, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Young. Prayer offered by Kevin Hathaway.

COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

[9:02:48 AM](#) Clerk Colleen Poole reminds on the conference rooms to clean up after themselves. If they could watch that and leave it better than it was. Also remind them to try and avoid having staff making purchases for them if possible. Rebecca said this is the employee using their own money to be reimbursed. Colleen said other issue is having items shipped to their homes instead of to the county. Do not want employees using their own money. Have charge accounts set up in the area. Weston said they are more likely to pay sales tax if they make a private purchase. Colleen said they are paying a lot of sales tax. Have expense sheets for them. Weston said in the event sales tax is paid is that something the employee will cover. Colleen said they have not in the past made them cover the tax. Need the expense sheets back first. If they could put what they are expecting to spend in this line. Green sheets can be filled out after their workshops. Need time to review these and for Marilyn to enter them.

[9:09:06 AM](#) Emergency Management Rebecca Squires said not much is happening on Emergency Management. Did have some concern of the levee. On the HR side will review the personnel policy. If they have not gotten their comments to her they better come into the discussion. Rebecca said they have new sections and will have to redistribute. Have everyone initial on a sheet they have received the policy. May want to review the key points. Chairman Hancock said this has been directed to them by ICRMP. Commissioner Young said they did allow them to adjust these to suite their county. Rebecca said much is the same but is more streamlined. Big thing they have new sections and sexual harassment is added into the policy. Weston said they will discuss this at 1:00. Dave said he seen the comment from Weston on banked sick leave. Would like to look at the consideration of comp time and PTO.

[9:12:25 AM](#) IT Garn Herrick said ICRMP has purchased the phishing emails. They are no longer under the county control. Can see the reports that are generated. Are upgrading to Windows 10. All of the county will be done by the first of the year.

[9:14:02 AM](#) Parks & Recreation Mickey Eames said they are gearing up for their celebration. Had a cool event last Saturday. This was the 1,000 lights celebration. Light the candle and put it across the lake. Will do this in July next year so these are not back to back events. The two lanes worked well. Will put a gravel pathway in along the wall.

[9:16:30 AM](#) Assessor Jessica Roach said today is the last day to file any appeals. Has been quiet so they are waiting for it to hit. Have two scheduled and one will be a fairly easy.

[9:16:58 AM](#) Treasurer Kristine Lund said the 20th was Thursday. Continue to fight the traffic from the DMV. Chairman Hancock asked where they cleared up more counter space is this helping at all. Jessica said Friday the line was out the door and wrapped around. Mickey said that Bonneville is that way all the time. It is getting bigger here. Jessica said it is more the space where the customers are standing that has become an issue. Kristine said they have signs up but have people in the wrong lines. Jessica said homeowner exemptions stand in the wrong line as well as those paying taxes. Rebecca said they could look into number taking then they could have screens out in the hallway. Jessica said they were looking at another access door and have the line out in the hallway. Commissioner Young likes the number idea then they can sit down. Chairman Hancock said they are still better than Bonneville. Kristine said they have room for improvement. Will have to draw up what they are thinking. Waiting for the rest of the money to come in. June is not nearly as busy as December. Colleen has been working on the July sales.

[9:20:53 AM](#) Public Works Dave Walrath said they started the otta seals last week did about five miles. The wind was not friendly. Chairman Hancock asked on the parking lot. Dave said they have standing water west of the parking lot and they have not fixed the boxes yet. Bruce is retiring Thursday was with the county for forty years. They went up to Heise after work last week. Proceeding with their program. Solid waste has a lot of garbage due to the wind. Might get the work camp back out to get this cleaned up. Still struggling with CAT 4.

[9:24:31 AM](#) Prosecutor Paul Butikofer has been busy with Mike being gone. Have a lot of summer activities. Mike is back today. Will be working on a number of things.

[9:26:03 AM](#) Probation Tammy Adkins will have Odyssey changes in July. Trying to figure out how this will all work. Have more changes coming. Will set up a meeting with Mike because he has to issue some of these fees. Will see more revenue drop but it is out of their control.

[9:26:42 AM](#) Sheriff Steve Anderson has been really busy. Had the outlaw chase on Saturday. Still doing well in the jail. Supreme Court has taken arresting powers away from them if the incident did not happen in their presence. Now they cannot arrest an individual unless it is a felony. Working with the Prosecutor to figure out how they get these suspects out of the residence. Taken a decade step back with this ruling from Supreme Court. Paul said they will get this figured out since there are options. One clarification is it does not affect the underlying charge.

[9:33:49 AM](#) Planning & Zoning Kevin Hathaway still busy. Getting together with other counties to organize common issues. FEMA changed the floodplain area and increased this significantly for Madison and Teton. Has been a management issue. Been doing policy updates. Continues to surprise him all of the movement into the county.

[9:37:52 AM](#) Commissioner Young said he wants to go out and begin meeting with employees.

[9:38:09 AM](#) Commissioner Clark said as they attended trainings it was nice as they were going through some of the stuff that they thought counties should be working on and our county is keeping up with these things that need to be done.

[9:39:15 AM](#) Chairman Hancock said a lot of counties have spoken with them on things we have already done. Trying to be more efficient. Do appreciate the work they are doing. As they have spoken with others they are one of the most efficient counties. Dave goes over other counties and how much they pave. Chairman Hancock thinks they have the most bridges.

[9:44:05 AM](#) Sheriff Anderson said Bonneville had eight positions open and no one has left for that reason. Not leaving to go to other counties. Appreciates the work they did to increase the wages.

COMMISSIONERS

- **CURATIVE ACTION REGARDING EXECUTIVE SESSION**

- **ITD PROPOSAL FOR EXCHANGE OF STATE HIGHWAY 48 – MAY 28 – (ACTION ITEM)**

[9:47:04 AM](#) Chairman Hancock brings up they went into an executive session and it looks like they should not have. So they are going to do a curative action to fix this. This was with ITD on the May 28 agenda. Any action regarding property of two public entities are supposed to be in the open meeting. ITD came in with proposals to give Highway 48 to the county. Would look into this if they looked into building an interchange on the south side of Rigby. Would have to hold a public hearing on this. Started this process and this was all that was presented in this meeting. Knows that the Thornton intersection cost around \$22 million. Comments is that public has been opposed to taking over Highway 48. It was very short discussion because they need to have a public hearing. Will move forward with a public hearing in July. Dave said it will be July 8 at 7:00. ITD will be doing the presentation.

[9:50:31 AM](#) Weston notes there was not a calculated purpose on going into executive session. This is an exception under executive session 74-206 (C). There is a modifier on the end of this section and he missed this. Should not have gone into executive session. Wanted to make sure they corrected this today.

[9:50:31 AM](#) Prosecutor Paul Butikofer left room

DEPUTY PROSECUTOR – WESTON DAVIS

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

[9:51:26 AM](#) Motion by Commissioner Clark to go into executive session 74-206 (F) - Legal. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 10:05

SOCIAL SERVICES – AMY JOHNSON

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

[10:07:13 AM](#) Motion by Commissioner Young to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 10:19

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

[10:19:17 AM](#) Motion by Commissioner Clark on case #2019-09 for a continuance. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:19:42 AM](#) Motion by Commissioner Clark on case #2019-17 for a suspension. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:20:08 AM](#) Motion by Commissioner Young to suspend case #2019-19. Second by Commissioner Clark. Roll call taken.

Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:22:16 AM](#) Deputy Prosecutor Weston Davis left room

INSURANCE – CARLOS APONTE

- **ACTUARY REPORT – (ACTION ITEM)**

[10:22:28 AM](#) Carlos said they set up for the actuary proposal. Colleen passes out a hard copy. Carlos said Kent Cannon is out of Salt Lake and has done work for other clients. Could go over his proposal on the phone. Chairman Hancock would rather discuss this first. Read through this. Number one the cash balance was moved into certificates of deposits. Carlos gave him the entire balance. Chairman Hancock said they are utilizing less money. Carlos said they are not adding money into the VEBA. Chairman Hancock said this money should be replaced. Carlos said that is why he could discuss this. This was a baseline. Thinks it would be best to have him on the phone to go through the proposal. Chairman Hancock said most of this is data gathering. Have people here that could do most of the data gathering then let him do the final analysis. Could hire by the hour if they did the data gathering. Colleen said some of this Carlos felt like they did not need. Chairman Hancock said they knew they were spending more on dental than what they are taking in. Carlos said this is information he gathered and his preliminary services he can provide the county. Does not think they need the dental one. It is easy to calculate. The health insurance one may not need this since Searle & Hart does this. Did not know the services they were already getting. Best to hire someone outside of the county to do the study to make sure the VEBA is efficient enough with the funds. There are a few in the proposal he would not suggest. Would be nice from a safety standpoint. City and school districts have to hire an actuary every year. If they do this every few years it would give them an extra layer of protection.

[10:29:46 AM](#) Met with Colleen and him last week. Felt this would be good to have the same information. Chairman Hancock did go through this and thinks they could save a lot of time gathering the data. Carlos said it costs money to put together the premium funding. He provides the information. Colleen said on page three it states they understand the parties will provide the data necessary. Sounds like they will provide this. Carlos said he just did the City of Shelley. Have an aggregate factor. They used to take premium holidays and take the funding out of the VEBA. For the last three years they have not added anymore funding. Risk is if they have a bad year they could use the entire balance. Budgeted five percent increase and in his mind he thought the extra was going into the VEBA. This was just a number they arbitrarily budgeted. Thought they had additional funding. Colleen said this was put in to cover costs. Also have employees who leave and are on different insurance. This was not going into the VEBA. May need to budget something to go into the VEBA. It would be difficult to take out medical. Chairman Hancock said this is a good discussion. Also thought they were putting the amount of money that was left into the fund. They could be moving whatever is left into that fund. Need to move the money at the end of the year into the VEBA fund.

[10:40:19 AM](#) Chairman Hancock said they have a fixed amount available. Now they have \$600,000 that should have been moved into the VEBA to build this up. Could share this between the HRA and VEBA. Carlos said the county can take away the HRA. Thought it would be good to have a separate line item for the HRA. Does understand this but cannot stamp this. Colleen said this is budgeted but they did not move the funds. Other idea is Farrell does their IBR. Not sure they have an actuary on staff. Colleen said they can do some more work on this. Commissioner Clark thinks it is good to have this done. Chairman Hancock thinks they need to know what they are doing up front. Need to do some internal stuff first. Commissioner Clark said it sounds like he will still look at all of this. Might as well have him do the work. Then he would have his recommendations. Carlos said they have already gone back and forth on some things. Colleen said he has done a lot of work already. Chairman Hancock said the main one is the medical. Can already see the problem. Carlos said that this was a surprise. Colleen said they need to start moving the funds or create a line. Chairman Hancock said they need to move the balance that is left. If they put in \$2 million and at the end only spent \$1.5 million the rest needs to be moved. Carlos said that is why they are self-funded. Colleen said they will do a rough figure on the amount they will have left. Carlos will get with Colleen on this. Chairman Hancock said he will make recommendations. Can do the math then once they have an idea of what they need to do. Commissioner Clark said if he does not think it will make any difference. Carlos said this will be the same charge. Chairman Hancock thinks they could approve the one section. Commissioner Clark thinks just the medical. Carlos said it does not mean they cannot do what they are going to do. Will be done either way. Other thing is there is no real accounting of the VEBA. Do not have line items just see chunks coming out.

[10:52:01 AM](#) **Motion by Commissioner Clark to approve Kent Cannon to do a medical actuary study for \$5,500. Could take this from the commissioner contingency. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:53:10 AM](#) Recess

Open session 10:59

RICHARD MILLER – DID NOT COME IN

- **MOSQUITO SPRAYING**

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

- **APPEAL OF DARIN TAYLOR CONDITIONAL USE PERMIT – ROBYN STEEL – (ACTION ITEM)**

[11:00:46 AM](#) Jenny goes over this was continuation from June 10. Hearing on the conditional use permit from Darin Taylor from March 7, 2019 with Planning & Zoning board. Weston said to go over the nature of the application and findings. Jenny said the purpose was to park and work on semi-trucks on the applicant's land. Came down to approve this as a truck and tractor repair business. Conditions parking would be limited to the repair. Not a parking lot or yard. Limit of seven trucks parked at the property at a time. Not parked on the road. Doors need installed prior to use of shop on property. Need to have bathroom accommodations. No open on-site storage. Only equipment parked on the property is pertaining to the repairs. Maintenance and repairs should only be for trucks of the applicant. Open Monday through Saturday. This motion was passed unanimously by the Planning & Zoning board. Chairman Hancock said they are considering an appeal. Weston said they have an appeal as well as a motion to dismiss. First would hear from the party on the motion to dismiss as procedural standpoint. If the commission takes the motion to dismiss under advisement since Mr. Dunlap has traveled will take the argument on the appeal and Mr. Fuller will be able to respond. Hearing two motions will have back and forth. Chairman Hancock invites Mr. Fuller up.

[11:04:16 AM](#) Mark Fuller practices in Idaho Falls here on behalf of applicant Darin Taylor who runs a trucking business at a different location. Thinks this should be dismissed. The appellant in this case Mrs. Steel has no standing to file an appeal. The last line in the decision by Planning & Zoning expresses this decision can be appealed in accordance to the zoning ordinance 3.15.3. An action or ruling by Planning & Zoning Commission pursuant to this ordinance may be appealed to the Board of Commissioners, by the person who initiated the application which is Mr. Taylor. Or by any person entitled to notice by mail of the action under 3.15.2(B) of this ordinance. Those are the only ones that can pursue an appeal. If they own property and are entitled to notice of the first hearing. Section 3.15.2(B) provides that notice should be mailed to all property owners within 1,000 feet of the exterior boundary of the property where the application is made. These are the only ones entitled to an appeal. Idaho code goes over issuing special use permits. They only send notice to 300 feet of exterior boundaries are required for notice and any other areas that could be substantiated impacted determined by the commission. They can decide in their ordinance. Enlarged this to 1,000 feet measured from closest point of affected property to closest point of any other person. That is where the notice must be provided. Do not provide notice to everyone in the county. Interesting as they look have attached a map from the Jefferson County Assessor parcel finder program. Closest distance from Mr. Taylor to Mrs. Steel is 1,370 feet. Property Mrs. Steel owns is beyond the distance to which they are entitled to notice. That explains why she is not getting notices. Is not entitled to notice. Also not entitled to appeal. Distance requirement should not be confused with an affected person definition. Certain circumstances an affected person has rights. Defines effected person as one having interest in real property which may be adversely affected by the issuance of the

permit authorizing development. Only if they are affected by development of property. Conditional use permit does not create an affected person. Issues are on the property and not person. This affects her person does not want to drive by this or see this. These items cannot be heard on this appeal. Restricts this to those within 1,000 feet. Board has sole discretion to not accept jurisdiction of an appeal. The decision shall be final and the appeal fees shall be refunded. Is only fair to make the determination today to find this appeal is improper. Need to dismiss this because she does not have standing. If they find the 1,000 feet is not enough they can amend their comprehensive plan. Requesting dismissal of the appeal and have the decision from Planning & Zoning be the final decision.

[11:12:12 AM](#) Austin Dunlap represents Robyn Steel. Addressing the motion to dismiss has a couple things to present. Thinks Mr. Fuller has got him on the 1,000 feet. It does say that it is true there is nothing he can say to change this. There are a couple things they can consider. The Steels live on a dead end road. Have to drive by Mr. Taylor's home. About 300 feet outside of the limit. When she goes home will be driving by this property does not have any alternative route. The other Mr. Fuller touched on one of the reasonings is it is cost prohibited to send everyone notice by mail. The other reason does not want someone in Ririe objecting someone in Menan. They do drive by this property. Would like to amend the appeal on Rule 15 allows for others falls under 15A as other amendments may amend their proceedings but will go out on a limb and say Mr. Fuller will not give. Courts should freely give leave. Have Mr. Henderson and Ms. Clark here today. They are both familiar with the appeal and are well within the 1,000 feet. Would argue they have the ability to amend this to include these two individuals who are within the 1,000 feet. Then Mr. Fuller's motion can be dismissed. Weston asked on his review of past cases requesting the amendment the courts have been liberal with amendments but when dealing with statutes of limitations have not been able to amend. It is because the statute of limitations has lapsed. Not aware of anything within the ordinance. Have gaps. Appreciates the Rules of Civil Procedure. Is there anything about the adoption of Rules of Civil Procedure? Mr. Dunlap said he does not. Regarding statute of limitations. Had gotten the motion to dismiss six days ago. Usually they need twenty-one days to respond. Could argue this was not timely filed. Would have addressed this sooner if it was brought to them in a timely manner. That is his response on statute of limitations. Does not know that the ordinances of adopted Rules of Civil Procedure. Weston clarifies generally speaking on an injury case both individuals would be on notice of the hearing result and are now coming in at the request of an amendment. Would have been on notice. So even not having Mr. Fuller's notice to dismiss they still could have timely appealed the decision. Mr. Dunlap said he is correct. Did not have Google Earth. Live really close. Did not go out with a tape measure. When brought to his attention he has responded accordingly.

[11:18:02 AM](#) Mr. Fuller responds briefly that the statute is clear section 3.15.6 affected person may make an appeal in writing within fifteen days of the ruling. Council has acknowledged and admitted that the motion for dismissal of appeal of Robyn Steel is valid. Is trying to file an appeal from two other individuals. Bringing in Mr. Henderson who attended the previous hearing and testified. Was there when the ruling was entered and his right to appeal expired fifteen days after the decision. Has no right to appeal now. If they grant this the District Court would dismiss this. Is not sure if Ms. Clark was at the meeting. Would have had notice of the hearing. Would have had opportunity within fifteen days. Trying to amend Ms. Steel's appeal that is now invalid and provide appeals that are admittedly late. Does not see anything adopting Rules of Civil Procedure. Not here to amend Mrs. Steel but trying to file two more appeals well beyond the timeframe. Would ask they grant the motion to dismiss based on the property is not within 1,000 feet. Bound to abide by the fact that she has no right to appeal. No reason to continue with this proceeding. Would rather they make the decision today than delay this?

[11:21:07 AM](#) Weston has been researching have they found anything on the 1,000 feet is their authority they are aware of. Understands an affected person is the property. This predates any of them. Being within 1,000 feet. Do they know anything that would challenge the enforceability of the ordinance? Mr. Dunlap has not researched this. Weston said unless they have any other questions can look at the motion to dismiss now. Can think about this. Has seen the court on statute of limitations is the court is not liberal on allowing new parties to jump in after the statute of limitations has passed. Feels this was an appeal in good faith not recognizing the distance.

[11:23:51 AM](#) Chairman Hancock said it is up to them to deliberate on this. Commissioner Young thinks this is straightforward. Chairman Hancock said they have to follow the rule of law and what the ordinance has for distance. Commissioner Young did read this and does not see anything other than needing to dismiss this. Commissioner Clark agrees they have to follow the law. Chairman Hancock said this can be unpopular when they follow the law. Need to uphold what the ordinances are. Commissioner Young does not see any reason to continue to drag this out. Weston does not have anything else to add.

[11:25:51 AM](#) **Motion by Commissioner Young to dismiss the appeal on the conditional use permit and the filing fees from Robyn Steel will be reimbursed. Chairman Hancock adds this is based on the ordinances and rules of law. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **UPDATE**

[11:27:23 AM](#) **Deputy Prosecutor Weston Davis left room**

[11:28:37 AM](#) Kevin said he had mentioned they have five plans in the review stage. Have adjusted their procedure to get fifteen out of the drawer. Did send these to get addresses. Should have a draft on some of the legal issues on the land use plan. Structure of an R1 zone. Have different consultants on the impact study he will bring in. Have a few legal issues going on.

[11:30:53 AM](#) **Deputy Prosecutor Weston Davis left room**

[11:30:58 AM](#) Kevin said he will be going on vacation next week. Chairman Hancock asked Commissioner Clark had suggested a list on outstanding permits. Have they got this report?

[11:32:39 AM](#) **Deputy Prosecutor Weston Davis is in room**

[11:32:43 AM](#) Chairman Hancock said this will be a weekly report. Kevin said they have five pending a review. Chairman Hancock asked when they were received. Kevin said from Thursday on. Jenny works on this then goes to GIS to address with 911. Usually takes about two days. Have not moved this in house yet. Will need to work with Eric from the Assessor's Office. Number of applications is down a little. Chairman Hancock said they only need addresses on new homes. Still have had complaints on a piece of property where they were asking if it could be divided or not. Was told it would take four weeks for an answer. Kevin said usually it takes a couple of weeks. Chairman Hancock said this happened last Thursday. Was told

in other counties do not take as long. Thinks they could get the caveat answer unless they really need something formal. Kevin said they have to be careful. Chairman Hancock said look within the ordinances and let them know what the requirements are.

[11:39:16 AM](#) Chairman Hancock asked if they passed the floodplain training. Kevin said they are certified through FEMA but the testing is a different certification and is not sure on that yet. Have different levels of certification.

[11:43:42 AM](#) Commissioner Clark does not have any questions today. Chairman Hancock said he will be down later today. Has some comments from the water districts. Have some issues with subdivisions and water rights. Kevin said they usually work with Idaho Department of Water Resources.

SHERIFF'S OFFICE – DEPUTY MIKE MILLER

- **GEOSMITH MAPPING CONTRACT – (ACTION ITEM)**

[11:46:32 AM](#) Mike Miller is here for 911. When dispatch gets a call it goes on the map. Call could start in Clark or Bonneville. The upper valley is looking at using a regional map that can be updated regularly. Helps when a call originates in another county. Maps will be tied together. Will be able to help individuals with directions on how to get there. This is with Eric Smith and GeoSmith mapping. Collects information for a base map. Has the same contract here today that Bonneville used as will Madison and Fremont. Weston had already made his recommendations for the Bonneville county contract. Weston asked if there is another blank space on pricing. Mike said it was for the date since he was unsure. Could put in today. This is the contract that has been updated. Initial build will be \$1,687 and then updates will be covered at \$250 a year for the maintenance. Colleen asked where it would come out of. Mike said 911. This is a good deal. The mapping software they are using now is not updating. Paying thousands and their service is less than desirable. The mapping they are going to will be the same map as the rest of the counties. Can see the same roads and houses. Commissioner Young asked if the \$250 a year is added into the contract. Mike said it is. Commissioners review.

[11:51:11 AM](#) Commissioner Clark thinks it will be good to work with other counties. Mike said some calls will hit a tower from their county. Individuals that do not know the area usually use a landmark when they are calling in. Commissioner Young asked if a cell phone will pinpoint them. Mike said these are accurate where they have more towers. In other areas they can pinpoint within a few miles.

[11:53:19 AM](#) **Motion by Commissioner Clark to approve the contract with GeoSmith Mapping coming out of 911 funds for \$1,687 one-time charge and \$250 maintenance charge per year. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[11:54:50 AM](#) Recess

[11:54:57 AM](#) Deputy Prosecutor Weston Davis left room

Open session 11:58

COMMISSIONERS

- **BUDGET**

[11:59:01 AM](#) Colleen thinks they will start on budget July 15 and July 22. May need to come in on July 29 if needed. Has all of the budgets besides the commissioners and general. Will be put on the agenda to continue the discussion as needed.

- **OFFICE SUPPLIES – FURNITURE – (ACTION ITEM)**

[12:00:28 PM](#) Audrey brings up furniture for the commissioner office. Knows that Commissioner Young did not have a chair and there is not one at the front. Commissioner Young will go to Staples and get one he likes. Audrey shows options on bookcases. Chairman Hancock thinks they should go with the better quality ones.

PARKS & RECREATION – MICKEY EAMES

- **JEFFERSON LAKE PASSES – EMPLOYEES – (ACTION ITEM)**

[12:04:53 PM](#) Mickey provides the revenue. Is here to discuss the lake passes. Cost the lake around \$4,500 to give these to everyone at the county. Did this because a lot of municipalities give passes to their employees. Thought that was a great idea. Would only impact the lake. Did not know she was doing anything wrong. Chairman Hancock said she did not do anything wrong but since it is a benefit to the employees they need to approve it. Mickey said the only benefit is coming to the lake free.

[12:07:12 PM](#) Rebecca said this is similar to other benefits that are approved. Such as clothing allowance or Teladoc is a one-time approval. Does not need to be spelled out in the policy. Could be revoked at any time. Commissioner Clark said not all will use the pass or would have bought one. May have just got an entry fee instead. Mickey will think again next spring if this is something she wants to do. Chairman Hancock said they can approve this year's passes then give the discretion to the Parks & Recreation department head.

[12:10:10 PM](#) **Motion by Commissioner Young to approve Jefferson Lake passes for employees of Jefferson County. Will leave it to the Park & Recreation Administrator discretion for future years and employees. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **RESTROOM ISSUE – (ACTION ITEM)**

[12:11:04 PM](#) Mickey said they do have the restroom locked. It is usually \$100 an hour to clean up these issues since it is hazardous waste. Only can provide masks and gloves. The men's bathroom has been a nightmare. Will open this for the next event. Already have extra outhouses. Chairman Hancock said they need to put some signs up. They are defacing the restrooms. Mickey said they have a sign on the door. It is all cleaned up for this weekend. Last week was cold so wants to keep them closed so individuals see the signs. They will open these on Friday and the weekend. Want individuals to know why they are not opened. Chairman Hancock asked if they have noticed a difference from the wall. Mickey said they can. Can still hear it but nothing like it was before. Do have the stain ordered should be done next week. Will get the piles out this week. Dennis

has worked on the westside of the path. Chairman Hancock asked if they had used the backhoe. Mickey said they have been using this. Chairman Hancock said they need to keep the restrooms opened.

PUBLIC WORKS – DAVE WALRATH

- **SECURITY GATE AT ROAD & BRIDGE – (ACTION ITEM)**

[12:19:37 PM](#) Dave said they discussed this last week but did not have an action. Lazy Gate Manufacture is who they prefer. This bid includes twenty-five cards and ten remote transmitters. May need more of these as more departments begin using this. Chairman Hancock said they discussed funding from Emergency Management. Rebecca said there is room in the emergency management budget for this. Chairman Hancock said to do this then pay for the labor, electrical and concrete out of Road & Bridge.

[12:21:59 PM](#) **Motion by Commissioner Young to approve purchase of automatic gate from Lazy Gate for \$12,125. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **ROAD & BRIDGE PICKUP – (ACTION ITEM)**

[12:23:01 PM](#) Dave said they discussed this last week. Was approved to purchase a Dodge. Is the same price other than it has a destination charge. The other is one in the inventory. This is from Young's in Burley. The other is a little more at \$41,182 but is available now. Chairman Hancock said the other is \$39,255. Dave said they have a destination charge of \$1,695. Chairman Hancock said the options is where the money is. Commissioner Clark asked if he has a preference. Dave said it would be nice to have an immediate vehicle. The rear defrost is nice during snow plowing. Would outfit this with a snow plow. Chairman Hancock said he would ask on the discount difference. Chairman Hancock said they will have to reauthorize this. Dave has been harassing the fleet manager at Tadd Jenkins but has not gotten any information back.

[12:30:34 PM](#) **Motion by Commissioner Young to amend the purchase from Young's on state bid up to \$41,182 for a Dodge pickup for the Road & Bridge department. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **DEMURRAGE DUE TO HIGH WIND**

[12:31:43 PM](#) Dave said they will have a couple hours of demurrage because they had already started unloading. Thinks this is a few \$100 an hour. Are not supposed to be charged demurrage for the first three hours. Chairman Hancock said if they had a second tanker out there they could offload into this. Dave said that is an option. Have two pneumatics now. Really working for the otta seals.

- **UPDATE**

[12:35:39 PM](#) Dave said they will be fog sealing some subdivisions next week. Will not be here next week due to vacation. Bruce is retired and they did go out and have pizza. Commissioner Clark asked on a consensus on the parking lot and the boxes. Chairman Hancock said they will meet with D.L. Beck. Dave said they are looking at top soil grading. Commissioner Clark said that needs done before they can pave the parking lot. Dave said he did meet with Rocky Mountain Power. Supposedly they have a French drain but it is not functioning properly. Did get another bill from Blackfoot and has added a late charge. Will scan this to Weston and he will take care of this.

[12:39:54 PM](#) Recess

Open session 1:00

JAMES SHINAULT

- **CONFLICT PUBLIC DEFENDER**

[1:00:41 PM](#) Colleen said the Mr. Shinault was interested in the conflict public defender position. Did bring in a resume. Mr. Shinault said he lives in Idaho Falls just moved from Rexburg. Has other conflict cases with other counties. Chairman Hancock asked if he had talked to our public defender. They do have contracts with three other conflict attorneys. Mr. Shinault said counties usually have a few. Colleen said this is up to the Judge's discretion. Chairman Hancock said they have set them at \$65 an hour. Will give this resume to John Stosich. Commissioner Young asked if he is working on his own. Mr. Shinault said he was up in Rexburg but has moved down to Idaho Falls. Oldest daughter had been in her senior year so they waited to move.

[1:05:49 PM](#) Commissioner Clark asked him to tell them about himself. Mr. Shinault is dual admitted. Has mostly done the civil side mainly in Utah. Divorces and custody. Then broke out more on the criminal side. Is a lot less emotional. Wanted to focus more on the criminal side. To do this has been picking up conflict contracts. Fremont is primarily the one he has been doing. Just picked up the contract with Bonneville. Courts have been understanding on scheduling. The bar up in Idaho is a lot better. Has been nice to work up here. Commissioner Young asked if he has had very many cases. Mr. Shinault said just with Fremont has handled at least sixty cases.

[1:08:58 PM](#) Chairman Hancock asked if he is aware of the reporting requirements. Mr. Shinault is aware he has had to do these. Idaho sent a certificate of good standing to Utah. Luckily as long as he is good in Idaho they accept him over in Utah. Colleen said on the annual report the commissioners like this to be presented to them. Chairman Hancock said they will run this past their current public defender and get his thoughts and get back to him.

[1:10:48 PM](#) Chairman Hancock invites Max Spatig up does let him they do not hear complaints as commissioners. If he has an issue they can listen to that. Max wanted to know if they are aware of what Robin had been doing to him. Chairman Hancock said they have a new prosecuting attorney. Max said they have seven counties within the judicial district. County elects them and they appoint one member of each county. Chairman Hancock said they do not have any openings. Does sit on the commission that makes the selection. Max speaks about having his house destroyed. Chairman Hancock thanks Max for stopping in.

HUMAN RESOURCES – REBECCA SQUIRES

- **PERSONEL POLICY – (ACTION ITEM)**

[1:18:28 M](#) Rebecca asked about any questions. Dave said at the time that sick time was earned it was a benefit. Now they have to exhaust all PTO to use this. Feels as an earned benefit it should be used at their discretion. Commissioner Young thought that was only if they were trying to donate this sick leave. Tammy is not sure when the county moved away from employee PTO and sick leave. Went to straight PTO. All the employees who had banked sick time were upset when they were told they were going to do away with this. Moved it into this bank where it was only allowed when PTO was gone for sick leave. That was the complaint that they saved this in case of an illness. This is why those employees had this for an emergency. This is confusing because those coming in do not have banked sick leave. Does not think they should lose this unless they are leaving the job. Chairman Hancock said it is not a liability for sick leave. PTO is a liability as well as comp time. Have to account for this to know the exact liabilities. Sick bank is not a liability since it was a benefit. Decided no more and did away with this. Dave knows they have a hard time using this bank.

[1:25:41 PM](#) Rebecca said Weston's comment was if they are sick they should be able to use it. Opinion was let them use this if they are sick. Then they can get this off the books and delete this section. Colleen said if they use up the sick leave first then they have to pay out PTO. Dave said they could require a doctor note. Chairman Hancock said if they are sick more than two consecutive days then after those two days they can use the sick bank. Dave said it does not affect that many employees. Chairman Hancock said this way they do not just take one day. Colleen said if they are out for a major illness they could have a doctor note. Kevin asked if they wanted this gone. Chairman Hancock said this was a benefit not a liability so they do not necessarily need it gone. Thinks the first two days they use their PTO then can use the sick bank. This for the longtime employees. Tammy said they could have surgery and use two days of PTO then can use the sick bank for four weeks. Thinks this is fair compromise.

[1:34:46 PM](#) Rebecca asked if comp time has to be used. Commissioner Young thinks they can use either comp time or PTO. Dave would like for an employee to use either one at their discretion. Road & Bridge gets comp time during the winter. Have to get this under forty hours and are usually down to zero. Use this for hunting and farming on the side. Have employees with the maximum amount of PTO losing time because they have comp time on the books. Rebecca said Sheriff would rather they be allowed to use either PTO or comp as well. Only issue is that every minute of comp time has to be paid out. Dave said if the county employee leaves they have to pay them either way. Does have the ability to send guys home if needed. For the most part they are responsible about managing their comp time. Not sure it is a huge risk. Colleen said the only issue is if they know they are leaving and use PTO instead of comp. Dave said the maximum comp if forty hours so they would just have to wait another week to hire.

[1:39:00 PM](#) Rebecca said beyond 480 hours they do not accrue PTO. This would give them the ability to take their PTO down while maintaining comp time on the books. Some employees could make sure they have two weeks' pay out of PTO plus two weeks terminal leave and comp time. This is what could happen if not supervised. Could turn this over to the departments that this will murder their budgets if they are not supervised. Chairman Hancock said they are still limiting comp time at forty hours. Tammy said if they have more than forty hours of comp then they have to use comp time first. That could be a compromise. Under forty hours they would have the option to use PTO first. Rebecca reads what they have changed this to. Kevin asked if they need a reset. Chairman Hancock said as long as it is under forty hours during a twelve month period.

[1:45:24 PM](#) Rebecca said Weston brought up when absolutely necessary what an emergency is. Chairman Hancock thinks this would be up to the department head or elected official. Rebecca said as an example emergency manager has something bizarre and is working twelve hours a day does she need to be cleared before working this? Chairman Hancock thinks they probably should get authorization. Tammy asked if this is overtime or comp time. Rebecca said this section is overtime and further down it goes over comp time. Rebecca has changed during an emergency can pay key employees overtime. Are these changes acceptable? Commissioners think they are. Chairman Hancock asked if the ones here have anything else to discuss. Rebecca said that Weston made a few changes to definitions.

[1:51:31 PM](#) Dave asked if the no smoking policy was changed. Has not turned into the smoking cop. Trucks are assigned out and some have been smoked in for a long time. Policy has been if the vehicle has a history of smoking he is not big on enforcing. If they get a new one then they have no smoking. Tammy asked on a designated smoking facility at the county. Have employees that smoke. Fifty feet from the door means they could smoke in the parking lot. Asked them to go in the back area but wonders if there is a designated area. Rebecca thinks that is up to the department.

[1:56:45 PM](#) Tammy asked on the fitness for duty exams. This is now a county responsibility under POST. Make sure they have hearing, vision and physical abilities. Does the county pay for these? Have sent individuals with insurance to see if they would consider these as physicals. Did make a line in the budget. Rebecca said if the county requires the exam the county should pay for this. Sent an employee for a psychological exam then they own the report. Rebecca said on access they have exempt files such as these physiological exams. Really thinks this should be at county expense. Commissioner Young asked if they use insurance. Tammy wants clarification when they have to deal with these items. Cleaner if this is laid out and is the county expense.

[2:01:33 PM](#) Colleen said they do not require background checks does fingerprint the court clerks. Rebecca said these issues will come up when they create a hiring policy. On the exams could add at county expense. An employee who was out for surgery to assume regular duties usually would provide a doctor note. Kevin asked about drug testing. Tammy said they do not have a countywide drug testing policy. This should be county driven not just her department. Kevin thinks they could for those that operate a county vehicle. Dave thinks that it is required for a CDL. Chairman Hancock said that Road & Bridge does this because they do have CDL. Dave said all of them are subject to random drug testing.

[2:05:50 PM](#) Rebecca said employee files belong in the Clerk's office. Colleen said if they can have a file in their office as long as it is all also in the Clerk's office. Rebecca understands having some information. If it is not in the Clerk's office this documentation does not count. Not fair to the employee. Colleen said when an employee leaves they should have everything.

[2:07:24 PM](#) Rebecca said they had an issue come up on jury duty. If a county employee serves for jury duty should they be paying them twice? They are paying them for jury duty as well as their salary. Should they accept both? Colleen said other places say they can either pay them

their wage or take jury payment. Thinks if they are paying them then the jury money has to be turned over. Rebecca said that is not in this policy. Would they like to address this? Chairman Hancock knows other employers if employees got paid for jury duty they had to turn in the money to the employer. Rebecca asked if they want to keep the jury payment can they take PTO to keep both. Commissioners think that is good to add in.

[2:13:54 PM](#) Rebecca goes over part-time versus full-time. When can they accrue PTO? More than twenty-one hours. PERSI threshold is twenty hours. Difficulty is when they do not accrue PTO and they need to arrange time off. Then it is a week off without pay. Might be helpful to put the PTO accrual at twenty hours so they accrue this at a slow pace but they have some time off to take a vacation. Commissioner Young asked if they gain more PTO with years of service. Rebecca said they accrue at a higher rate but it is still prorated. Kevin brings up probation period.

[2:20:41 PM](#) Chairman Hancock said that all employees are at will. So they do not need a probationary period. Commissioner Young does not think this works anyways.

[2:21:41 PM](#) Compensatory time on a holiday. Go over scenarios. Rebecca said Sheriff can pay out because they have an overtime line. Discussion. Dave said there is no overtime or comp time until physically worked forty hours. Rebecca said compensation can be PTO or money. Sheriff is the only one with an overtime line. Chairman Hancock said they get paid holiday pay. If they physically work more than forty hours in a week they get comp time. Discussion. Rebecca said that they would receive eight hours of pay with eight hours of comp time to take their holiday another day.

[2:51:07 PM](#) Rebecca is looking for any other changes. Kevin said if they send someone to training in Boise at noon. This is more than eight hours. Do they compensate them for more? Colleen said they get the paid for their day and their travel. Rebecca said traveling is compensatory time. Goes to the travel policy. Kevin thinks training is a benefit. Why do they get paid for travel if they do not get paid for staying overnight? Feels it is a privilege to attend training. Colleen said if they have a conference even in Idaho Falls and have to travel early thinks they should be compensated.

[2:57:03 PM](#) Rebecca asked if they want to see this one more time or should they adopt this. Chairman Hancock said to make a final copy and adopt this next week.

EMERGENCY MANAGEMENT – REBECCA SQUIRES – CANCELLED

- **LEVEE SITUATION UPDATE**

COMMISSIONERS

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

[3:01:29 PM](#) Motion by Commissioner Young to approve commissioner meeting minutes from May 20, 2019. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[3:02:03 PM](#) Recess to review claims.

Open session 3:14

- **APPROVE CLAIMS – (ACTION ITEM)**

[3:14:40 PM](#) Motion by Commissioner Clark to approve claims from 6/10/2019 to 6/21/2019 for \$251,221.48. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[3:15:24 PM](#) Motion by Commissioner Young to adjourn at 3:15. Second by Commissioner Clark. All in favor – aye. Motion passed.

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date