

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
JUNE 3, 2019**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Social Services Amy Johnson, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Clark. Prayer offered by Chairman Hancock.

SOCIAL SERVICES – AMY JOHNSON

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

9:02 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.

9:06 AM Deputy Prosecutor Weston Davis is in room

9:42 AM Deputy Prosecutor Weston Davis left room

10:22 AM Deputy Prosecutor Weston Davis is in room

10:36 AM Deputy Prosecutor Weston Davis left room

10:37 AM Deputy Prosecutor Weston Davis is in room

Open session 10:42

- **INDIGENT HEARING – (ACTION ITEM)**

10:42 AM Motion by Commissioner Young to approve case #2019-07. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

10:43 AM Motion by Commissioner Clark to approve #2019-09 for a continuance until June 17. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

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

10:44 AM Motion by Commissioner Young to deny case #2019-15 pending social security. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

EXTENSION OFFICE – LORIE DYE

- **PICNIC TABLES – (ACTION ITEM)**

10:46 AM Lorie said where the side is not finished wanted to come in would like two picnic tables on the south side. Had hiking day camp and the kids could gather here while they are loading up vehicles. Have money in the capital for this year and would like to buy one next year. Would be like the ones out at the lake. Not sure what is going to be on the side of the building. Chairman Hancock said this will be grass. Lorie asked if they would be okay with them putting out picnic tables. Would order these late in the fall for October of next year. Chairman Hancock said they would need to move them to mow the lawn. Lorie said she looked at the ones at the lake and they are heavy. Bryan said they usually just hook the mower onto them. Chairman Hancock thinks they have put a chain and a lock on them. Have these bolted down at the lake but they are on pads. Chairman Hancock said they have law enforcement right here. Lorie said these would be gray with the 4-H logo on the side. Chairman Hancock said this is under \$1,000. Lorie was just not sure what was going to be on that side of the building.

COMMISSIONERS

- **ANNEX GRAND OPENING – (ACTION ITEM)**

10:50 AM Chairman Hancock asked when they wanted to do this. Commissioner Clark thinks sooner the better. Chairman Hancock said some of this is still not done. Commissioner Clark said they did stripe the parking lot. Chairman Hancock asked Dave on the back parking lot. Dave said it is still soft. Have to upgrade the traffic boxes still in the back. Commissioner Young thinks possibly around the fourth of July when the festivities are going. Colleen said a lot go out of town as well during that timeframe. Discussion on timeframe. Chairman Hancock said they will tentatively set this for July 8 after their meeting. Colleen asked how they would like to advertise. Chairman Hancock said they could put this in the paper and the website.

- **PURCHASES/EMPLOYEE REIMBURSEMENT**

10:53 AM Colleen said some issues need addressed. Are reimbursing a lot of employees for purchases. Have departments that are doing this a lot. Would rather get the department a credit card. Can be some larger amounts. This is the Prosecutors Office. Does not think this is good practice. Some of the purchases they order on their personal card and have items delivered to their homes. Need

to make sure items being bought for the county are sent to the county. Not sure they need to add this to policy or just go over this in a staff meeting. Chairman Hancock thinks they will mention this in the staff meeting and have the Prosecutor request a credit card.

10:56 AM Recess

Open session 11:08

11:08 AM Deputy Prosecutor Weston Davis, Prosecutor Paul Butikofer and Planning & Zoning legal counsel Paul Ziel are in the room

PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR

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

11:08 AM Chairman Hancock said for the record they had an appeal hearing scheduled. Based off of both party's discussions with their attorneys will continue this at this time until June 24. Need to make everyone aware on the times. Weston said they may want to give the appellant's council an opportunity to speak if they have anything additional to say.

11:09 AM Austin Dunlap represents Robyn Steel who is the appellant. Appreciates the Board's consideration. One request is they had notice and were prepared to proceed. Drove from Wyoming would request someone pays his fees to drive over since this was not their fault this meeting cannot proceed. Knows this is a reach. Would in addition request they consider to reimburse the application fee for this appeal. Due to the inconvenience of not being able to proceed. Is good with June 24 if this works for the board. Audrey asked a time preference. If 11:00 would work. Austin said that would be wonderful.

11:10 AM Paul Ziel mentioned in the hall that June 24 would be great but he pulled up his calendar and has U.S District Court. Well represented with county counsel but wanted to come forward on this right now. Weston said he will be available and if they have any issues to address could let him know. Paul Ziel said he could do a memo for Planning & Zoning. Discussion on the time. Leave this as June 24 at 11:00.

11:12 AM Chairman Hancock mentions they had a request for a refund on the applicant fees. Commissioner Young thinks this was not their fault. Commissioner Clark asked the reason why the other party was not present. Chairman Hancock said they were not noticed properly by the Planning & Zoning department. Weston said they could not find anything in the file if they were sent notice on the hearing. May have been on actual notice. Commissioner Clark said they were aware of this. Weston does not know this. Knows they were aware of this as of this morning.

11:13 AM Motion by Commissioner Young to refund the appellants fees for the hearing. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

11:20 AM Recess

Open session 11:25

PUBLIC DEFENDER – JOHN STOSICH

- **RELOCATION – (ACTION ITEM)**

11:25 AM John comes to make a formal request to move into the Commissioner's office and Rebecca's old office. Will allow more room in the reception area. Would like to have a door put in between. This will give them more room to take care of their clients

11:26 AM Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis left room

11:26 AM John would like to put a door between the two offices. Chairman Hancock said the old office they had is not used for much. John said that office is roughly the same size. Thinks it will be comparable to what he has. It gives more space in the front for clients to sit in there and have storage. Does not want to take the glass out may just want to get some blinds to protect confidentiality. One of the keys to this is it has been in the back of their minds to use where they are in now for attorney client rooms. Would be beneficial instead of them meeting in the halls. This is critical for the courts. Has the trial court administrator on board. This would fit the county's purpose. Colleen thinks that Bryan Briggs could do the door. Chairman Hancock said that he and Brian Farnsworth did the majority of the other room. John has not looked at his budget but should have enough to cover the work to do this. Colleen said the box in that room is for the commissioners' room and holds all of the equipment. Chairman Hancock is not opposed to this they will need to look into this further and find out if there are is any electrical that would be in the way.

11:32 AM Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis left room

11:32 AM Chairman Hancock said they may grab him later and will walk this. John said he will be gone for a while this afternoon for court. Chairman Hancock said they will go take a look at it even if he is not available.

11:36 AM John said they would not have to have a door between him and Lisa. Would rather if they could.

DEPUTY PROSECUTOR – WESTON DAVIS

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

11:39 AM

Weston does not have anything else unless they do. Chairman Hancock said he will call him later on a few things.

11:40 AM**Prosecutor Paul Butikofer and Deputy Prosecutor Weston Davis left room****PUBLIC WORKS – DAVE WALRATH**

- **UPDATE**

11:39 AM

Dave said they have guys out patching. Chairman Hancock said that Audrey found some of the demurrage costs. Need to get with him because there were a bunch they paid off of statements. Dave said other neighboring counties did have a bunch more. Dave said they try and get these handled. Chairman Hancock said if they find this is excessive would need a tanker to off load from. Dave said they usually do not have to go back and forth. Commissioner Clark asked how the county does insurance on a tanker. Chairman Hancock said this is a blanket program through ICRMP. Commissioner Clark knows tankers can get expensive.

11:43 AM

Dave said the tank they have for the durapatcher oil has been beneficial. Will do as much otta seals as they can. Will be back over doing the back parking lot. Then will get shoulders ready for overlays. Planning on 500 N from 3600 E to 3900 E. Chairman Hancock asked if they will get asphalt out in Dubois. Dave said it should be available around July. Chairman Hancock would suggest the BST or otta seal on them. Dave said as far as personnel have hired a temporary seasonal for flagging. Hired a new truck driver who worked for the City of Rexburg doing snow plowing. Have a new employee out at the landfill. Lost a Road & Bridge employee and a solid waste employee who went to haul sod. Bruce will retire in about a month. Will have to figure out what to do there. Likes to promote from within but will have to see how this works out. Weather has set them back. Have the Kettle Butte Dairy project still going on. When they met last week on site it is looking iffy for next year so it could be a 2020 or 2021 project. Chairman Hancock said they will discuss this more when Ted comes in later. Dave has a blade operator on this side who will move over to work on the west side. Got another load of mag-chloride this morning. Another FYI Bonneville county is doing some roads with ecodust. This is beet juice ecodust. Have some at the shop and this smells awful. Chairman Hancock asked if they need additional flaggers. Dave said they will get the ladies in the office flagger certified so they can use them if they have to.

11:52 AM

Commissioner Clark asked on the compactor. Dave said they should have this back this week. Commissioner Clark asked on the truck. Dave thinks it should get into Salt Lake next month.

11:53 AM

Recess

Open session 12:00**BLAKE SCHAAT**

- **NOISE ORDINANCE**

12:00 PM

Blake Schaat 670 N Scout Lane, Rigby, Idaho. Chairman Hancock said he wants to talk about a noise ordinance. Blake said they have an issue with Labelle Lakes. Chairman Hancock said in the past they have been using this as a recreational site for bands, weddings and dances. Have had neighbors in and the Youngstroms said they would control the sound and restrict this after 10:00. There were action items they were going to take to mitigate these issues. Have new commissioners. Have had the Sheriff's office out with complaints. Landowners were complaining that the music was so loud it was shaking their houses past midnight. Youngstrom's had been trying to mitigate some of the issues.

12:03 PM

Blake said he appreciates the time. This has reached a fever pitch. They are not in the subdivision they are adjacent right behind the property. It is out of control. Knows there is a noise ordinance that has not been updated. Chairman Hancock said this has not been updated since he has been in. Blake passes out a draft noise ordinance to fit this community. Drafted off of other counties that have something identical. Chairman Hancock asked who drafted this. Blake said he did from other counties. Has modified this to best reflect our area. Big issue since there is no noise ordinance the other neighbors are wanting to take other actions. Has been said that alcohol is being provided to minors. Thinks it would be in the best interest to have a noise ordinance in the county. Could they have temporary orders put in play? Chairman Hancock said they have to advertise and have a public hearing. Before they get that far would have legal review this as well as themselves. Had discussed this in the past with previous commissioners. Has been on the radar. Blake said he is a paralegal for a law firm. Had a wedding in the rain and had an open house Friday night. Speaking on behalf of all the neighbors. Were denied to have a business and are still operating. It is creating a public nuisance. Chairman Hancock said they do not have a license for exactly what they are operating. Is zoned in this area for recreational type activities. Commissioner Young said they need to look at the noise ordinance. Blake asked the next step. Chairman Hancock said they will review as well as Planning & Zoning and legal will review these documents. Will need to come to an agreement on this. Have not taken the time to read this completely. Commissioner Young said they will read this. Chairman Hancock said it has to go through the steps and decide if they can implement

this. Then would publish this in the paper. Could take up to two months. Knows they had agreed to stop their music at 10:00 at night. Blake said between the base and mega phones it's horrible. Had a Mexican fiesta recently with fireworks. If the commissioners are not going to do anything they are looking at other sources.

12:11 PM Blake was hoping they had something they could do for temporary relief. Owners had informed a next door neighbor that they will get used to it and might like it. Appreciates them taking the time. Chairman Hancock said they may need a month. Blake said these people are hot. Getting the Sheriff called out on noise, underage drinking and reckless driving. Chairman Hancock knows they had discussed this last summer and they were going to work on mitigation. Commissioner Young said they will get this information presented for review.

PARKS & RECREATION – MICKEY EAMES

- **VENDOR CONTRACT – (ACTION ITEM)**

12:13 PM Mickey has another vendor coming out. Chairman Hancock thought they were done with vendors. Mickey said have another one who will be doing hamburgers out there. The trailer that was brought out has not been painted yet. This is called Lulu's Menu. Just has the proposal. Would have pulled pork sandwiches and a good menu. If Christian does not get the trailer fixed up soon he will need to remove it because she is getting frustrated. The new vendor has a bus one side is a mountain and the other is an octopus. It will stay out there all summer. Thought this was all put together but does not have the actual contract. Will have to come back in next week.

- **COMPETITION MURALS ON WALL – (ACTION ITEM)**

12:16 PM Mickey said they are trying to clean up the wall and get this stained. Has made an impact has helped. This was also a safety issue. It is doing what they want it to do. Once they stain this have had people asking about a mural on this. Chairman Hancock said that his wife had mentioned doing a mural on the wall. Could have art classes come down. Mickey thinks they could do a competition. Could be a yearly thing. Would have to be submitted and approved. Chairman Hancock said they are already thinking about this. His wife had made this suggestion. Asked if they cleaned this up. Mickey said they are still cleaning it up. Chairman Hancock likes the mural idea. Mickey said if they made it a competition could have some neat prizes and would drum up some more people. Chairman Hancock said they could have art classes provide drawings.

12:21 PM Recess

Open session 1:00

MOUNTAIN VALLEY MATS – DOUG TORGENSON

- **ANNEX MAT PROPOSAL – (ACTION ITEM)**

1:01 PM Doug Torgenson representing Mountain Valley Mats. Looking at a proposal for the main annex. Currently do the mats in the courthouse and Sheriff's Office. Went off the same thing they had done on the other doors and put together some numbers for them. Chairman Hancock asked for the number of mats and price per mat. Colleen said it is \$185 a month currently for the courthouse. These are changed out monthly. Doug said they do the Sheriff and main courthouse. Take these every four weeks. Chairman Hancock asked how many mats. Doug said a 3X10 for extension, three in the main doors and a 3X10 in Planning & Zoning. Chairman Hancock said they may need one in Probation and the vestibule. Commissioner Clark asked about the mats at the main doors. Doug said it would be the same as the courthouse they would have two with county logo. Chairman Hancock thinks an additional 3X5 for the vestibule. Doug asked where this would be billed to. Colleen said they could have it itemized out with one bill. Doug said they have the jail and the courthouse separate. Colleen said one bill would be fine. Chairman Hancock said they would have to authorize the expenditures. Asked where they are out of. Doug said they are in Rexburg but started out in Menan. Don Mickelsen started this but he bought it.

1:07 PM **Motion by Commissioner Clark to approve an increase in floor mats for the annex with Mountain Valley Mats for an additional \$45 a month. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

THE DEVELOPMENT COMPANY – TED HENDRICKS – PAULINE JOHNSON

- **DAIRY ROAD PROJECT – (ACTION ITEM)**

1:10 PM Ted Hendricks and Pauline Johnson with the Development Company. Still planning on meeting the EDA deadline for this application. Need to include the contribution of the county. Thinks they may have misunderstood out at the site. We're going to commit to buy the asphalt from HK or Depatco. If they buy this outright if they commit to this. Chairman Hancock said somewhat. Looking at placing the asphalt. Placement is at a cost. Have a lay down machine and trucks that cost money. The actual cost for the asphalt itself. Dave said if they had a twenty-eight foot wide road for four miles and three inch mat thick is 10,718 tons. Current price they pay is \$51 a ton. Ted said the hot plant they are referring to an actual company. Chairman Hancock said will not move one out

they would have to haul this from Idaho Falls with county trucks. Ted said they can count any of the truck hauling as in-kind where they are using county equipment and employees. Can use wages they pay county employees. Chairman Hancock asked talking about a cash match. Ted said that is different. Chairman Hancock asked what makes this different where they are forking out the money to pay for this. Paying wages and fuel these are actual costs. Ted said Federal agencies call this in-kind contribution. Cash match would be if they bought the asphalt. Still count the in-kind as money. Would count if they buy the asphalt this would be a cash type match. Project is not having to pay for this. Chairman Hancock said the project will have to pay for this. Would put the county resources on other projects if they did not do this project. Ted said this is an identifiable cost to the county.

1:15 PM Ted said the way agencies look at this is a little bit different. Have a call into the engineer up in Seattle. Need to speak with Richard directly. Wants them to review this with their engineer. State calls this cash match and EDA would do the same thing. If they pay for the asphalt this would strictly be a cash match. Call this in-kind because they would have these costs anyways just might not be on this project. In the past explained a cash match is different than in-kind but it is still valuable. Chairman Hancock said they still look at how much they have to come up with on cash match. Have to look at how much they are contributing to these. Ted said if they can stay in competition for the disaster relief money if they get this in by the end of the month.

1:19 PM Chairman Hancock said looking at the state. Ted said if they come back and can count county employees and equipment. For the time being the state will look at this as in-kind. Chairman Hancock said the federal is where the biggest dollars are from. Ted said the state becomes part of this match. If they stay with the 80/20 even though this is federal it is still local match once given to the county. When this money was authorized it was federal money but lost the federal identity once given to a local municipality. Chairman Hancock said twenty percent is \$800,000 on \$4 million. This is one third of their entire Road & Bridge budget on just this road. Ted said the state will look at what they are funding and the business is funding. Ted said a \$300,000 contribution has worked in the past. Wanted to clarify on what would be cash match and what would be in-kind. Then can proceed with the budget. In his opinion they should not have to put up all of the match. How and what they will contribute they need to determine this week for a timely application. Want to firm up the county contributions.

1:22 PM Chairman Hancock said if they had to come up with another \$500,000 cash the project would be a no go. Cannot be dumping all of this money into one spot. Dave said it is not responsible to add more miles of paved road if they cannot do maintenance on what they have.

1:25 PM Rebecca said they are looking at different pots. Ted said United States Department of Commerce. Are different agencies. FEMA will replace what is damaged. If there was a ten inch culvert that is what they will replace. Once a declaration is presidentially confirmed other agencies can get money. Army Corps of Engineers can give money from their program just found out they are a potential funding resource. Get a lot of core money but this goes to sewer projects or water. Money they are applying for is from congress for economic stability from a disaster. That is why they want job creations. The money is going to infrastructure because they are creating more jobs. For every million they would like to see a hundred jobs. Have nine years so this is an ongoing time period. Trying to figure out the in-kind match and any cash match. Was some comments at the site that they could provide the asphalt? This would be the cash match. Chairman Hancock does not think they could do that much. Dave said only if they got the state match. Ted said that would be a different allocation. Need to know how much the project is. Say they got an eighty percent grant with twenty percent local. Have to come up with a million in cash with the grant on a four million project. This is in addition. Will only count in-kind from the county. Have gone to the companies in the area while discussing some of the improvements they asked for additional contributions that go into the road.

1:30 PM Chairman Hancock said they talked with Jerome Resources who was favorable. Doing a thirty million capital investment out there. Ted said they can show this as company match. All of this capital is coming in. Are asking for a four million dollar road. Need to firm up today on the commissioner standpoint. Then they can go to the other companies. Know what they can get from the state and feds. Chairman Hancock said another problem is the federal money they receive have to use this under contractors with Davis-Bacon wages. Not sure how they use this if they do some of the paving. Ted said if they count the contributions as labor as in-kind then they would not have to count on this. If they buy the asphalt and have it delivered and dropped that would be material and would not be in the Davis-Bacon either. Chairman Hancock on a project like this on a cost estimate. Go over an example. Have roughly under a million just on this project. Looking at \$3.5 million. Putting this out for bid the costs would be \$4.5 million. Really need is the \$4 million total and could get some of this to put toward the asphalt. Dave said there is a savings using the county crew to pave. Chairman Hancock said as they put this together knows that Pauline needs to know the costs. Commissioner Young said they do not know how they will count the in-kind. Ted said the in-kind is cost they absorb in their normal operations. May include this in the project costs but would not be reimbursed. Chairman Hancock said they could put maybe \$100,000 if they get the \$500,000 from the state grant. Ted asked on the in-kind. Dave said it would be \$375,000 to haul and lay the asphalt. Ted said on top of this labor they would contribute \$100,000 cash. Have two years to do this because at best might be able to start this fall. Takes two or three months to get ready for a contractor. Lucky to be bid this year. Dave thinks having them do the work makes the most sense. Chairman Hancock said Troy had talked about contribution on their part.

1:39 PM Ted said they are trying to get everything in writing because there has been a lot of discussions. Need to know exactly how much. Need to look at project costs. Dave said a completely bid out project would be \$4.5 million. Ted said where they are not doing this what would their costs be. Dave would say \$3.5 to \$4 million. Pauline asked where the water will be going. Dave said it ends up in Roberts. Ted said they will redo the cost assessments. Have \$100,000 cash match and \$375,000 in-kind match for laying the asphalt. Will find out from the companies what they will commit and look at the grants. Will change everything with ratios. Dave said it lowers the number of employees they need to create. Ted said the largest job creator is Jerome Resources with manufacturing. This is becoming a strong need with what they are doing. Commissioner Young thinks that sounds fair. Ted said they are becoming a very good partner on this project. Dave said they are critical. Wanted a road with three-quarter crush but they wanted asphalt. Chairman Hancock said they had a discussion on this. Ted said they would need to really build up this road. Just wanted to clarify and finish out the application. Believes the previous board had given the chair authority to sign the application. Chairman Hancock said they did but capped what they would be paying. Ted said they had \$10,000 for the pre-application and \$6,000 to \$8,000 for the finishes. This is all that has been committed until they have the funding available. Will need a signature on this application. Will probably submit this on the 24th of June which is when this is due. Chairman Hancock said they may wait and have a special meeting. Do meet on the 17th and 24th. Pauline said they have to overnight this unless she tries electronically. Ted said a lot of times that does not work. Pauline said it has to be overnighed. Go over timeframes.

1:51 PM **Motion by Commissioner Young to authorize Chairman Hancock to sign the application with Development Company. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

COMMISSIONERS

- **APPROVE CLAIMS – (ACTION ITEM)**

1:52 PM Chairman Hancock asked if they had any discussion on the claims. Has a few he wants to talk to Mickey on the lake. Had a question on the Business Phone Specialists. Rebecca thinks that would be Garn. Chairman Hancock asked on \$27,405 for Business Phone Specialist. Garn said they budgeted \$35,000. This was not in the IT budget. Put the Phase 4 in their budget. They needed forty-two handsets. Chairman Hancock said these are pricey. Garn said they planned on \$500 apiece.

2:00 PM **Motion by Commissioner Young to approve claims from 5/13/2019 to 5/31/2019 for \$583,534.65. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

2:00 PM **Motion by Commissioner Clark to adjourn at 2:00. Second by Commissioner Young. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date