

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
AUGUST 12, 2019**

Meeting called to order at 9:05. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Deputy Prosecutor Weston Davis, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Clark. Prayer offered by Commissioner Young.

SOCIAL SERVICES – AMY JOHNSON

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

[9:07:41 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 9:16

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

[9:16:54 AM](#) Motion by Commissioner Clark to suspend case #1J2019-20 to review in 180 days. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

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)**

[9:19:05 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 9:25

COMMISSIONERS

- **AMBULANCE SERVICE AGREEMENT – CITY OF IDAHO FALLS – (ACTION ITEM)**

[9:26:01 AM](#) Chairman Hancock said they have the ambulance agreement. Already know they have asked for an increase. Asked if Weston has reviewed this. Weston has and the only change was that the price increased.

[9:26:59 AM](#) Motion by Commissioner Clark to approve the Ambulance Service Agreement with City of Idaho Falls Ambulance for the amount of \$193,440 divided into twelve monthly installments. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

- **APPRAISER SELECTION - PREVIOUS EXTENSION OFFICE – (ACTION ITEM)**

[9:28:41 AM](#) Chairman Hancock said they need to discuss an appraisal on the county extension house. Audrey goes over the appraisals. Have all of the information on the property. Have Curtis Boam at Boam & Associates that has come in with the lowest bid of \$1,200. Commissioner Young thinks Curtis does a nice job and is the lowest. Chairman Hancock said he has used him in the past. Commissioner Young said the others are in the same area but he is half the price.

[9:29:27 AM](#) Chairman Hancock said that Curtis did a property for him. They have to have an appraisal performed and then have to go to bid. Can put the appraised price as the minimum bid. Would have to be a public auction if he read the statute correct. Have to advertise and go to public auction. Weston said on real property yes. Sounds like to him that this would be correct. Commissioner Clark asked if they have to sell this for the appraised price If they do not get a bid in. Chairman Hancock thinks they can re-advertise. Weston said if no one shows up it could be county surplus property. Would look specifically if it does not sell at auction if it can be considered as surplus property. Chairman Hancock said they get this appraised to know the fair market value. Weston would want to look into this once they get the appraisal back. Chairman Hancock asked if they have any other discussion.

[9:32:32 AM](#) Motion by Commissioner Young to approve Curtis Boam to do an appraisal on the County Extension Property for \$1,200. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[9:33:40 AM](#) Chairman Hancock said will need to put together a purchase order to give them authorization to do this. Will need to sign this.

- **SEPTEMBER 23 COMMISSIONER MEETING**

[9:34:34 AM](#) Colleen said they wanted to put it on the record that they will change this meeting due to the IAC meetings starting on Monday. Chairman Hancock said they will meet on September 3, 9, 16 and 30. Commissioner Young mentions he is still trying to change his schedule to make it to this meeting. Colleen said they have cancelled his room.

- **ANNEX BUILDING – CHANGE ORDERS – (ACTION ITEM)**

[9:36:34 AM](#) Chairman Hancock asked if they have seen any change order. Colleen said she has not. Chairman Hancock said they still do not have any changes to approve at this time. Went and checked the pumps there is some water in the basement. The pump on the east side only turns on manually. It is pump two that is constantly running. Commissioner Young thinks this needs to be checked hopefully nothing is wrong with the switch. Chairman Hancock said pump one is still not running. Concerns him. Will go back down and look during a break.

PUBLIC DEFENDER – JOHN STOSICH

- **CONFLICT PUBLIC DEFENDER ATTORNEY – (ACTION ITEM)**

[9:39:31 AM](#) John has come in would like to have them appoint Justin Seamons to be a conflict attorney. Looking to rebuild and is very capable to do the work. Mr. Davis saw some things in the current agreement that needed to be changed. Would ask they approve Mr. Seamons as a conflict attorney. Judge is already interested in appointing Mr. Seamons.

[9:41:13 AM](#) John emailed Weston and Ms. Poole thinks it is time to formally take action to terminate a conflict defender. Wondered if they wanted to terminate all the contracts and redo them with this new contract. Would ask they have Mr. Hoopes and Mr. Taylor sign a new contract.

[9:42:16 AM](#) Chairman Hancock said they have two ways to approach this. Do a unilateral contract change of agreement where they both agree to change. Weston said this is mutual lateral. By executing a new agreement and submitting it to the Public Defender's Office this constitutes as a new agreement. Would need to have a notice between both parties to terminate for Mr. Lawson. Then they would have three acting under the same agreement. Added that either party can terminate within thirty days of notice. Want to make sure Mr. Seamons has a copy of this proposal. Have an updated agreement that still has some blanks to fill in including the hourly rate. Thinks this is \$65 an hour. Chairman Hancock said they brought this up with Mr. Seamons already who was fine with that rate.

[9:46:30 AM](#) Chairman Hancock said they had another young man come in. John said they have never connected. Chairman Hancock said that he had showed some interest. Colleen asked if they can have the others sign this per the changes. Weston said that they will all need to see the changes. Colleen asked if they will have the others stop in and sign this. Weston thinks today they will only deal with Mr. Seamons. Will need to re-notice this for the other conflict attorneys. Will send this out to Justin Seamons, Dan Taylor and Roger Hoopes.

[9:50:31 AM](#) **Motion by Chairman Hancock to approve Justin Seamons as a conflict public defender provided that Mr. Seamons accepts the terms and the hourly rate of \$65. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[9:51:55 AM](#) Weston said additional changes were on page one changed contract to agreement had three of these additional changes.

COMMISSIONERS

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

[9:53:04 AM](#) **Motion by Commissioner Young to approve commissioner meeting minutes from July 22, 2019 with noted changes. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[9:55:09 AM](#) Recess to review claims

[9:55:20 AM](#) **Prosecutor Paul Butikofer is in room**

Open session 10:02

PROSECUTOR – PAUL BUTIKOFER

- **BUDGET – ADDITIONAL DEPUTY PROSECUTOR – CONFLICT COSTS**

[10:02:20 AM](#) Paul goes over if they go with adding another deputy prosecutor they would not have to increase the conflict line. Got a call on two cases one felony and one misdemeanor for Fremont County. Assuming they got the stats on the sex cases that the board had. In 2012 Jefferson County filed one case, in 2013 filed three case, in 2014 filed three cases, in 2015 filed three cases and in 2016 filed twelve cases which is when he took office. In 2017 filed five cases and in 2018 filed thirteen cases. So far looking like they will be ahead of this. One of the cases they just filed was battery with intent to commit murder. Asking the board and encouraging the board to fund another deputy prosecutor. Would have an entry level person that would handle the juveniles. Thinks they have backed this up with statistics. Are understaffed compared with other counties. Filing more sex offenses than other counties with the least amount of resources.

[10:06:48 AM](#) JoAnn Hess for Domestic Violence & Sexual Assault Center in Idaho Falls lives just over county line. Has come to Rigby for domestic violence for thirteen years. Has seen an increase since Mr. Butikofer took over in prosecuting these cases. Have seen a lot more child sex cases then they have in the past. Feels if they had another prosecutor their victims would still be able to get the prosecution they deserve. Appreciates working with the Prosecutors they are open to comments. Work together with them to help the victims.

[10:08:21 AM](#) Jalinda Ray represents the Family Crisis Center in Rexburg. Personally has watched the Prosecutors work with many victims and sexual assaults. The time and effort that goes into this is amazing. They are informed on these victims. Takes a lot of time and they put a lot of time and energy into working with these victims. Would greatly benefit them if they were able to put the time needed into these cases.

[10:09:34 AM](#) Ward Whitmore wants to comment in regards to justifying another attorney really feels they have to justify their cases. Not just that they need another attorney because other counties have them. Have not seen specific workload. Need to know the caseload for each attorney.

[10:10:49 AM](#) Kimber Tower Upper Valley Child Advocacy Center and Ashley Stallings also from Upper Valley Child Advocacy Center. Kimber did not come with an emotional plea. It is easier to make a decision when they have data. This project started in 2015. Served over 350 children was anticipated they would not serve 100. Obviously did not estimate the needs. Follow national best practices. Work with child victims in Bonneville, Clark, Fremont, Madison, Teton and Jefferson. Partner mostly see child of sexual abuse or those that have physical or mental abuse and neglect. Hold pretty true to national numbers which is sad to know. For 2017 State of Idaho served nearly 3,000 child victims. Jefferson County has been twenty-five percent of their caseload within the six counties. In 2019 they are forty-three percent of their caseload. This is a high number. Since 2016 have 110 children that have been abused in Jefferson County. With 75 in the county and 35 within the city. Prosecutor has to review their reports to determine if they have probable cause. Have hours of review time with these cases.

[10:15:06 AM](#) Chairman Hancock said it still comes back that they need to look at caseload on other crimes. Realize these case are up but thinks they may be down in others. Paul said they should have Supreme Court numbers within the next few days. Need to realize if DUIs are down these cases he has given them take the most time. Tried to look at the statistics to weigh these. Sex case numbers should be weighted differently. Would encourage they take that into consideration. Chairman Hancock asked how many hours they spend on these cases. Paul does not track this. Could have a case management system but is over \$10,000. Does not think they are big enough to justify that cost. Chairman Hancock just asked an estimate. Paul said absolutely these take most of his time. Not all of them go to trial but they still have to put the time into it. Cannot just wait to see if it settles. Need to take this seriously. Chairman Hancock said in 2017 they were down with only five cases.

[10:18:57 AM](#) Commissioner Young commends them their office is doing a good job. Asked why they are so much higher on these cases. Paul can only speak for himself. Feels they need to protect their children this is his number one priority. Feels these are the most important. Kimber said Jefferson County actively uses a team approach. Have a collaboration and follow best practices. When they have a county that does this they are trying to make this better. Are more effective when they work as a team. Paul said they meet monthly. Kimber said they have an open door policy. Knows that she is welcome to come in and speak to them about the victims. There is not more crime they are working harder to do something about it here.

[10:21:13 AM](#) Commissioner Young asked how do they explain this when they do not have all the numbers. Goes over they went from three part-time attorneys to two full-time attorneys and two part-time attorneys. Paul said the attorney for Planning & Zoning should not be included in this since they cannot go to court. They need to be deputized so they have authority. Right now it is strictly advisory. Paul said if his office gave them bad advice they would have immunity. A non-deputized attorney may have malpractice insurance they would have to go after. This attorney would have another attorney defending them from the county. Commissioner Young said so they only have immunity from his advice. Weston clarifies he represents the county. Wanted to clarify if this is not an extension of another deputy but would take the advisory line from Planning & Zoning. Paul thinks he can get a new deputy for \$66,000. Bare minimum would make more sense to have the Planning & Zoning attorney deputized for the county. When they have to add more money into conflicts they are so close to having a full-time salary.

[10:26:53 AM](#) Weston wanted to make sure the proposal was clear. Does he want to take the advising line back from Planning & Zoning? Paul said yes and no. That responsibility never left him. According to the statute he is responsible. Ultimately it is him or his staff that has to defend the county. Also makes sense where they have been going over Municode. Makes sense that the person enforcing the laws and taking the cases to trial involved. Chairman Hancock thought Weston was involved. Weston said he is still working on this. They met last week. Understood Mr. Ziel's main reason was to go in depth into Municode. Does not think this has been done. Has been through other agencies to make sure they have any existing ordinances. Have all of these other than one on the Indigency that is being proposed. Need to hear back on Mr. Ziel's review. Chairman Hancock said he understood that Paul is looking to have another deputy not necessarily take over the Planning & Zoning position. This would be another deputy to cover the workload. Paul said yes if they approve this it would put them on par with what other counties have for staff. Chairman Hancock said they have not made any final decisions. Realize these take more time but need to see the caseloads. This is really what they need to look at. Really need this before they make a decisions. Commissioner Clark said they really want to see this to help justify the need.

[10:31:38 AM](#) **Prosecutor Paul Butikofer left room**

PLANNING & ZONING – KEVIN HATHAWAY

• UPDATE

[10:31:53 AM](#) Chairman Hancock asked what Mr. Ziel's role has been Municode. Kevin said he has been completely involved as has Weston and Ms. Poole and other departments. Wanted to have everyone involved. Confused that they stated Mr. Ziel has not been involved. Weston said he is not there just sounds like from their meeting there was still a lot left to discuss. Kevin said this has been a big process and trying to get as much done before they submit this for final. Think they need to come back to if Mr. Butikofer needs a deputy based on criminal cases that is one thing. Planning & Zoning has had Mr. Butikofer accept three cases to prosecute in three years. Getting more things done. Weston did a good job but were just putting out fires. Did not do in-depth reviews.

[10:34:43 AM](#) Commissioner Young said they are not covered with the advice they are getting. May need to have the attorney deputized. Kevin thinks there are ways to have him deputized. Does not want to give up someone with his experience. Commissioner Clark said that Mr. Ziel needed to think on that as well would depend on if they are in conflict with the Prosecuting Association. The option is out there. Kevin said that Mr. Ziel is paid by the county. Has offered to help at any level. Thought it was odd that the Prosecutor charged them for the Treasure lawsuit. Commissioner Clark said they need to be up to speed on if he can represent the county. Weston said this is more of a budget issue than an update. This could be addressed more at noon. Need to do this at the right time.

[10:38:40 AM](#) Chairman Hancock really needs to determine if they will fund a legal line in their budget. Also need to decide if this person be deputized or not. These are questions they need answered.

[10:39:16 AM](#) Kevin said Wednesday they will be meeting with the cities with Jerry Mason. Will clarify some items and move forward with this. Working on the calfo agreements. Will be able to work on this during the week. Commissioner Clark asked if this will have some of this done this month. Chairman Hancock said they had one that is very concerned about this. Kevin said they are doing this the way allowed by ordinance. Working on hearings for next month. Did have sixteen permits come in last week. Activity is staying high. Chairman Hancock asked if it is still taking eight to ten days. Kevin said it is and property status reports have been within five days unless they are more involved.

• IMPACT FEE ORDINANCE & CAPITAL IMPROVEMENT PLAN CONSULTANT FEES – (ACTION ITEM)

[10:41:27 AM](#) Kevin said he had some of the proposals that he provided them the other day. Commissioner Clark looked through this. Chairman Hancock thinks it would be nice to have another proposal. Who did this last time? Kevin said BBC. They worked out pretty well. Had some minor issues on definitions. Been smooth operating. Need to look at additional impact fees. Knows they discussed the ambulance district

in the past could be added to the split. Would be set at whatever the study indicates. Chairman Hancock said they will need to discuss this and will need to look at seeing if they can get another proposal. Will add this to the next agenda so he can get another proposal.

PUBLIC WORKS – DAVE WALRATH

- **UPDATE**

[10:45:30 AM](#) Dave said they are replacing a culvert on 100 N. This is rusted out. Did turn the water off a week or so ago so they do not have to fight a bunch of water. Guys are out grading. Tomorrow will finish an otta seal from last week. Then move out west side Wednesday and Thursday. By the time they hit the third week of September they lose guys to harvest. Chairman Hancock said they did get the gravel out in the back. Dave said will be able to work on this when they have skeleton crew days. Solid Waste has been regular business. Are borrowing some portable scales from Fremont County. Will take a month to recalibrate the current scales. Not a lot of repairers available for this technology. Should be able to tie into the portable scales into their Waste Works software. Told Brandon with Fremont they may try to buy them if they work out for them.

- **RESOLUTION #2019-28 - COOPERATIVE AGREEMENT – MURTAUGH HIGHWAY DISTRICT – (ACTION ITEM)**

[10:49:24 AM](#) Weston has not looked at this yet. Dave said they did incorporate into the disclaimer. Chairman Hancock said they have a ten percent surety bond. Dave asked if this is refunded. Chairman Hancock said it is still a cost. Weston said he has reviewed this have some dates that need updated. Dave said the warranty disclaimer was added into the agreement. Weston will review the agreement. Chairman Hancock said they will move onto the next item.

- **4000 E WATER LINE UPDATE**

[10:51:49 AM](#) Dave sent some photos on the water line project in front of their office. This morning Scott Nielson showed up for a meeting to talk about how to proceed. Told the engineer they could close north bound traffic but need to keep one lane open. Not doing any work out there today. Suspect they are going to want to close the road. They did allow Knife River to do this when they put the water line in. 200 N and 4000 E are not the same as far as traffic. There were two times they were not able to get through. Chairman Hancock saw the picture of the new gate. Dave said Kerry is working on the electronic parts. The gates have been installed on the footings. Suspects this would be operational this week sometime. Will be a really nice improvement for them.

- **4000 E – 4000 E BID RESULTS**

[10:55:33 AM](#) Dave said he did email these. Bid result is \$70,000. Chairman Hancock thinks this is a little high. Dave said this is to widen out the intersections to have left turn lanes. On 4100 E will move north to line up to the south. Chairman Hancock said they have utilities that need to be moved. As well as irrigation ditches that will need to be realigned. It is a State Highway project. Dave said they did get the right-of-way. Chairman Hancock said they have done this. Dave said it will be difficult during construction in the area. Will be an improvement once it is done. Chairman Hancock thinks they need a light at Yellowstone.

[10:57:21 AM](#) Dave will make the changes on the resolution. Weston said he did not receive the email. Asked if Murtaugh incorporated the warranty language. Dave said they did. Weston asked if they include the appropriation of funds. Dave does not think this is in the agreement. This is just in the resolution. Will bring this back this afternoon.

[10:58:39 AM](#) Chairman Hancock said some patrons on 3800 were concerned on the bushes on the corner of 100 that they have had some near accidents. Cannot see. Dave said they got this striped last week. Chairman Hancock said they had complaints they should have swept it first. Dave said they did sweep this.

CHERYL HIVELY

- **COMMISSIONER & PROSECUTOR FINANCIAL CONCERNS**

[11:00:15 AM](#) Chairman Hancock cautions Cheryl if this is on the budget they may need to move this. Cheryl said this is not has concerns from May 28 minutes when they entered into a contract to purchase a personal printer from Mr. Butikofer. Chairman Hancock said they had been using Mr. Butikofer's equipment located on State Street. Trying to get rid of any personal property that is being used in the county. At that time had a printer to dispose of to the county and allowed the IT person to give an estimate and agreed to pay that price. Cheryl said that Mr. Butikofer cannot make money in the county where he serves. Cheryl said that is not what the reimbursement was this was a personal printer and the facts remain the county paid for his personal printer.

[11:02:49 AM](#) Weston was unaware it was his personal printer. Chairman Hancock said it was used in the previous office. Regardless of where the property was acquired through the transaction it becomes county property. The question is if Mr. Butikofer profited. Does not know the answer to the question. Chairman Hancock said he paid more. Cheryl reads from the minutes "Paul said he has a printer, copier and scanner. Had Judy check out what a new one costs was \$850. Used were \$200 to \$400. Spoke with Garn on this and he thought \$200 was a decent price. Motion by Commissioner Young to purchase a personal printer from Paul Butikofer for \$200. Second by Commissioner Clark. Roll call taken." This is something they all agreed upon. This was a personal item as she understands this from the minutes. Chairman Hancock said it was being used in his office. Cheryl said it was his personal printer. Chairman Hancock said he is not profiting if he sold it for less. Cheryl said he already paid for this once. Chairman Hancock said this was not paid for by county funds. Cheryl understands it was his personal/business printer. Chairman Hancock said it was used in his office. Cheryl said there was a commissioner a while ago. Chairman Hancock said there was profit involved. There was no profit involved in this. Cheryl said he did. It was his to begin with and sold this. Purchased this then sold this for a profit because she got money back. Weston said profit implies they get more than what they purchased this for. Will follow up on this. Cheryl thinks it is inappropriate to sell a personal item to the county. If they needed a printer it should have been done separately. Chairman Hancock said they do bid these items out. Clint King comments that he has a printer in his storage. Cheryl said that is not the point.

[11:06:36 AM](#) Cheryl goes over the other issue was the Treasure litigation. As reading this Paul explained how Mr. Davis' hours work. Was assigned the Treasure litigation but ran out of hours and Mr. Davis's law firm was hired to finish the litigation. Prosecutors Office is supposed to provide litigation in all situations. If Mr. Davis could not finish this another attorney should have. Weston said he finished this litigation. Cheryl said he is paid by the county and then was paid to do this. Weston said his job description is to advise. Deal with issues above and beyond Prosecutor is in the difficult decision because by statute it talks about the Prosecutors obligation to defend. Problem with statute and way it is written. For example with Robin Dunn his understanding is the Attorney General advised him to return the funds. Notified the Attorney General when his contract was set up. Needs to make sure his job duties are fair. Idaho Attorney General's Office has not located any such opinion. It has not been found. Recommendation for Mr. Dunn was to return the funds to the county. Mr. Butikofer as the elected official has to perform these duties. Also needs to prosecute sex crimes, misdemeanors and DUIs. Just because the duty falls on him does not mean he does not have opportunity to hire additional employees to help as necessary with the burdens that fall on him. Was very involved with individuals for the Treasure litigation. Took the lead because he is experienced in civil litigation and they won the suit. In addition to his duties some weeks are more than others. Deal with this to make sure he is not overcompensated. Any litigation that ensues the first \$2,500 is taken off. What Mr. Butikofer is proposing is some of the additional burdens. Under Idaho Code for professional services this does not have to be sent out to bid. Interests are aligned they want to make sure they are prosecuting. Wants to ensure the laws are followed. Does not think they have a conflict. Lives here and wants to keep the tax burden low. From that standpoint this is an effective way to deal with these concerns. Cheryl still has some other concerns but the gentleman behind her is in a hurry so that is all for now.

WARD WHITMORE

- **SPEED LIMIT**

[11:14:37 AM](#) Ward Whitmore does have comments on the budget. Chairman Hancock would like to move this to 12:00. Will review each budget item and see any changes they need to make. Ward defers his comments to that time. Comes in on the speed limit. Some have expressed from Snake River that they would like this to be 35 mph. Chairman Hancock said at the curve this is Bonneville County. Ward said he is expressing his concern lives in Bear Island and that curve is dangerous. Somewhat of a blind curve. Problem is they are out all the time and a lot of stones fly. Curve is banked in the opposite direction. In the winter they slide back or forward. Would ask they pursue this. Dave said statutorily there are rules on setting speed limits. Need to have a speed study showing that eighty-five percent of the traffic is going that speed. Ward said they have to drive slower to get these reduced.

[11:16:47 AM](#) **Prosecutor Paul Butikofer is in room**

[11:17:05 AM](#) Dave said they have some flexibility in residences. County Line Road is not a residential road it is a connector road. Dave said they have some pavement they will need to work on. They may be able to do some signage for the curve. Ward thinks anything would help because it is a problem. Dave will get with road manager of Bonneville County.

CLINT KING

- **RV PARK ISSUES – (ACTION ITEM)**

[11:18:59 AM](#) Clint King is on 100 N. Have talked with Road & Bridge worked with Lisa Sherrick to slow down the traffic. Believes in the wellbeing of Jefferson County. Have an RV park at the end of 100 N. Have drifters who are not paying taxes. Ordinances state they have six months to use recreational vehicles as a temporary residence. Have residents living long term in this RV park. Chairman Hancock said this is Teton Trailer Parks. Clint said five years ago this was an empty lot. Thinks they could use this to make profit with RVs but he has attracted a different class of residents. Have individuals stopping asking him if he needs messed up. Have individuals that use stimulants. Have pilot cars that deliver drugs. Since the Loft has closed the parking lot it has decreased some. Have been diagnosed with PTSD from similar abuse in the past. Does not think it is fair but feels he needs to articulate the damages. Does not feel they need to be scared to walk down the street. Chairman Hancock is aware of this situation. Compliance officer is here.

[11:23:39 AM](#) Weston asked if this is Teton RV Park. Clint goes over the area is not sure of the name.

[11:25:05 AM](#) Paul Butikofer said they have met on this. About ninety percent complete in having the investigation done to make a charging decision. Just waiting on a few more things. Probably met a few weeks ago with Tyson. Clint knows they are bound on giving out some information. Wants the details because he feels so desperate. Contacts the police but is not sure how to defend his family. Paul said he is concerned about children in the county. If he has any additional information would rather he present this to Tyson so it is not public record at this time. Weston said they put this out in the public and it may compromise the case. Clint said this is about passion the next person that stops him he is not sure what he will do. Weston asked if this happens that he contact the police. Clint said they have to hold accountability. Have three men that have not taken an increase in the wages in front of him. Chairman Hancock said that Tyson is working on the issue. Paul thinks it is about ninety percent done. Then they will screen this for charges. If he does have additional information would ask that he get that to Tyson. Clint thinks that this all sounds bureaucratic. Not giving Tyson the ability to make any decisions. Chairman Hancock said not to take anything into his own hands. Sheriff Anderson said they do respond and do arrest individuals. Know the deputies are very concerned. Clint said it is his word against their word. Sheriff Anderson asked how many times he has called. Clint feels he is burdensome on the county. Sheriff Anderson said they take pride and respond to every call. It is not a burden to get multiple calls in a day. Then it is documented if they call in.

[11:33:40 AM](#) Weston said this does not affect the investigation that is going on. Clint asked on how he can participate more. Paul said they can look at this in the Assessor's Office. Kristine said they have a GIS map on the website where they can find the owner.

[11:35:57 AM](#) Paul said they had discussed earlier on the cases that went to trial and Veronica reminded him that they have three jury trials scheduled for the next three weeks.

[11:36:31 AM](#) Prosecutor Paul Butikofer left room
[11:36:34 AM](#) Deputy Prosecutor Weston Davis left room

EMERGENCY MANAGEMENT – REBECCA SQUIRES

- **MITIGATION STRATEGY – (ACTION ITEM)**

[11:36:52 AM](#) Rebecca said these strategies are general. Are looking for a consensus on ways to make the community safer. Chairman Hancock said he has looked at this. Covered the major flood, wind and weather. Rebecca said winter weather is one category. Then have storms in another category. When they have severe winds what happens and what can they do to make it less of a problem.

[11:38:45 AM](#) Commissioner Clark thinks there was a lot covered. While in the meeting looking at response time. How will they react to these issues? Rebecca said they could pre-contract with individuals. Commissioner Clark said then they could know what options they have available. Rebecca said they have the operation plan. Mitigation on this would be how to take care of these issues before the wind comes.

[11:41:04 AM](#) Commissioner Young said he worked on the fuel disposal sites. Rebecca said now that we have bulk fuel do they have a generator available. Chairman Hancock is not sure if they do. On floods may think about availability of boats. Rebecca said once this is done will tackle the operation plan. Chairman Hancock said they have tried to find weaknesses in the levee. Fixed the Great Feeder headgates. Commissioner Clark said working with flood control to make sure they know of any concerns. Rebecca said the levee is a mitigation. In 1997 it overtopped and had to provide a way to get this back into the levee. Commissioner Young said another is medical help as far as with diseases. Going to get hit with some sort of sickness. Rebecca said they support Public Health agencies.

[11:46:09 AM](#) Commissioner Clark said they budget money for tree removals. If they have older dead trees is there a way to look at these for the safety of the roads. May need to look at this also when viewing visibility. Rebecca said they could have the risk of the tree and then also include the removal of the tree. Work with other individuals that can help with the problem. Commissioner Clark thinks they can work with the utility company more as well. Chairman Hancock said they have individuals that are cutting the trees just up to the power line. They have spots where they have trimmed these every five years. Commissioner Clark said winter conditions and blizzards. If they keep the fence lines clean they eliminate drifting. Rebecca has this under the winter weather. Commissioner Clark knows in the past different areas would build the road up. Rebecca had a meeting where they discussed mitigation strategies. They had more specific actions.

[11:51:26 AM](#) Commissioner Young asked about the contamination of ground water. With the growth this could be a problem. May need to be something they put into the comprehensive plan. Rebecca asked if this is too many septs or a chemical spill. Chairman Hancock said they have some runoff or a farm that had chemicals. Commissioner Clark is not sure of the nitrate levels. Rebecca said maybe a groundwater study. Chairman Hancock said DEQ has probably done all of this. Rebecca is just looking at a general consensus. If they are good with this will give this to the consulting group to move forward.

[11:53:37 AM](#) Recess

Open session 12:08

[12:00:45 AM](#) Prosecutor Paul Butikofer is in room

JEFFERSON COUNTY FAIR – RUTH HALE

- **STATE FAIR PER DIEMS – (ACTION ITEM)**

[12:00:45 AM](#) Ruth said they need permission to ask for per diem while attending the State Fair. Commissioner Clark asked if this is something they have done in the past. Chairman Hancock said they have to pay cash and it is hard to get receipts at the fair. Paul thought they did not allow a per diem and had to do receipts. Ruth said they ask for permission for the State Fair since they do not get receipts. Paul said he is going on travel and would prefer to do a per diem as well. Chairman Hancock said they have not established a per diem allowed. This is a special circumstance. Allows them to have \$39 max for the days they attend the fair. Ruth said that Sue will go five days, Amanda will go five days, Joseph will go four days and she will go two days.

[12:04:17 PM](#) **Motion by Commissioner Young to approve the per diems for 4-H and Extension Office to attend the State Fair at \$39 each for the days that they attend. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

WARD WHITMORE

- **PROPOSED BUDGET**

[12:05:30 PM](#) Ward Whitmore is here because he would recommend they keep the \$40,000 legal money for Zoning and Planning. Would like to give them some things to think on. Heard this morning three reasons why they might consider to keep the legal advice with the Prosecutors Office. One they have a risk of a non-deputized attorney. Second is it makes more sense dollar wise to have the \$40,000 stay with Prosecutor. Third makes it more efficient because enforcements of the Zoning and Planning Office come from the Prosecutor. Will take these items one by one. Risk to them to take advice from someone that is not deputized. First thought would be to deputize them. It is not certain they can be deputized. So can or cannot they deputize this individual. Commissioner Young said there are a couple things. Ward said this is unresolved. Looking at budgets this needs to be resolved. Underneath this is if Mr. Ziel does the prosecution or not he is qualified to do the underlying work. Commissioner Young said Mr. Ziel did speak on this. Paul said they have two ways to be deputized. Could be funded under his budget. Or if the Commissioners felt like the Prosecutors Office made a bad decision they petition the court. Third is if he has a conflict of interest and they ask for three names and would deputize that individual. Ward said they are doing county business. Is it a robust argument to say that Planning & Zoning cannot get legal advice because they do not have a deputized attorney because it puts them at risk? Commissioner Young thinks if they are deputized under Mr. Butikofer it would then be a deputy prosecutor. Ward is an engineer by trade and he had no authority of

any of the operators administratively but did functionally. A lot of this is in regards of functioning of the county and working together. Has to have legal advice for Planning & Zoning administrator as they do their work. If they get to a prosecution which is few and far between. Does not mean that Mr. Ziel could do the underlying work for the Prosecution for the deputized individual. Second point his impression is Mr. Ziel has more experience than the Prosecution team combined. Works inexpensively for what they get out of him. When looking at legal issues Zoning & Planning administrator is aware of the issues that have come up. Has the responsibility to get things done and needs legal advice as he sees fit. If they get to the point in prosecution and deputization. Cannot happen from a functioning point of view.

[12:12:46 PM](#) Ward said last they have the Challenger issue had Planning & Zoning, legal issues and the Sheriff's Office was involved. Spent a lot of time on this. Called the Sheriff's Office who came out. Nothing happened and they do not know why because it is confidential. All the problems still exist. From a personal point of view wants to have as much legal resources with Planning & Zoning as possible. Why nothing happened is frustrating. This is confidential and they are not allowed to know why nothing was done. In regard to the need of the third deputy prosecutor again realizes they should have some information from Supreme Court on caseload. Paul said this is from the Supreme Court. Ward is not sure why this is not available. Heard the software is \$10,000. Could use and write an Excel program to keep track which cases are being done. Need to know what the workload is of each staff member. How else would they know if they need additional criminal or civil. This information should be readily available. Need to know what each employee is doing before making a \$65,000 increase.

[12:15:45 PM](#) Chairman Hancock said that Planning & Zoning is writing a final report that will be public regarding Challenger. Paul said this was done in February of this year. Chairman Hancock said that Kevin should have a report. Ward said the criminal prosecution will not be addressed. Paul said last visit and walk through was done about a year ago. Report was received from Planning & Zoning in February. Chairman Hancock thinks some of this will be confidential. Ward wants regardless they have a confidential report and do not know why. Paul said it could be released. Chairman Hancock thinks the majority of their questions would be answered. Ward asked how they would release this. Chairman Hancock said they would have to be given the green light to release this. Ward is formally asking them to release this report so they know why they did not prosecute and the ordinances were not followed. Ward asked if he needs to come back. Chairman Hancock said this would be done in an executive session. Ward thinks they should now why they have to put up with all the noise. Paul said they had a final report that Kevin should have and could request this. Ward requests they keep the \$40,000 in and would like to know what each individual is doing before they justify another \$65,000.

COMMISSIONERS – CLERK – COLLEEN POOLE

• BUDGETS

[12:20:12 PM](#) Colleen has an updated budget. They took some from the Sheriff and moved it into the Jail so the bottom lines changed in their totals. Sheriff Anderson said these are building upgrades. Colleen asked that he verify that this is what was intended on this. They have a decision to make. Does not see any major cuts just have a few decisions they need to make. Chairman Hancock has never heard anything on the grant. Colleen needs final numbers. Chairman Hancock did look at this. Needed to make sure they adequate funds to give the COLA. Colleen said they are under the published budget. Chairman Hancock asked if this includes the fringes that are based on the salaries.

[12:24:56 PM](#) Sheriff Anderson said on the cuts they made is still showing the amounts. Colleen said they only need to worry about the approved line. Commissioner Clark asked if Road & Bridge put in enough for fuel where more of the departments will be using this. Chairman Hancock said the revenue comes from other departments. Commissioner Clark said they get the savings on the tanker loads. Commissioner Young asked if they pay the taxes on the fuel. Chairman Hancock said if they buy it on a card they do not get this back. Commissioner Young said the fuel tanks are saving about twenty percent. Chairman Hancock said they may need to call Dave. Sheriff has \$100,000 for fuel.

[12:29:09 PM](#) Rebecca said Road & Bridge would also have to use the revenue from the other departments. Chairman Hancock said they may want to give this a year. Does not want to run short on this. Commissioner Young asked if they have a tracking system. Sheriff Anderson said this will track the deputies per car. Each deputy will have a number.

[12:31:10 PM](#) **Prosecutor Paul Butikofer left room**

PUBLIC WORKS – DAVE WALRATH

• RESOLUTION #2019-28 - COOPERATIVE AGREEMENT – MURTAUGH HIGHWAY DISTRICT – (ACTION ITEM)

[12:31:38 PM](#) Dave has fixed the resolution. Chairman Hancock reads resolution. "Now therefore it be resolved by the Board of County Commissioners does hereby approve the interagency agreement with Murtaugh Highway District for equipment exchange and attached hereto shall be contingent on the appropriation of funds by the Jefferson County Commissioner for the purchase of a new 2019 P5 Durapatcher on Kenworth K370." Dave said the agreement has been reviewed by their legal department. Dave said they applied a no warranty clause. Chairman Hancock thinks if Weston is okay with this he does not have a problem. Dave said this is verbatim of what Weston requested.

[12:40:03 PM](#) **Motion by Commissioner Clark to approve resolution #2019-28 for the cooperative agreement between Jefferson County and Murtaugh Highway District. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[12:41:06 PM](#) **Motion by Commission Clark to approve the interagency agreement between Murtaugh Highway District and Jefferson County. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

COMMISSIONERS – CLERK – COLLEEN POOLE

• **BUDGET**

[12:31:57 PM](#) Chairman Hancock said as our departments start using the fuel system they will be burning more fuel. Dave based this on their historic use. Should bump this. Sheriff Anderson has \$100,000 budgeted. Should probably bump the Road & Bridge line. Dave said this was a concern of this before. At some point the other departments were going to go over their budgeted amount. Have been fortunate for what they are paying for fuel. Dave said they should have the gate operational this week. Chairman Hancock said budgets are authorization to spend. Colleen asked if they add this to the revenue as well. Chairman Hancock said they should offset each other.

[12:45:51 PM](#) Chairman Hancock said back to the budget. Colleen just needs final decisions. Next Monday is it. Will need the final numbers so they can get documents for the public hearing. Chairman Hancock said they need the caseload numbers. Would like to leave the money in Planning & Zoning. Realize the sex crimes are up but if others are down it allows time to take care of those other cases. Commissioner Young thinks they are probably about the same. Chairman Hancock thinks this is something that goes up and down. Commissioner Young liked what Kimber said because they are more effective when they all work together. May go down but are doing a better job. Colleen said they are down to the Prosecutors Office and the economic grant. Need to have a decision next Monday on these.

[12:49:00 PM](#) Recess to review claims

Open session 1:22

COMMISSIONERS

• **APPROVE CLAIMS – (ACTION ITEM)**

[1:22:09 PM](#) Chairman Hancock did not see anything with these.

[1:24:58 PM](#) **Motion by Commissioner Young to approve claims from 7/22/2019 to 8/9/2019 for \$560,525.62. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[1:25:30 PM](#) **Motion by Commissioner Clark to adjourn at 1:26. Second by Chairman Hancock. All in favor – aye. Motion passed.**

Chairman of the Board

Date

Clerk of the Board

Date

County Clerk

Date