

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
AUGUST 19, 2019**

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

**SOCIAL SERVICES – AMY JOHNSON**

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

[9:03:11 AM](#) Motion by Commissioner Clark to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[9:03:31 AM](#) Deputy Prosecutor Weston Davis is in room  
Open session 9:14

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

[9:14:27 AM](#) Motion by Commissioner Clark on case #2019-19 to issue a notice of hearing for September 16, 2019 at 9:00. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[9:15:22 AM](#) Motion by Commissioner Clark on case #2019-25 to issue a thirty day extension. Second by Commissioner Young. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[9:15:59 AM](#) Motion by Commissioner Young on case #2019-20 will approve. Second by Commissioner Clark. 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)**

[9:17:48 AM](#) Weston does not have anything unless they do. Chairman Hancock said they had a question on a case he did not know anything about. Weston said he does not have any updates on this case. Chairman Hancock said none of them know what this is about.

[9:20:41 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 9:29

**COMMISSIONERS**

- **CONFLICT PUBLIC DEFENDER CONTRACT – PROFESSIONAL LIABILITY INSURANCE LIMITATION COVERAGE – (ACTION ITEM)**

[9:29:26 AM](#) Chairman Hancock said he looked at what was sent. Weston said that Mr. Seamons reached out to him he has the standard liability insurance. It is \$100,000 per incident and \$300,000 per occurrence. Not sure if the county is comfortable with this or not. Has not spoken with John Stosich. May look at tabling this. Does not know if \$100,000 and \$300,000 would be enough. Would check with John Stosich he would know if this is sufficient. Would prefer they have a higher amount. Contract is proposing a higher amount. Is not sure what he has is sufficient or not. Chairman Hancock will table this to the 11:00 hour. Weston thinks whatever John Stosich advises on this but would rather all the public defenders be the same level.

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

[9:31:44 AM](#) Chairman Hancock said the change orders finally came through. These are for changes on the amount. Most were water issues and pumps. Pumps have been running continuously. Have two change orders first is number fifteen sent this on an invoice. Went through the invoice and revised the costs they were asking for. Previously paid \$140,000 until they finalized all of the other items. Went through at the direction with discussions with architect Scott Nielson. Have lowered this to a price of \$166,990.32. Asked Weston on the change orders are they requiring them to bond on change orders. This is \$3,700 for work performed on the change order. Weston asked if the change order is work that has been done. Chairman Hancock said they authorized them in a prior meeting for the pumps on a time and material. Did not know the total cost. This is formalizing the total cost for the final amount. Weston said these were previously authorized. Chairman Hancock said they had not been formalized into a change order. Weston would need to go back and look at the contract. Commissioner Young said they are charging for bond insurance. Chairman Hancock said they want to add 2.3 percent on top of the total for bonding insurance. It is \$3,754.43. Scott Nielson might know on this. Weston asked the amount. Chairman Hancock said it is \$163,235.90 but want to add 2.3 percent for bonding and insurance. Question is if they are requiring them to bond on these. Weston will see what he can find. Chairman Hancock said they can approve up to this amount but if they can delete this they should.

[9:37:15 AM](#) Motion by Commissioner Young to approve change order number fifteen for up to \$166,990.32. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[9:38:13 AM](#) Chairman Hancock said this is approving change orders. Next they have change order number sixteen should be the last for the subwater mitigation. This is for installing the pumps and piping. Total is \$12,644.89 and a change for the revise on the drain scupper box for a total of \$124,348.42. As information they have had numerous discussions with the subs with the architect. On RFI 37 it was the roof drains being revised with connector to scupper box to the storm drain for RFI #37. This was Raymond Keller Construction. Looked at the schedule and thinks there is only

about \$20,000 left. Commissioner Young asked if they are holding money for the sprinkler system. Chairman Hancock said they have basement flooring and the sprinkler system. Does have a book if they want to look at the breakdown on these costs. This is formalization.

[9:41:37 AM](#) **Motion by Commissioner Young to approve change order number sixteen and twenty-one for \$124,348.42. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:43:25 AM](#) Chairman Hancock said they have a payment application number twenty-three for \$150,635.21. Total contract amount is \$4,554,207.07 with all of the changes. Colleen said they have \$192,000 left in capital improvement. Chairman Hancock said they are okay to pay this. Have \$37,000 left with retainage.

[9:44:25 AM](#) **Motion by Commissioner Young to approve the pay application twenty-three in the amount of \$150,635.21. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:45:21 AM](#) Weston said he found so far in a draft document. Does not have the actual signed copy. They have an article ten to have them provide insurance in A201-2007. Does not have this part of the document. Asked Audrey to check for this.

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

[9:47:20 AM](#) **Motion by Commissioner Clark to approve certificate of residency for North Idaho College for Bailee Smith. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:47:52 AM](#) **Motion by Chairman Hancock to approve certificates of residency for the College of Eastern Idaho for Ashlyn Allen, Janna Capener, Katelyn Carlson, Caleb Laux, Alexa Moore, Alysha Roberts, McKinlay Smith, Logan Stewart, Jaylan Thueson, Leann Tuckett, Jonathan Turner and Briley Wright. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

[9:50:22 AM](#) Recess

**Open session 9:59**

[9:59:54 AM](#) Chairman Hancock said they are going back to the conflict public contact. Weston said they were speaking about licensing requirements. Idaho Bar requires \$100,000 with \$300,000 per occurrence. Speaking with Mr. John Stosich he felt this was adequate. Will be in at the 11:00 hour. Would like to change the contracts for when they go out for signature. Contract will say counsel shall maintain adequate policies and professional liability insurance to coincide with Idaho Bar Commission Rule 302 Instead of spelling out the limits. The Bar Commission Rule also talks about the laws for private clients. This may cover those beyond what they extend out to the Public Defenders. Chairman Hancock thinks that change should be adequate. Weston will send these to Colleen so they can review what is being proposed.

## **PLANNING & ZONING – KEVIN HATHAWAY – VERN ULRICH**

- **HILLS ACRE SUBDIVISION FINAL PLAT – (ACTION ITEM)**

[10:01:52 AM](#) Chairman Hancock said they have the Hills Acre subdivision final plat. Kevin said the original application came in October of last year. At that time they had some questions for environmentally related issues so they tabled this. Came back in January will have Vern go over the recommendations. Vern goes over December 6 hearing was tabled until January 3 for additional information. At January 3, 2019 meeting it was recommended for approval with following conditions. Approval by the health department for wealth and septic prior to any permits being issued. Road & Bridge stated they would accept the road if it is built to their specifications. No lots can be put into the subdivision until the road is in place. Acceptance of an approach permit from Idaho Transportation Department. If it is a wetland must follow the Army Corps of Engineers requirements and get appropriate permits. Will not inhibit the flow of water or contaminate this as it flows downstream. In process of applying for a stream alteration permit. No alterations will be made to affect irrigation of surrounding properties. Facts of meeting were in accordance to 3.15.2 or Jefferson County zoning ordinance and section 67-6512 of the Idaho State Code. Kevin said they would like to invite Mr. Booker up.

[10:05:16 AM](#) Cleve Booker lives in Teton, Idaho. Is a consultant biologist who represents Mr. Hill. Had some comments from the last Planning & Zoning meeting. Applied and received a permit from the U.S Army Corps to install six culverts along the irrigation ditches. **(Exhibit A)** Hard to read have a bigger plat to look at. The area toward the south have some impacts in the cul-de-sacs the remainder is a channel area. Will have a note that they would have to contact the Army Corps of Engineers for building requirements. Have a permit that allowed them to put the culverts in to protect eighty potential wetland areas by keeping this channel area. Will be reproduced on the final plat to be recorded.

[10:07:57 AM](#) Chairman Hancock has a few questions while reading through this said they would have an irrigation plan. Cleve said this would be with Mr. Peterson. Chairman Hancock could not see how they would irrigate this without sprinkler systems. Cleve said this is flood irrigated now but Frank would be able to answer that. Chairman Hancock knew they had conditions based on Planning & Zoning approvals. Need to make sure these are taken care of. One was from getting a permit from the Corps which they have taken care of. Commissioner Young said his question was also on the irrigation. Chairman Hancock said they have been getting concerns with Department of Water Resources on that very issue. Need to make sure they address that.

[10:09:20 AM](#) Weston said they mentioned that part of this plat will be reserved as wetlands. Cleve said this is not preserved as wetlands. The way they handled the permit depicted the channel area as potential wetland and have a note on the plat. Part of the permit states any development in that area the people will have to contact the Army Corps of Engineers. This was an extra step to protect this area without going to the expense of surveying with a wetland delineation. Negotiated this out. If they want Frank has a bigger plat that is easier to see. Weston said it does not reflect on the depiction on the subdivision but is in a note that they may need to take further action. Cleve said note channel area. Area shown here in the channel area may contain potential wetlands pursuant to the definition with the U.S Army Corps of Engineers. Proposed construction in this channel area may require prior authorization from the U.S Army Corps of Engineers. Weston said wanted to make sure they had this protection. Chairman

Hancock said they are trying to make sure on these conditions. Cleve said he negotiated with the Army Corps of Engineers and this stays on the plat. Chairman Hancock said each one is greater than five acres. Cleve said that is correct. Weston asked if there are any other agencies that regulate beside the Army Corps of Engineers. If they have any other regulatory agencies. Cleve said Idaho Department of Water Resources uses the Army Corps of Engineers as a point application. Water Resources does not get involved because it is not in their threshold. Part of the permit states they follow the best practices and always do that.

[10:13:36 AM](#) Weston is making sure they catch everything. This is regulated by the Army Corps of Engineers. Could they have any other designations on the plat? Cleve said there is none. The EPA delegates the Clean Water Act to the Army Corps of Engineers. This is a nationwide permit activity. This is a nationwide permit that has been issued. It is a common source for this to be done. Under the umbrella of the Environmental Protection Agency the State of Idaho defers to the U.S. Army Corps of Engineers. Weston said he does not doubt anything being said. When they record things they are recorded forever. Does not specifically see any changes with how this is being proposed. Chairman Hancock asked if Mr. Peterson wanted to come up at this time.

[10:17:54 AM](#) Frank Peterson with Peterson Land Surveying located in Idaho Falls. On the final plat on the irrigation. Points out the reference on the final plat of the channel area. The existing twenty acre parcel has forty-four inches deeded of irrigation rights. Have to take that into consideration. Chairman Hancock said when he read this it is only one inch on the deed. Frank said they would be divided out each lot would get eleven shares and was told this is an adequate amount. Chairman Hancock thinks they are one inch per share. Frank said they have existing ditches prior to being subdivided. These are shown on the preliminary plat. Have an existing irrigation ditch in each proposed lot. Chairman Hancock said if it runs up hill they would not be able to flood irrigate this. Frank said in the plan they could use the flood irrigation and sprinklers if needed. As long as the water is sourced and available. Chairman Hancock said this is a big issue with Water Resources. Has been upset about watering on the parcels making sure they have systems in to water. Frank said it should be on the individual homeowner on how they irrigate this. Chairman Hancock said that is not always the case they have had to have some pressurized systems in and have connections for them to hook into. Chairman Hancock thinks they have water rights in a canal that is a quarter of a mile away. Frank said they have water rights as well as source of the water. Chairman Hancock said this was one of the big issues on a different subdivision. Commissioner Young said the existing ditch goes through the canal. Chairman Hancock said it flows from high to low. Look over the flow.

[10:22:45 AM](#) Chairman Hancock thinks some of these it would be easier to have a sprinkler system. Frank said it will depend on the site plan how they lay out the home. Chairman Hancock said they may have some issues irrigating this. Cleve said this is irrigated now and they have hay on this. Chairman Hancock said once they divide this it will be different than it is currently irrigated. Does not want this to be a mess or have any issues with Water Resources.

[10:24:33 AM](#) Chairman Hancock asked if they have any other questions. Frank said the road will be up to Jefferson County standards. Chairman Hancock said they did not see any letters from Dave or from the State of Idaho on the access. Frank said they have this and submitted the letter from ITD on access. Chairman Hancock wants to make sure they understand all of this. There has been a lot of discussion on this. Kevin provides the file to see the letters. Chairman Hancock said they have the channel and a permit. Commissioner Young asked on the open recreation area who maintains this. Frank said this was changed over on the final plat. Commissioner Young asked who owns this. Frank said they will have whatever portion lies in the lots but the channel system supersedes this. Cleve said as far as Commissioner Young's question they had an early thought idea on who how to divide this up. Renegotiated this that is why it is not depicted on the final plat. Chairman Hancock said they show the channel which they cannot build in without special permits. Each lot will be responsible for their own driveway. Lot four will have to go quite a ways to build. Cleve said that they used the six culverts for crossing the main road and were necessary to cross the irrigation ditches. Will make sure they had no destruction of the flow.

[10:28:48 AM](#) Weston has reviewed this and thinks they have gone through Army Corps of Engineers. Thinks they are on clear and sufficient notice of what needs to be done. Chairman Hancock thinks lot four will be the toughest to build on.

[10:30:23 AM](#) **Deputy Prosecutor Weston Davis left room**

[10:31:30 AM](#) Chairman Hancock asked if they have anything else. Thinks they have covered all of the issues. Kevin said they have met the criteria from the Planning & Zoning Commission.

[10:32:21 AM](#) Commissioner Clark also thinks that lot four might be a tough one. Commissioner Young said they are in accordance with their ordinances and they have met the criteria. Chairman Hancock said the Planning & Zoning Commission spent a lot of time on this. Spent a lot of time reviewing.

[10:33:10 AM](#) **Motion by Commissioner Clark to approve the final plat on Hills Acre Subdivision Division #1. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

[10:34:52 AM](#) Chairman Hancock said they want to talk about BBC Research and Consultants. Kevin said they have BBC and Civilized. Commissioner Clark asked if he had a recommendation did look through this. Kevin said only difference is BBC caps their costs at \$15,000 and Civilized indicates they will not go over \$25,000. Had reached out to two other vendors who have never gotten back with him. Chairman Hancock said that BBC did this before. They would have the background already. Thought there was one that wanted to be added. Kevin thinks one of the Fire Districts. Was not sure if they wanted to add any other departments for the county. Chairman Hancock said what areas are impacted by the growth. Schools bond for the growth. Already have Road & Bridge and Sheriff for growth and services. Kevin said they had discussed an ambulance district. Chairman Hancock said they spoke about it but the costs are too much an impact fee would not cover this. Would have the right to create a new taxing district for that. Do not want to address the impact fee until they do. Kevin said they have Parks & Recreation included already. Would assess the current allocations and assess the current growth. May come back and shift priorities. May recommend they increase the impact fee and could have higher priorities. Had a range last time.

[10:39:07 AM](#) Chairman Hancock asked if they would have an advisory committee. Kevin said they would. This will be for the capital improvement plan. Will put this in place and serve with meeting related to the impact area. Will have recommendations for the consultants. Chairman Hancock said no fewer than two or more than five to be part of the development committee. Had Jim Bernard on that committee who was a large developer in the area. Kevin said they do have several that do large scale developments. Can contact individuals and bring them in some names. Chairman Hancock said they need to have the committee established. Even if they approve this today they need to have a committee. Two or more members should be active in business and need to have commission members on this. Kevin said that would be good since they have resources that would be beneficial.

[10:40:42 AM](#) Chairman Hancock said they can accept BBC as the consultant for developing the impact fee update and Capital Improvement Plan. Or they also have Civilized as the other. Thinks that BBC has a ceiling amount and personally likes that.

[10:41:18 AM](#) Rebecca asked if the cities were contacted about participating. Knows they did not go forward in 2008 and 2009 with initiating the fee. Kevin has spoken with them and they are contemplating implementing an impact fee. Chairman Hancock said they would have to have their own study. This is based on state statute this is the county. Rebecca said they had their own committee but was cheaper because they shared on the cost of the consultant. Kevin said anything they did related to the cities would be reflective to what is required. They would have to do their own impact fees. Could collect them if they contract with them like they do Rigby. Earlier this year they visited on impact fees and figured this was a substantial amount of money if they had this in place. Chairman Hancock said at this time they need to proceed with a selection they will need a contract. Commissioner Young said they have a capped amount and they did this before. Kevin thinks both are qualified. Thinks the turnaround time will be faster with BBC. Commissioner Clark asked where they get the committee members. Chairman Hancock said that Kevin would provide them but the commissioners will want to speak with them and approve them. Kevin asked if they would want to meet with them. Chairman Hancock said to get some names and discuss it from there. This will give them a path forward. Will need to put together a contract.

[10:46:15 AM](#) **Motion by Commissioner Clark to approve to move forward with BBC Research & Consulting contract not to exceed \$15,000. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **UPDATE**

[10:47:12 AM](#) Kevin said they met with Jerry Mason for the area of impact. Had individuals from Ririe, Lewisville and Menan. Had invited Roberts and Mud Lake also. Thinks they are moving forward with their paths. Each have individual issues. Thinks they understand the county and why they are proceeding with this. Was very informative and worthwhile to have him come and speak on some of the issues. Chairman Hancock hopes they were educated on the purpose of the area of impacts. Think they thought this was for them to control but it is just an area of county jurisdiction where they are allowed to have some control. Kevin thinks some did not understand all of this. Commissioner Young thinks it is a protection for them. Kevin said Jerry offered to help with any other questions. They will be moving forward to get specific information from the individual cities. Chairman Hancock said they need to handle this the same as the City of Rigby. They have the framework they need to follow. The individual items they will negotiate these. Knows that Ririe had some big concerns. Trying to do this the right way. Kevin said both Jerry and Paul Ziel were there and explained this. Realized this is statute stuff the first part conforms to Idaho law. It is not subjective to changes. These are the rules. Are moving forward.

[10:50:40 AM](#) Kevin said they had issue with existing calfos. Did find this in the state law and are working through these. Have done one already. Chairman Hancock asked if they completed Skaars. Kevin said this was the one that was done last week. Will be working on their transfer paperwork. Worked with legal counsel on this. Chairman Hancock asked if he will move through the rest of these. Kevin said some of these do not qualify. Last week permits had slowed down but he was wrong had seventeen permits last week. Have fourteen that are waiting to be picked up. Had four property status reports last week. Couple of those that will be issues because they deal with different jurisdictional issues. Working on those as fast as they can. Thinks this is all.

## **PUBLIC WORKS – DAVE WALRATH**

- **4000 E WATERLINE UPDATE**

[10:53:35 AM](#) Dave said he had a meeting at City Hall with Scott Nielson the architect, Allen's replacement for the church and Mitch were there. Trying to get things moved along on this project. Frustrating because they did another pressure test that has failed. Chairman Hancock said it is dangerous how they have this set up. Has driven this a bunch of times. Dave thinks the trenches are dangerous too. Commissioner Young said this does not look stable. Dave said they have changed up traffic control. Not putting the jersey barriers right next to the trench. May be part of the problem. Mitch agreed to send over a guy that is experienced with the water lines to help D.L. Beck. Mitch told them if they keep going this way they may not allow this waterline as part of the city infrastructure. Every time they are jackhammering on the plastic pipe. Scott is insisting they can cut and patch back the asphalt. Been adamant that he will not be satisfied with something less than they began with. Chairman Hancock said over on 200 with the hot patch from Knife River. Looks pretty good. Dave said they did not damage much of the road. Always brings up that Knife River was allowed to close the road why can't they do the same. Does not think this was ever closed completely was always able to get through on his way home. Plus there is a lot more traffic. Do not have the same crews each day. D.L. Beck is bringing in new guys each day and is creating a lot of confusion. Hoping the city employee will give them some pointers on how to speed things up.

- **UPDATE**

[10:57:40 AM](#) Dave said they have the gate installed. Chairman Hancock said Kerry had some issues. Dave said cards work and pins work. Did have a glitch with the timer this morning. Chairman Hancock asked if they are using this. Dave said they are using this right now. Punch in a pin number which is the same number they will punch in for fuel. Chairman Hancock asked if they notified the Sheriff's Office yet. Dave said he has not yet. Crew is out hauling three quarter from the Western Spencer pit to the Camas pit to stockpile. This is left over that they are able to make three quarter crush material. Big difference is it is 100% crush. SP3 requires 70% crushed material. So this is good stuff. Chairman Hancock asked the

cost. Dave said it is \$6.50 a ton. Will make very good BST material and a good service for the Egin-Hamer Road. Will get this graded and watered and put this on. Tomorrow will be doing some scrubs out in Montevue where they had to dig out some sections. Then will be doing some BST out here. Will be out in the Mud Lake and Montevue area. Chairman Hancock said they indicated they will be using some of the road milling. Dave said they will grade this out and water this. Will start losing guys to harvest. Will be pretty good to the middle of September. Chairman Hancock asked any other paving projects. Dave said 500 N from 3600 to 3900. Would like to do a skinny on 3600 E. Not sure they will have the manpower and budget. Manpower will become an issue the last few weeks of September.

- **NEW DUMP TRUCK UPDATE**

[11:02:27 AM](#) Dave said the dump truck should be in Salt Lake middle of the week. Is going to drive down on Friday with Kerry. Will go down to do an inspection on it. Will be a few weeks to get the dump body installed. Chairman Hancock asked who will get this truck. Dave said Jerry Horman is the logical choice for it.

- **BARBEQUE FOR SEASONAL EMPLOYEES**

[11:03:20 AM](#) Dave said they will be having a BBQ with burgers and hotdogs on September 12 at 4:00 at the shop. Will bid farewell to their seasonals. Will use the \$50 from the innovation award to support this. Chairman Hancock said this is a Thursday. Dave said at the shop at 4:00. Chairman Hancock said they want the crew to know they appreciate the work they are doing.

- **ON CALL VEHICLES – (ACTION ITEM)**

[11:04:10 AM](#) Dave said in years past on call employees which are the supervisors and foreman could drive their trucks home so they could go out and respond from their homes. Knows other counties have employees that take vehicles home. First Responders or an on-call personnel for water on the road. Taking tree branches off the road. Or when they go out in the winter to check the roads. There is a provision that as long as this is clearly marked with a flashing beacon light as a highway safety official. Chairman Hancock said what they run into is that IRS has a code if the employer provides a vehicle to and from work this is a taxable benefit. Dave said they have exception to First Responders and Highway Safety Maintenance. Chairman Hancock said that is why the Sheriff's Department can drive vehicles home. Have emergency responders and road personnel. Dave wants to ask they allow the foreman and supervisors to take the vehicles home. Chairman Hancock said in the past had other commissioners that did not want this to happen. Dave said they had rumors that they were misused. Commissioner Young asked if it is just during the winter or when. Dave said they have individuals on call all year around to respond to trees down or water on the road. Commissioner Clark asked the amount of vehicles. Dave said they would have three total. Chairman Hancock said they have Jerry and a supervisor on the westside. Also will have the foreman once one is selected. Other question would be if Dave needs one. Dave said he is fine taking his personal vehicle home. Commissioner Young thinks it is good if they can get there quicker. Dave said if they need to take care of something in Roberts Jerry would have to drive from Menan to the shop back to Roberts and back to Rigby. Chairman Hancock said sometimes they need to respond as quickly as possible. Dave said it is already in the policy that they do not use county vehicles for personal use.

[11:08:41 AM](#) **Motion by Commissioner Young to approve on call vehicle use for supervisors and foremans as first response for the Road & Bridge department. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

### **SHERIFF'S OFFICE - CAPTAIN NORA ORTEGA**

- **JAIL PHARMACY CONTRACT – (ACTION ITEM)**

[11:09:41 AM](#) Captain Ortega is here to have the Correct Rx agreement they have. Badger Medical has been using them in several other counties. Are happy with their services and will save a lot of money during the first year. Did an analysis of their bill and was over a \$400 difference per month. Chairman Hancock said this is the contract Badger Medical has with them for other counties. Captain Ortega believes they use this in Bonneville, Madison, Bingham and Ada County. Chairman Hancock asked if Weston reviewed this. Captain Ortega said this has been reviewed by Weston. The first one he did have a couple of changes on but he was fine with the revised copy. Chairman Hancock asked a ceiling amount or a percentage and markup. Services to be provided as documented in paragraph three will be paid for medications \$4.95 per prescription for offenders where third-party billing does not apply. Jefferson County will be invoiced for cost of shipping medication to facility at Correct Rx discount rate. Dispensing rate will be the same for the first year. Each year the dispensing rate will be adjusted based on CPI is Cost of Pricing Index not to exceed three percent. Will invoice ICE and US Marshalls for those eligible patients on medication directly. They get a discount rate and pay \$4.95.

[11:13:47 AM](#) **Motion by Commissioner Young to approve agreement to provide pharmaceutical services with Correct Rx Pharmacy Services based on \$4.95 per prescription. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

### **PUBLIC DEFENDER – JOHN STOSICH**

- **CONFLICT ATTORNEY CONTRACT – MR. HOOPES – MR. TAYLOR – MR. SEAMONS (ACTION ITEM)**

[11:16:15 AM](#) John appreciates meeting with them. Had an opportunity to look at the three contracts would ask that on Mr. Hoopes contract proposing to make his compensation \$75 an hour. Mr. Hoopes has been under contract and has had the primary assignment on conflict cases for the last two years and has done a really good job. In their best interest to keep him. Would like they consider to amend this. Would accept the others the way they are but changing Mr. Hoopes to \$75. Chairman Hancock said they changed the insurance issue to match what the Bar Commission requires. John said he spoke with Mr. Davis on that this morning. Chairman Hancock said they have a contract for three individuals. Mr. Hoopes he believes is worth more or would this cause a rift between the other attorneys. John appreciates the question has thought about this a lot. Mr. Hoopes has answered every call and has filled some essential roles and reduced the overall costs. Thinks they need to make him feel more valuable. Chairman Hancock said he is the most seasoned attorney that they have.

[11:23:38 AM](#) Motion by Commissioner Clark to approve Mr. Hoopes, Mr. Taylor and Mr. Seamons for a modified contract and will increase Mr. Hoopes rate to \$75. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[11:25:41 AM](#) Recess

Open session 12:09

## **COMMISSIONERS – CLERK – COLLEEN POOLE**

### **• BUDGET**

[12:09:13 PM](#) Colleen has a current revenue sheet. Chairman Hancock asked if they are still \$680,000 under. Colleen said they are at \$25,997,256 which is \$680,867 under the published budget. Current budget includes the two percent COLA and the \$3.5 million road project, the \$66,000 attorney in the prosecutor, \$200,000 for VEBA/HRA and \$5,000 for carpet cleaning. This is where they are at. Need final decisions today. Need to get ready for the hearing this week. Chairman Hancock said they had some developments come up since the last meeting that they need to discuss. One thing is they have not heard from Ted on the grant. Will try and call him today. Colleen said at this point they can leave this in. If it does not come through they would just not use this.

[12:11:59 PM](#) Chairman Hancock said the only changes that have come up they need to move from the Planning & Zoning the legal of \$40,000. Have received information on how this has to be funded. Will move this to the Prosecutor's Office. This will be another person but they have to run the attorney for Planning & Zoning through the Prosecutor's Office. Will not make any adjustment on the other at this time. Colleen said they are both in the general. Chairman Hancock said that is his only change.

[12:13:25 PM](#) Commissioner Young would like to say a few things. Apologizes it is his first time through the budget process. One thing he would like to address is going over the salary and wages they have a two percent COLA for employees but then have five percent in for elected officials. Seen they have received this in prior years. Realize the employees do get a step & grade. All elected officials are receiving a five percent increase. Does not think this is fair. If they cannot afford it for their employees does not think they afford it for a select group. Colleen said the five percent was figured with the step & grade and COLA. Employees are getting about the same. Commissioner Young said the employees are getting about 3.5 percent. They newly elected officials are getting the same instead starting out lower rate since they are not in the step & grade. Thinks they all should be the same. Then last year there was a dispute over an employee under the legal department that had not received a raise. This was purely political. Hands it to our prosecutor for giving up his raise for that employee. Thinks this needs rectified for Mr. Butikofer and needs to be corrected. Doing a good job and should be compensated for last year. Know there are people that are not happy with him due to their outcome. Has been successful at prosecuting child abuse cases. Kimber made a mention on this that they have a team effort and have a more complete job so offenders do not slip through the cracks. Last he would rather keep his salary the same where it is. Been quoted that this should be voluntary but never said it should be for free. Would rather keep his salary at the \$27,212 where it has been. That's all he has got.

[12:18:13 PM](#) Chairman Hancock said they did the math employees get a 3.2 to a 3.6 percent increase including the step & grade. COLA was two percent. On the step they are doing a percentage every year. So they are saying they feel like the employees if they only get 3.6 maybe the elected officials should be the same. Ask for any comments from other elected officials. Knows they are under for the elected officials. Does not know what others make. Rebecca pulls up the information. Colleen said they did not give a COLA last year because of the adjustments. Chairman Hancock said they spent \$800,000 in adjustments. Commissioner Young said the elected officials got a five percent last two years. Other than the Prosecutor who gave his out. Chairman Hancock said he did not take this either. Has tried to be as fair as possible has taken three percent in the five years he has been here. Commissioner Clark asked on his employee that did not get a raise. Paul said that his senior staff member did not fit in the step & grade so when they gave the elected officials a raise he wanted Judy to be where she needed to be. Saved the county money and moved his raise into her salary line to make sure she was in the step & grade he wanted her to be in. Commissioner Clark said she was not in the step & grade he felt she should be. Paul said they were putting everyone in this. Feels like everyone is where they need to be so he just followed the step & grade. As far as the raise from the Prosecutor can show numbers from surrounding counties but it is whatever they want to do. Chairman Hancock knows that Bonneville is about \$120,000. Commissioner Young realizes the elected officials are less than other counties. Saw that some employees did really well on the increase with twelve to fifteen percent but others did not.

[12:24:06 PM](#) Colleen thinks the average was about eight percent. Commissioner Young said some were only two or three percent. Chairman Hancock said this was based on where they were currently at in the pay scale.

[12:24:40 PM](#) Jessica said that last year that a few of her employees were not in the right grade so some are at a higher percent due to the grade difference. Chairman Hancock said they understand that they are trying to get these items correct. Cannot keep losing employees that are valuable to them. Rebecca said the turnover has been so much less than last year. 2019 IAC Elected Officials took the average statewide. Assessor roughly \$10,000 less than average, Clerk \$11,000 less than average, Commissioner around \$15,000 less, Coroner about a third of what the average is, Prosecutor is about \$900 below average, Sheriff is about \$4,000 below, Treasurer \$9,000 below the average. Commissioner Young thinks this needs to be fair.

[12:27:34 PM](#) Commissioner Clark wondered on the five percent where employees are getting two percent. Also would like to see their elected officials be closer to where they need to be. Commissioner Young does not want to get their elected officials there and leave the employees behind. Chairman Hancock explains when they did the analysis last year took counties around them and took this into consideration to be paid to similar counties. Wanted them to be paid similar to the sister counties. Lose individuals to surrounding counties. Need to make the wages comparable with these areas. Similar positions had a committee working on this. Took a lot of time. Commissioner Clark said they did get the history may need to treat everyone fairly. But will never get all the elected officials up if they raise them all at the same time. Chairman Hancock is not sure the best way to bridge this gap. Looking at giving elected officials five percent and only getting 3.5 percent. Commissioner Young thinks they need to be treated fairly. Commissioner Clark thinks if this is a year to year basis. No guarantee elected officials would get anything the next year but the employee

would still get the step & grade either way. Colleen said they have to look at the five percent based on the different salaries. Chairman Hancock said they are giving the two percent to everyone and then the elected officials were given three percent.

[12:33:29 PM](#) Rebecca was playing with the numbers. Took twelve counties comparable to population and each of the number averages lowered by about \$2,000. Assessor is \$8,600 below average, Clerk is \$9,700 below average, Commissioners about \$13,000 below average, Prosecutor \$2,000 above average, Sheriff \$2,000 below average and Treasurer \$7,000 below average. Commissioner Young sees the disparity. Do not have step & grade for elected officials. Proposing to change the elected officials down from five percent to 3.5 percent. Commissioner Clark said it is hard to look ahead. Is leaning more toward the five percent. Chairman Hancock said they do have a disparity between what is being paid. Only way to get there they may need to do higher increases. Commissioner Young asked if they have a short fall. Chairman Hancock said they have \$680,000 under the published budget. Chairman Hancock said they need to make the changes today. Commissioner Clark does not think that next year elected officials will get another five percent increase. Chairman Hancock said they need to get closer to surrounding areas. The two percent COLA is in the budget.

[12:37:42 PM](#) Paul said Bonneville did not report but are over about \$110,000. Madison did not report. Are established by the Prosecuting Association with years of experience Fremont is \$104,000 for full-time with two years' experience in prosecution. Jefferson paid \$95,000 with 25 years' experience. Chairman Hancock said his is not one that they are worried about. Commissioner Clark said that when they made the comparison his was above average. Paul said he is not complaining will be looking at getting the resources they need.

[12:41:42 PM](#) Kevin said if this is a technicality that is fine. But if they are hearing where he needs more resources they cannot take the Planning & Zoning resources. Time that was spent with Weston was seventy-five percent of his time and it was emergency issues only. Also discussed that Mr. Ziel takes a day and a half a week average. This is a big commitment and does not want to have any issues on these commitments. Also worry about does not want anyone working in the situation where it becomes more political. For the time being would rather they leave the budget the way it is? This is done within other counties. Mr. Ziel even said he would not do criminal defense. Paul said they are getting off of topic of the budgets. He has spoken with Mr. Ziel. Chairman Hancock said they will do everything they can on this issue because it is very important to them all but they have to follow the law. Kevin would rather have something in writing where this individual is not syphoned off. Does not want to lose Mr. Ziel who has a lot of experience. Does not want to be begging for time for Planning & Zoning.

[12:46:06 PM](#) Chairman Hancock appreciates this will move on back to the budget. Anything else they want to talk about. This is for elected officials. Jessica does not have anything. Colleen just wonders why it is coming up now. Chairman Hancock said that Commissioner Young is bringing this up. Paul said his last comment is whatever they want to do is fine. Chairman Hancock said they are trying to get parity. May look unbalanced but others got a fifteen percent increase last year. Tried to bring that up last year. Do have the funding at this time to afford the five percent. Colleen agrees. On the cash forward this is what they need to meet their budget will have more cash than that. Chairman Hancock said they want to get to the point where they do not need to use cash forward to balance the budget. No other comments.

[12:48:47 PM](#) Chairman Hancock thinks he understands where Commissioner Young is are coming from. Would like to leave it the five percent even if some do not take this. Need to get the elected officials up because they put a lot of hours in. Assessor is going to get bigger. Stood in line on Friday it was very busy. Had asked the Treasurers why they had more spots when Jessica needs more. Jessica said they have to wait for computers. Chairman Hancock said the DMV will be going to forty hours. Jessica said they could use the old commissioner room then have an in and out and a waiting room. Chairman Hancock thinks they have the funding in the budget to bring these closer to the averages on the salaries so proposes they keep this the same. Paul comments they had another elected official come in if she has comments. Chairman Hancock fills in Kristine Lund on what they were discussing.

[12:52:47 PM](#) Kristine said last year a lot of work was done with the departments across the board. They as elected officials were not included in this survey. Wanted to keep their valued assets which are their employees. Does not take away from the important jobs they do. Does not know the numbers but in her office are still behind after the raises. Does not think they are addressing that this year. Hoping they looked at the employees where they were. Last year they fit them into the new step & grade. Had some that came in making just under what new employees make. Asked for five percent this year and was told they took out some of this to be only five percent with the COLA. Commissioner Young said they are still below on the employees. Commissioner Clark said they need to look at the benefits package as well. Even if they are a little below compared to what other counties pay for insurance they are still making more money. Commissioner Young wonders if they need to treat everyone the same. Kristine thinks they are elected officials. Would rather have competent and technical people to do the job. It is not fair across the board probably not even close. They fight for their employees but feels the commission needs to fight for the rest of the elected officials.

[12:59:03 PM](#) Rebecca said played with more numbers the Clerk, Assessor and Treasurer are fifteen percent under. Commissioners are hard to tell between full and part-time. Sheriff and Prosecutor are very close in the ball park. Paul was looking at the office administrator manager Bonneville did not turn in numbers but Fremont makes \$50,509 with his office Judy is comparable and makes \$45,000. Colleen said this they do not take into account is years of service. Paul said it does Judy has twenty-three years and Pat has thirty-three. Has worked with both.

[1:00:41 PM](#) Chairman Hancock said to move on thinks they need to leave this where it is. The budget hearing is August 26. Colleen has to make sure everything is in order. If they have any changes they need to do this now. Colleen asked on moving the \$40,000 from Planning & Zoning will this leave the added attorney for now. Chairman Hancock said they have this there if they need this. It is similar to her extra position they do not have to authorize this. Colleen checked and it is \$45,000.

[1:02:45 PM](#) **Motion by Commissioner Clark to adjourn at 1:02. Second by Commissioner Young. All in favor – aye. Motion passed.**

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*Chairman of the Board*

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*Date*

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*Clerk of the Board*

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*Date*

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*County Clerk*

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*Date*