

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
AUGUST 26, 2019**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Paul Butikofer, Deputy Prosecutor Weston Davis, Sheriff Steve Anderson, Planning & Zoning Kevin Hathaway, Public Works Dave Walrath, Noxious Weeds & Invasive Species Mitch Whitmill, IT Garn Herrick, Extension Office Joseph Sagers, Public Defender John Stosich, Maintenance Travis Thompson, Treasurer Kristine Lund, Emergency Management Rebecca Squires, Park & Recreation Mickey Eames, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Paul Butikofer. Prayer offered by Colleen Poole.

**COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS**

• **STAFF MEETING**

[9:01:23 AM](#) Chairman Hancock welcomes everyone today. Want them to know the pumping system for the courthouse is working well. Passed the peak of the high water level so it is a good sign. Have a lot of budget issues they have been going through. Will have their hearing today at 6:00. Appreciates everyone's input. Have not made any major cuts to the budget. Will be giving the employees a two percent COLA on top of the step & grade.

[9:03:38 AM](#) Commissioner Clark said Chairman Hancock has gone over a lot already. Has been a learning opportunity during the budgets. Express appreciation for the work they do in their departments. It is the first budget process for him which is eye opening to see how much it costs to run a department. There is a lot done within each department.

[9:05:33 AM](#) Clerk Colleen Poole reiterates this with the budget. They are where they are at because they have managed them well. Have a copy of how the budget sits for the budget hearing tonight. Also want to remind them to do their inventories. Shoot to have these done on October 1 of each year.

[9:06:17 AM](#) Treasurer Kristine Lund does not have anything.

[9:06:24 AM](#) IT Garn Herrick most have gotten an email about having personal emails on county accounts. Please be advised they do not want any personal information coming in whether it is bank information, religious information or personal membership items. These items do not belong in the county email. Please keep these out and send them to the personal address. Spencer will be back from vacation and they will be back their projects.

[9:07:21 AM](#) Sheriff Steve Anderson said it seems they lose two inmates and gain twelve. Well beyond the projections right now. They are not the local inmates. Thank the jail deputies. Tried to take three days off in a row and it worked out.

[9:08:30 AM](#) Prosecutor Paul Butikofer has no comments.

[9:08:34 AM](#) Extension Office Joseph Sagers is here to fill in for Lorie. Got through both county fairs. Went really well had animal projects sold. Chairman Hancock said the sale was around \$300,000. Joseph said it was significant. Biggest issue was with market rabbits. Had a belligerent individual was looking at getting a security button in their office. Not sure where this is at. Have a legitimate concern. Chairman Hancock said they have to go through Omni and the Sheriff's Office. It is a cost. Joseph believes they have money in the budget for that. Chairman Hancock said if they believe this is necessary. Joseph said it would make Ruth feel much better to be in the office. Will talk with Rebecca on this.

[9:12:43 AM](#) Arvin Hunsaker 3718 E 20 N out by County Line. The only one threatened was him and he has filed a police report. Had the chairman of the barn that got in his face threatening to throw his children out of the fair. Wants to know where the authority comes from. In a public hearing would rather they get the facts straight before slandering an individual. Does not appreciate being slandered in this way. Would like to know what will be done to those that have threatened him and his children. It was a valid question on the scales being certified. Wanted someone to show them the rules. Chairman Hancock said that is a valid discussion that would need to be put on an agenda to be discussed.

[9:15:16 AM](#) Noxious Weeds & Invasive Species Mitch Whitmill they are beginning the pre-emergent treatments on the roadsides. Doing maintenance mowing. Have the fair coming up next week will go and set up. Lot of people come to the state fair on how to manage and control these weeds. Been a few notices in the paper with species they are dealing with. Appreciates the paper getting information out. Have not verified any new sites.

[9:17:18 AM](#) Emergency Management/HR Rebecca Squires said it is time for green sheets to be done and turned into her. If they have any grade changes this will be on September 16 and want to do them all at once. Dave asked a discrepancy on the chart. It seems to vary. Rebecca said it is a rounding issue. In the chart always round up but not sure on the budget. The chart would be correct to have enough in the budget. Colleen said they will go with what is in the budget. Sheriff Anderson said they will go off the approved budget and semi-off the chart. Rebecca said if this is a few dollars it is fine but if they have a massive issue to get with them. Colleen adds they will need to have a personal action form for those changing grades. Rebecca said Marilyn enters the hourly rate off of the green sheets for payroll. On Emergency Management has been a dry August have not burned too much. Working on the mitigation plan.

[9:21:59 AM](#) Public Defender John Stosich appreciates the Clerk, Court Clerks, Sheriff and Jail. Makes things run more efficiently. Really appreciated Colleen's help getting the budgets together. Did get an extra \$5,000 from their grant application. Trying to get the flow with the Public Defense Commission. Right at the caseload expectations. Have ideas he will speak on about bringing in someone on a contract basis. Not sure on the lawsuit thinks it is set for hearing.

[9:24:52 AM](#) Maintenance Travis Thompson is working on issues. Chairman Hancock asked if the boiler has been fixed. Travis said they are working on this. The air system is almost complete. This has taken care of the problem. Had Johnson Controls come down and reprogram this. Need some relays to get the fans working correctly. Should get the prices on that this week. Also having an issue with the water softener. Chairman Hancock said they still have the boiler to fix and the water softener. Paul asked if this is in the main building. Chairman Hancock said this is the main courthouse.

[9:26:20 AM](#) Public Works Dave Walrath spend the last week out in Monteviu doing an otta seal on 3000 N. Been stockpiling chips out in Monteviu. Did a clean chip seal on 2700 N that was otta sealed last year and half a mile to 700 N and three miles to 2500. Have a little section on 1425 E in Mud Lake they may do. Move to Roberts and have about ten miles of otta seals out there weather permitting. Then will overlay 500 N. Getting into September and lose guys to work on the harvest. Will be winding down. The gate is operational over at the shop. D.L. Beck is still working on the waterline over there. May not get with the Sheriff until they are done because it is chaotic over there right now. See how this goes. Doing another pressure test today. Hopefully this passes. On Solid Waste are gearing up on September 13 from 9:00 to 4:30 at County Line for the Hazardous Household Waste Collection. Sure they had a garbage bomb out a Circular Butte with the winds. Have a DEQ inspection on September 16 so will get this cleaned up ASAP.

[9:29:25 AM](#) Parks & Recreation Mickey Eames winding down and will start working on another grant. Plan will be to asphalt the tennis court and where the Sheriff parks to the boat dock. Did get the other grant in. Made \$2,200 off of commission on the paddleboards. Did some figuring the reservation site have upped the revenue. If it is hot they are full. Will have some good days this week. Things start to dwindle once school starts. Not sure if she thanked he Sheriff and Emergency Responders. They cleaned them out in record timing during the firework celebration. May look at getting a drip line installed so they can get some more trees planted. The trees on the island are doing well. Chairman Hancock asked on Mike Walker Boat dock. Mickey said she has one living out there. Has a transmission he has been working on. Sheriff Anderson said they go out and try to get this individual to leave. Mickey said they cannot mow with them there. Had a lady with a motor home and a guy living out there. This is not making any money right now. Not the Sheriff's fault but they need to go. Doing everything they can do. Mitch said they mowed the main area out where the brush is. Mickey said they can legally only park for five days.

[9:35:14 AM](#) Planning & Zoning Kevin Hathaway said since they me last had their training work meeting with the cities. Had a good productive work meeting. Have eighteen plan reviews from last week. Have three property status reports. About where they were with fees last year and still have another five or six weeks.

[9:37:26 AM](#) Commissioner Young said this was the first time through the budget. Everyone was very conscientious about budgeting properly for their needs. Attended a NALBOH National Association of Local Boards of Health conference in Denver Colorado. Had good representation there. Ended up being the only commissioner from the area. Had a good time. Definitely learned some things. Concern they pointed out was how to set up health boards and manage these. Our area is very well organized. May need to do some things on a local issue. Three things really discussed were vaccinations. Measles now can cause serious health concerns with those against vaccinations. May work with Mike Miller on smoking and vaping issues. One of the doctors said vaping isolates so when they get an infection they cannot treat this. Nothing they can do to stop the infection. Not sure people realize how dangerous vaping can be. The reemergence of smoking amount our young people.

[9:41:21 AM](#) Chairman Hancock thanks everyone for being here. Couple more items back to the budget wants them to realize budgets are established by Idaho Code and they are allowed to spend up to that amount. The budget is per Idaho Code they do authorize the spending of funds. Will not necessarily spend this budget. They can carry forward money that is not spent. They feel have done a very good job at controlling the costs of expenditures within the county. These are anticipated expenses. The majority is for salaries within the county. Road & Bridge spends a lot on fixing roads. They should be working on the grounds here to get the landscaping done. Sees they have done some grading and will be paving the back parking lot. Dave said they will. Chairman Hancock appreciates them all very much.

#### **DEPUTY PROSECUTOR – WESTON DAVIS**

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

[9:51:21 AM](#) Motion by Commissioner Young to go into executive session 74-206 (F) - Legal. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

Open session 10:03

- **BLACKFOOT COMMUNICATIONS – LINE DAMAGE CLAIM & COUNTY LINE BRIDGE DAMAGE RELEASE – (ACTION ITEM)**

[10:03:03 AM](#) Chairman Hancock said they need to review the damaged claim for a fiberoptic cable.

[10:03:24 AM](#) Prosecutor Paul Butikofer left room

[10:03:29 AM](#) Chairman Hancock said they have a mutual release that states Blackfoot Communications will not charge anything for this fiberoptic line since it was installed incorrectly. Legal has drafted a mutual agreement. Will allow them to attach to the side of the bridge so this is no longer underground. Weston clarifies he worked on a proposed agreement. Have not made any agreements until the motion is made. Commissioner Clark thins they need to approve this. Weston said Blackfoot Communications is the underlying company doing business with the others. They are all operating together.

[10:05:45 AM](#) Motion by Commissioner Clark to approve the mutual release with Blackfoot Communications. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

#### **SOCIAL SERVICES – AMY JOHNSON**

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

[10:07:21 AM](#) Motion by Commissioner Young to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

Open session 10:12

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

[10:12:07 AM](#) Motion by Commissioner Clark on case #2019-21 to suspend for six months. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[10:13:07 AM](#) Motion by Commissioner Young on case #2019-23 to suspend for sixty days. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

**PUBLIC WORKS – DAVE WALRATH**

• **UPDATE**

[10:14:35 AM](#) Dave said they are hoping for good weather to get items done. Have the gate working. Will have the exit loop where it will open for twenty seconds and then close when leaving. Chairman Hancock likes the insignia Dave said Kerry will put some clips on this for when the wind blows. Solid Waste will be cleaning up from the wind storm Have a five year inspection on the 16<sup>th</sup> of September by DEQ. Want it to look as good as they can make this. Friday, September 13 from 9:00 to 4:30 will host their hazardous household waste collection again. The most common item is used oil and paint. A lot of the paint if it is latex they can dry this out. Chairman Hancock said the oil they can use in the burners. Last year cost them a couple hundred to re-purpose the items they received. Barbara Carpenter is retiring. Has been out there since the beginning around 1995 Commissioner Young said they have had quite a few retirees. Dave said they have a lot pushing retirement then a lot of younger individuals.

• **ROAD REPAIRS ON 680 NORTH**

[10:18:00 AM](#) Dave is unsure of what this is about. Chairman Hancock said this is a letter they got asking for no compression brakes Dave said if they put up a no J- brake sign up when they do not have an ordinance they will keep doing this and it will get worse. Weston is not aware of anything. Knows this had been brought up in the past and was possibly going to be included in a noise ordinance. Chairman Hancock said they can look into this. Dave said they need to site the ordinance on the sign or it does no good. Chairman Hancock said this is something they could look at. Commissioner Clark asked if the state has any authority. Chairman Hancock said the City of Roberts has authority to do this. Weston said they discussed this around a year ago. Looks like they may have begun working on a noise ordinance. Is not aware of one being adopted. Kevin said nothing has been adopted. Dave said for this letter they need to pass an ordinance because signs do not mean anything.

• **TRANSPORT TRUCK FOR ROAD & BRIDGE – (ACTION ITEM)**

[10:22:00 AM](#) Dave said the transport truck they have now has over 800,000 miles had 400,000 when they bought in 06. Grover's All Wheels has several used trucks that would work well for transport. Have a 2013 Peterbilt they would install a wet kit and change it from a nine speed to a thirteen speed for \$58,900. Commissioner Young asked if ours is worth anything. Dave said they would surplus this Chairman Hancock said they need to prioritize their needs. Dave said the more chipping they do the more the transport is needed Chairman Hancock said they have a lot of high priorities. Have issue with the durapatcher. Dave said the durapatcher trade is more of an opportunity. Chairman Hancock said they only have so much funding. Dave said they are selling the Sterling for \$40,000 to Solid Waste. Thinks they can make this happen this budget. Chairman Hancock said they can pay \$40,000 from Solid Waste and the balance from, the capital Commissioner Young thinks they should be ok. Chairman Hancock thinks if this is a high priority. Dave said they have another truck with 474,000 for \$55,900. Commissioner Clark asked on their truck. Dave said this is a 1998 Peterbilt. The power is going weak. Losing oil. The others Grover's has are higher miles. Colleen said they would need to move on this before the end of the fiscal year. Dave said Matt and Brock have driven this truck. Wil put a wet kit on. It is a nine speed transmission but can convert this to a thirteen speed. It is \$59,000 with the dock fee.

[10:29:35 AM](#) Commissioner Clark knows there is a lot of talk on road graders coming into the next year. Chairman Hancock asked the year. Dave said the old one is a 1998. Will surplus this at the next auction. Would be around \$10,000 to \$15,000. The power is the issue. Commissioner Clark asked on the revenue that was coming back in for carryover. He is okay with this if they feel they need it and have the budget available for this. Chairman Hancock said they bought two rollers, a dump truck and transport truck. Commissioner Young said they need the transport truck to keep improving the roads, Dave said they have systematically repainting the beds and trucks. Chairman Hancock said they could purchase a belly dump on this. Can use this to haul gravel it has more benefits than just being a transport truck.

[10:36:27 AM](#) Motion by Commissioner Young to purchase Peterbilt truck for \$59,000 from Grover's All Wheels. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[10:37:35 AM](#) Chairman Hancock asked on the stop sign on County Line Road. Asked if they can put up a stop ahead sign. Dave said the MOU the south side signs are theirs and the north side are ours. Chairman Hancock said they have had individuals call Bonneville County. The County Line traffic is the issue. They have the sign so far off the road is down in the gutter due to the semi-trucks hitting this. Within a three hour period there were three or four that ran this stop sign. Dave will take a look and get with Bonneville. Chairman Hancock said the little section two hundred yards past 3800. Dave said right by the Loft have the on and off ramps and the railroad tracks. May need to slow this down some. Discuss area. Dave advocated to have the Yellowstone traffic stop. Chairman Hancock said this is a challenge. If they could get the speed down some it would be nice. Will speak with the commissioners as well.

**PLANNING & ZONING – KEVIN HATHAWAY**

• **UPDATE**

[10:47:30 AM](#) Kevin said Vern go their report. This is the summary report on permits and timing. This is the same information as earlier. This shows they have twenty-four permits waiting for plan review. Jeff had a death in the family and is mainly who does the plan reviews. Will be out a little this week so may have some delays. Average is about 7.2 days. Have been busy. Commissioner Young said homes are only on the market a few days. Kevin said anything under a certain price really turns. Some say they may be looking at a recession. Actual housing is still up for the last

month's period. This is the best they have done. Usually in a presidential year this flattens. Commissioner Young said kudos to getting this down to a week. Have not gotten any phone calls. Chairman Hancock also said he has not received any calls.

## **PLANNING & ZONING – KEVIN HATHAWAY – PAUL ZIEL**

### **• PLANNING & ZONING LEGAL ADVISOR – (ACTION ITEM)**

[10:51:39 AM](#) Kevin asked Mr. Ziel to be here today. Is confused to get a deputy prosecutor they have to take this away from Planning & Zoning. Have two different functions. Have an unquestionable need which is demonstrated by their numbers. The area of impact agreements have been getting these done. On this basis alone thins they have a necessity of a higher level of legal service.

[10:52:49 AM](#) Chairman Hancock explains he needs to understand that no one wants to take legal assistance away from Planning & Zoning. Need to be in compliance with State Code. Knows they need legal assistance. Following the guidelines from Attorney General and State Code on how they fund legal services. For that reason they want to do this the right way. They need to have legal services. Have made a case on the use of Mr. Ziel. His expertise is great and his knowledge of land use is high. With this being said they do not need to build the case on need. No question as commissioners that they need that knowledge.

[10:54:45 AM](#) Commissioner Clark said they never indicated they would take Paul Ziel and take him away this year. Kevin said he is very concerned because it is critical to understand they are involved in unique issues. Has been a question on if this is allowable and not a simple want. There are other options they could look at. Does not know what Mr. Butikofer's needs are as a prosecutor. IF they pull this it is a legal advisor. Advises at the level of his expertise. Has high level of credibility. Chairman Hancock said this is not how the Attorney General has interpreted this. Mr. Ziel has worked with the Prosecutor in the past. This is something they are hoping they can work out. Would hate to lose the knowledge that he has. Not saying we will not use Mr. Ziel but will follow State Code.

[10:57:49 AM](#) Kevin agrees they have other options without making radical changes. Commissioner Young said the State Code sates that Mr. Ziel needs to be deputized. Weston said this is correct. The constitution does allow for private legal in necessary situations. This is not a position that is going away. One event was Municode and are moving forward and through this. If this continues and is a job position it needs to reside with the Prosecuting Attorney. Would grant immunity and clear up issues with ICRMP coverage. If they are dealing with a one-time deal that can happen. When it morphs into a position that is when they need to look at the Attorney General decision. There had been necessity. Now if they are budgeting for a staff attorney this does conflict with the State Code and Idaho Constitution. This is not something they searched for but it came across them.

[11:01:21 AM](#) Kevin said that Municode has been a big thing. Has five more items including the comp plan, the impact fee ordinance and capital improvement plan as well as the area of impact agreements. Have every bit as much or more than they had last year. Will work through these. Chairman Hancock said there is no question they have a need for services. What they have to do is a way to obtain these services per State Code and constitution. Thinks the same thing can happen under Mr. Butikofer.

[11:02:54 AM](#) Paul said they have a way to do this on a case-by-case basis. If they need them for this, this and this. The Attorney General said they can do this on a case-by-case basis. Brought up the comprehensive plan and to be in compliance normally it would come from his office. They are responsible for this also can say they do not have the expertise in his office and it would be up to the Board to decide if he made a valid argument. Then the Board would make the determination if it is necessary this decision can be reviewed by the District Court. Saying these certain projects would be able to appoint on a case-by-case basis. Chairman Hancock said the key is if Paul is willing to take on Mr. Ziel as a part-time deputy to handle Planning & Zoning. Go the budget to hire him as a deputy under the Prosecutor to support Planning & Zoning. Paul said this would be what Mr. Ziel wants if it is full-time, part-time or case-by-case. Kevin said the Prosecutor is paying Mr. Ziel then they will not have to worry about availability. If they try and melt this position into a combination besides Planning & Zoning. Chairman Hancock said it has worked with Weston to do their civil work as well as his own private practice. Provides the county civil legal counsel. This has not been a conflict. In the past Mr. Ziel provided counsel to Planning & Zoning. Will still have the address the additional help that Paul needs. They will have to have some issues resolved. They still had some issues about working under Paul.

[11:08:35 AM](#) Mr. Ziel addresses he is encouraged by this conversation. Thinks they need to be on the same team and are working through this. All of them agree they need to be in compliance. Encouraged and will advocate for Kevin. Knows they have a lot on their plate with what they are doing. Does have a substantial need. Thinks Mr. Butikofer can run his department how he sees fit. Is willing to speak with him. Would like to continue to offer his expertise to Planning & Zoning. Would be an advantage for him to stay with Planning & Zoning. Is willing to be deputized. Does do some defense work and this is something they would have to hammer out. Would be willing to work this out and come up with something. Chairman Hancock knows this. Wants them to understand they understand the need.

[11:11:30 AM](#) Paul asked Mr. Ziel what he thought of the Attorney General opinion. Mr. Ziel said he thinks it was correctly interpreted. Been speaking with others who feel this is a conservative opinion. Spoke with Danny Clark. This is saying they need to establish the need. Paul said this could be full-time, part-time or on a case-by-case basis, Mr. Ziel agrees thinks Mr. Clark's thinking is conservative. Want to be honest and his analysis is the same. Paul said he emailed this to Mr. Clark who had not seen this.

[11:13:45 AM](#) Chairman Hancock asked if they could draft an agreement similar to Weston for Mr. Ziel to be a part-time employee. Paul said he could be hired on full-time which is not sure is a possibility. Could be part-time and deputized may have some issues with criminal defense. To be a part of the Idaho Prosecutors Association (IPA) cannot be a member if they are doing any criminal defense. Third is case-by-case showing necessity does not think IPA would have any issues. Option three is case-by-case does not think this is a problem. Chairman Hancock said the problem is case-by-case he is going to provide legal counsel on more than one case. Will have the comprehensive plan, capital improvement and on and on. These are all Planning & Zoning related.

[11:16:01 AM](#) Mr. Ziel spoke with IPA and trying to do everything. Reached out and spoke with chairman of the board Sandi Myers and referred this on to Danny Clark who is on the rule committee. Has not spoken with Mr. Butikofer. Option two could be an option. Careful the fact of the matter they did not contemplate where there is a need with Planning & Zoning and may also do criminal defense in other counties. Mr. Clark would be

willing to entertain a vote under option two if he stays with Planning & Zoning. There are some others in the association that may vote against this but they could put it up for a vote. Chairman Hancock thinks that would be the best option to meet the needs of everyone.

[11:19:04 AM](#) Paul said this is something he wants his staff to attend if they are deputized under him. Chairman Hancock said they will be willing to discuss to deputize him. Mr. Ziel believes that Mr. Butikofer has been very good to work through on these issues. If they look at option number three on a case-by-case basis he does have a million dollar coverage of malpractice insurance. Can specifically assign the county as a beneficiary.

[11:22:09 AM](#) Chairman Hancock thinks that Mr. Ziel could bring some training to the staff as well. Weston said the existing contract is not aware of anything with an automatic renewal. Does not believe there is an automatic renewal. Wants to make sure they comply. The most prudent thing to do. Is the Attorney General opinion a binding decision? If they look at something that has been emulated as advisory. This could be conservative but do not want to take the position to do what they feel is right. Chairman Hancock thinks they have already moved the budgeted. Will still have to help Planning & Zoning and work with Prosecuting Attorney on the best way to address this. Chairman Hancock appreciates the input and will work this out with the Prosecutor's Office.

[11:27:10 AM](#) Deputy Prosecutor Weston Davis left room

[11:27:17 AM](#) Prosecutor Paul Butikofer left room

### **PROBATION – TAMMY ADKINS**

- **PUBLIC HEARING – PRE-TRIAL RELEASE SUPERVISION PROGRAMS, POLICY MANUALS & FEES – RESOLUTION #2019-26 – (ACTION ITEM)**

[11:27:33 AM](#) Tammy said they have the public hearing. Has the sign-up sheets with no one signed up.

[11:27:28 AM](#) Chairman Hancock opens the public hearing. This is for adopting fees for Probation Department. No one is signed up to speak in the public hearing. Tammy said as of July 1 State of Idaho made statutes and formed a pre-trial program and the county has to adopt and regulate policy and fees to meet the statutes. Need to set the fee of \$75 which are charged once a person is convicted of a crime. Then the Judge decides the final amount that will be assessed. Need to adopt the policy manuals for the program. Chairman Hancock asked if anyone is here to speak. No one is. Has closed the public hearing section.

[11:30:30 AM](#) Chairman Hancock reads resolution #2019-26. "A resolution of the Board of County Commissioners of Jefferson County, Idaho; to approve the establishment of a juvenile and adult pretrial services program per Idaho Code 31-880, adopt a policy and standard operating procedure manual and set a pretrial program fee per Idaho Code 31-3201J. At a meeting of the Board of County Commissioners for Jefferson County, Idaho, on the 26<sup>th</sup> day of August, 2019 the following resolutions were unanimously adopted to wit: Whereas, the Board of County Commissioners for Jefferson County, Idaho after a public hearing have deemed it necessary to establish a Juvenile and Adult Pretrial Release Supervision Program Policy and Standard Operating Procedures Manual and set a monthly Pretrial Supervision fee of \$75.00 per month as allowed by Idaho Code Statute 31-3201J. Now, therefore, be it resolved by the Board of County Commissioners of Jefferson County, Idaho, as follows: 1. A Juvenile and Adult Pretrial Release Supervision Program has been established in Jefferson County, under the supervision of Jefferson County Probation Department. 2. A Juvenile and Adult Pretrial Release Supervision Policy and Standard Operating Procedures Manual has been approved and adopted. 3. A fee in the amount of \$75.00 per month will be assessed to Defendants ordered to Pretrial Release Supervision, if and when a Judgement of Conviction is entered and will be paid to the Clerk of the Court. Passed by the Board of County Commissioners this 26<sup>th</sup> day of August, 2019."

[11:32:36 AM](#) Motion by Commissioner Young to approve resolution #2019-26 for Pre-trial release supervision programs, policy manuals and fee. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

### **COMMISSIONERS**

- **ALCOHOLIC BEVERAGE LICENSES – (ACTION ITEM)**
  - **GOOD 2 GO STORES LLC - TTOP GROUP INC. BOB KWIK SERVICE - THE OLD RIRIE BAR LLC – JLMR INC. TETON TRUCK STOP – THE LUBE SHOP – EL ANDANTE – THE OFFICE BAR**

[11:35:09 AM](#) Chairman Hancock goes over alcoholic beverage licenses for Good 2 Go Stores LLC, TTOP Group Inc. Bob Kwik Service, The Old Ririe Bar LLC, JLMR Inc. Teton Truck Stop, The Lube Shop, El Andante and The Office Bar.

[11:35:32 AM](#) Motion by Commissioner Young to approve alcoholic beverage license for Good 2 Go Stores LLC, TTOP Group Inc. Bob Kwik Service, The Old Ririe Bar LLC, JLMR Inc. Teton Truck Stop, The Lube Shop, El Andante and The Office Bar. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

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

[11:38:29 AM](#) Motion by Commissioner Clark to approve certificates of residency from the College of Southern Idaho for Harley Bartlome and Miles Johnson. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[11:38:46 AM](#) Motion by Commissioner Young to approve certificates of residency from the College of Eastern Idaho for Michael Boudrero, Adelison Carter, Andrew Field, Rhett Hansen, Jewelia Hawker, Megan Kidd, Alejandra Noreiga, Rafael Salgado, Leslie Urias and Baylee Waters. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

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

[11:44:55 AM](#) Motion by Commissioner Clark to approve commissioner meeting minutes from August 5, 2019 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[11:45:23 AM](#) Motion by Commissioner Clark to approve commissioner meeting minutes from August 8, 2019. Second by Chairman Hancock. Roll call taken. Commissioner Clark- aye, Chairman Hancock-aye. Motion passed. Commissioner Young recused himself.

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

- **TERMINATION OF PROFESSIONAL SERVICES AGREEMENT – CONFLICT PUBLIC DEFENDER – MR. LAWSON – (ACTION ITEM)**

[11:47:22 AM](#) Colleen is not sure John is available. Have the termination agreement for Mr. Lawson will have him come in and sign this. Also have the financial assistant grant where they received \$5,000 more than last year.

[11:47:31 AM](#) Motion by Commissioner Clark to terminate the conflict public defender agreement with Mr. Andre Lawson. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

- **2020 INDIGENT DEFENSE FINANCIAL ASSISTANCE AGREEMENT – (ACTION ITEM)**

[11:47:55 AM](#) Motion by Commissioner Young to approve the 2020 Indigent Defense Financial Assistance agreement for \$30,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[11:49:55 AM](#) Recess to review claims

Open session 12:22

#### **COMMISSIONERS**

- **APPROVE CLAIMS – (ACTION ITEM)**

[12:22:25 PM](#) Motion by Commissioner Clark to approve claims from 8/12/2019 to 8/23/2019 for \$839,806.12. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[12:22:25 PM](#) Recess until 1:00

Open session 1:02

#### **ANDI ELLIOTT**

- **ANIMAL CONTROL SERVICES – (ACTION ITEM)**

[1:02:41 PM](#) Andi Elliot in Hamer. When they came out to Hamer asked about animal welfare. Talks about animal service. When Commissioner Farnsworth left office and Commissioner Martinez had spoken with vets. Have followed up with the vets. They do not want to help them at this time due to space limitations. Have met with Kristin at the Snake River Animal Shelter and will be willing to give them the same deal as Ucon. The facility is state of the art. Would like them to meet with her so they can see what the facility has to offer. Snake River will take dogs for a \$35 intake fee. These are for calls for dogs that are hit on the side of the road. Recently received a call where a family left and moved out of the state and left their dog. They will take the dog for \$35 intake and \$10 a day boarding fee with three day s minimum so would be at least a \$65 fee. If unclaimed in five days then Snake River would take ownership. Chairman Hancock asked if it would be \$65 or an \$85 fee. Andi thinks when the dog is turned over to them they no longer have to pay the fee. Is not sure on all the details. Kristin had told them that sometimes they cannot pay the fees so would work with the people. Also advises the county get an animal licensing program.

[1:09:18 PM](#) Andi said as she has come to know the deputies that it is hard they cannot help the animals. Just need some type of funding or a location to take them. Last summer before they took office understood there was supposed to be money allocated. Colleen said they had \$5,000 last year and lowered this to \$3,000 for this year. Andi said she is so happy did not realize they had allocated any money. Chairman Hancock said they will start with the \$3,000. The thoughts were if the vets would take them. May need to work with the Snake River Animal Shelter. Andi said that there is nothing else that she can do. Also brought up a TNR program. This is a trap, neuter and release. Program would be at no cost but would need a letter allowing them to put together the program for the community. Has been working with commissioners for years in the past. Chairman Hancock they are trying and realize this is an issue. Commissioner Young said they will act on this.

#### **MITCH WHITMILL – NOXIOUS WEEDS & INVASIVE SPECIES**

- **RESOLUTION #2019-30 – TRANSFER OF FUNDS (ACTION ITEM)**

[1:14:12 PM](#) Colleen said this is for transferring from the weed departments trust account. Need to transfer \$30,000. Chairman Hancock reads resolution #2019-30. "Resolution Authorizing Transfer of Funds. Be it ordained by the Commissioners of Jefferson County, Idaho that monies be transferred from Weed Trust #9136 to Weed Fund #27 in the amount of \$30,000. Dated this 26<sup>th</sup> day of August, 2019."

[1:15:08 PM](#) Motion by Commissioner Clark to approve resolution #2019-30 for transfer of funds from Noxious Weed Trust Fund #9136 to Weed Fund #27 for \$30,000. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.

[1:15:51 PM](#) Recess until 6:00

Open session 6:00

Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Paul Butikofer, Clerk Colleen Poole, Clerk of the Board Audrey Moon, Treasurer Kristine Lund, Sheriff Steve Anderson, Noxious Weeds & Invasive Species Mitch Whitmill, Emergency Management Rebecca Squires, Jefferson Star Nina Rydalch, Orren Squires, Ward Whitmore and Kimber Tower.

**COMMISSIONERS – CLERK - COLLEEN POOLE**

- **2018-2019 BUDGET HEARING**

- **EMERGENCY MANAGEMENT – NOXIOUS WEEDS & INVASIVE SPECIES – (ACTION ITEM)**

[6:00:55 PM](#) Chairman Hancock said they have to re-open the current budget to add expenses and additional funds. This is per State Code. Chairman Hancock asked for the sign-up sheets. They have no one signed up to speak. They had additional expenditures of \$21,782. Had wages from Emergency Management for \$4,493.14 and Weed Department for \$17,288.86. Will receive revenues from the State of Idaho and Department of Agriculture. Adding \$21,782 in additional funds. Closes the public hearing on the budget change.

[6:03:28 PM](#) Chairman Hancock asked for comments. Commissioner Clark sees that with the added expenditures they had the revenues to cover this. It is a wash. Chairman Hancock said this was for spraying out on the desert and our emergency manager helping with the hurricane. Have a resolution to change the total amount. Changed budget total amount is \$23,417,498.

[6:04:44 PM](#) Mitch comments the \$17,288.86 was for West Desert Sage Grouse Habitat Initiative project where they were reimbursed for labor. This will go back into the salary line.

[6:05:39 PM](#) Paul asked if the doors were open they were locked when he came in. Chairman Hancock said they fixed this and Brian velcroed these open. These lock automatically. Do not want to lock the public out.

[6:06:13 PM](#) Recess to fix resolution

**Open session 6:09**

[6:09:19 PM](#) Chairman Hancock said they have resolution #2019-31. "Resolution opening 2018-2019 budget and adding expense lines. At a meeting of the Board of Jefferson County Commissioners, State of Idaho, on the 26<sup>th</sup> day of August, 2019, the following was adopted to wit: Whereas, the Noxious Weed and Invasive Species Department has expended in the amount of \$17,288.86 for the West Desert Sage Grouse Habitat Initiative; and Whereas, the Emergency Management Department has expended in the amount of \$4,493.14 in overtime for the Emergency Manager; and Whereas, on August 23, 2019 the amount of \$17,288.86 was reimbursed to Jefferson County from Department of Agriculture; and Whereas, the reimbursement is forthcoming from the State of Idaho in the amount of \$4,493.14; Be therefore it resolved that the Board of County Commissioners hereby authorize the following to be added to the 2018-2019 fiscal year: Noxious Weeds and Invasive Species \$17,288.86 and Emergency Management \$4,493.14 for total additional expenses of \$21,785.00. Approved and adopted this 26<sup>th</sup> day of August, 2019." Colleen said they did receive this from the Department of Agriculture but have not received the money yet from the State of Idaho.

[6:11:41 PM](#) **Motion by Commissioner Clark to approve resolution #2019-31 adding in the additional revenues and expenditures for the 2018-2019 budget for a new budget total of \$24,417,498. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

- **2019-2020 BUDGET HEARING**

- **RESOLUTION #2019-29 – (ACTION ITEM)**

[6:13:07 PM](#) Chairman Hancock said the budget per State Code is authorization to spend funds. There may be items in the budget but does not mean they will approve the expenditures. Based upon needs. There are a few items they may have questions on. Chairman Hancock said they do have one signed up in favor and one that is neutral.

[6:14:39 PM](#) Kimber Tower 282 W 1<sup>st</sup> S in Rigby. Came in the past supporting the Prosecutor on serving children. Not sure if they heard but they had a jury trial last week. It was three very intense days. We're speaking all day to make sure everyone was on the same team. Was here twelve to thirteen hours each day. Prosecutors Office coordinated individuals from Bikers against Child Abuse to be present. Speak to the fact that these cases are rarely tried. To protect and support this child was incredible. Hope they can support this. Knows it took two of them out of the office for three days. Would be happy to answer any questions at any time. Chairman Hancock asked if there is anyone else in favor of.

[6:16:59 PM](#) Chairman Hancock invites Ward Whitmore up on a neutral position. Ward Whitmore 54 N 3167 E. Is here have a couple questions. One is the \$45,000 in for the legal. Paul mentions this is not a question/answer. Ward said fine he will comment. Have put in the \$45,000 for legal assistance for Planning & Zoning and moved it to the Prosecutor. Had been discussions if this is legal to keep this. Advocates to keep this in Zoning & Planning. It was in there last year. Think it is important because they are giving the authority to the administrator of Zoning & Planning to use this individual as they see fit. Does not see this as workable to ask the Prosecutor for permission to use an attorney. The last testimony is that Mr. Ziel is efficient and a good bargain. They need to keep this within reach. To go to Ada County or a big county would find attorneys sprinkled throughout county government. If they spoke to some of their peers thinks they would find this. Would be a waste of county money and need to be much more efficient. Was here two weeks ago and information popped up about having information to hire another deputy attorney. At that time the Prosecutor was going to have the information with caseload by attorney. Assuming they have this. If they do not then they still do not have the information to make an informed decision. Feels handcuffed since he does not know what has already been decided. Think it is a must to keep Zoning & Planning legal advice unless they have the detailed information. Will be filing an information request because he would like to know the caseload by attorneys. If they have any doubt to leave this in Zoning & Planning. If this is in the budget does not mean this will be spent. Need to put this back in there. Until they are 100% confident they cannot do it this way. Would rather they check with their peers. See if all attorneys report to the Prosecuting Attorney.

[6:22:46 PM](#) Chairman Hancock said he can comment on these. They are aware they need an attorney for Planning & Zoning. Have spoken about this with Mr. Ziel and Kevin. No doubt about needing legal counsel. Second is they do have an option from the Attorney General that states they need to put this under the Prosecuting Attorney. Does not mean he has to control all actions that take place. Mr. Hathaway can contact this attorney. Did receive this information. Commissioner Young said they did discuss that Planning & Zoning needs this. Will try and continue with Mr. Ziel. Knows that Mr. Hathaway has a lot on his plate. Chairman Hancock said they have to follow State Code. It was an opinion of a deputy from

the Attorney General that this individual needs to be deputized. Do have caseload information they have received by the Supreme Court but it does not break this down per attorney. Not sure what they are going to do not his as they still need some more answers before they approve a position.

[6:26:46 PM](#) Chairman Hancock said this is all that has signed up from the public. Would like to go through each fund. Will have what is approved. Under the general have Clerk at \$257,320, Assessor \$325,496, Treasurer \$130,235, Commissioners \$176,585, Coroner \$23,276, Prosecuting Attorney \$518,656, Public Defender \$180,357, Building & Grounds \$320,50, Emergency Management \$141,158, Extension Office \$100,830, Data Processing \$592,566, Elections \$155,079, GIS Mapping \$121,104, General \$1,475,149, Planning & Zoning \$489,375, Veterans Service Officer \$2,100 for a total in the general fund of \$5,009,786. Road & Bridge is \$7,505,051 wants to let them know they have a grant of \$3.5 million included in this. This includes Kettle Butte Dairy and Jerome Recourses. Airport \$7,000, District Courts \$1,586,107. Comments that \$530,000 of this is for 5C Detention Center. Fair \$105,841. Justice Fund have the Sheriff's Office \$3,134,094, Jail \$2,601,029. Costs a lot to operate the jail. Total of \$5,735,123 for the Justice Department. Capital Crimes Defense Fund \$13,128 this would provide the county support during a murder trial. Colleen said this is a premium. Chairman Hancock said next is District Health \$136,199 they pay a portion each quarter. Have two offices within the county one in Rigby and one in Mud Lake. Special Road & Bridge \$875,000. Consolidated Election \$369,645. Colleen said consolidated elections are for fire districts, school bonds and levy elections. Chairman Hancock said the Indigent they kept this the same as last year for \$418,382. This - could be up or down. Reason is do not know how the Medicaid Expansion is going to affect them. Could cost them more than \$180,000 more than they have already budgeted. Left this where they are at. State said they may take what they budgeted at least for the first year. Do not know what this will cost and does not go into effect until January. Jr. College Tuition \$125,000 this is where they pay the residency tuition for residents in the county. Sheriff Anderson mentions on the Indigent the caveat is with the Medicaid expansion the inmates will be covered for costs when they have to be taken to the doctor or emergency room. Will offset some of these costs. Chairman Hancock said they had always thought that the Indigent program should cover the inmates. Parks & Recreation is self-funded and runs with funds that are generated for \$566,008. Revaluation is under Assessor this is \$304,501. Solid Waste \$1,095,913. Tort is the insurance from ICRMP \$184,798. Veterans Memorial Maintenance is \$3,500. Weed Department \$478,880. Waterways \$15,593. Sheriff Emergency Communications adds this is a 911 fund from local phones \$462,385. Debt Service Fund is for the other courthouse \$475,000. Way this is structured they cannot make an early payment until 2021. Colleen said this is paid with out-of-county solid waste funds. Chairman Hancock said Payment in Lieu of Taxes is revenue that is brought in on \$500,000 that they can transfer to different departments within the county. Used a lot of this money for the annex. Never asked for any bond or loan. Sheriff Highway Safety grant is \$24,416. Grant total of fiscal year 2020 budget is \$25,997,256. Thinks they have gone through the budgets thoroughly. Realistic in expenditures. Commissioner Young said they have done an excellent job to ask for what they need.

[6:43:10 PM](#) Commissioner Clark appreciate all the department heads and those that created their budgets. Stay close within the budgets and use the money wisely. Chairman Hancock appreciates the public's attendance and concerns on how the funds are spent. Trying to do the best with the funds. Trying to improve all departments. Within the budget the DMV will move to forty hour a week schedule. Appreciates the employees. Special thanks to the Clerk for working on this budget.

[6:45:41 PM](#) Colleen said with the budget they are balanced with the levy. Commissioner Young is grateful for the employees and elected officials. Wish they could raise them a little bit more but did get a two percent increase. Chairman Hancock closes the public hearing. Reads resolution #2019-29. "Resolution adopting the ensuring budget for fiscal year 2020 County of Jefferson, State of Idaho. Whereas, Idaho Code Section 31-1605 requires a public hearing upon budget appropriations, and Whereas the Board of County Commissioners met at the Jefferson County Courthouse Annex on Monday, August 26, 2019, pursuant to designated published time; and Whereas, the Board has unanimously passed a motion approving the fiscal year 2020 budget; and Therefore be it resolved, pursuant to said hearing, the Jefferson County Board of County Commissioners has determined and fixed the amount of the fiscal year 2020 budget in the amount of \$25,997,256 which is not greater than the amount of the published tentative budget nor does it include an amount to be raised from property greater than the amount advertised. Dated this 26<sup>th</sup> day of August, 2019."

[6:47:51 PM](#) **Motion by Commissioner Clark to approve the fiscal year 2020 budget in the amount of \$25,997,256. Second by Commissioner Young. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[6:48:35 PM](#) **Motion by Commissioner Young to approve resolution #2019-29 adopting the 2019-2020 Jefferson County budget for \$25,997,256. Second by Commissioner Clark. Roll call taken. Commissioner Clark- aye, Commissioner Young-aye, Chairman Hancock-aye. Motion passed.**

[6:49:26 PM](#) **Motion by Commissioner Clark to adjourn at 6:49. 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*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*County Clerk*

\_\_\_\_\_  
*Date*

