JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
FEBRUARY 8, 2021

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

DUE TO COVID-19 COMMISSIONER MEETING WILL BE HELD IN PERSON OR ON ZOOM.

EMERGENCY MANAGEMENT – REBECCA SQUIRES

- COVID-19 UPDATE

9:04:21 AM Rebecca said as of Thursday the Board of Health rescinded the mask wearing in Jefferson County. Friday they went above that threshold but has been below other than that for three weeks. The cautionary tale is they are barely below this rate. Not time to throw caution to the wind need to keep doing what they have been doing. The official guidance is that masks should be worn when physical distancing cannot be maintained. The big change from the state side is gatherings are now limited to fifty people. Most of the spread comes from gatherings. They have signage in the courthouse that masks are required. Would they like this to stay the same, ask as a recommendation or would they want these signs taken down.

9:06:44 AM Commissioner Young said they are still strongly recommending masks. May not keep the six feet distance. Most of the COVID is passed in gatherings. Personal recommendation is they still keep the mask mandate to the public here in the courthouse. Part of the reason is if COVID does get spread it finds its way to those that are vulnerable. Feels they should keep these for now. On stage three sees the frustration they have two command posts Governor turned this to the Public Health District but then has somewhat taken this back with more restrictive guidance which takes precedence. Chairman Hancock said Commissioner Young is recommending they keep the mandate. Commissioner Young thinks if they can keep a six feet distance it is one thing. Commissioner Clark said those that are coming and going can wear a mask while in here to keep employees and other residents healthy. Commissioner Young thinks once they start getting more vaccinations their hospitals should be on a safer footing.

9:10:01 AM Rebecca said as long as cases of COVID does not relate to hospital or death. The focus this whole time has to reduce the hospitalizations. Chairman Hancock said they will leave this as it is.

- GRANT PURCHASES – (ACTION ITEM)

9:10:40 AM Rebecca has three quotes for a UTV for Central Fire. Has a lot of wildland that is not conducive to the county. Had to commandeer private vehicles to get injured individuals out from the Heise area. Could also be used out on the desert. This would be a shared asset but mainly in control of Central Fire. Chairman Hancock asked Carl Anderson with Central Fire if they would have any issue with the Sheriff’s Office using this. Carl said they get along great with the Sheriff’s Office. They have no issues. Have been looking at acquiring one of these. Has room to house this and the Sheriff’s Office has access.

9:13:55 AM Commissioner Clark asked on the Polaris 800. Chairman Hancock said one is a Ranger. Asked Carl if these are the same. Carl said these are the same. Rebecca said these all have the qualities they need for technical rescues. Chairman Hancock said it looks like Action is around $14,000. Place down in Rupert was $16,000 and Rexburg Motor Sports was $12,000. One is a Can Am. Rebecca worked with Jared Gianni trying to find items that are completely similar. Would say to pick a specific model there are several that fit. Budgeted $15,000 for this project in the grant. This is a 100 percent grant.

9:17:05 AM Motion by Commissioner Clark to approve grant purchase for a Polaris UTV for $12,743.98 from Rexburg Motor Sports. Second by Commissioner Young. Roll call taken. Commissioner Clark –aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

9:17:50 AM Rebecca tells Carl not to move forward yet she still has to go through the state.

9:17:51 AM Prosecutor Mark Taylor is in room

9:18:00 AM Rebecca said the next one just wants this on their radar. As they are aware the Sheriff’s Office uses Axon body cameras for the deputies and the jail. Has some under the Cares Act that is already being reimbursed. Would ask for approval pending legal review. If they can give her signing authority since it is two weeks since our next meeting. Chairman Hancock said they have license payments with this. Rebecca said this is the case with every agreement. She purchases the hardware and the Sheriff pays the licensing. The agency has the ability to cancel the contract. Chairman Hancock said they have used them numerous times. Where they already have a contract do they need another? Rebecca said they are buying new hardware so they have to re-agree to the contract. Chairman Hancock asked if they bundle the licensing. Some companies give them a bundle price. Rebecca believes this is a GSA pricing since most of their purchasers are government. Chairman Hancock said this is a tentative amount of $34,004. Need to look at the licensing agreement and have the attorney review. Rebecca said can wait since they have so many outliers that need reviewed.
PROSECUTOR - MARK TAYLOR
- TEMPORARY CONTRACT ATTORNEY – (ACTION ITEM)
9:23:30 AM Mark said before he had hoped that they would have their additional attorney here in February. Currently this is looking like it will be later possibly in March. Would like to look at another professional services agreement temporarily to help cover the load. Gus has been able to handle this but is unable to for another month. This would be a week-to-week basis. Would be the same contract and same workload. Has a deputy prosecuting attorney in Bonneville that the Prosecutor there has agreed that he can use. It would be $5,000 a month. Chairman Hancock said this is a contract not an employee. Mark said they can use the civil deputy line. Colleen asked if they can pay a contract out of employee line. Chairman Hancock said they need to pay this out of the contract line in the Prosecutor budget. This way they will go over in that line item but be under in the long run. Mark said his name is Ryan Jolley.

9:27:19 AM Motion by Commissioner Clark to approve a contract attorney for the Prosecutor’s Office Ryan Jolley for a weekly basis prorated at $5,000 a month. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

ASSessor – JESSICA ROACH - CANCELLED
- EAGLE VIEW PICTOMETRY CONTRACT – (ACTION ITEM)
9:34:49 AM Chairman Hancock said this has been tabled.

TREASURER – KRISTINE LUND
- ACCESS IDAHO CONTRACT – (ACTION ITEM)
9:28:02 AM Kristine said that Planning & Zoning desires to take credit cards in their office. Has been working on this for a long time. Encouraged them to go with Access Idaho and talked the fee down to 2.5 percent since the offices transactions will be on the larger side. This saves their constituents money. All of the fees are paid by the user. Has the service agreement to add on Planning & Zoning. This is the same as all of the other departments that have come on. Did have this reviewed by Mark Taylor who had no issues. This requires the signature of Access Idaho they will sign after the Commission agrees to this. Expressed to them that they had another way they wanted to go and did not like. Park & Recreation uses a different system due to the reservation system and this not being tax money. Magistrate has to be different because of the State. Offices within the county she would prefer they use Access Idaho. This is pretty competitive most departments do not use the ACH. Vern did not feel they would utilize this but would have this option. Can get this rate elsewhere but they agreed to come on board with the 2.5 percent. Are comfortable with Access Idaho.

9:32:26 AM Motion by Commissioner Clark to approve addendum with Access Idaho for electronic transactions for Planning & Zoning. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

EXTENSION OFFICE – JOSEPH SAGERS – CANCELLED
- VEHICLE PURCHASE – (ACTION ITEM)
9:35:03 AM Chairman Hancock said this has been tabled.

COMMISSIONERS
- APPROVE CERTIFICATES OF RESIDENCY – (ACTION ITEM)
9:35:20 AM Motion by Commissioner Clark to approve certificate of residency from the College of Eastern Idaho for Tiffany Lowe. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

- APPROVE COMMISSIONER MEETING MINUTES – (ACTION ITEM)
9:36:11 AM Motion by Commissioner Young to approve commissioner meeting minutes from January 19, 2021. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

- APPROVE CLAIMS – (ACTION ITEM)
9:37:31 AM Commissioner Clark asked if they purchased another air compressor. Chairman Hancock said they may need to call Travis have the heating issue. Travis said they had to redo the air compressor in the jail. The first one they bought failed. Commissioner Young asked if they had any warranty. Travis got the full price coming back that will be refunded to them on the pump it was around $2,600. Commissioner Young asked on the final bill for the heating in the kitchen jail. Travis said they lost communication Friday night and are back working on this. Commissioner Young asked him to follow up if this is the last bill. Commissioner Clark asked Dave on the Willmore appraisal. Dave said LHTAC is looking for the funds to make the purchase. The county pays 7.33 percent on this project.

9:44:44 AM Recess until 10:00

Open session 10:00
SOCIAL SERVICES – AMY JOHNSON

- EXECUTIVE SESSION 31-874 & 74-206 (D) – RECORDS EXEMPT FROM DISCLOSURE – (ACTION ITEM)
10:00:24 AM Motion by Commissioner Young to go into executive session 31-874 & 74-206 (D) – Indigent Records Exempt from Disclosure. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 10:10
- APPROVAL OR DENIAL OF INDIGENCY APPLICATION – (ACTION ITEM)
10:11:06 AM Motion by Commissioner Clark to approve subordination agreement for case #2014-49. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

PLANNING & ZONING – KEVIN HATHAWAY

- UPDATE
10:14:07 AM Kevin said the numbers are carrying like they have been. Up considerably on their inspections from last year. Chairman Hancock asked if they have any outstanding building permits other than from February 1. Kevin said they do not. Commissioner Clark said they had eighteen permits this last week. Kevin said some of these have been notified. If this continues this trend they will see a lot of growth. Had a hearing last week that went well. Looked at a calfo expansion. Whenever they put in a change they have to meet. Chairman Hancock said this is the old Skaars feedlot.

10:17:12 AM Chairman Hancock asked how they are doing on Municode. Kevin said they submitted the subdivision ordinance into this. Working through this and other updates they have. Should have this before them this month. Are redoing the zoning ordinance. Chairman Hancock asked the update on the issue with the floodplain. Kevin is waiting for Mark who is reviewing the contract.

10:19:35 AM Mark said Commissioner Young pointed out they have a lot of contracts coming in. Is taking these in order they are received. Hoping by the end of the week if there is no issue. Kevin said they did have some questions on their agreement. Chairman Hancock asked if they opened the office. Kevin said they opened last week.

PUBLIC WORKS – DAVE WALRATH

- 2021 CRUSHING CONTRACT AWARD – (ACTION ITEM)
10:21:13 AM Dave said they are behind on contracts. Not sure if they can sign today. The crushing contract outlines the specs. Chairman Hancock said this is the same boiler plate that they have used. Dave said the changes are the quantities and completion date. Chairman Hancock said they have these as an attachment. Brooke Price from Brett Price Excavating is here today to sign. Chairman Hancock said for the public this is for their crushing contract the bid opening was done in a meeting and Brett Price was the low bidder. Have Brooke representing their company today.

10:24:26 AM Chairman Hancock said the total is $192,500 for this contract. Did follow protocol.


- GREAT WESTERN CANAL BRIDGE REPAIR – (ACTION ITEM)
10:26:15 AM Dave said this bridge was hit by a sewage pump truck a few weeks ago. Did significant damage. Moved the abutment wall six inches. This will be an insurance claim. Talked to JB Engineers to put together a design. Estimated the cost to be around $3,200. This should take care of their costs. Going to put in jersey barrier instead of guardrails. Has not had Mark’s review on this. Been onsite last week. Doweling in a new port. Mark believes this would be with ICRMP. Chairman Hancock said they need to make sure the insurance fixes the liability of the structure. Dave will see who handles this.

- OLDCASTLE CONTRACT AND PROPOSAL FOR BRIDGE EXTENSIONS – (ACTION ITEM)
10:29:46 AM Dave said this is for 3700 and 3600. Chairman Hancock said they will need to issue a purchase order for them. Can approve a purchase order that is what he prefers they do. Then they can submit this. Would prefer they sign this as a board. Can accept their terms if not in conflict with our terms. Asked Dave to work with Audrey on getting a purchase order.

- PROFESSIONAL SERVICES AGREEMENT – PARAGON CONSULTING – (ACTION ITEM)
10:32:55 AM Dave said this is for certification on cell two. This is the same as they had for cell one. Chairman Hancock asked what is different. Dave said the price has gone up since it’s been five years. They will then need to seed it. Knows they were not happy with the last company. Chairman Hancock said this was over $20,000. Dave said they can pursue other options. Chairman Hancock said it is their benefit to close this. Dave is a licensed professional engineer. Dave said the problem is they require an independent engineer to do the certification. Commissioner Clark asked if this was reviewed. Mark said with a quick look it is missing some standard terms and conditions they may want to discuss.

- FUEL SYSTEM UPGRADE FOR CIRCULAR BUTTE – (ACTION ITEM)
10:36:07 AM Dave said this would be utilizing the same fuel system they have in Rigby. Chairman Hancock said this would need to be on a purchase order as well.
• CARD PAYMENT – CIRCULAR BUTTE – ROAD & BRIDGE – (ACTION ITEM)
10:37:21 AM Dave said that Kristine mentioned that they would like to start taking credit cards. Will use this a lot at the landfills. Will work with her to get the correct information and provide that at a later time.

• WILLMORE RIGHT-OF-WAY UPDATE
10:37:58 AM Dave said the appraiser went and updated this to $118,700. Talked about taking the right-of-way fence out of the project. Added that $15,000 from the project and added to their appraisal. Agreed upon price is $140,000. Will take this agreement back to LHTAC. Once that is done the project can be ready to go. It is slated in 2024 but if something else slips they are inline once they have this right-of-way. Chairman Hancock knows this has been going on a long time. Commissioner Clark asked if LHTAC comes up with the money they pay this right away. Dave said yes they have to take the fence down and put a berm on the outside of the fence and move the pens. This will be prior to the project being started.

• UPDATE
10:40:00 AM Chairman Hancock asked if they got the necessary paperwork to the Department of Commerce. Dave said that Mark is working on this. Chairman Hancock said they need to get this done so they can get Horrocks paid. Dave said they are hauling gravel and patching pot holes. Commissioner Young said they had quite a few drifts they were cleaning up. Chairman Hancock said get these on purchase order ready and they can take care of these.

JIM BERNARD – JILL PARK
• SUBDIVISION ORDINANCE
10:42:23 AM Chairman Hancock said they have talked about a complaint this will be in an executive session. Wants to give Jim and Jill an opportunity to come up and speak about the subdivision ordinance. Does not want any personal attacks. Jim Bernard 337 N 4500 E. First would like to enter in the record his response to the lies and mistruths from last meeting. (Exhibit A) "I would like to address and formally enter in the record my response to the lies, mistruths, assumptions and accusations regarding Mr. Belnap’s letter to the Commissioners. #1 Ref 2 A – That I as a Developer, attended a December 21, 2020 Commissioner meeting at the personal invitation of Commissioner Hancock. This is completely false. I discovered in a meeting with Thompson Engineering that there was a new Subdivision Ordinance about to be voted by the Commissioners. I had not heard anything about the new ordinances previously and was concerned about what they contained. I called Commissioner Hancock to ask if public comment could be provided. He told me it was a public meeting and I asked where I could get a copy of the Ordinances. I was told I could find them on the Jefferson County website. #2 – Ref Section 4 – Accusation of Commissioner Hancock having an ex parte discussion with a Developer since he personally invited him to attend. This is completely false. There was no personal invitation whatsoever. Mr. Belnap goes on to say it is reasonable to assume Commissioner Hancock would have discussed his concerns with the Subdivision Ordinance and why it was important to him (developer) to attend. This assumption is wrong and is completely false, inflammatory and baseless. #3 Section 5 – Mr. Belnap again makes the accusation that it was only by special invitation that I attend. Again, this accusation is completely false and is untrue. My interest at being at the meeting stems from conversations with Thompson Engineering and my financial interest in developments in the County I live and work in. In closing, Mr. Belnap's entire and unfounded accusations appear to be the ramblings of a sore loser in a defeated election attempt. I don’t appreciate being drug into this personal battle."
10:44:45 AM Jim also wants to address the subdivision ordinance. (Exhibit B). "I would like to formally request that the Commissioners reconsider and reverse their prior decision to approve the Subdivision Ordinance. As stated in a letter from Mr. Belnap, there were no members of the public to provide any input in the public meeting. Also, the ordinance as currently recorded and on file and website by the Planning & Zoning Administrator, still includes the requirement to provide sewer to all lots under three acres. Obviously in the middle of COVID and just prior to Christmas, although it may or may not have met the legal standards for notification, the fact that no public input was given should be concerning given the gravity of the proposed ordinance. Who were the individuals who drafted these ordinances and why was there not a committee comprised of the individuals who have a staked interest in Jefferson County Development? As of the date of this writing, there are currently only seven residential building lots of any size listed for sale. When construction grinds to a halt based on these actions, and there is nowhere in the county for new homes the extreme negative economic impact of these actions will be felt by area residents and businesses. The only way left to develop is City development with very high-density homes as exampled by the most recent passing of fifty wide city residential building lots. These actions will cause the value of Jefferson County farmland not immediately adjacent to the city to plummet and the county to be swallowed into one huge City. I believe Jefferson County needs to make immediate changes to allow for reasonable, timely and prudent development."
10:47:00 AM Chairman Hancock said they appreciate these comments. Jim said Jill does not want to speak but everyone in this room is here on the subdivision ordinance. Felt like in the middle of COVID this was not noticed by people in the community. Commissioner Young said he does not mind hearing the public but if they are going to have a public meeting they can make something actually regarding this. Make this an actual hearing.
10:48:00 AM Chairman Hancock said this would have to noticed this with proposed changes to the subdivision they can amend this. Look at the subdivision ordinance and tell them what they feel needs to be changed. Then they can have a hearing with discussions. Commissioner Clark thinks this would be a good thing. Has a question during the subdivision ordinance when they were working on this no one knew this was going on before? A Resident spoke up and said he had never heard about this. Commissioner Young said that the paper is not read by everyone.
10:50:00 AM Mark Taylor said while they are waiting for a mic. If the Commissioners are going to look into making changes would be wise to put a moratorium on any more subdivision approvals that are affected by the existing one. This was approved back in December if they are going to make another change that is a three month window. Chairman Hancock said as Mr. Bernard indicated they cannot get one approved under the conditions. Jim feels they are in a moratorium already. Would rather go back to the previous ordinance. Found twenty or thirty places where these things are up to discretion. One subdivision has eighty homes and one has over a hundred and they are not specific. Could really use some
specifications. Commissioner Young said the problem with a moratorium they need to have stipulations with reasons statutorily. Chairman Hancock said they have safety health and another issue before a moratorium is looked at.

10:53:02 AM  Kip Salas is owner of Advanced Home Services. Purchased a piece by the Loft to move their location to a better spot. Wanted to develop the property. There was never anything talked about during this purchase of a subdivision ordinance coming in. Wonders if this was done hastily. Those in the trade it slows them down.

10:54:24 AM  Jed Denning is a well driller his question is why this ordinance was put in place. Were they having contamination? They do not view wells as a conduit for contamination. They are regulated by the state. This specifically talks about drilling wells. This does not address sewer systems that are the source of contamination. Wonders the reasoning. Chairman Hancock said the question is why they are pushing this when they are governed by the state. Jed asked are they contaminating the aquifer? Idahoans really like owning their own well and sewer has been in place for many years. Many have come because of this. Has had experience with community wells for subdivisions and these are headaches. Does not have a community well himself. It is nice having their own. Especially if they are watering and the water only comes into the ditch every fourteen days. There are a lot of reasons he personally does not like community wells.

10:57:15 AM  Commissioner Clark said this may not be the only answer the Planning & Zoning Commission looked at the growth in twenty years with all of the subdivisions popping up. It is the sewers. In the high sub areas where they have subdivisions proposed within close proximity. Keeps the water levels up when they flood irrigate. There are some areas where wells may not be deep enough. Looked at the growth. Does not want to be liable for twenty years from now. As they worked on this they should have had more input. Knows this was advertised and they talked about this as commissioners. Even as developers need to look at what could happen in twenty years. Has to be a consensus with all of them. Want the best for the county.

10:59:41 AM  Chairman Hancock said they had some discussion with the Health Department. Had looked at putting easements in for future sewer. Felt one thing that could be done was to look at community wells to make this similar to a city. Realize that some do not like this and personally does not either. They still need to look forward to the future. Do they need to develop water districts to take care of that? They do not know. Looking at down the road and looking for the future. Does not want what happened in Island Park with the contamination.

11:01:47 AM  Jim said they want long lasting subdivisions. Has grandkids in this community. There are some facts and some just want to go one way or another. There is serious consideration that one cow supposedly puts out as much nitrate as seven homes. Have nitrates from that. Sometimes knee jerk reactions take over. Appreciate them saying they will open this up. Knows they all care. Believes with COVID and really no one reads written print anymore. There is some good subdivisions in the works so people do not have to live within the city. Commissioner Young said a lot of the mentality was to get an ordinance in there and they can make corrections. Commissioner Clark thinks they should probably move this and have a public hearing. Chairman Hancock said can have a public hearing asks the public to look forward to the future. Do they need to develop water districts to take care of that? They do not know. Would they rather an evening or during the day. Jim said as long as they do this and can have input can work through this. Chairman Hancock said they need three weeks to publish this in the paper. Jefferson County was the third fastest growing in the state. Commissioner Young thinks they are second fastest now. Chairman Hancock said some do not want people to move to the county. Could look at March. Jim would like this as soon as possible. Would like to go back to the old rules. Commissioner Young said they would still need a hearing. Chairman Hancock said they will hold a public hearing on March 1 at 1:00. Wants public input. Jim said this was a surprise to a lot of folks. Chairman Hancock said they will move forward. Rebecca said that written comment is welcomed and can be sent to the courthouse or email this to amoon@co.jefferson.id.us. Audrey provides cards. Chairman Hancock said that the ordinance is online he did point out they may still have an error.

11:10:21 AM  Jill Park said for information something that needs looked at. They had so much trouble with Public Health. Just for their information the person they dealt with did not look at their hole to be approved. Just thinks something needs to be looked at. There is a big problem with communication with Public Health. Getting them out there and misinformation. Can add these rules but is not sure they are being enforced correctly. Commissioner Young asked for her number afterwards he sits on the Public Health Board.

- EXECUTIVE SESSION 74-206 (B) –(ACTION ITEM) - CITIZEN COMPLAINT

11:11:58 AM  Motion by Commissioner Clark to go into executive session 74-206 (B) - to hear a citizen complaint against an employee. Second by Commissioner Young. Roll call taken. Commissioner Clark –aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 12:12

12:11:35 PM  Chairman Hancock said that they had some discussions about a complaint on an employee.

12:11:56 PM  Jefferson Star Samantha Vandervalker said that during discussion on the subdivision ordinance all public notices were available. These are also added on Idaho Public Notices.com. Access was available in the paper the county website and also any public notice is put on Idaho Public Notices.com. Chairman Hancock thanks her for that comment. The information was out there.

12:13:38 PM  Motion by Commissioner Clark to adjourn at 12:13. Second by Commissioner Young. All in favor – aye. Motion passed.