JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
MARCH 15, 2021

Meeting called to order at 9:05. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Emergency Management Rebecca Squires, Elections Cathy Dabell, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Hancock. Prayer offered by Commissioner Young.

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

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ELECTIONS – CATHY DABELL

- CANVAS ELECTIONS – RIRIE #252 – WEST JEFFERSON #253 - (ACTION ITEM)

9:06:52 AM Cathy has the election results. Chairman Hancock said they have the joint Ririe #252. Commissioner Clark said he has the West Jefferson #253 results. Chairman Hancock said for Ririe have the supplemental levy in the amount of $290,000. Clark precinct had fifteen yes and seventeen no. Ririe had ninety-two yes and twenty-nine no. Absentee had four yes and one no. Total was one hundred and eleven yes and forty-seven no. So this one passed since it needs majority. Cathy said they still have to include Bonneville but yes.

9:08:35 AM Motion by Commissioner Young to approve the Jefferson County election results from Ririe School District #252 for joint levy for $290,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

9:09:08 AM Commissioner Clark said the other election results they have West Jefferson #253 school district was a supplemental and maintenance operation levy for $360,000 per year for two years. Hamer sixty-six yes thirty-nine no. Montevieu had thirty-two yes and nineteen no. Terreton had one hundred and eleven yes and thirty-seven no. Absentee had seven yes three no. Total of two hundred and sixteen yes and ninety-eight no so this supplemental levy passed.

9:10:09 AM Motion by Commissioner Young to approve the West Jefferson school district #253 supplemental levy for $360,000. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

IT – GARN HERRICK

- PURCHASE DATA STORAGE EQUIPMENT – (ACTION ITEM)

9:13:03 AM Garn said they have before them information that shows the current situation on their storage. At almost eighty percent used. Would like to increase this by adding on another unit. Main server has locked up twice in the past month and have had to juggle items to obtain space. Knew this was coming and is a planned expense for this year. Is coming in a little sooner than expected. This is identical to the Sheriff’s Office that was purchased last year. Chairman Hancock asked if this is a GSA pricing. Probably need a purchase order for this. Garn said it is and he already has a purchase order. Is covered under a five year warranty. This is thirty terabytes. This will add on to what they already have. Hope this will get them through another four years. Most of this is achievable type of data.

9:15:22 AM Motion by Commissioner Young to approve Purchase Order #2021-0315 with AB Tech in the amount of $42,553.63. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

PUBLIC WORKS – DAVE WALRATH

- UPDATE

9:16:52 AM Dave said they will be putting out the break out speed limits. Have six crew members out starting in Roberts and the other starting in Ririe. Have six crew members out patching today. This will be ongoing. This is cold patch mix since hot plants have not started up yet. Have four out grading. Working on their projects for the year. Have more projects than they will have funds. Would really like to get a new dump trailer for Solid Waste. This would be a goose neck. Would be used at County Line to haul the grass clipings. Would also like to add a water tank on D4 this is the one the Kenworth replaced. Has a regular dump body but is rusted. Would rather put a water tank on this. The one they have on this side is not in good shape. Still leaks. Chairman Hancock asked if they take the tank off the other one. Dave said they want to make this an actual body that can be used to haul and not have to be swapped out. Has a quote from Grover’s All Wheels for $28,000. Chairman Hancock said there is a place out in Billings that makes these as well.

9:21:31 AM Dave said the auction is ongoing. Looks like everything that Road & Bridge and Solid Waste put up will sell. The backhoe has a pretty good price on this. Did not have a meeting on the Kettle Butte Dairy Road. Will have one on Thursday with the consultants and The Development Company.

9:22:39 AM Dave said on the Annis Highway project was supposed to have a board meeting last week to see if they had funds for the right-of-way purchase. Thinks this project is projected in 2023. Went to a demo on the smart traffic signs. They have outfitted these with motion detectors so they only flash when vehicles approach the sign. Has a project next year to put these all along County Line Road. Will outfit these with the motion detectors. More effective so people do not get desensitized to the lights. Are talking about increasing percentages to the locals. Moving forward with
getting an estimate on financial insurance out at the landfill. This covers how much it would cost in case they have to close the landfill. This is required by DEQ. Believes the estimate was $185,000 last year.

**9:25:46 AM**  Dave said on the dump trailers for the goosenecks believe one came in just under $12,000. Still looking at additional quotes. The new Dodge should be in Salt Lake tomorrow. Are supposed to deliver these here. Gearing up to do a bunch of road repairs.

**9:26:40 AM**  Chairman Hancock received an email from a gentleman in the subdivision on 12 N on Yellowstone Highway. Dave said this is Country Squires. Chairman Hancock said the road is cracking in that subdivision. Dave said this was crack sealed and fog sealed this. They ran out on one cul-de-sac. Believes he has gotten phone calls from this gentleman as well. Understands the issue but there are more pressing issues currently.

**9:27:56 AM**  Chairman Hancock said another question was asking why they run a pickup truck behind the patcher truck. Dave said this is a lot safer. Chairman Hancock said this may not be efficient. Could put a few cones out. Get these complaints and have to listen to them. Dave said that this is safer when they are out exposed to traffic. Should be getting some durapatcher oil on Thursday.

**ASSESSOR – JESSICA ROACH**

**• SOLID WASTE FEES – (ACTION ITEM)**

**9:31:32 AM**  Jessica said her office tracks the solid waste fees. Has some questions. With this new ordinance on putting accessory apartments attached to houses are seeing more of these. First question is do they want two solid waste fees when they build a secondary home attached or just one solid waste fee. Chairman Hancock said these are supposed to be attached they cannot be detached. Jessica said they have both. Have some that have shops with apartments in them. Then they have ones that are attached will this be one solid waste fee. Chairman Hancock said yes on solid waste fee. Jessica said on townhomes get one per unit. Chairman Hancock said these are supposed to be mother-in-law apartments on those that are attached. This will be per house. Commissioner Young said if they attach the additional house this then they use this as one house. Jessica said they also have the same homes attached in the basement with different accesses. Going back to apartments they go with units. Fees are different for apartments. Would they treat these as houses or apartments? Commissioner Clark asked what an apartment fee is. Jessica said a small apartment is $84. Commissioner Clark said this is not really discounted. Commissioner Young said the house they have a common entrance. How would they know if this is being used or not. Chairman Hancock said this is the question that is why they leave this at $100. Jessica said those that are grandfathered in will have two solid waste fees. Chairman Hancock said if they are using this as an apartment. Jessica said this is how they are doing this just wanted to clarify.

**9:35:14 AM**  Jessica said townhomes and apartments if they are on top of each other they are per unit. Townhomes are considered single family dwellings so they are getting a solid waste fee of a home not an apartment. Chairman Hancock agrees that is a good interpretation. Jessica said they are getting more commercial and have to track these when they are not quite sure on what the criteria is. May be time to sit down with the Treasurer, Dave and the Commissioners. This is a fee not a taxation. This may need to be discussed. Doing the best they can guessing what this should be but does not work for Solid Waste.

**9:36:40 AM**  Dave said they have built a pretty good cash line. Really do need to build a transfer station to keep up with their level of service. Not sure the fees they are doing are inadequate. Thinks they are fine. Talked about modifying out-of-county tipping fees. Then the pandemic hit and didn’t think it was time to do this.

**9:37:32 AM**  Jessica said commercial does not know which category believes they have fourteen different categories. They use their best guess because this is not evaluation on the property. Not sure why the Assessor is doing the Solid Waste fees but this needs to be addressed. There is a lot of tracking involved. Some of these could be wrong. Chairman Hancock said they must be doing a good job has not heard any complaints.

**9:38:23 AM**  Commissioner Clark asked if commercial fees are still $100. Jessica said they are more. Chairman Hancock said this depends on the size of bins. Jessica said this is where they do not know where to put these businesses. Chairman Hancock thinks they must be doing okay. Commissioner Clark asked if she could email a copy of the schedule.

**9:39:09 AM**  Jessica asked if the house is unlivable do they still not get this fee. Chairman Hancock said yes. Jessica asked if this should depend on the number of containers or number of living spaces. Townhomes they are doing the $100 because they can be sold separately. If they have mother-in-law suite attached just have the one fee. Chairman Hancock feels these are different where it is one family. May be more lenient on these but will continue for the time being. Jessica said these were her main questions. May be time to revisit this. It would be helpful if they know how much trash the commercial businesses collect. Chairman Hancock said this would depend on the type of business. There are some that hardly generate any and others generate a bunch. Commissioner Young said they may have to do an audit every so often.

**9:41:05 AM**  Dave said looking down the road if they get a transfer station could have everyone pay across the scale then this would alleviate the pay schedules. Chairman Hancock said that is the fair way. Dave said this would be a pure user fee. Chairman Hancock said in Fremont County they still charge a $200 landfill fee plus everything across the scale. Dave said they have to have over three tons to make the $100. Chairman Hancock said he was here right when they put this in they were concerned about having people pick up the garbage like the commercial hauler who was paying the tipping fee they thought this was not fair so they went to a flat rate.

**9:44:09 AM**  Jessica knows a lot of comments is they are paying the fee then going to Bonneville and paying the fee because they are closer. Chairman Hancock said they know they need to get a transfer station. Does this answer her questions? Jessica said yes. These were their main concerns getting more mother-in-law suites.

**COMMISSIONERS**

**• RESOLUTION #2021-29 – 2ND AMENDMENT – (ACTION ITEM)**

**9:45:21 AM**  Chairman Hancock said lets discuss this. He does not see any issues. Is similar to Bonneville County. Audrey said that Bonneville, Bingham and Power County used the same resolution. Chairman Hancock said he did read Skips comments but this is a resolution not
an ordinance is a resolution. Commissioner Clark asked Mr. Taylor to weigh in they talked about liability to the county. Mark said did read this. His feeling in general is that the United States Constitution is already the law of the land. The second amendment is already interpreted by the Supreme Court and what they say in this body will not change what the Federal law is. Chairman Hancock felt the same way. Mark said this is political showmanship. This shows they believe in the second amendment. This is a political statement and does not change the law. Chairman Hancock said laws contrary to the second amendment should be challenged. Mark said if they want to take on the fight on the second amendment. Chairman Hancock said they are not going to. Mark said this is their call. Colleen also felt the same way. Are they going to do a resolution for other amendments? Commissioner Young said if they want to protect their guns they need to keep conservatives in office. Chairman Hancock asked other thoughts.

Chairman Hancock reads resolution. “A Resolution Declaring Jefferson County, Idaho, To Be a Protected Second Amendment County. WHEREAS, the Jefferson County Board of Commissioners deem it necessary and desirable to protect the rights of citizens of Jefferson County, Idaho, concerning the rights granted to those citizens under the Second Amendment to the United States Constitution and under the Constitution of the State of Idaho, Article I, Section 11; WHEREAS, the Jefferson County Board of Commissioners does not support the Federal Government in enacting laws, policies, statutes, or standards that would potentially infringe on the rights of the citizens of Jefferson County to possess firearms, ammunition, magazines or firearm accessories; WHEREAS, the Jefferson County Board of Commissioners find that it is in the interest of the citizens of Jefferson County to oppose the confiscation of firearms, ammunition, magazines or firearm accessories at the county level, except those actually used in the commission of a felony under Idaho law or those that are in the possession of a convicted felon as defined under Idaho laws, or those possessed in conflict with a valid court order pursuant to Idaho Code §§ 18-920 and 39-6310; NOW THEREFORE BE IT RESOLVED by the Jefferson County Board of Commissioners that we oppose any enactment of Federal mandate, be it by way of statute, policy, laws or standards, that will infringe on the right of Jefferson County citizens given to them under the Second Amendment to the United States Constitution and the Constitution of the State of Idaho, Article I, Section 11 and in Idaho Code; BE IT FURTHER RESOLVED that the Jefferson County Board of Commissioners do not support financially or otherwise, any enforcement of any new federal law, statute, policy or standard that will infringe upon the rights of the citizens of Jefferson County that are granted to them under the Second Amendment of the Constitution of the United States and furthermore granted by Article I, Section 11 of the Constitution of the State of Idaho and in Idaho Code, additionally we fully support the enforcement of Idaho Code §18-331SB.”

Mark said generally speaking this states they are going to follow the law. Chairman Hancock said this is a feel good resolution. Mark said one thing that gave him pause is be it resolved that they oppose the enactment of federal mandates. Is this morally or a matter of philosophy? There is some ambiguity there. There is a lot of squishy language in here. This is all theory. Chairman Hancock said this is a feel good resolution. Does not see a big issue. Probably have a lot of citizens that would like this. Mark said personally he would not because would they do a resolution on everything. Slippery slope on where this ends. Colleen asked on liability for the county. Mark said that is a good question. Interpretation that this will infringe upon the rights of citizens. Does this infringe upon the citizens? This is a legal question that would need to be litigated. Would not sign this it seems unnecessary. Would this be binding? Colleen asked a concern is if they signed this if a citizen wants them to fight for them. Commissioner Young knows they will have some upset. Does not think they need to pass resolutions that are not necessary. Mark said this is not happening right now. It is hypothetical and acting on fear more than reason.

Chairman Hancock asked Mr. Taylor to weigh in they talked about liability to the county. Mark said this looking at hypotheticals. Commissioner Clark said they may not pass a resolution but they could come out and say they support this without passing the resolution. Mark said they could support this without so much language. Commissioner Young agrees with Commissioner Clark that they represent the second amendment by keeping this simple. Commissioner Clark said maybe push this off for a few weeks and see if they get some comments. Mark asked on a particular citizen. Audrey said that she had several phone calls. Mark said they may reach out to those people and they can discuss this further. Rebecca asked what kind of statement the commissioners are looking to make. Looking at the second amendment day. Are they never going to spend money on confiscating firearms? Or do they want to celebrate second amendment rights. Then can add this to a date and push this through social media celebrating and reasserting their second amendment rights. That may be a better outcome without doing a resolution or could have a specific day as second amendment day.

Dave said currently in Federal Session in DC are speaking about universal background checks. This is if they gift a firearm they have to do a background check. Who is going to enforce this? Mark said this will be federal government that enforces this. Creates problems politically. Really the issue is federal elections and how they vote in the federal government. If they create a law what will they do not obey this. Why not cross that bridge when it happens. Right now it has not happened. Do not generally legislate on what might happen or in reaction to fear. Dave said they may want to wait until the Legislation is out. Mark said right now this is just hypothetical. Dave thinks given the current filibuster rules this could change. Mark would rather they address this issue when this is a reality in front of them. Chairman Hancock said they can table this for more information.

**PLANNING & ZONING – KEVIN HATHAWAY – JENNY KERR**

- **WRITTEN DECISION – SUMMER FIELD ESTATES – (ACTION ITEM)**

10:04:03 AM Jenny provides the written decision. Chairman Hancock said that he read this. Commissioner Young said this was the one he recused himself from.

Commissioner Meeting Minutes March 15, 2021
Motion by Commissioner Clark to approve the written decision for Summer Field Estates. Second by Chairman Hancock. Roll call taken. Commissioner Clark – aye, Chairman Hancock – aye. Motion passed. Commissioner Young recused himself.

**WRITTEN DECISION – PARK PLACE – (ACTION ITEM)**

Motion by Commissioner Young to approve the written decision for Park Place. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

**UPDATE**

Kevin said they are trending up. The inspections have also been increasing. This will be high all this year. The permit fees they have collected are up significantly. These are already higher than last year. Chairman Hancock asked if they are having problems getting permits out. They are right at the deadline. Kevin said these should be done but are not on the report. Chairman Hancock asked if they have put out a job ad. Kevin said they want to add some experience. It is a hard market to predict right now.

Kevin said they had their work meeting on the subdivision ordinance. Had come up with some reasonable items. Will meet with the City of Rigby for the Area of Impact this week. Should be ready to have a public hearing on April 1. Planning to move forward and are advertising. Erik said they noted this in the paper on summary form. Chairman Hancock has some ideas they might present in their meetings. May need to be specific in the high water areas. Kevin said they will be having additional Planning & Zoning work meetings this month.

**TREASURER – KRISTINE LUND**

- **TAX CANCELLATION – PARCEL #MH04N39E311002 – (ACTION ITEM)**

Kristine said when they were processing the warrants of distraints find some issues with mobile homes. Sent an email out to the Sheriff’s Office. Have new patrol deputies. Can be a misdemeanor to remove personal property. This doesn’t actually have this issue. This was a mobile home that Planning & Zoning during a compliance issue had told them the trailer had to be removed. It did get removed and the landfill fee was removed for 2020. Sometimes these occur. This has been verified this has been moved and left with tax of $7.36 that is on the record. Come before them and would like to cancel this $7.36 on MH04N39E311002. (Exhibit A) Chairman Hancock said based on this information does not see any issue.

Motion by Commissioner Clark to approve the tax cancellation on the 1971 Columbian mobile home parcel #MH04N39E311002 for $7.36 for the 2020 years taxes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Motion by Commissioner Young to adjourn at 10:17. Second by Commissioner Clark. All in favor – aye. Motion passed.