JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
MAY 3, 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 Young. Prayer offered by Commissioner Clark.

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

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PUBLIC WORKS – DAVE WALRATH

• UPDATE
  9:04:44 AM  Chairman Hancock said they are sorry to hear about their employee. Dave said they did lose an employee after having some medical issues. Ted did start a GoFundMe to help his wife out.
  9:07:20 AM  Prosecutor Mark Taylor is present
  9:07:25 AM  Dave said for Solid Waste they will get through this will be shorthanded. Planning to hire a few seasonal one basically to pick garbage. Road & Bridge have Brett Price crushing. Chairman Hancock asked on any test results yet. Have had Atlas test who is the old MTI for testing. Also has his own test he took. They are in spec. Our test shows 100% fracture. All is good with this. Almost done with the chips. Then have the crush to do. Have until the end of the month. Thinks the chips are close to done. As far as other chips they are hauling from Leadore to Montevue outside of the ITD pit. Most of these will go toward chip sealing the Montevue Highway. They did lose a turbo in a Kenworth. Is back up and running. Got a new one put on this. The new truck is doing great. Today they have eight trucks and trailers going. Tomorrow they will have nine going. Chairman Hancock said they could take the one truck and hook a belly dump. Dave said they do not have any more they might look at getting another trailer. Would be next year. Has a balloon payment on the grader out in Mud Lake. Would like to get another truck this fall.
  9:10:35 AM  Dave said the newest truck they have is a 2011 other than the ones they just bought. Has a pretty big gap. Commissioner Clark believes they are probably six to eight months out. Dave said that Kerry spoke with Peterbilt and they are about three months out. Kenworth is well over a year out. Will probably look at a Peterbilt this year. Chairman Hancock said Bonneville uses something else. Dave said they had Interstates. Madison has Western States. Dave said these are pretty heavy duty.
  9:12:23 AM  Dave said they are getting busy. The bridges have been done hopefully they have had good feedback. Chairman Hancock said they are happy they have asked for a wider road. Dave said they did taper this. Chairman Hancock said they have the bridges fixed which knows the owner on the ditch on 3600 was concerned about the ditch being damaged. Dave said this is their right-of-way. Running water right next to the road is damaging. Chairman Hancock said he had asked about a culvert. This is on 3600. There is an irrigation ditch that runs right by the bridge. Dave said they replaced the pipe. They put pit run in the borrow pit to offload. Made this safer. Not sure they saw the accident on 3700 a car hit the guardrail on the Burgess Canal. It was pretty bad. Carl Anderson sent him a picture. Chairman Hancock said the guardrail still looks okay. Dave said yes Jerry and Matt went out and checked this out. Did win the ITD auction for the Ford F450 is $5,100. Pretty confident the guys will be able to fix this. Will pick it up today. Chairman Hancock said this was a 2008. Commissioner Young asked if it was a diesel. Dave said it is. Colleen asked on the wire transfer. Dave said he got a message Friday that it went through. Will be hauling chips then will begin with otta seals. Commissioner Young mentions a letter from Kay Bare. Dave said they ask every year to have the road paved. Commissioner Clark said they have a bid they have to pay. Dave said they will pay. Have until the end of the month. Thinks the chips are close to done. As far as other chips they are hauling from Leadore to Montevue outside of the ITD pit. Most of these will go toward chip sealing the Montevue Highway. They did lose a turbo in a Kenworth. Is back up and running. Got a new one put on this. The new truck is doing great. Today they have eight trucks and trailers going. Tomorrow they will have nine going. Chairman Hancock said they could take the one truck and hook a belly dump. Dave said they do not have any more they might look at getting another trailer. Would be next year. Has a balloon payment on the grader out in Mud Lake. Would like to get another truck this fall.

NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL

• 2021 IDAHO TRANSPORTATION DEPARTMENT WORK AGREEMENT – (ACTION ITEM)
  9:19:33 AM  Mitch has their work annual agreement with ITD. Did send this to Mark. Mark said he did not see this. Mitch said this is going from annual renewal to five year renewal. Can still opt out there is no binding agreement. Raised this to $18,000 and dropped most of the treatment on I-15. There had been some duplication with the state. If they have additional funds they may call and add to this if they need to. These agreements are the same except instead of terminating once the money is spent this is ongoing for five years. Mark said the cost can be increased by up to two percent each year. Mitch said they will do this annually. If they need more they could request more in writing before the year. They are really good to work with. Only have one operator. Is a base agreement.
  9:22:21 AM  Mark said it does say this can be cancelled. Mitch said it just makes it easier.
  9:22:36 AM  Motion by Commissioner Young to approve the 2021 Idaho Transportation Department Work agreement with Noxious Weed Control for $18,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

• UPDATE
  9:24:11 AM  Chairman Hancock said they have stuff coming up already. Mitch said they are trying to hold off because they have to wait for soil temperatures. One of his main operators starts next week. Will do the fertilizing and will reseed 3950 where they disturbed the sewer lines. Only put reject gravel back in. Did not put a revegetation component. If they do not reseed it will come back with thistles, cheatgrass and kochia. Spoke with Mitch Bradley and they will add this. Has worked with Dave on this as well. Chairman Hancock said on 200 N and 4000 have the water line. Mitch said he has done the Annis Highway twice. They do not always tell them when they rip cable in.

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Dave said a lot of the utilities have yearly permits. Mitch said one of the farmers has done some reseeding. Asked if the river will be raising up soon. Commissioner Clark said they were holding off until some warmer weather melts the snow up high.

**HUMAN RESOURCES – REBECCA SQUIRES**

- **PARK & RECREATION NEW HIRES – (ACTION ITEM)**

**9:28:14 AM** Rebecca said that Mickey asked her to present some personnel action forms for seasonal workers at the lake. They watch these individuals to make sure they are not more than twenty hours a week or they watch the length of their employment so they do not run into PERSI eligibility. They have to watch that hours or lay off dates for the seasonal employees. Also have to watch for those that are under eighteen. They cannot use some of the equipment. Commissioner Clark said three are booth and one maintenance.

**9:29:56 AM** Motion by Commissioner Clark to approve the personal action form for Rainey Bell as a booth attendant, Isabel Tower as a booth attendant, Emily Porter as a booth attendant and Dillon Ferguson as maintenance. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

**COMMISSIONERS**

- **MIDWAY MOSQUITO ABATEMENT APPOINTMENT – (ACTION ITEM) - CANCELLED**

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

**9:35:52 AM** Motion by Commissioner Clark to approve commissioner meeting minutes from April 19, 2021 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

**9:36:34 AM** Recess until 10:00

Open session 10:00

**LANDON THURGOOD**

- **IMPACT ZONE – CITY ANNEXATION – LONG-TERM PLAN FOR INFRASTRUCTURE**

**10:01:02 AM** Chairman Hancock said as far as city annexation this is not something they can discuss. This is a city decision. Can speak to the other items. Do have Public Works Dave Walrath here and their Fire Chief Carl Anderson here. Met last Monday with the Fire Chief from Idaho Falls to discuss their services.

**10:01:57 AM** Landon said his purpose is to try and help the members of the community. People live here and would like to be informed. Would like to get answers for them and place these before them. Lives in the impact zone. When they see the city wanting to do annexation. Then there is not anything they can do for those in the county that live in the impact zone. Chairman Hancock said the impact zone is still in the county. When the city offers beneficial services to these individuals the city then can then ask for this to be annexed. Landon asked for clarification on 200 N and 4100 the LDS Church had to pay for the water to be brought out. Then they drilled a well behind. Why are entities or organizations paying for the services to be brought out when this should be the city’s responsibility?

**10:03:50 AM** Chairman Hancock said he can answer some of this. Currently the way the city works is they cannot use funds from the revenue they charge from existing customers to expand their services. Their policy within the City of Rigby that any additional services have to be paid by the developer or owner of the property. A lot of other areas such as Idaho Falls have used other funds and grants to expand their services and then have a fee or the developer pay a portion. Been the decision of the City of Rigby to not do that. Would have to ask them. There are those options to expand sewer and water services. As these expansions happen and provide full services then the cities are allowed to annex. Landon asked where an entity in the county pays for the improvement does this become city property. Chairman Hancock said this would depend on the agreement with the city and entity. For example the school paid for the sewer when the High School was put in. They paid for the sewer and they own this so it was up to them to have anyone hook onto this. Elected not to since they paid the full burden. There are different agreements that can be made. Commissioner Young thinks the church made an agreement with the city for the water. Commissioner Clark said they can have different cost shares. Landon said he plans to go to the city, school boards and possibly ITD. Reason is the members of the county elect them to stand up for their interests. If they are in the city impact zone and the city annexes them what is the county doing for them as citizens so they do not have to be annexed into the city with higher taxes. Chairman Hancock said the infrastructure before they can annex which he has read multiple times is there has to be beneficial services such as sewer and water in all of the annexed area. If this is not there they cannot annex. Commissioner Young said they cannot make money off of this. It is solely for this service. Landon said they are looking at the subdivision ordinance to try and not have the infrastructure when the city does this. Ignorance is bliss. Feels people have formed opinions. Understands the subdivision ordinance is an ongoing thing. Have a public hearing on the 21st. Will have this noted. When was the last time an impact study was done looking at the infrastructure? Building permits for six weeks in 2020 and six weeks in 2021 has almost tripled. Chairman Hancock said the last impact study was done in 2007. Had an outside firm do this study. Was not a commissioner then. They did a projection based on population looked at effects on traffic, police, roads and other services and this is how they came up with the impact fee that is now charged is based off of this study. Landon said this was fourteen years ago. When do they plan to have another study done? Chairman Hancock said they in the process they will move from the subdivision ordinance. This is on the projection and is on the horizon. Commissioner Young said they have an impact study and road study. Dave said they have plans to update the transportation plan. They are aware it is time to do these again.

**10:10:56 AM** Chairman Hancock said they usually look at these for a five, ten and twenty year plans. Are past the ten years. What happened is they saw a shrinkage in 2008, 2009 and 2010 so the projections were not inline. Then about three years ago everything broke loose. Landon asked if the study will take in Highway 48 from 3700 to 4200. Chairman Hancock invited Dave up. They include all of state highways but they do not...
control the State Highways. Can make suggestions. Landon said he wants to discuss this also with ITD. Look at I-15 as they divert they have a lot of traffic coming off into the City of Rigby. Trying to create dialogue.

10:12:40 AM  Dave said they have tried to get them to take over Highway 48 because they know it is a problem. Did a few improvements near Roberts last year. Chairman Hancock said they did a few this way. Dave said the vast majority of 48 is in rough shape. It has fifteen bridges from Roberts to Ririe. This is a problem thinks the state is aware. Landon asked if they are in collaboration on County Line. Dave said they split this. They have from 3900 E to Osgood. Bonneville has 3900 E to Ririe. Chairman Hancock said he has spoken to Commissioners in Bonneville and their comment is they have bigger fish to fry. Landon said he has been in almost five accidents there is a high accident probability in the area. If people in the community have questions. Chairman Hancock said they have talked to the state on the congestion. As they get to the intersection they may look at lowering the speed limit closer. They have people run the stop signs. Bonneville County has their stop sign too low and people run this.

10:15:28 AM  Landon said the study is something they are looking at the turn lanes for all of the subdivisions. Now there is nothing. Landon said on 4100 there are sixty lots. This subdivision is not required to add anything to the roads. Thinks this is Moser Estates. Chairman Hancock said this is where the school has bought property. Landon said he lives out there. Will be back when the school is being built. Who shares in all of the costs? Chairman Hancock said they do not have all of this ironed out. Dave said they would flush some of this out with the transportation plan. Obviously intersections on 48, Yellowstone, 4000 and 4100. Has some ideas on these as well. Landon said someone that drives trucks the roundabouts at least keep traffic flowing. Dave said they had some critics of the peanutabout but it works really well. Landon said if they plan like Iona where they can tear this out and have two lanes in the future.

10:17:52 AM  Chairman Hancock said when they work with the new subdivision ordinance one thing they are looking at turn lanes for all of the subdivisions. Now there is nothing. Landon said on 4100 there are sixty lots. This subdivision is not required to add anything to the roads. Thinks this is Moser Estates. Chairman Hancock said this is where the school has bought property. Landon said he lives out there. Will be back when the school is being built. Who shares in all of the costs? Chairman Hancock said they do not have all of this ironed out. Dave said they would flush some of this out with the transportation plan. Obviously intersections on 48, Yellowstone, 4000 and 4100. Has some ideas on these as well. Landon said someone that drives trucks the roundabouts at least keep traffic flowing. Dave said they had some critics of the peanutabout but it works really well. Landon said if they plan like Iona where they can tear this out and have two lanes in the future.

10:20:46 AM  Landon asked when they have looked at an environmental study done. Chairman Hancock said District 7 Health they have certain guidelines for water quality and sewage and a lot of this falls on state law. In the subdivision ordinance some of the requirements they are putting in is an environmental study. Certain sized subdivisions should have to do a study. Landon asked why only a certain size. Chairman Hancock said it is the effect of a large subdivisions vs small is considerable more. If they put sixty homes compared to three homes. Thinks the new limit will be ten. This follows some state guidelines and still have the minimum of one acre. Based off of what the state says they should not have a pollution problem. Landon said state requirements are the minimum of what they have to meet. Why not take it up a notch. Have a little subdivision going in here and there. Have one build on off 200 that has four small subdivisions. This still impacts them. Why shouldn’t they require everyone to play by the same rules? Shouldn’t they require the people that have the land and are selling the land have this done prior to so they know what can be done. Commissioner Young said the subdivision ordinance will look at this. Landon asked prior to selling. Chairman Hancock said before this is sold would be a property rights. Mark said first they cannot know for sure what someone will do with land when you sell it. Could own land and sell it and they may want to develop this but could be farmland for years. This is imposing a cost for something that may never happen. Until the developer intends to develop the land this would be a preemptive cost. People have the right to buy and sell land. Cannot put a lot of restrictions on buying and selling land if they have too many restrictions. Cannot issue a taking on selling land. They can then sue for taking away property rights. Until there is a development planned with an application they cannot ask this. Once a subdivision is being developed then the burden comes and they will have to do studies. Landon said there is no way that they can have stipulations that existing subdivisions have to have fifty percent of homes. A lot of people buy lots and hold on them. Can they have these built out to a certain percent? Chairman Hancock said the old ordinances did not give them this ability. The new subdivision does. If this is not developed within two years they have to meet the more stringent guidelines. Addressed this now but cannot back in 2008. Mark said the question is more they do not want new subdivisions built until current subdivisions are full. Landon said they only have forty percent of lots built out in Rocky Mountain Estates. Only have certain amount of homes. Going to approve new subdivisions or could they put this on hold to have all of the subdivisions built out. Would this be a land use issue? Mark said that would be a problem. They cannot tell them what they can do with their land just because a different subdivision has not been finished. Cannot deprive them of their property rights. Cannot tell people they cannot build a subdivision unless is completed. This becomes the developer economic analysis for the supply and demand.

10:29:05 AM  Landon said it depends on what they read they are the second fastest growing state. Wants to take this to the community. Mark said no one likes government encroachment on their rights. Believe the government is restrained by the people. There are limits on what the government can tell them what they can do on their land. Cannot say they can’t have a subdivision. But can list their requirements such as lot size, traffic, water pollution, population density, etc. They can build out rules but cannot tell them what they can do with the land.

10:30:54 AM  Commissioner Clark said it’s kind of economics. Even today they have a whole list of subdivisions. Everything is on a cycle. As a developer they realize how many lots are available. Right now there is not a lot available. At some point thinks there will be a number that they stop creating subdivisions until the lots they currently have sell. Commissioner Young said if all of the subdivisions that were started and approved would have 7,000 lots available. Landon has forty acres behind his house that had already been platted. Knows they have people buy lots as an investment. Mark said they can just create rules on how the development occurs so this is planned and orderly. Commissioner Young thinks this is a balancing act. Need to capture these for having infrastructure. In the past they have been able to put subdivisions in without any infrastructure. Landon asked when the study was addressed. Chairman Hancock said that the study was done in 2007. If Mr. Hathaway was here would tell them this is something they are looking into. Been reviewing impact fees and what the subdivisions are creating. Landon does not like time tables but when is a goal to have these looked at. Commissioner Young said they are going in chronological order. Once they have the subdivision ordinance done then they will look at the impact study and traffic and fees. Landon asked on the next hearing on the subdivision when this would be finalized.
Chairman Hancock said this will be approved that day unless there are some changes. Mark said the subdivision will always be fine-tuned and ongoing. Landon said something that is enforceable. Mark said this should be on May 21.

10:35:07 AM   Appreciates their time. Will go before the city and school board. If they plan to build a school if they will have dialogue with the city and county. Chairman Hancock said from a county standpoint they do interface with the schools. Dave meets with the superintendent regularly. Chairman Hancock wants to meet with him as well they really need to have some planning.

PLANNING & ZONING – KEVIN HATHAWAY

• PROFESSIONAL SERVICES AGREEMENT – WILLIAMS ENGINEERING – (ACTION ITEM)

10:37:28 AM   Chairman Hancock asked Mark if he has a copy of this agreement. Kevin is not in today. Kevin had sent a text that Mark reviewed this. Mark believes Mr. Williams will be onboard with their charges. Chairman Hancock said that Kevin was adamant in his emails that he would like this reviewed and approved today. Mark was unaware of this. Can go and print the agreement.

10:38:54 AM   Recess

11:14:18 AM   Open session 11:14

11:14:42 AM   Chairman Hancock said the professional services agreement will table this until they receive the additional information.

UPDATE

11:14:42 AM   Motion by Commissioner Clark to adjourn at 11:15. Second by Commissioner Young. All in favor – aye. Motion passed.

Chairman of the Board

Audrey Moon
Clerk of the Board

County Clerk