

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
TUESDAY, JANUARY 17, 2023**

Meeting called to order at 9:01. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Hancock. Prayer offered by Commissioner Clark.

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**COMMISSIONERS**

• **RESOLUTION #2023-09 – CHAIRMAN SELECTION – (ACTION ITEM)**

**9:03:28 AM** Motion by Commissioner Clark to select Scott Hancock as Chairman. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

**9:04:07 AM** Chairman Hancock said they have Resolution #2023-09. “Whereas, it is necessary at this time that a Chairman of the Board be selected; Now therefore be it resolved that a motion as made by Commissioner Clark, seconded by Commissioner Young to appoint Chairman Hancock as the Chairman of the Board of Jefferson County Commissioners effective this 17<sup>th</sup> day of January, 2023; The motion passed and voting was unanimous, as taken by roll call vote on this 17<sup>th</sup> day of January, 2023. Done and dated this 17<sup>th</sup> day of January, 2023.”

**COMPLIANCE – KEVIN HATHAWAY**

• **UPDATE**

**9:05:25 AM** Kevin said they are the same as last time. Get more complaints about snow plows when it snows. Dealing with that on the phone. Most everyone has been compliant and understands the issues. People need to realize they need to leave the rights-of-way open. Need to discuss removal of objects in the rights-of-way. Would like to see how other counties deal with this. If someone else has a better idea. Will bring this before them in the next couple of weeks. Went to a class for Excel but had a family issue he had to leave for. Been migrating his information into that spreadsheet. There is a backlog of information that needs added. Can see the pattern of issues.

**9:07:43 AM** Commissioner Clark asked on impact fees and where they are at. Kevin said he spoke with Rob this morning and he is still working on this. Commissioner Clark asked if they got any more information from Roberts Fire. Kevin said he spoke to them last week but did not have anything else. Chairman Hancock said the Mayor was working with them on getting something in place for the city. The city has to agree to charge a fee on permits within the city. Kevin said the city would handle that. Does not think they need the county to do inspections at this time. Chairman Hancock said the Mayor stated they are starting to progress. Kevin said until that changes they would not have much to do with that.

**9:09:49 AM** Chairman Hancock asked if he could have that report updated next week. Kevin said it will be more updated but will not be complete. As he gets the complaints in is now putting this right into the spreadsheet. Been putting this in the notes once they have completed their actions. Some are weather related that will not be able to be completed until spring. On the rights-of-way issues these resolve pretty quick. Think this is better than what they have.

**9:11:23 AM** Chairman Hancock asked Rob when he would have his stuff to Kevin. Rob is hoping to finish that this week. Is updating values and quantities.

**ARBOR TECH – JED & KARIN HANCOCK**

• **TREE TRIMMING CONTRACT**

**9:11:53 AM** Chairman Hancock said he spoke to her husband a bit. What they are doing on the subcontractor agreements ones they are putting out are considerably different than what this was. Are not opposed to working with them. Karin said that was not how it came across. Was not notified prior talking to Rob. Chairman Hancock said on the scope of work they want to have Rob in charge. When they give a specific location to do a job they get a quick cost estimate to not exceed a certain amount. That way he knows what it will be. Need to have a specific area on the road. It's not just anywhere on the road. Mainly looking at intersections.

**9:13:24 AM** Karin said she had texted Dave in the past saying they went up 3800 and where they have an issue. Would then let them know the issue. Chairman Hancock said the main issue is intersections. Commissioner Young said there are a lot of blind spots. Might want them to mark trees that need done. Chairman Hancock said then they are pin pointing what needs to be done. Do not want a mile of ones they think need trimmed. Karin said if anyone ever complained on an intersection then Dave would just let her know. Chairman Hancock said if they do renew this contract her husband indicated they would keep the same rate. Karin said they would but this is a lot lower where this was set up in 2017 so it is a lot lower. Chairman Hancock realizes that costs have gone up. Not fair to keep the same rates and he told Jed that. What they would do is issue this different than its issued now. Would renew every year with a note and would get a ceiling amount. Karin believes this is on the first page the budget amount. Chairman Hancock said there is not anything on there. Tried to explain this. Commissioner Young believes they made a motion to not exceed the \$30,000. Commissioner Clark said they stated this in the budget. Karin believes when Brian was in they would do \$10,000 and then the next year they tentatively set this at \$30,000. Chairman Hancock said this contract is bad. Want to have an option to renew. They will give them the opportunity then to provide different pricing. That is why they felt this was time to rebid this. Karin asked why they did not have a meeting before they terminated this. Chairman Hancock said they do not normally do that unless someone requests a meeting. Karin said this was in place since 2017.

Chairman Hancock said this was automatic renewing. Karin said they planned on this. Not sure they have had any complaints. Trying to understand the logic on not notifying them.

[9:17:52 AM](#) Chairman Hancock said the thought process was not they are terrible is allowing another bid with new rates on a different scope with what they really want done. Karin agrees with that. Chairman Hancock said they are trying to correct things that were not done in this contract. Want to do that. Karin said it would have been nice on some notification. Had to find out she called in and found out why. How do they handle this at this point where she has already been given the letter? Chairman Hancock said they can write a new contract.

[9:19:14 AM](#) Rob said he wants to go out to competitive selection. Chairman Hancock asked if they still want to do that. This is under \$50,000 they do not have to competitive bid this where it is \$30,000. This is a reasonable rate of \$45 an hour. For one year this is his thought. Karin said to finish off this year. Chairman Hancock said they can compete this next year. Then the rates will go up.

[9:20:21 AM](#) Rebecca thought it was time to rebid the contract. Are they then going to continue with Arbor Tech for the year? Chairman Hancock said if they can modify their agreement where this is not acceptable the way it is. Would want to have Rob give specific locations and Arbor Tech will need to give a cost estimate. Will need to know the crew size so there are no surprises. Then they would add a ceiling amount in the contract with a period of performance. Then it will end at the end of the year. So, this year they have \$25,000.

[9:21:52 AM](#) Karin said as she looked at this it has January as the renewal. Will this be until September of December? Chairman Hancock thinks they should stick with fiscal year so end of September. Hard to cross budget years. Commissioner Young said most trimming is done by October. Karin said they usually do this during their slower months. Typically work on this December, January and February. Then any emergencies will be done as needed. Chairman Hancock said they will go through the contract. It's really not where it should be. Tried to tell her husband that. Karin asked on getting started on this or getting a new contract signed. Chairman Hancock said they need to get this written will take about a week will work with Mark and Rob then will make sure they agree with it. Then will present it at a meeting to approve by motion. Will probably not write a modification but as a separate subcontract. Commissioner Young said they will hurry because they meet next Monday. Karin asked if she needs to review this before Monday. Chairman Hancock said before Monday. Got her email address to send this. Karin said this makes more sense they just felt they were in the dark about this. Chairman Hancock said this was not until Rob talked to them. Rob was in the dark did not know they had a contract that is why he was preparing an RFP for competitive selection. Chairman Hancock said they will have a formal request for proposal for the next budget. This will specifically state he will give them the area and a cost estimate. Rob said they have a hard do not exceed of \$25,000.

[9:25:55 AM](#) Karin said she has a list from last year Dave okayed a bunch of stuff. Chairman Hancock said run this past Rob. Will let him review this and get a list. Karin said Brian Hjelm sent some stuff over too. Chairman Hancock said this all needs ran by Rob. Rob said not to proceed until they get a contract signed.

#### **EMERGENCY MANAGEMENT – HR – REBECCA SQUIRES**

- **NBW ARCHITECT CONTACT – (ACTION ITEM)**

[9:27:08 AM](#) Rebecca said this is the NBW Architect contract. Chairman Hancock said that Scott has been wonderful to work with. Rebecca said he is good to work with. Commissioner Clark asked on the turn radius. Rebecca said she would want to have the Sheriff available for that discussion but the technical issues have been resolved. Chairman Hancock asked on drawings. Rebecca said they finished up with affected departments last week. Should have more drawn up this week. Payment is based on the amount of construction.

[9:28:50 AM](#) **Motion by Commissioner Young to approve the agreement with NBW Architect. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

#### **COMMISSIONERS**

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

[9:32:52 AM](#) **Motion by Commissioner Clark to approve commissioner meeting minutes from October 11, 2022 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:35:35 AM](#) **Motion by Commissioner Young to approve commissioner meeting minutes from October 17, 2022 with noted changes. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:36:18 AM](#) Recess until 10:00

Open session 10:02

#### **APPRAISER – JODY STEARN – TREASURER – KRISTINE LUND**

- **TAX CANCELLATIONS – (ACTION ITEM)**

[10:03:45 AM](#) Kristine has the copies and parcels. The top are all homeowners and the last one they can talk about. **(Exhibit A)**

[10:04:18 AM](#) **Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #MH005530010080 for \$33.91. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:04:59 AM](#) **Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #MH005530010091 for \$33.91. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:05:24 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP003690020110 for \$847.75. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:05:48 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP007010020200 for \$847.75. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:06:14 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP007580020150 for \$847.75. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:06:45 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP04N37E271210 for \$880.56. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:07:16 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP04N39E071185 for \$833.78. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:07:35 AM](#) Motion by Commissioner Clark to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP04N40E216212 for \$522.36. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:07:58 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP04N40E307686 for \$568.92. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:08:24 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RP05N37E334450 for \$908.82. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:08:51 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPA03930070030 for \$317.15. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:09:10 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPA04100030180 for \$1,540.05. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:09:37 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPD022100B009A for \$1,692.83. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:10:01 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPE0222012004C for \$155.41. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:10:17 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPF02230190040 for \$179.41. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:11:03 AM](#) Motion by Commissioner Young to approve a tax cancellation for 2022 homeowner's exemption on parcel #RPF0223024001B for \$938.02. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[10:11:36 AM](#) Kristine said that concludes the ones for homeowner's applied for after April 15. Need to pay attention to legislature when this is discussed. This type of loss is devastating for all districts. This is just a real hit to all the districts in the State of Idaho. Assessor's Office has put a lot of work into this. Had one property owner apply on December 31, 2022 who have lived in their home since 2021. This is detrimental to their taxing agencies. Want to help homeowner's but not while harming others.

[10:13:06 AM](#) Kristine said the one for Komatsu Financial is a personal property tax. Sent mailings trying to track them down. They are in a different state and there has been no communication at all. The 2022 value was taken down to zero and is zero going forward. Feels she has exhausted all efforts to find these individuals so has brought this in for a cancellation. The equipment travels and is no longer in the county.

[10:14:31 AM](#) Motion by Commissioner Young to approve a tax cancellation on personnel property #PPL4N39E200001 for \$1,035.38. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

#### **PLANNING & ZONING – MILTON OLLERTON – VERN ULRICH – MCKINLAY QULICI**

- **FORTE CONTRACT – ELECTRONIC PAYMENT PROCESSING – (ACTION ITEM)**

[10:15:46 AM](#) Vern has a copy of the contract been working with Mr. Taylor who has put in numerous hours on this. Chairman Hancock asked if they have any questions. Vern said this is electronic payment and check processing. No fees for the county.

[10:16:32 AM](#) **Motion by Commissioner Clark to approve the CSF Forte Payments, Inc. agreement for electronic payment processing for Planning & Zoning electronic payments. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:17:20 AM](#) Milton said this will make them public facing online. The public will now be able to fill out a permit and pay online. Vern said this is not something they have had in the past.

- **LICENSE RENEWAL - MARKET LAKE SALVAGE – (ACTION ITEM)**
- **LICENSE RENEWAL - INTERMOUNTAIN AUTO RECYCLING – (ACTION ITEM)**
- **LICENSE RENEWAL - VALLEY AUTO SALVAGE – (ACTION ITEM)**

[10:18:19 AM](#) McKinlay said that Intermountain Auto Recycling has been annexed into the City of Rigby so they do not need to approve that one. Sometimes they do not see notices. Do have these other two. Will have another that was in the process of changing ownership.

[10:19:32 AM](#) **Motion by Commissioner Clark to approve license renewal for Market Lake Salvage. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:19:53 AM](#) **Motion by Commissioner Young to approve license renewal with Valley Auto Salvage. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **AMENDED MOTION – APPEAL ZONE CHANGE – NATHAN STINGER – (ACTION ITEM)**

[10:20:33 AM](#) Milton said there was a typo in the staff report. Basically, they need to amend the motion indicating the file number and parcel number.

[10:21:16 AM](#) **Amended motion by Commissioner Young on the Nathan Stinger zone change parcel to correct this to parcel #RP008040010180. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **WRITTEN DECISION – APPEAL ZONE CHANGE – NATHAN STINGER**
- **WRITTEN DECISION – APPEAL ZONE CHANGE – CHAD STEGELEMEIER**

[10:22:15 AM](#) Milton just needs signatures on the written decisions.

- **UPDATE**

[10:22:35 AM](#) Milton has a letter from FEMA closing out the community audit visit. The notice to title they did finish these out. There are twenty-six policies for flood insurance with FEMA. Have eighteen claims made since this program has started. Chairman Hancock said they also received the same letter it came from Water Resource. Milton knew they were going to have a big February Planning & Zoning meeting. Have five subdivision in process. Several of the subdivisions are preliminary plats. These are public hearings and one is 159 lots so they had to notice 175 neighbors. Will be some interest. Then they have the zone change for the City of Rigby for the sewer treatment plant. Had an ordinance change for the land use table. Updating the canal setbacks. Seemed to be some urgency on getting some of these text amendments done. The canal setbacks are based on discussions they have had here. Understood they were going to let the canal have the say. Amended the code and took out the setback requirements. Before they apply they need to bring in proof from the canal company that they are okay with the setbacks. This is similar to what they do with the Health District for the septic. This puts this on the canal company to be happy with this. This way they are not allowing any variance. This is the way he wrote this. Might have poked the bear a bit. Not sure if they want to meet with the canal companies first before we take this to the Planning & Zoning Commission.

[10:26:51 AM](#) Commissioner Young said they did not quite understand the process. One problem is they do not have any power to enforce anything. Chairman Hancock said they have twenty feet in the state code. Commissioner Clark said if they need a little more in a certain area they don't have any control. They have to hire an attorney. Chairman Hancock said he has not heard anything. Commissioner Clark had gotten some text messages that the county is throwing their hands up. Chairman Hancock said this is stating they need to get permission from the canal companies. Commissioner Clark said it would be good to meet with the canals and talk about what is going on before they amend the ordinance. Noticed this is the last item on a long agenda. If they want to discuss this that late did not feel that was adequate. Commissioner Young thinks maybe they need more discussion on these setbacks because this is a big deal. Might need more discussion so they address their concerns. Commissioner Clark said as far as them going to the canals just hopes they do not miss anything. Commissioner Young said they need something reasonable. Chairman Hancock said they could get some canal boards together. Sits on two boards. Milton does not have a problem slowing this down. Felt there was some urgency. Have just had two variances on canal setbacks. Irony is the code also states if this is for agricultural uses this can be whatever the canal company says is okay. Have a barn built sixteen feet away from a canal out in Ririe that was signed off on. That is what makes this a difficult situation. Why are they enforcing setbacks when they have the final say? Commissioner Clark just thinks they need more discussion. Did not like the timing on the agenda. If this takes an hour on an already full agenda how would they have any discussion? Milton said they can pull that off. Commissioner Young asked on sixteen-foot setback when the state code is twenty. Chairman Hancock said they approved a variance.

[10:30:56 AM](#) Mark said the last variance hearing one of the presidents or chairmen offered testimony one of the commissioners asked if sixty feet is too much. This depends on which canal. Sixty feet is necessary on the big ones and land conditions. On some of the smaller ones twelve feet is all they need. Have a one size fits all statute. This is not one size fits conditions. County faces how do they go about this on each canal? Commissioner Young said this can get complicated. Mark said this is extremely complicated to burden their Commission of volunteers. Easier for the canal and landowner to decide what makes sense. Chairman Hancock said if they have a leveed canal meaning its higher than the land. This takes more room to maintain than one that is down in the ground. They have some leveed canals. Is right this is not one size fits all. Is on South Rigby canal board that has a property much closer than sixty feet. This is the Journey's facility. The state came in saying they need a road around the building because this facility takes care of handicap children. Could not get enough room to build around the bank so they were allowed to build a retaining wall. As long as they are not infringing the canal they could do that. Biggest issue he sees is they need to show an easement on the plat.

After lots are sold they think they can build right along the canal. Have a lot that have built vinyl fences right along the ditch bank. When the City of Rigby worked with the piece along the Burgess they agreed to less than sixty feet for that subdivision. Know they all agreed. Milton said this is one they were talking about. Chairman Hancock said this is the biggest in the county.

[10:36:17 AM](#) Milton said they will pull this off the agenda. Will put together a workshop. Chairman Hancock said if they want them there they can do this in the evening. Probably know most of them. Commissioner Clark said if they go through the Feeder they should be able to let everyone know. Would know who to get ahold of. Commissioner Young said the Burgess, Enterprise. Milton said they can find the names of the canals through the state. Commissioner Clark said most of the canals have a Director on the Feeder other than the smaller laterals. Should be able to inform them and know who to get ahold of. Milton will look mid-February. Will also be setting up a meeting with building contracts to show them the new software. The other ordinance change was the clustering code. This is to make the change that if this is clustered they no longer have the same density. Milton said they are busy. May need to discuss some additional staff. Hate to do this because they just never know down the road what this will look like. Putting in some extra hours trying to keep on top of this. Chairman Hancock knows they are working hard. Seeing things addressed. Milton said there are a lot of things in the code.

[10:40:16 AM](#) Milton said there is an ability in statute to put a hearing officer in place. They act as the Planning & Zoning Commission for quasi-judicial files such as conditional use permits, variances and subdivisions. Then Planning & Zoning Commission looks at ordinance changes and comprehensive plans. Then the meetings would not be as long as they are. At the point they could almost have two meetings a month and spend a meeting on ordinance changes. Planning & Zoning Commission is not in favor of that right now. Have not been able to convince them. Chairman Hancock asked if Bonneville uses this. Milton is not sure. Knows that Kootenai has three hearing examiners. Bonner County just added one. Kootenai just meets to work on zone changes. For the conditional use permits and variances it's the end decision that happens with the hearing examiner. These are still recommendations to the Board. Chairman Hancock asked if this is a paid position. Milton said they pay per file. Hearing examiner needs to be an architect, professional planner, attorney or engineer. Would have to advertise.

- **PRIVATE ROAD DISCUSSION**

[10:42:39 AM](#) Chairman Hancock said as he looked this over quick they need to look at how these private roads develop. Someone buys a forty-acre parcel in R-10 zone and decides to build 400 feet back. Then all of a sudden break off ten acres for another guy who uses the same driveway. Now they have a private road. Have a driveway and private road that meets no standards. Rob said when they add that second residence. Chairman Hancock said this is a scenario that happens all the time. Milton said for 911 if there are three residences on a road they have to name the road. Does not have a problem if they do this at two homes. Need to have a standard for these private roads because eventually they become public roads. These evolve so they need a standard. Chairman Hancock said the driveway that was put in and the plot next to it sold and now they have to make this a specific standard.

[10:45:31 AM](#) Mark said there is an issue there is a state statute that states they cannot regulate private roads. Cannot do any design standards on private property. Rob said they would need to look at Ada County. Milton said other counties have private road standards. Mark does not know if this has never been challenged. Does not believe they can tell private owners what they are doing with their property. That is why the three lots is key because that is when the issues kick in and this is not an adequate road.

[10:47:19 AM](#) Milton said from a subdivision perspective they have forty acres they want eight five-acre parcels. Can put standards in this. Would dedicate this road to the public and be privately maintained. Then they have to build it to a standard but they are responsible for maintaining this. Allows the developer with five to ten acre lots it is expensive to build that type of road for a small development. Other concern is where they are with all of the private roads. To not allow them to continue to be built on those lots, or to expand that private road. Needs to make sense for these to eventually evolve. Have different types of roads. These start small and that is why they have a transportation plan. Identify the roads that will eventually become connectors.

[10:49:08 AM](#) Rob said that is what he liked on this ordinance. Will email out a copy. **(Exhibit B)** As it is written provides a path forward for the private roads that have been allowed to come out of compliance in the past. Some private roads have six to seven houses. There is no path forward to bring these into compliance. Milton said this came from Ada County. The other challenge is if they adopt these private roads they would have a lot more to maintain. Rob said they would need a bigger budget. Chairman Hancock asked Mark to find the code. Likes having a path forward. Prime need is the road that goes along Highway 20 services the Teton RV Park, Triple A Septic and storage units. Have ten or so different commercial businesses. That is a private road and should be a public road. Mark said the three lots need to be enforced. Commissioner Clark said even if they build a smaller road they need to have room in the rights-of-way. Chairman Hancock said the one has the sixty-foot easement was never turned into a county road. Never brought it up to code. Was done years ago. Rob said this is a great way to create a path forward for those roads that have fallen through the cracks.

[10:53:10 AM](#) Mark said Statute 50-1309 subsection 3. "Highway districts shall not have jurisdiction over private roads designated as such on subdivision plats and shall assume no responsibility for the design, inspection, construction, maintenance and/or repair of private roads." Tricky part is the design and inspection. Limited to the ability to say this can or cannot be a private road based on the lots or criteria. Can state when they allow a private road and when they will not. Once they say this is a private road they no longer have any say in how they design it. Cannot assume responsibility for that private road. Milton is not sure. If they look at subdivision codes will need to look into this. Can have a standard. They would never inspect this. Mark said there are a lot that are said to be private roads and do not qualify under our own ordinances as private roads. Milton said maybe the road has been dedicated to the public but the Board has never accepted it. This means this is public owned and privately maintained. Rob said they may be looking at the perpetual access easement. That may be how they are dictating this. Mark said that is interesting. Will have to do some looking into that. Chairman Hancock said they have issues all throughout the county. Milton said they want to have a new house on a private road and somehow they are responsible to bringing this up to standard. Commissioner Clark said they need to be aware of this. Mark said they never should be given any permit. Buy stuff thinking they can build and now they have a lot with no building permit because this is the fourth or fifth house on the private road. Chairman Hancock said they will review this information. Know how they develop they see it all the time.

Starts with forty-acres and as they start parceling this off it becomes a private road. Mark said they may add this in lot splits and divisions. They may want to look before the split happens. People assume that if they split a lot it is implied they can build on it. That is the danger people are splitting lots thinking they can build on them. Can help by taking these things into consideration back at the split. Need to show they cannot build on this because this information is not getting out to people.

[11:00:16 AM](#) Chairman Hancock said they have a 200 feet requirement in between driveways. Milton said they face such challenges where they cluster a lot then want to do a subdivision. Have one coming in February that is 145 feet from a driveway. Create these problems with the way some of these codes are written. Commissioner Clark said one out in Menan they have three lots behind the two that are within 150 feet. Chairman Hancock said they do see the problems. Milton said they are facing this every day. Do not want to be the department of no but they have some issues. Commissioner Clark said on some of these once they are done they will have to say no.

## **PUBLIC WORKS – ROB CROMWELL**

- **SOLID WASTE LOADER RENTAL/PURCHASE – (ACTION ITEM)**

[11:02:55 AM](#) Rob has been talking with Arnold Machinery on the loader. Have some customers lined up behind them looking to buy this machine. This is a sale price of \$465,000. For this machine new is \$595,000. Chairman Hancock said this has almost 1,600 hours. Rob thinks it's around 1,000. Chairman Hancock said this shows 1,567. Rob said this is also a model 2022. Chairman Hancock said that is what on the quote. Rob will need to verify this. Rob said this still has a warranty until 4,000 hours or 2025. Still trying to decide if this is the way they should go or if they can do with something not quite so big. Commissioner Clark said that is his concern this is a big machine. If it gets muddy and wet out there. Thoughts is not sure on what a 644 John Deere size is in a Volvo. Rob thinks that would be a 150. Commissioner Clark asked what they are priced at. Rob does not have pricing on that. Any equipment is hard to come by. Chairman Hancock asked how big they need. A five-yard machine would be the bottom end of this. Rob said that would be the bottom. Right now, they have a CAT 950 that is underpowered. Commissioner Clark said this one is old. Chairman Hancock asked if this is a four-yard machine. Rob said it struggles to do what they ask. This might be a four and half or maybe even five yards. Part of this it is tired but feel it is undersized for what they do out there. Chairman Hancock will have to look up the specs. Need a five-yard machine with plenty of power. Rob was looking at an 824 John Deere. Chairman Hancock said that is still pretty big. Rob said this one is the size of the 844 for the John Deere. There is not much coming in and do not have any estimated delivery dates. If they ordered a new 220 they are getting two this year. One is coming in April that is sold and one in July would be the earliest availability. Commissioner Clark asked for any rough pricing. Rob does not the closest he has been quoted on a John Deere 644 this is like the 150H so is five yards. That was around \$400,000 for brand new. Chairman Hancock asked if CAT has any pricing. Rob said he has a hard time getting anything back from them. They are competitive with John Deere. Did get told they may have something coming in on lease return. Has not looked at Komatsu the closest dealer is in Salt Lake. Think they may need to keep looking. Chairman Hancock said they will keep this in their sight.

[11:12:29 AM](#) Rob will look at a 966 or maybe a 972 but that is probably as big as they may want to go. Commissioner Clark said sometimes they have state returns. Not sure where these are at. Chairman Hancock said the state has been going with smaller loaders. Rob looked through Richey Brothers but everything there had high hours. Chairman Hancock asked on the trailers. Rob believes they should be on the way here this week. The fork lift at Richey Brothers is broken. Might have to arrange a tow truck and figure out how to load these. Will get all three shipped for about \$8,800. Was expecting at least \$10,000 so he has some wiggle room.

- **UPDATE**

[11:14:51 AM](#) Rob posted a public comment ad in the Jefferson Star for two weeks. Figure a project like this they need to get some community discussion. Chairman Hancock said they can go and speak to Ririe Grain on their series of scales that go back to different facilities. Rob said a lot of times he goes through these scales and would like to see how this works. Went in and talked to the office. Chairman Hancock said he has spoken to Lee.

- **EXECUTIVE SESSION 74-206 (B) – PERSONNEL – (ACTION ITEM)**

[11:17:04 AM](#) **Motion by Commissioner Young to go into executive session 74-206 (B) - Personnel. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

**Open session 11:55**

[11:55:41 AM](#) Chairman Hancock said they discussed some personnel issues at Road & Bridge. Will excuse Commissioner Clark he has left on vacation.

## **JIM NEWTON**

- **COUNTY POLICY AND TREATMENT**

[11:56:16 AM](#) Jim would like to talk about the process and why they were in front of them the last weeks. Has not felt that his situation was represented. Wanted to let them know what he was trying to do and how he was guided and treated. Will leave all of this information. **(Exhibit C)** Also, he feels like he is also being harassed. Is at 4624 E 267 N. This started July 19, 2021 at his address have seven acres. Asked how he could put another home on the land. Cannot tell them anything until they have a property status report. This is a road map. Month later got this back with several options. Told him he was rezoned into Ag-10 and Recreational-Commercial which doesn't make sense for where he is. Looks like they took map lines along the grid. Asked on this and had an Ag-10 lot. Basically, laid out a roadmap. Let him know they were rezoning the entire county. This lot was flagged as wrongly zoned in Ag-10 so will be a recommendation to R-1. Sat on his hands. Things kept changing and being kicked down the road. Told that this happens one thing can hold up the entire ship. Decided to be proactive and paid the fee because they were recommending R-1. Options were a variance, conditional use or an accessory apartment. Accessory apartments at that time had moratorium on it. Trying to divide things up with kids. Did the R-1 zone and stepped in front of Planning & Zoning and that was granted. When he filled out the property status report. Laid out what they wanted was a mobile home for parents with a separate well and septic. Moved on and made this R-1. When he went in to do the land split

they mentioned this was on a private drive. First time this was mentioned. Talked to Samantha Farr and Kevin Hathaway who stated they did not know he needed to get a lawyer. Then they were released and not there anymore. Then Milton and his crew came in. Tell him it's not their fault. We're not the ones that told them to go down this route. Had to pay Thompson Engineering to do the land split. Then come in on this and get told no. Asked why and was told this is because of the private road. Went in front of Planning & Zoning by putting himself on the agenda and the Director stated they could do an addendum structure. Thought there was a moratorium but it had been lifted. Came in paid the fee. Got a call two days later and was told he couldn't do this because it was not allowed. Get told they can do things then if feels like their hands are slapped. Started looking at more things and going back and listening to minutes. Noticed there have been quite a few subdivisions, lots and neighborhoods that since 2005 when this zoning ordinance came in place. Have Waterstone Subdivision created in 2005. Seven permits were issued for this and none of these went to the Planning & Zoning Commission. They asked for a variance and were granted. This has forty-one lots in that subdivision. Not one of these have come before any of the Boards on building on private road. On March 14, 2022, they came to the county and did not go to Planning & Zoning on a plat amendment. So, they were also allowed to amend the plat on a private road. Property located at 3800 E 500 N is not a subdivision they have five homes on a private road and two more building permits were issued. No meetings they just paid their fees and were allowed to build on a private road. Told to go through this process. Chairman Hancock asked that address. Jim said 3800 E 500 N. There are several homes right there. Chairman Hancock said this is the end of 3800. Jim said this is a gravel road. Have permits issued over the three homes. In his neighborhood they had a lot split off in the front in 2019. No issues did not go in front of anyone just paid the fee and moved on. Nothing like what he has been through. Island Park Estates have five homes off a private road that was created in 2016 this is at 4521 E 300 N from what he understands they are in the floodplain. Have a gravel road going over a culvert servicing five homes. All they did was apply for a subdivision and were able to go. No variances have been granted. Nothing he has been subjected to.

[12:06:33 PM](#) Jim said he has paid a ton of money and have been told there are numerous things he can do besides the way he did it. Milton discussed other ways this could be done. Emailed him after this meeting to know another way. Seeking guidance from the county. They are adding steps to this. Bought a home that is sitting on the property because once it went R-1 that was the last hurdle. Based off that guidance now that home is sitting covered in plastic on temporary piers. This is not put together. Kind of frustrated with the county. Pay taxes on multiple properties in this county with the same issues. Seek guidance on their rules and then get told what to do and as he gets closer his hand is slapped. There are numerous other people in the county that have seen the same issues. Build out a bit of property on the side. Costing money and then the marks are constantly getting moved. What is the point in have a Planning & Zoning when the marks are constantly moved. Emailed the Commissioners on July of 2022 with no response. Can see what he has been through. This is only a fraction to keep this at normal pace.

[12:09:01 PM](#) Jim said he paid Thompson Engineering \$3,000 for the lot split to be told they could not do a lot split. When he emailed on the other options was to file a variance. Was told this is implied. Not going to split this because then they would be denied the building permit. Obviously, it's not. The left hand is not talking to the right hand. Getting moved around in the county. In the middle of this process start getting letters from Kevin Hathaway who was once the Director. On June 22, 2022 he wrote a letter on an ordinance violation that they are running an RV Park and have two buildings that are hooked into the septic systems. Will give them the copy of this letter. This is false. He does not have an RV park. He has his RV that is hooked into a septic tank. Get this flushed with Triple A and make sure everything is good. Wrote back stating this was false. Did not hear anything back stated this was false. Do not understand the complaints they have storage structures with the county. These were over the square footage so they were permitted they don't have any power. Wife likes to refurbish furniture. Then on October 12, 2022 got another letter from Kevin Hathaway. Got another violation cited code R105 for this manufactured home he bought on recommendation they were good to go. Cited the Idaho Residential Code stating they cannot move or demolish a building structure. Sent this to their lawyer who said this is false this is being stored there this is not a structure yet. Cited Residential 105.1. On October 31, 2022 wrote another letter. Did not receive a reply and these were to his wife. The email is a joint email with both of them. Thought this was a little condescending. Going after him again cited part of a sentence out of a paragraph installation of the manufacture home code for the state. Only cited a sentence. Works for the City of Idaho Falls. Is an inspector and is in the code books and have to apply these to everyday business. Have never brought a code section must apply and receive before placing the manufacture on the property. Cited a section out of a sentence. Stated even if they attend to appeal the denial of your mobile home permit application in the district court, the pendency of such an appeal does not allow you to proceed as if the permit has been granted. does not allow. Feels like this is harassment. Wants to get access to the property to look around. At the very end added the allegations need to be investigated on the civil ordinances. Will come and make a visit to see if a module home is found on the property. Whatever is found on the site visit will dictate any further action on this matter. So, they are going to come down onto his property down a private road they do not have access. Does not understand. Feels he is being discriminated against. Others have gotten these variances after paying the fee they are signed on the dotted line. Get told to do this or that. This was implied now they need a variance. Is not understanding why this is happening.

[12:16:33 PM](#) Jim said the agenda comes out on Friday. They need to sign up to talk on Thursday to talk on these. How can they talk about something on the agenda if this comes out Friday and you have to let them know on Thursday? Chairman Hancock said they are welcome to come in on an agenda item and they can recognize them to speak. Jim said they had a request for reconsideration they all spoke about this and denied this. All of them spoke and they sat at the front desk and they never asked for any input. After the decision was made our lawyer stood up at the end. This has never been relayed to him. Does he just stand up asking to speak? Does not know the etiquette. Has the chicken and egg and does not know which way to go.

[12:18:25 PM](#) Chairman Hancock said they typically ask for any comments on a hearing. If someone states they have a comment they try to listen. Commissioner Young said the first time they had the reconsideration they were just looking at the information from Planning & Zoning. There was no place to hear the comments. Time for those comments was at the Planning & Zoning hearing. This is the way the judicial process works. Chairman Hancock said if there is an item on an agenda they want to comment they can come in and comment on it.

[12:19:33 PM](#) Jim started fishing around about how this is governed. Sent out a public information request to the Prosecutor. Asked if they are guided by state statute, county ordinances. Response stated this was on the website and to go find it. Trying to figure out the right process.

Chairman Hancock said they operate under state code. Then they have procedures they follow for meetings. Not sure if the website has that on it. Mark said a lot of stuff here. On that specific issue a public record is requesting a document. This is not asking questions. That is a public record request. Jim said he is looking for what guides the Commissioners. Mark said his office does not keep any documents. Would need to ask the department for the document. Asking him for other documents. He is not the custodian of the documents. Does not give legal advice. Is the attorney for the county and not to tell others how to navigate their personal affairs? Is not going to answer questions on how to proceed. Jim said the question is how the Commissioners run. Chairman Hancock said they run off of Idaho Code. Article 31 of the code states what the duties of the commissioners are. Then they have Roberts Rules and the state has specific information on hearings.

[12:23:03 PM](#) Jim said at the end of the day wanted to bring up that he feels this has been discrimination. What he is asking is not out of the question. There is not something arbitrary about what he is asking for. The three he has brought are just some examples. There are a lot of private roads that are being violated.

[12:23:37 PM](#) Chairman Hancock said the 3800 E 500 gravel road is a public road. Jim said this has a blue sign on it. Chairman Hancock is not sure then on that. Commissioner Young said they could have had a building permit that was granted. Thinks he knows the road on 3800. Jim said this is a gravel road right by the canal. Commissioner Young thinks this some of these are subdivisions. Jim said that is private but has permits issued. Commissioner Young said some of these are approved as subdivisions. Jim realizes they may not have the answers. Commissioner Young said there may be permits issued when they shouldn't have been. Chairman Hancock said he did not know Waterstone was private. Milton said this is not private. Chairman Hancock thought this was a public road. Jim said this is a road they built to standard but they are private. Milton thinks they are splitting hairs here. If this is a subdivision that has been approved with private roads they would issue permits. Would have to look into these to know exactly. They may be public roads that are privately maintained. Jim spoke with Road & Bridge. Milton said there are subdivisions that have variances.

[12:27:19 PM](#) Rebecca said she has been speaking with Mike Carter and the gravel road on 500 N is private. Waterstone is county. Jim said that Rob stated this was private and has blue signs. When do public roads have gates? When they talked to Planning & Zoning back in 2005 did not want the public back in there. This was still done. If they want to hold the standards.

[12:28:21 PM](#) Chairman Hancock said the subdivision has more than three homes but has met a certain standard and was approved prior. Milton said bottom line he is correct. There is an issue with private roads within the county. That is why they discussed this some today. Jim said he was still led to believe and at the very end was told no. Then when they ask for it they have done this in the past but are sticking to their guns this time.

[12:29:35 PM](#) Milton said first off it was an appeal on a decision. There were no fees for any appeal or reconsideration. Statute requires whenever the planning department denies a file they are supposed to state the process forward. It states they can follow the code or file an appeal. At the Planning & Zoning Commission hearing they asked the question on the land division would need to get a variance for the building permit. Stated no if the land division is approved he would issue a building permit. Told them that. Felt they were making a decision. Voted to not approve that land division. Weather that was right or not. The challenge is the codes expect the public to navigate this on their own. They try to give guidance but they do not know what the Board and Planning & Zoning Commission will do. Does not know the end result. Maybe they just want to state they need to follow the code. This is a way for them to work with the public. There are ways to move forward. Could hire a private planner or an attorney with land use law. The department is trying to up their game. Trying to become better. He is not the only one dealing with these issues. There are five subdivisions on the next hearing. Those applicants have to jump through the hoops. They have to do this and check all the boxes. The staff reports are huge going through the checklists of all of the codes that need to be followed. Is not an easy process to develop land. Doing the best, they know how.

[12:32:49 PM](#) Chairman Hancock said there probably have been some errors over the years. Are trying to do a better job. In his case the private road is an issue. Jim said the issue is this is coming down to him. Jumped through hoops but they keep adding hoops. Commissioner Young said they do not always know the hoops. Cannot ask a Judge for a decision before hearing the case. Jim said he talked to former employees and they were surprised they were never told they were on this private road. Commissioner Young understands where they are coming from.

[12:35:30 PM](#) Jim feels there has been some discrimination. Happened recently. Makes mistakes in his job as well. Go talk to the lawyer and figure it out. Going through the process and now the person that was over the department is coming back on him. Chairman Hancock said they will speak with Mr. Hathaway. Commissioner Young said they will check this case out. Jim said they are stating he is coming onto my property to investigate.

[12:37:59 PM](#) Jim said there are some other things but wanted to bring up his case and the torment and agony. Now they have an issue with their neighbors and this has created a divide. They were being told certain things needed to happen. There is a sixty-foot easement. Still believes this is a public road and the turnaround governs the fire access. Knows the gentleman that lived in the back before told him that the property was already messed up. Has some problems he is aware of. Early information that was given out has turned their neighbors against them. Now will not listen to him at all. Tried to organize a meeting with Milton and all the neighbors who cancelled.

[12:40:19 PM](#) Chairman Hancock appreciates him coming in. Makes them aware of what is happening. Is working on private road issues. Jim said he got lead down this road and then a wizard comes out saying the road does not exist. Has spoken with Milton a lot they do disagree on some things. Get told there are other ways. Asked for this in the beginning. The fees they paid are gone. Have a home sitting on the back lot with the inspector threatening to come out. Milton said the fees are not gone. He got a zone change. The building permit is still open. Had been with the county ten days when they filed the land division. Is unfortunate but there will be a path forward. Did receive a zone change. If they are doing a subdivision there is a sixty-foot dedicated road. Jim said there is a dedicated road on the GIS. Now property taxes are going through the roof. Have been to some of these meetings where they are laughing and joking. Invite them to re-listen to how much laughing and joking there was. This is still a public meeting. Applied for two things was an addendum structure and lot split. Compressed these into one. They only brought up the lot split.



Tried to do an addendum structure. Now they want to change this and kicks the place he got out because it is half the square footage of their home. Something they are looking at now is limiting the square footage. Argument is on the acreage of lots.

2:48:54 PM Chairman Hancock said a lot of the increase is because of appraised values. They go off of market value that is how these are assessed. Jim really wants to draw the focus back to where this started and when he was in front of them. They are not done they are regrouping. Is going to clear up the road issue. This is all over the place. Chairman Hancock asked why this lot was not part of the subdivision. Jim said this was the original home. Title Company did some research and the last thing this was platted for was fifty-nine homes. Talking with Melanie in GIS said all of those parcels are a group of homes. According to the record this is not a subdivision. Just a bunch of homes that are on a road. They call themselves a subdivision. Belong in an association in Island Park for water and road maintenance. Technically that is all they are as well. There are other things that have happened in the past. Had a big community area that was sold so that broke their own covenants by having a privately-owned area. This is another reason they do not want to join this. Chairman Hancock said they do not know anything about this. Is a mess. Jim really does not feel that subdivision applies to them. Depends on how they look at this.

12:53:55 PM Jim asked why they care about private roads. They are everywhere. Chairman Hancock said the issue with private roads is because in many cases this becomes a public road. Becomes an issue if this needs upgraded and there is not room for that upgrade. What happens when development gets to the point they need a public road and when is this a safety issue.

12:55:09 PM Jim said City of Idaho Falls needs a fire lane on one side twenty-three to thirty-two feet and thirty-two feet and above is adequate road. Will be able to handle the weight of the heaviest truck is 60,000 pounds. Have one parking space for two-person apartment. People have two cars and if they have a child could be three cars. Need to have standards that have a minimum width and fire lane this and have turnaround area IDAPA does have rules about no more than five driveways. A whole division on five acres that will maneuver throughout. Milton said this is Departmental rules. Jim said they adopt the code and accept this as a whole or delete specific sections. Chairman Hancock said they do the same thing. Jim said the state can be more restrictive not less restrictive. Does not know the big press on shutting down private roads. Looked at other codes and have similar widths. Jim said the road was wider before they paved this.

12:59:25 PM Chairman Hancock asked the width of the road. Jim said twenty to twenty-five at the beginning. Some people have rock walls so the narrowest is eighteen feet. Was against paving the road in the first place. There is a history there. Never wanted to join their association. Just wanted to bring to their attention their frustrations. Talked to a former employee and they knew this was a big issue. Wouldn't be here if they would have been told no. Knows that Milton is walking into this. Appreciates them hearing his concerns.

1:02:51 PM Motion by Commissioner Young to adjourn at 1:03. Second by Chairman Hancock. All in favor – aye. Motion passed.

Ace Houch  
Chairman of the Board

3/27/23  
Date

Audrey Moon  
Clerk of the Board

3/27/2023  
Date

Colleen C. Rode  
County Clerk

3/27/23  
Date

