

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
APRIL 17, 2023**

Meeting called to order at 9:00. 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 Commissioner Clark. Prayer offered by Chairman Hancock.

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GREAT FEEDER BOARD OF DIRECTORS

• **CANAL SETBACKS ON COUNTY PLAT MAP**

[9:01:47 AM](#) Chairman Hancock is not sure who wants to speak on the Great Feeder Board's behalf. Before they get started on this they are listing canals and setbacks on the maps. Have had people in subdivisions that do not realize there are setbacks and are building right up against the canal. Asked Milton to come up. There are a lot of subdivisions put in place prior to this. Milton said they are working on this. Adding this to the application process. The maps that have been submitted recently do show the setbacks. Need to be aware of some of the consequences of these decisions. These plat maps when approved by the Board are legislative documents. Only way to change that map is to redo the process. If someone was to apply for a variance they would also need to amend the plat map. That line is a solid thing that cannot be changed by a variance. The variance would then allow them to apply for a plat amendment. It is a big deal. Instead of one application to build inside the setbacks they will have two different processes. This is the unintended consequence of having the line on the map. A plat amendment is not cheap plus the cost of the variance. Does not have a problem going down that road. Just wants them to be aware. Gets the intended goal here. Had a surveyor fight with them this last week that the Great Feeder is not considered waters of the U.S. but this is in the code and requires an eighty-foot setback. Either way that is what the code states. Maybe it is not considered this but the main point is the code. Do show the setback lines on the newest maps. Chairman Hancock thought this might answer some of these questions. Have been aware of this. Whoever would like to come up and speak on behalf of the Board.

[9:06:05 AM](#) Chairman Hancock said they are not speaking about any pending subdivisions.

[9:06:14 AM](#) Luke Hicks 263 N 3600 E is a Director on the Great Feeder and Burgess Canal. Speaking to Mr. Ollerton's comments they are aware of the burden the county faces on the variance process. In addition to the general growth. The variance adds to this. The concern is the only other recourse for the canal is litigation when buildings and structures are not followed. Would have possible litigation. The canals in the area have a long and unified position of not having roadways built. Saw the Idaho Canal in Idaho Falls all have roadways. The number one complaint about roadways on canals is from the landowner on delinquent teenager activity that takes place on these roads. Without the setbacks the only recourse is roadways and if the canal does this the landowners get hostile and upset. This traverses the property and gives a secondary road system for unlimited activity. This is the recourse the Canal Companies have. This is common practice everywhere he has been but Jefferson County. This is not a threat just a statement of the recourse they can have if these setbacks are eliminated or not enforced. Saw recently a building was built in the wrong spot. This is their recourse from constant litigation. If there were no setbacks they would have twenty cases pending within a month. People cannot be controlled with anything besides the permitting process or road building process. The sixty or eighty feet came from the county asking for advice. Understands not every building would have a basement but that is where the larger setback came from. Ask to keep the setback process the same. Did outline the burden and cost of a variance process. These do not compare to road building or litigation. The use of the county permit process helps them see these things coming. Recently on their system a gentleman dug the canal bank away completely. Went out with a Deputy and reviewed the state code and had financial resources to put this back in place. Removed the entire side of the canal that runs 40,000 inches of water. In an hour time could cover half a mile where they lived along with the neighbors. Did not see the problem. These things are a problem. The setbacks are important because of the unforeseen impacts. The consequences of the variance process and burden on the county and financial burden on the applicant is not as high as if they did away with these.

[9:11:18 AM](#) Ty Scott 3721 E Menan Lorenzo Highway. On the Board of Directors with Great Feeder and Long Island Canal. Got involved during the issues with North Rigby. In here the last week and found out they just changed a plat that was agricultural that wanted to be subdivision. Mark said they cannot discuss specific parcels. Ty said they changed this zoning to C-1. These are commercial one acre lots how do they have a canal setback and the road setback. How do they keep these setbacks? This is his issue now. The problem goes back to the canal wanting a variance and then the fight goes to them. If they as a county allow C-1 divisions along the canal. See this on the plat and should realize a problem will be coming later on.

[9:13:13 AM](#) Greg Price Chairman of Harrison Canal. Concern is heard some subdivisions the canal has not been on the preliminary plat. They meet with the developer and come up with an agreement then that is not what is being turned into the county. Need to maintain the easements. They all need to be together to get what is agreed upon. Knows reasonable and necessary is different to everyone. Will continue to be problems with encroachments. One concern also they have built roadways along the Harrison Canal and there are times when someone buys a lot and pull their plat form into their landscaping. Try to stake their ground. On canal ways where they have to turn large equipment around need something reasonable and necessary to do this.

[9:15:12 AM](#) Chairman Hancock asked for discussion. Commissioner Clark said he really does not have much to add. Are supporting the sixty-foot setback. Asked on the lines on the map does this include any non-habitual buildings? Can they still build something like that? Milton said the code says for inhabitable buildings they can work this setback out with the Canal Company. Have shops and agricultural structures. This

happens thinks one of the canals caught the building after the fact. Applicant had to work with the canal and eventually agreed. Commissioner Young said they have not yet. Milton said they must still be working it out. There are structures within the sixty feet but needs to be agreed upon.

[9:17:01 AM](#) Commissioner Young thinks he knows the State Code. Chairman Hancock said this is 1102. Commissioner Young said there are some ambiguous terms in the code now. The sixty feet setback is for habitable buildings. Chairman Hancock said they have eighty in some areas. Commissioner Young asked if this defines this? Milton said he spent some time on this with the Prosecutor. Commissioner Young said State Code just defines this as reasonable. If this is not used for storing. Mark said they had a discussion. If this is not used for storing or construction material. If they put a tractor in a shop. Chairman Hancock said that is agricultural. Mark said most buildings are going to be considered habitable. Commissioner Young wonders which side the judge would be on. Milton said it may have been in the dictionary. These are structures people are in. Such as a commercial building. Commissioner Young asked if the code defines what habitable is. Milton said agricultural does. Mark thinks this was in the Building Code. Building Official Jeff Ottley said "habitable space is space in a building for living, sleeping, eating or cooking. Bathrooms, toilets, hallways, storage areas, closets or utility rooms and similar sized areas are not considered habitable spaces." Mark said there was something concerning material. Milton knows they determined this.

[9:21:18 AM](#) Chairman Hancock said back to the setbacks. Luke asked if this is going to be the concern from their workshop to what Jefferson County defines as habitable and necessary. When they ask for a variance within the sixty feet? When are they going to ask for a canal to sign off on the sixty feet? When are they going to ask for nothing on the sixty feet? This is the biggest part of their concern. Believes the state code gives them ability to do maintenance work. The county with their concern for waterways and usage and patrons receiving the benefits. Are defining the setbacks as what Jefferson County is using for rational improvements. This is how he sees it. May not be the legal pretenses. State states reasonable and they have to define what reasonable is. Would like the question understand if a home is being built or commercial. Are there any agricultural or other structures that could be signed off by the Canal Company?

[9:23:39 AM](#) Milton said any structure would need to follow a reason to be there. Cannot just build within the sixty feet. Would need permission within that sixty feet. County does not require a building permit on anything less than two hundred square feet. Not much review on these structures Looking at having a zoning permit so they can verify these structures are built where they should be. If someone built an agriculture structure they would have to get permission within sixty feet. Luke asked on the tiny homes are these a habitable structure? Milton said absolutely.

[9:25:05 AM](#) Danny Ferguson Harrison Canal Director. Their concern is a smaller facility with a shed that is less than two hundred square feet plants this along the canal bank ten feet in and that prohibits them from going down with equipment. Discussed a turnaround in one area there is a place they have no access. They have 30,000 inches of water running down this area. They do not want them to have a large turnaround. There is a railroad track right there that blocks the path. This needs to be recognized and understood. Granted sixty feet is great. But if they need to turn around a semi load with gravel.

[9:26:37 AM](#) Milton would recommend if there is a structure send him an email on where this is. If this is in the floodplain without a permit they can communicate with them. They have built something that need to be addressed. Commissioner Young said not all canals are in the floodplain. Milton said they would be amazed at the floodplain maps. There are a lot of the canals in the floodplains. Danny said they could state they cannot inhibit the large pieces of equipment. Chairman Hancock said they have to be concerned about is called a taking law. If they restrict certain things. What they want a developer needs to negotiate in specific spots. So, they do have adequate area. Had some recent Supreme Court decisions. Need to be reasonable. Cannot ask for 100 feet. Trying to determine reasonable is what needs negotiated. Danny said if they have a break they are flooding a house. What is reasonable to fix this. Chairman Hancock said maybe right across the lawn. Danny said they do not like going across people's lawns. Need twenty feet along the banks to swing a track hoe around. This is where they want something in the code on interfering with equipment. Commissioner Clark said they have this in state code. Put material on the banks. Flood Control on the river have had to back trucks down two miles because there is not a turnaround. Sure most owners will allow them to take care of this if there is water running. Still have to negotiate. Commissioner Young said they do have the access for maintenance. Using the term reasonable having two people that disagree. Chairman Hancock said the Supreme Court had a recent decision that specifically stated this really does need to be reasonable. Chairman Hancock said they are still working on this.

[9:31:02 AM](#) Commissioner Clark said he mentioned on the twenty feet they have the setback on the canal is the most important part. If someone wants this right on the ditch bank it interferes. Commissioner Young said they have a lot of canals with few roadways along these. Does create a dilemma. Commissioner Clark said maybe no permanent structures. Ty said a suggestion when making the plats if they have a canal bank along these plats why not give them more room. Then they are not pushing them out. Chairman Hancock said the setback is there so structures are not where they shouldn't be. Commissioner Young said they do have to show this on the plat. Larry asked what this is on. Chairman Hancock said a plat is what shows the boundary lines. They are being shown. Question is they ought to show a twenty to twenty-five feet that should not have anything done in. Commissioner Young said this is one thing they want to discuss what else can be shown on a plat. Cannot even add a storage shed here.

[9:33:30 AM](#) Commissioner Clark said as Ty mentioned in Commercial 1 have one acre lots and sixty feet comes out of this. Need to adjust the lot minus the setback. Need to adjust when they calculate their lots so that they are not using their sixty feet. Ty said if the county approves one acre lots they are stuck. Commissioner Clark said this is what they are working on. Milton said it is hard to look forward when they look at the past. Have to have confidence they get their point and moving forward they can fix this. Cannot fix this. Ty said they could say that on their end too but they have to look forward after every lawsuit. Milton said they are on the same page. Commissioner Clark said there has not been that many lawsuits yet. Chairman Hancock said that is what they are trying to avoid. Wants this to be clear to the owners where they can and cannot build regarding access to these canals. Ty asked on a bridge. There are no permits required for a bridge. Who orders that engineering and that this is done right? Chairman Hancock said he sits on two canal boards as well and has been through these numerous times. According to state code they cannot stop them from putting a bridge across. Can require the drawings to make sure this does not affect the flow of the water. That is the right they have. The

engineering of this is not required by the canal since they are not driving across the bridge. The canal will want to make sure they do not have restrictive flows. Luke said the canal can ask for the drawings. See this part way through.

[9:36:44 AM](#) Commissioner Clark said if the bridge is going to become part of the county it has to be made to county standards. This is something that would have to go through to them before it is done. Milton said a bridge or a pre-existing bridge still has to meet county standards before they bring this in. Chairman Hancock said Alliance wanted to have a bridge that was built a couple years ago county made them redo the abutments and widen it before they accepted it. Is interesting can request what they are going to do. Cannot stop this unless it affects the flow of the water.

[9:38:13 AM](#) Danny asked if they have authority on stopping them. Chairman Hancock said this is state code. Does not believe there are any limitations on amounts. Luke said as Chairman Hancock states the landowner has the right to build a bridge and the Canal Company can oversee this. Is defined clearly what they can do on this.

[9:39:14 AM](#) Mark said a lot of what they are talking about is in Title 42 Chapter 12 which is not very long and would recommend they all look at this. It never mentions numbers and that is the issue they are having. That is what they are looking for is what is reasonable and necessary. To put a number where state code has not exposed them to risk and unintended consequences. Might be more work but thinks the canal companies do need to negotiate on these. Commissioner Young said he has a different opinion. Feels the state has done this so the county can put in their own setbacks. Mark said not every canal or property is the same. Every property is different. Really hard to do a one size fits all. Does not fit in every situation. There does need to be communication between the canal and landowners. This is a case-by-case basis. Need to know they are going to build and finding a way to engage in conversations with the landowner. Then engaging in that conversation. On this particular property they need so much. On the plat it shows what they need. The setback is to protect an easement that is its purpose. Not to build in this easement.

[9:42:35 AM](#) Greg said there will be a time when they have to come to an agreement. When this happens then one side changes this who is the police when they change their mind? Who is going to be the enforcer? Mark said he spoke about this with Milton. One idea they had is to require that a written agreement between canal and property owner is a contract and have this be a condition and requirement to the platting process. Could not get approval at the final plat without this agreement. This would be a condition. In review of the application they can review this. This is not in an ordinance now but is an idea they have had. Does say they are on a canal and asks if they have they talked to them. If they have not they cannot move forward until they have this agreement signed. Thinks this is probably in drafting stage.

[9:44:39 AM](#) Luke said back to the first portion on his comments. Easement, setbacks and county involvement and exposure. Has relayed their canal systems are not that different then the road system. They are not requiring the roads to be discussed on having reduced setbacks. These are very similar. Their maintenance is just as important. Ask that they refer to these canals as roadways. Look at this as trickle of water running through these. Wants to make these systems function. Has not been to a meeting to diminish the setbacks on roads. Wholeheartedly they face these issues all the time. Go back to previous comments. Thinks it would be a great idea to formalize these. Does not want to face any more scrutiny on these matters.

[9:47:15 AM](#) Milton said on roads Road & Bridge signs off on all building permits. Do they want to do this? Luke said they send all the plats now. Usually they do offer input. Every permit is reviewed by Road & Bridge because they all have access to roads. So, any piece that touches a canal or permit that wants to build inside the defined setbacks. If they want to build inside the setbacks yes. Milton said that is how the code reads now saying inside the setbacks.

[9:48:45 AM](#) Chairman Hancock said if they put together what Mark talked about. Put these setbacks on the plat and have a negotiated easement and record that. Then they do not have to go back and forth with the Canal Company. Can see what is there. As long as they are outside of these. Would not need to sign off on each of these. Luke agrees if this is inside the setback let's talk about it. If not, they do not.

[9:49:36 AM](#) Ty asked if an easement on a plat is this transferred from one ownership to the next? Milton said this is on a plat. Ty asked if this is on the title. Made the negotiations with the first owner. Chairman Hancock said the title always goes back to the plat. The plat is the governing document. Commissioner Young said a lot of property owners do not look at this. Mark said if they find a solution for people not informing themselves of what the law is he would love to hear it. Ty said they can go back to the paper if they have it. Chairman Hancock said this is there.

[9:51:26 AM](#) Larry Rounds said on a different topic the Frontage Road on 3800. Need to expand the bridge by the left to the east. Is built funny pulling more than one semi out of this. Chairman Hancock said they are working with the State of Idaho on this bridge. This is just a comment.

[9:52:42 AM](#) Mark said before they finish if they take a look at Idaho Code 42-1209 on removing encroachments on easements. Are able to if this is in their way they can do what they have to and get reimbursed. Yes, this may lead to possible litigations. Take a look at this they have more rights than they think they do.

[9:53:55 AM](#) Blake Smith 4364 E 500 N said during drought years hear about a ditch is still flowing water this is feeding a whole community aquifer. If these are not maintained especially with low water years. Some of this is not addressed this has further implications. Chairman Hancock said they appreciate them for coming in they have been heard.

PARK & RECREATION – MICKEY EAMES

• PICKUP PURCHASE – (ACTION ITEM)

[9:55:04 AM](#) Mickey said she is back on the pickup. Has all of the paperwork again. Will get a copy of the budget to see what other line they can take this pickup out of. Chairman Hancock said it is better to go over in a line than use the incorrect line. Just have to make sure she has enough in the overall budget. Mickey will add this to her spreadsheet. Commissioner Clark said he looked at what she had they are all pretty well in line. Mickey likes going to Tadd Jenkins because they look out for them. Chairman Hancock said they need to maintain this.

[9:57:31 AM](#) **Motion by Commissioner Young to approve a pickup purchase from Tadd Jenkins for \$26,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:58:04 AM](#) Mickey said she will use one of the other lines as extra to put on. Commissioner Clark asked if they will auction the other pickup. Mickey said they will.

- **SUMMER VENDORS – (ACTION ITEM)**

[9:58:48 AM](#) Mickey has the agreements for the paddleboards and camp host. Then one more is another vendor that has hamburgers and tacos has been a good vendor. Chairman Hancock asked if they have any changes on the camp host agreement. Commissioner Clark said this is \$800 a month and runs from May 1st to May 8th.

[9:59:40 AM](#) **Motion by Commissioner Clark to approve the camp host contract for Jefferson County Lake at \$800 a month from May 1 to September 8 with Wayne Neff. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:00:12 AM](#) **Motion by Commissioner Young to approve license agreement with La Mexicana Wings and Things. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:00:43 AM](#) **Motion by Commissioner Young to approve license agreement with Lake Side Recreation. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:01:09 AM](#) Mickey said on the pickup is wanting at least \$1,500 for it. Has a resolution for it. Audrey said that was approved last week.

COMMISSIONERS

- **ANNEX LOWER LEVEL IMPROVEMENT - CONTRACTOR AWARD/CONTRACT – (ACTION ITEM)**

[10:02:17 AM](#) Rebecca said they had their public bid opening last week. Did have a successful bidder that came in within the budget range. Thursday emailed the contract to them. Need to respond to the architect on if they accept this and if they are good with this. Then they send this to the low bidder. Not quite ready for signature yet is waiting for a final. If they would rather send this offline. Chairman Hancock did not see anything it was pretty straight forward. Rebecca asked Mark if he reviewed. Mark said he has looked at two other drafts. Rebecca said those were with the architect this is with the general contractor. Mark said he has not had a chance to review this. Chairman Hancock said they will want to state the bidder and amount. Rebecca said ESI for \$949,730. The advertised estimated amount was \$975,000. Chairman Hancock said the next bidder was only about \$9,000 more. Colleen said this is the lower level. Commissioner Clark said yes.

[10:05:02 AM](#) Rebecca said they need a couple things that need to be decided. Look at the insurance limits and what they require. This is something they need to weigh in on. The other one is if they are okay with the county standard terms and conditions listed as Exhibit D. Feels as long as these are a part of the contract. Will wait for Mark to review this on any changes. Hate to rush but the sooner they can get moving on this they can get a notice to proceed out. Once they weigh in this will go to the contractor. Chairman Hancock said they need a performance bond with the final signature of the contract. Commissioner Clark said the funding will be ARPA funds. Rebecca said no direct impact on taxpayers. Trying to use these funds to benefit them the best.

- **CELL PHONE POLICY – (ACTION ITEM)**

[10:07:01 AM](#) Rebecca said that Chase reminded her on this. This is the same as the last draft Mark was copied in on. Working with Clerk's Office and Prosecutor's Office to change the cell phone policy to allow county use of personally owned phones and offer a stipend to offset the cost. There is an employee agreement. There are terms the employee needs to understand the device used for county business the records kept on this device are part of the public record. Decided administratively looked at a yearly amount on the cell phone plan rate. If the employee leaves they would recover the remainder from their last check. Otherwise they look at submitting a billing monthly. Colleen said that is how this is done now and would prefer to do this monthly. Chairman Hancock said this is more work in the office. Colleen spoke with Maria and that is preferred. Commissioner Young said personal phones are still a source of information. Rebecca said they have to provide their own device. The information stored on this including calls, texts, emails and anything used for county business is public record. Chairman Hancock said they have Colleen and Judge Clark. Rebecca thinks there is one or two in the Sheriff's Office. Chairman Hancock said if they move to monthly is this a big change. Rebecca said one concern this would be a yellow or blue sheet. Would prefer they not expect a monthly billing off of the personal plan. Chairman Hancock asked if they establish a rate each year. They can adjust this stipend rate but do not have a rate right now. Rebecca will prepare a resolution for next time. Chairman Hancock thinks that would be a good idea.

[10:11:02 AM](#) Colleen said they show a billing so they show they are not paying the entire amount. Chairman Hancock said this is the cost to the county to have a phone in the county. That would be the stipend rate. Rebecca said if an employee is paying less she wants that plan. Can make these changes or can table this next week for a corrected draft. Commissioner Clark said they may see more people doing this. Colleen is not sure if they want to choose yearly or monthly. The monthly avoids having to reimburse this if they leave. Rebecca would rather do one or the other. Chairman Hancock said they need a rate. Rebecca said this is done by a resolution otherwise anytime that changes they have to change the policy. Chairman Hancock said they are going to a monthly reimbursement.

[10:13:46 AM](#) **Motion by Commissioner Young to approve the cell phone policy with a change that reimbursement is monthly and not yearly. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:15:20 AM](#) Rebecca said they still have an active declaration they may sunset after this week. Culverts are flowing the way they need to. Commissioner Young said they should be out of critical stage.

- **PROPERTY TAX EXEMPTIONS – (ACTION ITEM)**

[10:15:25 AM](#) Audrey said that Jessica is here waiting for the exemptions. Was informed on Grand Teton Council application from March 27 they applied for 100 percent and the year before they approved sixty-eight percent. If they look at the form they requested 100 percent. Chairman Hancock thought they were approving the same percentage. Need to have them come in as a Board of Equalization on this. Cannot grant 100

percent. Need to set a date and send a letter. Will need to come before them. Audrey asked what date? Chairman Hancock said they need to give them enough time to respond. Audrey said she will look at May 8. Chairman Hancock said they need to hear the reason on this.

[10:17:54 AM](#) Jessica said this will not be a Board of Equalization against assessed value just on the exemption. Chairman Hancock said this is not assessed value. Knows they did include a letter and some of this is leased out. Said they did not use as much for the Renaissance Fair. Jessica thinks moving forward if the owner applies directly to the Board they can have this explained to them. Chairman Hancock knows they need to get together to come up with a procedure. Appreciate that. Still have a commercial adventure they are leasing this to.

[10:19:47 AM](#) Audrey said the last one is the same as last year.

[10:19:55 AM](#) **Motion by Commissioner Clark to approve property tax exemption for Butte and Market Lake Canal Company parcel #RPD0221003001A. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

PLANNING & ZONING – MILTON OLLERTON

- **EXECUTIVE SESSION 74-206 (A) – PLANNING & ZONING COMMISSION APPOINTMENT – (ACTION ITEM)**

[10:21:21 AM](#) **Motion by Commissioner Clark to go into executive session 74-206 (A) – Planning & Zoning Appointment. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **PLANNING & ZONING COMMISSION APPOINTMENT – (ACTION ITEM)**

Open session 10:40

[10:40:39 AM](#) **Motion by Commissioner Clark to appoint Tom Barry to the Planning & Zoning Commission. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **EXECUTIVE SESSION 74-206 (F) – LEGAL – (ACTION ITEM)**

[10:41:06 AM](#) **Motion by Commissioner Young to go into executive session 74-206 (F) - Legal. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

Open session 11:13

[11:13:52 AM](#) Chairman Hancock said they were in a legal to discuss impact fees. Clerk will go forth and put together a receipt and revenue of expenditures. Will be policies with these moving forward.

- **WRITTEN DECISION – PLAT AMENDMENT – L&S SUBDIVISION – (ACTION ITEM)**

[11:14:58 AM](#) McKinlay has the written decision for the plat amendment from last week just needs to have the written decision signed.

- **TETON HEIGHTS – NUTRIENT-PATHOGEN AND TRAFFIC STUDY – (ACTION ITEM)**

[11:15:25 AM](#) Milton said that Teton Heights wanted a letter stating that the nutrient-pathogen study and traffic study were accepted by the Board. Did not feel he should write this letter. Will make decisions based on this. With the ordinance changes this required these older subdivisions to get these done. Did not layout a process. Still need a guarantee of improvements. Need an engineered cost estimate with either a bond or cashier's check as they move forward. Did not want to spend money on an engineered cost estimate until these were accepted. Sent these out to them. The NP study was looked at by DEQ. Interesting to note on the study this is acceptable if they build the septic systems with the rules with District 7. Supposed to do this anyway. Commissioner Clark said District 7 inspects these. Milton did get a letter from Road & Bridge that a traffic study was approved. Do need a turn lane like the traffic study required. Commissioner Young said they will look at turn lanes. Milton said yes. Chairman Hancock said they just accept the study to move forward.

[11:18:01 AM](#) Mark asked if this is in the area of impact. Chairman Hancock said this was put in prior in phases. Made them do another pathogen study and traffic study. Going to put in city water. Mark asked on sewer. Chairman Hancock said there is not sewer out there. Mark said one of the things in the area of impact the idea is anyone that lives in this area they are a likely candidate to be annexed by the city. This is likely to happen within five years. Need to become compliant with city ordinances. Five to six years from now will need to be. Will be required to tap into city sewer. Need to be arranging the sewer systems so that when that time comes they can tap into city sewer. Chairman Hancock said this is one of the things they asked them to do. This subdivision was approved before the new area of impact. Was not in the original area of impact. Was going to put in community water but have brought out city water. Sewer is a mile and a half away. In the area of impact have had an easement for sewer hookups. Least they know this is where it will go if it is put in. This is on the next phase. Mark said the areas that have not been constructed yet need to design these to connect to potential sewer. Chairman Hancock said they can ask them to do this. Mark said some of this might be in the area of impact agreement.

[11:22:17 AM](#) Milton said this was an approved subdivision and was not in the area of impact. Have to give them credit they are doing what the newly adopted code says. Can let them know their concerns. Have been agreeable to this point.

[11:23:20 AM](#) **Motion by Commissioner Clark to accept the Nutrient-Pathogen and Traffic Study. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **UPDATE**

[11:23:51 AM](#) Milton said they are underway with the new software company. Met with the other company. Working on ending this at the end of May. Amazing the problems, they still continue to have. Chairman Hancock said they sold something that was not there. Milton said they entered in a payment of \$75 and the system recorded this seventy-five times. Showed they paid all that extra money. Fortunately, it did not go through the credit card that way. Putting together a Hearing Examiner contract. Would like to advertise for this. Some of the other counties they charge an extra fee outside of the conditional use fee to help pay for that person to hear these files. Would like to move down that road.

[11:26:04 AM](#) Milton said it is busy with questions. Spend a lot of time trying to answer questions. Chairman Hancock said if they have the right answers. Milton said also if they hear this right. Had a person ask on fencing in an easement. Said no probably should move it. Left and told Road & Bridge that it wasn't in the easement.

PUBLIC WORKS – ROB CROMWELL• **UPDATE**

[11:27:32 AM](#) Rob said Solid Waste is getting back to normal. Hoping the weatherman is wrong about more snow. Individual they had trained to fill the maintenance position out there has gone back to equipment operations. Going to take a look at the applicants they have that might be interested in the mechanic slot. For Road & Bridge they are focusing on hauling chips from Arco. Should be done today or tomorrow. Patching and trying to coordinate to move the vault for Park & Recreation. Chairman Hancock said when they move this they should have a hole ready for it. Commissioner Clark said he is going out there with Mickey on Wednesday. Rob said that Mike is working with Mickey on a plan. Kept getting snow and have had other stuff going on.

[11:29:48 AM](#) Rob said he has someone coming in to instruct a flagger class. Have Road Scholar tomorrow. Crack sealing should start in the next couple of weeks. Have a list of subdivisions they will focus on for now. Then will move back out to the main roads. On one of the plow blades they need to replace the picks. Can rebuild or purchase a new set. Is over \$5,000 to rebuild and \$4,600 for a new set. When the metal wears out they throw them and put the new ones on the edge. Replacing one-foot sections makes these last longer. When they replace an edge there are two pieces and one part might be seventy-five percent but the center is worn down. This is a good option to consider. Just talking about this just something he found.

[11:33:15 AM](#) Rob said one of the pickups is here at Tadd Jenkins. Did the funds for these pickups get moved for these pickups? Commissioner Clark thinks they got moved. Talked to Mike a bit and has not gone back and looked but the capital line there was \$180,000 that was not used. That did not get moved. Commissioner Clark looks through the budget. These were supposed to come in from Smith's. Did not come in and they cancelled these. Rob is getting a list of equipment for the auction. Chairman Hancock asked on the paver. Rob asked do they want to list this again. Jerome only wants to go to \$70,000. Chairman Hancock said try to get more on this. Tried to get \$80,000 for this it cost \$169,000 when they bought it. Rob said it has 992 hours.

[11:36:57 AM](#) Commissioner Clark said he discussed this with Mike. Chairman Hancock said they upped the one line. Commissioner Clark said these never came in. Know they bumped this up. Rob thinks they moved equipment line funds over. There was \$110,000 in capital vehicles when he had just started. Chairman Hancock asked how much the new pickup is. Rob said they just called that it was in. Thinks this was \$54,600 that was initially approved. Chairman Hancock said this is a 2024. Rob is going to try and get them to honor that price. If not will have to amend this.

[11:39:57 AM](#) Chairman Hancock asked on the pup trailers. Rob said one of them has to be plumbed into the truck it will go on. Been using the 2011 and this was a good option to go with. Chairman Hancock said two of them looked really good. Rob said the 1999 should probably turn that one over. One thing they could do is there is a bed at the surplus facility that might work on it. Try and get what they paid for it in the auction and get a different one. Chairman Hancock said they did get two good ones. Rob said they did for the price of one.

PROBATION – TAMMY ADKINS• **QUARTERLY REPORT**

[11:41:39 AM](#) Tammy provides a quarterly report. **(Exhibit A)** The front is the same staff. Collin is done after this week. Has posted and advertised this position. Has made some calls like they discussed and this would not fit their availability. Changed the quarterly report up a bit. Trying to put everything on one chart for adults and juveniles. End of March had fifty-three juvenile cases. They are up from past years. Have fifty-five community service hours for juveniles. Bottom is the types of offenses with property theft and financial crimes the highest at twenty percent. Shows the fee amounts collected in office. Total of 130 adult cases. At the bottom is the breakout. Most of these are drugs and alcohol related at sixty-six percent. Had seventy-five community service hours. Have adult fees these collections are up. Have a new hearing procedure with Judge Clark he is holding them accountable on paying these fees. Have sixty-three adult criminal background reports and seventeen juvenile criminal background reports. Shows what the recommendation was. Given Chairman Hancock the lists to share.

[11:46:42 AM](#) Chairman Hancock said he was up at 5C with no one up there from the county. Treatment they had eleven from South Dakota, Montana and Wyoming. Hard when they start that young go from doing this at a juvenile level to an adult level.

COMMISSIONERS• **APPROVE CERTIFICATES OF RESIDENCY – (ACTION ITEM)**

[11:48:59 AM](#) Motion by Commissioner Clark to approve certificates of residency for spring 2023 for the College of Western Idaho for Samuel Webster. Second by Commissioner. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[11:49:20 AM](#) Motion by Commissioner Young to approve certificates of residency for spring 2023 for the College of Southern Idaho for Ryker Anderson and Samuel Webster. Second by Commissioner. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

[11:49:35 AM](#) Motion by Commissioner Young to approve certificates of residency for spring 2023 for the College of Eastern Idaho for Carlee Barrus. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

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

[11:53:05 AM](#) Motion by Commissioner Clark to approve commissioner meeting minutes from February 13, 2023 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

PROSECUTOR – MARK TAYLOR

- EXECUTIVE SESSION 74-206 (F) – LEGAL – (ACTION ITEM)

11:53:21 AM Motion by Commissioner Young to go into executive session 74-206 (F) - Legal. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 12:05

12:05:34 PM Chairman Hancock said there is no action today was updated on legal county items.

12:05:43 PM Motion by Commissioner Young to adjourn at 12:05. Second by Commissioner Clark. All in favor – aye.

Sean Hancock
Chairman of the Board

6/28/23
Date

Audrey Moon
Clerk of the Board

6/26/23
Date

Colleen C. Koble
County Clerk

6/28/23
Date

