

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
JUNE 19, 2023**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Probation Tammy Adkins, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Audrey Moon. Prayer offered by Chairman Hancock.

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**PROBATION – TAMMY ADKINS**

• **PUBLIC HEARING – DRUG TESTING FEE INCREASE – RESOLUTION #2023-26 – (ACTION ITEM)**

[9:02:20 AM](#) Tammy said she has published for a fee increase for drug testing. Their fees have increased. Chairman Hancock said this was advertised. Should have sign-up sheets. Ask Audrey to print one off really quick. Will go into a public hearing. This is for drug testing fee increases.

[9:04:33 AM](#) Chairman Hancock reads resolution. “A resolution of the Board of County Commissioners of Jefferson County, Idaho; to approve a fee increase to the drug testing confirmation fee and update the probation fees schedule. Whereas, the Probation fee schedule set forth below reflects the actual costs and/or expense of Jefferson County in providing these probationary services; Whereas, it is necessary to increase the drug testing confirmation fee from the \$10.00 to \$15.00 to cover the actual costs incurred by Jefferson County for any drug test confirmation; Whereas, the Jefferson County Probation department’s Probation fee schedule set forth below reflects this proposed change in the fee schedule; Whereas, a hearing was held on June 19, 2023, pursuant to I.C. §63-1311A upon which the Commissioners opened the hearing for public comment and considered any input provided by the public; and Whereas, the Board of County Commissioners for Jefferson County, Idaho, after a public hearing, has deemed any input provided by the public; and Whereas, the Board of County Commissioners for Jefferson County, Idaho, after a public hearing, has deemed a fee increase to the drug testing confirmation in the Probation fee schedule set forth below to be appropriate and reasonably related to the purpose for which such fees are charged. Now, therefore, be it resolved by the Board of County Commissioners of Jefferson County, Idaho. 1. The following Probation fee schedule is hereby adopted, and the fees identified therein shall remain in full force and effect until such time as such fees may be modified in the future; and 2. This resolution amends and supersedes all conflicting Jefferson County fee resolutions related to probation fees. Adult supervision is \$75.00 monthly. Juvenile supervision is \$75.00 monthly. Pre-trial supervision is \$75.00 monthly. Informal supervision is \$75.00 per referral. Juvenile treatment court supervision is \$75.00 monthly. Juvenile diversion is \$200 per referral. Adult diversion is \$75.00 monthly. Drug testing set-up is \$30.00 per referral. Drug testing program is \$40.00 monthly. Drug testing pink is \$20.00 monthly. Drug testing individual is \$15.00 each. Drug testing confirmation is \$15.00 each. InTouch Phone monitoring is \$2.00 per day. BACtrack alcohol monitoring is \$3.75 per day. Shadow GPS ankle monitoring is \$4.00 per day. ReliAlert GPS ankle monitoring is \$5.00 per day. Education workbooks for formal is \$25.00 each. Education workbooks for informal and online is \$95.00 each. Passed by the Board of Commissioners this 19<sup>th</sup> day of June 2023.”

[9:04:37 AM](#) **Prosecutor Mark Taylor is in room.**

[9:04:41 AM](#) Chairman Hancock said they have a sign-up sheet out if anyone wants to sign in. Since these were not out if anyone wishes to speak will allow this. Went through the fees. This has been advertised for two weeks. Asked for anyone that is in favor, neutral or opposed. Sees no comments. Asked Tammy for additional comments. Tammy said no. Chairman Hancock said these are costs they need.

[9:07:15 AM](#) Commissioner Clark said they need to be able to cover their costs. Commissioner Young asked if anyone else provides services. Tammy said these are the cheapest. Chairman Hancock said they will close the public hearing.

[9:07:49 AM](#) **Motion by Commissioner Young to approve the drug testing fee increase for Probation on resolution #2023-26. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:08:09 AM](#) Chairman Hancock said they will move the Compliance Officer up prior to Snake River Tiny Homes.

**COMPLIANCE – KEVIN HATHAWAY**

• **UPDATE**

[9:08:34 AM](#) Kevin said he is still inputting data. Chairman Hancock said in June have fifty-three violations reported. Kevin said these are not all new some of these are follow ups. There are some new ones. Chairman Hancock asked how many. Kevin thinks about ten. Does not have it broken down. Commissioner Clark said it is in there this would be good to add. Chairman Hancock said if they can see how many new ones come in each month. As they get these resolved it shows that. Kevin said he is working on this. Chairman Hancock asked how many were resolved. Kevin said they have three that were heading toward legal are in the process of a resolution. Chairman Hancock said a lot of these are rights-of-way violations with vehicles, rocks and trees. Has debris in yard broke down looks like there are thirty-six of these are rights-of-way violations. Asked on water on the road. Might want to have water on the road as a category. Commissioner Clark asked if there are any that are a concern that is going to be a problem they need to be aware of. Kevin said one of these has been hard to work with. Chairman Hancock asked what the violation is? Kevin said this is an unpermitted RV on a property. They need to apply for a variance.

[9:12:12 AM](#) Commissioner Clark said one question he has if they have any new violations they need to be aware of? Kevin said at this point if they are new is in the process of working them up. Depends how they respond to the issue. These will show up on the preliminary report. The legal ones will be ones they have been working on for a few months. Commissioner Young said it looks like seventy percent are rights-of-way violations. Kevin said a lot are. Commissioner Clark said the rights-of-way not sure people realize how important these are. Last few weeks he has seen people running or walking down these roads and they need an area where they can get off. Kevin said they are working on the mailboxes that hang into the road. They do not want these off the road because they get a berm from the snow plow. Commissioner Clark said even with a swather if they do not

have a rights-of-way it is hard to get these off the road. Chairman Hancock hopes as he talks to these people the Road & Bridge is willing to bring in dirt and smooth out an area to move the mailboxes. Kevin said some that have issues moving these have been willing to offer help.

[9:15:01 AM](#) Commissioner Young said he knows half the county is in violation. There are some that stick into the pavement. Kevin said subdivisions requirements are not as stringent. Commissioner Young appreciates the report. Would be nice to use the program Spencer has to input this better. Chairman Hancock said on the report have a breakdown on violations of water on the roads. Would be nice to point out which are new for the month then ongoing ones and ones that are resolved. Kevin said the resolved ones will shuffle off the report. Chairman Hancock said just for one month can see these have resolved.

## **SNAKE RIVER TINY HOMES – PORTER TALBOT**

### **• TINY HOME REGULATIONS/ORDINANCES**

[9:16:46 AM](#) Porter Talbot with Snake River Tiny Homes lives at 188 N 3839 E in Rigby. **(Exhibit A)** Know they have a housing crisis in America particularly in the west. Everyone wants to move here. They like where they live but creates a housing problem. Currently the ordinance allows individuals to live in a tiny home for up to one year with a permit. Can be extended for additional year with another permit according to ordinance 112-362. Somewhat confusing when he went and talked to the Zoning Department said tiny homes were allowed in all residential areas. Then they read this and it seems to be confusing to himself and the individual he spoke with. They have sold tiny homes in Massachusetts, Texas and California. City of Hailey bought one of these tiny homes earlier this month for their city employees who could not afford to live in the city. Have sold zero in Jefferson County. People are nervous to pay \$100,000 for a nice home with no assurance they can live there. They have a tiny home outside on display if they want to walk through and look at this. They are more typical of a home and not an RV. They have a trailer but everything is built out of wood. These have 75-pound per square foot snow load which is more than the county requires. Can do up to 100-pound per square foot snow load which is what the City of Hailey wanted. Have great insulation with a constant sixty-eight degrees. Thinks it is a shame they can sell these everywhere except where they live. Would love to see these ordinances changed in two ways. Where people could live in this full time. Could have snow load and insulation requirements. Could add in similar to Blaine County and City of Hailey that they have a NOAH certification. This is National Organization of Alternative Housing. Came out where they have these and checked that they had plumbing heating and electrical to make sure they were in compliance. The other change would be that individuals could live in these in an RV park the only difference would be the hookups. Not sure the name of the park where it used to be an amusement facility. Chairman Hancock said this is in the city. Porter said they would love to have these they are better than what they have now but cannot live in them. One last thing he wanted to share is has a friend who works at an RV center and over a third of these are purchased to live in this full time. Possibly not legally so maybe they should make a legal path forward. Marjorie Price is here representing a tiny home community out in Archer. These have been very popular with people. The one he has outside is the first tiny home on wheels in America. State of Idaho has a brochure that explains what tiny homes are. These are well constructed and built. Would be a great addition to the community. Chairman Hancock asked Milton to come up with any discussion.

[9:22:39 AM](#) Planning & Zoning Milton said the ordinance right now is temporary and intermediate use. These are not for full time use. Up north they had an ordinance that an RV was up to a 900 square foot unit. This comes down to density. How much they want to add on a piece of property. Bonner County adopted an ordinance allowing a single-family dwelling, an ADU and two RV dwelling units. So, they could have four residential structures on a property. RV is usually rated by the Health Department as a one bedroom. These homes may have two bedrooms. The ones he is speaking on are usually 400 square feet. ADU ordinance allows 1,200 square feet or two bedrooms. Comes down to how many structures they want. Right now, people build a home an ADU and have an RV pad that is used intermittently. See these all around the county. This is not a bad idea. Comes down to how does the county feel about RV's and how they look. RV parks when they have these with high density these need to be in a system with public water and sewer. Put sixteen RV's on 2,500 gallon a day septic system called an LSA (Large Soil Absorption). These can have sixteen units on this system. This is still a septic system. DEQ would be involved and would have to check the soil types. One county allowed six units per acre another had five units per acre. Some allowed these to cluster. The density was based on the number of acres. If they had five acres could have twenty-five units. Could cluster these then the remainder would be open space. Different ways to address RV's. Not against these is trying to work with the code as it is written and the attitudes toward this. The other challenge with these it is hard to put an American consumer in 400 square feet. Usually when they see these they will need to regulate storage around. Drive some of the RV parks and see their lives around the RV. Become a sore sight because they do not have enough room to live inside. This is one thing he has seen happen. Becomes how much regulation do they want. Then density is the issue. Sewer and water will be the issues out in the county. Happy to write whatever the Board wants to address this.

[9:27:14 AM](#) Chairman Hancock thanks them both. One of the biggest issues is the county is set up for one acre lots or larger and is per zoning. Do not have anything in place for RV or mobile home parks. Have some that have been here a long time. This is one of the things they need to look at the zoning to see where this could be placed. Becomes mobile with wheels on this. May be a home but is just as mobile as a fifth wheel trailer.

[9:28:09 AM](#) Porter asked to address a few issues. So, the tiny home buyer is different than an RV buyer. Forty-three percent are paying cash. All over \$100,000. So, these are great for aesthetics and quality of people. Not talking about putting an RV park in their backyard. A lot of individuals use this for mother-in-law quarters. Have a parent that needs to live near their kids but not with their kids. If they have an acre this home is not taking up a lot of room on that acre. With NOAH certification this is \$2,500 itself. RV's do not typically certify because they do not qualify. These tiny homes are both RBA and NOAH certified. Milton said what he is talking about is building codes and how they certify these. As he read through the paperwork submitted to the Board is asking that this be substituted for an ADU. They allow an ADU up to 1,200 square feet. Not asking for more density just an update to allow these on the ADU. Commissioner Young said right now they cannot use this for an ADU. Chairman Hancock said there is some conflict between the two ordinances. Can get a conditional use permit and another says they cannot. They do conflict. Commissioner Young said so it was a question on if they could be used or not. Chairman Hancock said they could look into that.

[9:30:48 AM](#) Chairman Hancock said he has some concerns with developing tiny homes park unless they have a park that has the ability to be more dense. Milton said they have some really nice ones in Colorado. Have several hundred units with storage, restaurants, facilities and parks. Most of these will have to be annexed into the city. Commissioner Young said maybe short-term these are good but how are these in fifty years. Porter said Ms. Price has a community out in Archer they each have their own septic tanks. Chairman Hancock said this was set aside for that purpose. Porter said one is allowing them as an alternative or a type of ADU. Chairman Hancock said he could see that. The other they are trying not to have everyone that has an acre lot decides to put one of these on there and rents it out. Turned residential into multi-family dwellings. Trying to not turn these into multi-family units and preserve what they have. Porter said he submitted some information from Blaine County. Chairman Hancock said he did not see this. Audrey said it was emailed. Chairman Hancock asked if Ms. Price would like to explain what they did in Madison County.

[9:33:32 AM](#) Marjorie Price in Archer area 7855 South 400 W. Developed a neighborhood not an RV park this is a combination of small custom homes when the pandemic hit and housing prices sky rocketed. This was specialized in small custom homes on permanent foundations. Sprinkled in a handful of tiny homes in among the custom homes. Meant to be a neighborhood so the values stay high. Had to exercise the regulations that were available at the time on the land use table the county had. So many entities to work with to define what a small home was on a permanent foundation. Then what was a tiny home. The name RV versus tiny home is used in different settings. At the state level will not call a tiny home is a home not a RV. Require a 1,000-gallon septic tank minimum for a tiny home. End up with a tiny home that is almost the same size as the septic tank. Treat this like a home and count the number of bedrooms. In the neighborhood they could not hook up multiple RV's to one septic area. Each home must have their own drain fields. Chairman Hancock asked how big the lots are. Marjorie said the lots include lifestyle with first time homeowner and empty nesters. Philosophy is not doing a lot of maintenance on what they own. They created a common area of green spaces that were landscaped and enjoyed for common purposes. There is almost as much green space as lots. Buildable area is forty-to fifty feet wide by sixty feet deep this is where the small home is. They are .08 acres to .10 acres. Look in totality of the green space that is shared as part of an HOA then they have the drain field space where they can plant grass. The buildable area is quite small. Chairman Hancock asked if they included the green space to get his approved. Marjorie said first, they looked at a park. Was open to this. Live in this neighborhood. From the lifestyle did not want to do the landscaping or maintain her home. Travels a lot for her job. Wanted green space that was maintained. This was a good idea. Chairman Hancock said the drain field has to be quite large. Do the lot owners own this or is it common. Marjorie said they have two parts. Sifted through regulations. They used a real estate attorney. Some did not want this at all until they saw a tiny home. This is not an RV those are not meant to be lived in year around. These are homes. The permanency issue most times when they find land they can place this on they are not interested in moving. This is like a manufactured home would take the wheels off and put these down on blocks and straps. Can skirt these. In that regard is more like a manufactured home and can be semi-permanent. As far as storage the lifestyle is different. They tend to down size before they ever step foot into these. Intentionally do not carry a lot of extra things. Lived in one for a year while building a development. Lovely way to live if they can part with their things is a nice way to live. Knows Utah is allowing ADU's and tiny homes is part of that mix because they are running out of land. More cost effective on building an addition for a mother-in-law or someone in the family. Commissioner Clark asked if they each have a well or if it is a community well. Marjorie said this is a community well. DEQ really dictates how many can be on a well. Have a set number of homes and individuals before they had to go to a water system. Have kept the occupancy numbers small and in line for this. Did have to purchase an extra water right. Water rights and sewer issues are the biggest player in this. Chairman Hancock said community wells are protested by the south. Appreciates her providing this information.

## **COMMISSIONERS**

- **COURTHOUSE ROOM RESERVATIONS – (ACTION ITEM)**

[9:41:44 AM](#) Audrey said they had a meeting about public reservations of the meeting rooms Has put the meeting rooms they reserve onto the online system on the website. During the meeting security issues came up. Its been brought up about shutting off access to the courthouse and having a single point entrance. Wanted to see if they still want to proceed and allow reservations of the meeting rooms. When this came up thought they would bring this to them to see if they want to reserve these out. Commissioner Young asked if it is this room. Audrey said this room the old commissioner room, possibly the basement and the Mud Lake building. Do they want to keep going as they are now and revisit this once they get additional security? Chairman Hancock thinks they keep going. What do the others think? Commissioner Young said they can continue until they get one-point access. This is during normal business. Audrey said it was brought up that Crystal opens the door and anyone could come in. Chairman Hancock said they discussed this the whole purpose is to make this building available to the public to use. Audrey said it is used by canal companies, Republican Women and Democrats monthly. Chairman Hancock said that was a discussion about locking this off. Audrey asked if they want to keep going until they decide on the security. Chairman Hancock thinks so until they decide on the security. The Sheriff will present today on this. Audrey said she will keep allowing public reservations.

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

[9:47:54 AM](#) **Motion by Commissioner Clark to approve commissioner meeting minutes from April 10, 2023 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:48:26 AM](#) Recess until 10:00  
Open session 10:02

**SHERIFF – STEVE ANDERSON**

- **COURTHOUSE SECURITY – (ACTION ITEM)**

[10:02:47 AM](#) Sheriff Anderson said he has the numbers for the pass-through security they spoke about last week. Spoke with Rebecca that ARPA can cover the construction and Home Land Security can help with the equipment. At about \$35,000 for the equipment and under \$10,000 to install this. Would like to move forward with this. Chairman Hancock said would be \$45,000 max cost for equipment and installation. Then in the budget would need two deputies. Sheriff Anderson said that will be at current numbers will be \$45,808 per employee. Chairman Hancock said plus benefits. Will need two. This would be a single entry into the main courthouse building. Commissioner Clark asked if they should explain this. Colleen asked if they have two at a time. Sheriff Anderson said one at a time this is to cover the time off. Chairman Hancock said they discussed the security in executive session. For the public there has been some issues in other courthouses in other counties. Had Judge Watkins here last week and they felt it was important to go to a single access to the courthouse. Asked how other counties such as Bonneville County has a lot of buildings off site. Planning & Zoning and Elections that are not in the courthouse that they do not have this system on. Not all buildings. Discussed how they would block the annex off so it would be separate they would have to go through the main entrance and be scanned. Look at keeping this separate where they have the extension office with kids coming and going. Have not decided quite how they will do that yet. The main courthouse will be giving the authorization for the Sheriff to proceed with getting the equipment and budgeting deputies. Sheriff Anderson said he has the quotes.

[10:06:23 AM](#) Commissioner Young said that is the sign of the times they live in today. Would not want to have something bad happen. They may not want this they probably need this. Chairman Hancock said they had an incident in another county that could have been very serious. Fortunately, they caught this with the scanner. Commissioner Clark said they hate changing the feel of the courthouse. Is warranted they do not want any issues moving forward. Chairman Hancock asked if there is anything else from the Sheriff.

[10:07:10 AM](#) Sheriff Anderson said a lot of this will come from ARPA and Homeland Security. Commissioner Clark asked on the equipment. Is this a metal detector or scanner? Sheriff Anderson said a scanner they walk through and pass through scanner that bags go through. Commissioner Young said similar to airport security. Sheriff Anderson said not that intrusive. Chairman Hancock said he is asking to proceed and will have to put this all together for approval.

[10:08:08 AM](#) **Motion by Commissioner Young to allow Sheriff Anderson to proceed with courthouse security equipment. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:08:35 AM](#) Chairman Hancock said to make sure this will fit and see what modifications they will need for the entry way. Will have to look at blocking the annex off. Use keycards but not general public. Part of the time probation comes early in the morning. Use the side door and are keyed in. May need to keep this building separate. Gives them security for the Courts, Clerk, Assessor and Treasurer Offices. Colleen said to get with her on the deputy positions. Chairman Hancock said they will have two new positions. Cost about \$92,000 plus benefits which are around thirty percent.

[10:09:53 AM](#) Mark asked going along with that idea of how they manage this. Thinks they need to look at something for the annex. His office and the Public Defender will be in this building. Are potential targets. Chairman Hancock said they could lock his door and have an intercom system. Mark said they do not need to decide now. But should not dismiss security for the annex. Chairman Hancock said this building is used by so many different people. Commissioner Young said they can look at this when they get closer.

- **SIDEWALKS – (ACTION ITEM)**

[10:11:05 AM](#) Sheriff Anderson said he has concrete estimates coming in this week. The front pads on the sidewalks are deteriorating. One gap is eight inches wide and six inches deep. This is a tripping hazard for the public. The building is getting old and the sidewalks have been there since day one. Asking if they would like the concrete company do a bid going to the front courthouse as well. Some patching might be able to be done. Chairman Hancock said they walked out and looked at those about a month ago. Travis was supposed to get a bid. Commissioner Clark talked to someone on resurfacing. Sheriff Anderson said he has someone coming Thursday should they look at all of this concrete. Chairman Hancock asked who this is. Sheriff Anderson said it is the company that did the pad when the door would not shut. The pads they did looked great. Mentioned that they think they have a water line that is leaking that is causing the pad to raise. Coming Thursday and just wanted to see if they wanted a bid for all of this.

**JIM KELLY**

- **BUILDING PERMIT JEF-21-06-33**

[10:13:17 AM](#) Jim Kelly 4587 E 290 N. Will read a little statement. Introduce himself he is Jim Kelly and the owner of Kelly Construction in Rigby since 2002. Has built many homes in the county. Is a volunteer with Central Fire District and has been for fifteen years. On the committee to address impact fees for the Fire District. Feels he has a vested interest in the county. Wanted to discuss the building permit policy. July 16, 2021, he got a building permit for a home for his family. Bought property east of town which is the address he just gave. This was a heavily treed area. First, he had to have a county access road permit. Then cleared a lot of trees to put in a road had 1,400 feet of trenched power line. This involved a tremendous amount of work. Is a contractor but is doing this after hours. Working on this at night and weekends. Continued through getting foundation, electrical and plumbing inspections. In May the excavated to start the footings on the home. Got ready to pour these. Called for an inspection. Was told to come talk to them on this. When he went in they stated his permit was considered abandoned because he went longer than 180 days with county inspections. Told he would need another building permit in the amount of \$5,700 to finish the home. Started this been working on it any chance he gets. To be told he abandoned this project and permit when he has not. When they get a building permit there is a page called "Policies and Violations." Under expiration it states every permit issued shall become invalid unless the work authorized by such permit is commenced within one 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred and 180 days after the time the work is commenced. An extension may be applied for in writing to the Building Department with an additional fee." Told that at that time, they had adopted the 2018 International Building Code. In that code it states the same thing he just read. Except has the phrase if more than 180 days past between inspections may apply for one or more extensions. This is not part of the code he had read. Trusted the

Polices and Violation page from the building department would follow this. Prepared an extension application. Was denied for extension because it had been longer than 180 days between inspections. Been getting electrical, plumbing and septic inspections. Last inspection before this was December of 2022. This has shut down his project since May. Have footing ready to be poured. On the Policy page the permit is good for two years. Thought he still had time for an extension. "Completion of project. The applicant has two years from the issuing date to complete the project. If the project is incomplete after two years from the issuing date, the applicant may apply for a six-month extension for an additional fee. If the project is not completed within the extended time period, the applicant will have to reapply for a new building permit as outlined for all new building permits." Reason to be here today to get this Policy and Violations page changed. Paid the \$5,000 for a permit already. Now is facing another fee of \$5,700 to continue working on the same home. Thinks this is out of line and wrong. If they purchase a permit that has an expiration date of two years they should be able to work on the project for two years and not worry about extensions. For a contractor building a home it is not an issue it does not take two years this is not something they usually have to deal with. Doing this at night and on weekends. Knows there are other homeowners that do the same thing. Thinks this should be increased to three years with more extensions. This does not cost the department any more money if the expiration is three years. Still the same amount of inspections. Understands that codes change from time to time. Believe they need to adhere to the codes. Something takes longer than it should. Plywood being exposed for years could become an issue. Feels this could be addressed on an individual basis. No consideration on circumstances. The building department is black and white and been difficult to deal with compared to other inspectors he has worked with. Not looking for special treatment but thinks that this is unfair they lose a building permit if they go six months without an inspection. This is almost a \$6,000 fine for not having an inspection in six months. Thinks this should be changed immediately and he should be able to continue this project. Sure, other contracts may have some other input on rewriting this.

[10:22:48 AM](#) Chairman Hancock said he has a question. Had an electrical inspection in December of 2022. Jim said plumbing inspection. Chairman Hancock said would that not qualify for an extension. Jim said before that inspection they had six months prior to this. Commissioner Young said this happened before December.

[10:23:37 AM](#) Building Official Jeff Ottley said in general they have had about six or eight of these come up. Electrical inspection they looked at that. All that have come in they look for any state inspections. This one in particular had nine months with no inspections at all then had the one done in December. Appreciates the comments on the Policies and Violations page is working on changing that. The two-year time frame is not in the building code. This page was put in place prior to him. Building Code says "Every permit shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for 180 days after the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated." So, the main thing he has had with these is it was a long winter. That is fine but if this is more than 180 days they have to have a written request for an extension. Can go three, four or five years. He has one open permit that was applied for in 2017. Comes in every six months gets an extension or applies for an inspection. Sat for two winters. The sheeting was exposed to the weather and started getting gray. Had to have a structural engineered report. Houses outlive all of them. Trying to protect future homeowners. This is a bad situation. Not unempathetic. Chairman Hancock asked on the ones that have gone longer. Jim said the code is not in the policy they were given. Would not know. Jeff said they have an outdated sheet and try and help people with this. Have around 900 open permits and have only had six to eight problems. The other ones that expired and have not had inspections have reapplied for a permit and paid the fee. When they reapply, they look at the stage of construction and where they are at. For a house they have eight inspections. If they have done six out of eight the permit fee will be prorated for what is left. Mentioned \$5,700 for his. Had a permit tech look at this and the inspections they have had. Is going to be around \$4,200. The house portion of this specific project has not been completed. Counted the layout as done. There are specifics that do not apply with all permits. Looked for any inspections during this time frame. Permit was applied for in 2021. The six months would have been in February of the previous year. Been almost a year that this has been expired. Chairman Hancock said prior to December inspection they had a nine-month period. Jeff said the County has not done an inspection since August of 2021. There was a good long stretch. Now have December until now. The code says 180 days. Usually the give some leeway. Not trying to swing the hammer. There was a nine-month period. This was started in 2021. It specifically states it is invalid after 180 days. Commissioner Clark asked if this has hit two years. Jeff said July 19, 2021 was when this was applied for.

[10:31:39 AM](#) Commissioner Young said it states work being continued but needs to have the inspections tied to this within six months. Jeff said or an extension. They have forms to fill out with a letter. Have had a bunch of these turned in. Can count on one hand how many times these are denied. Chairman Hancock said he knows the new software they are implementing will be able to send out reminders. Now they have no reminders. Leave this up to the permittee to monitor. Jeff said with 900 permits it is hard. Commissioner Young asked what type of handout do they have. Jeff said they have a Policy and Violations page. Chairman Hancock said it needs updated. Jim said this leaves out what is fully in the code. Leaves out the inspections. Is in code and not on that page. Jeff said the sheet does not match the code. Jim asked how do they determine abandoned? Jeff said it is up to the builder to know the codes. Cannot tell every person every code. They do a page like this as courtesy to help people but do not spell each thing out. Get this on inspections all the time. Commissioner Young said this would be an easy fix. Jeff said they will update this. They could not have this at all and have them refer to the code. Chairman Hancock asked how much an extension cost? Jeff thinks this is \$100 for an extension. Jim said on the page he has it shows \$35. Jeff said that is the old fee. Trying to clean this all up. Current fee for an extension is \$100. Jim said this ends up being such a huge fine. They are sorry and out of luck. There is not a step to alleviate this. Jeff said to alleviate this was to apply for an extension. Chairman Hancock said this is interesting. Is glad this is brought before them gives them opportunity to discuss and discuss ways to correct this. May discuss that before they make anything final. There are some errors. Our page is not clear. Jeff said situations like this bring it to their attention. The Policy and Violations sheet he looked at it when he first started and has not been updated. Will change this for the future. Ever changing through the process. Chairman Hancock said he hates to see personally having to pay another fee of \$4,100. Commissioner Young said if he was in Jim's shoes he would feel the same way. Jeff said he does too but this is the code. Commissioner Clark said the building permit is still current has not had an inspection but it has not been abandoned. Jeff said suspended or abandoned. Not sure

on who put this wording in there. Realizes this is harsh wording. Commissioner Clark said this project has not been abandoned. Jeff said they will put something else together. At the end of the day it comes down to the code not their sheet.

[10:37:28 AM](#) Planning & Zoning Administrator Milton Ollerton said there are things that need to be looked at. The key is they are consistent. Have contractors come in that have a permit that has expired. Acknowledge this is their mistake. Bought a new permit. Knows that \$4,100 is a lot but so is \$2,000 or \$3,000 which is how they have treated everyone else. Not asking anything different. If they need to change anything that is fine. But if they deviate here he would need to go back to the six recent ones and make a correction on those. May be things to adjust in the future he is not being treated any different than anyone else. Chairman Hancock wondered that. Commissioner Clark said if the building permits are expired versus not an inspection. Milton said this is the same thing. Commissioner Clark said if the permit is still active still has the two years. Feels maybe they should not pay the whole fee. Milton said this is for the inspections. Commissioner Clark said the permit is good for two years. Maybe should not be so drastic. If the permit expires. Jeff said these shall become invalid if more than 180 days passes between inspections. The permit is not valid for two years. Is valid for two years if they get an inspection every 180 days. Jim said the county needs to not put out false pages. Jeff said they give this out as a courtesy. Could refer them to code. Try to offer some help. Chairman Hancock understands what Milton pointed out. How many others have they had. Milton said they have done six that have paid. This was recent in the last month and a half. Jeff said they have paid and moved on. Milton said they reduce the amount. Jeff said depending how far along they are on the project. On this they do not have anything to take off as this has not had anything on the house completed.

[10:40:49 AM](#) Commissioner Young emphasizes with Jim. Do have to follow code and be consistent. Chairman Hancock said they need to be consistent. If they charged the others. Otherwise would have to go back to the others. Jeff said others have applied for extensions and paid the fee as well. They followed this rule.

[10:41:24 AM](#) Robert Smith asked Milton they did six or so in the last month. Is that a sudden jump is there a reason maybe the weather? Why so many now? Milton said the weather changed and folks started on their projects again. Robert asked for an allowance for unusual circumstances like weather. Chairman Hancock said not under the current code. Does not address that. Commissioner Young said they still could have come in for an extension. Jim said they do not know about it. Wasn't on the sheet and did not think about this. Commissioner Young said having people know about this. Jeff said every day they get questions on people not knowing about things. Get people that fail an inspection. Cannot tell them everything. Would love to have the time but there are too many permits. Chairman Hancock said in the future they will have the ability to send out permit reminders. Jeff said they have multiple different people at the front desk try and train on the things that come up. There is only so much they can do.

[10:44:12 AM](#) Jim thinks this is wrong. Changing the ordinance is the way to do this. Does not think they should be so picky. Commissioner Young said this is Building Code. Jeff said this is not an ordinance this is Building Code. Commissioner Young asked if they can make an exception. Milton said there are ways to do this. They would need to create a clear policy that they are consistent with. This cannot be up to a person. That is why they rely on the code. Can write a more in-depth policy. Jim asked if there will be public comment on this. Chairman Hancock said there will be. Would suggest he go in and sit down with them and make sure they have credits on what is done to date.

[10:46:28 AM](#) Kent Merrill said he purchased an ag permit and the only inspection is when you start and finish. Came in on an extension brought this at the same time charged a \$100 fee when they have one when they start and end. Jeff said this is an agricultural inspection for an extension. This was not on the ag this was the application. Told him to come down and speak to them. Chairman Hancock appreciates this.

## **SOLID WASTE – BRANDY WARD - PUBLIC WORKS**

- **IDAHO DEPARTMENT OF CORRECTIONS WORK CAMP AGREEMENT – (ACTION ITEM)**

[10:48:13 AM](#) Brandy said this is the agreement with the work camp. Mark has reviewed this. Just have to have this in place to get a crew to come work for them. Chairman Hancock said they have had some wind. Brandy said they have stayed fairly clean outside of the fence. Have a summer hire out working on this. Actually, look pretty decent. Chairman Hancock asked on the scales. Brandy said they have eighteen days left to cure. Chairman Hancock said they probably did not take a cylinder test. Brandy does not imagine so. They did increase the footing and is a lot thicker than the original one.

[10:50:43 AM](#) **Motion by Commissioner Clark to approve Jefferson County Solid Waste and the work camp agreement with Idaho Department of Corrections. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:51:37 AM](#) Chairman Hancock said they had a comment that waste coming to County Line is not being tied down. Getting comments that these are coming off on the road before they get there. Maybe have a sign that says this needs covered. Brandy said right now they are estimating but this is about 250 tons a day five days a week. Chairman Hancock asked how much of this is paid waste. Brandy would guess about seventy percent. Chairman Hancock said they have a regional landfill they are looking at. Brandy said she has her thoughts on this. The location is not ideal. Chairman Hancock said then our landfill will last longer. Commissioner Young said they are filling this up faster than they thought. Brandy said they used to get five years out of a hole. Takes five years to dig one. Are one hole ahead which helps them. Commissioner Young said a lot of money comes in from out-of-county but they spend a lot to manage the waste.

- **RESOLUTION #2023-27 – COMP TIME PAYOUT – (ACTION ITEM)**

[10:54:56 AM](#) Chairman Hancock said they have a resolution they rescinded one last week and this replaces that one.

[10:55:16 AM](#) Chairman Hancock reads "Resolution Mandating Compensatory Time Payout. Resolution # 2023-27. At a meeting of the Board of Jefferson County Commissioners, State of Idaho, on the 19<sup>th</sup> day of June, 2023, the following resolution was adopted, to wit: Whereas, the Jefferson County Personnel Policy grants the Board of County Commissioners the authority to establish and change compensation and benefits for any reason deemed appropriate by the Board; and, Whereas, the Jefferson County Personnel Policy, in accordance with the Fair Labor Standards Act, allows for the accumulation of limited compensatory time in lieu of overtime pay; and, Whereas, the availability of funds exists in the Road & Bridge budget to pay out compensatory time in excess of 80 hours per Road & Bridge employee; and, Whereas, such reasonable opportunities to

use all accrued compensatory time are unavailing as the reduction in force would be detrimental to the level of service the department would be able to provide; Be it therefore resolved that the Board of Jefferson County Commissioners hereby mandates the one-time payout of compensatory time at the normal hourly rate, for any compensatory time in excess of 80 hours per employee as of July 14, 2023, for a total dollar amount not to exceed \$17,587 from budget category A. Approved and adopted this 19<sup>th</sup> day of June, 2023." Chairman Hancock said this is for Road & Bridge. Commissioner Young said they rescinded the last one this gave the option and HR determined that treated this as a benefit. This is not a benefit and needs to be mandatory. The reason for the payout is the winter was long and they need employees working. Commissioner Clark agrees.

[10:57:32 AM](#) **Motion by Commissioner Clark to approve resolution #2023-27 for Road & Bridge Compensatory time payout. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **LHTAC EMERGENCY FUNDS APPLICATION – (ACTION ITEM)**

- **LOCAL RURAL HIGHWAY INVESTMENT PROGRAM**

[10:58:18 AM](#) Audrey said that Rob prepared this. Chairman Hancock said they have LHTAC emergency fund application. This is an application for damages. Commissioner Young said this was for some culverts west of Roberts. Chairman Hancock said the total project cost is \$158,200 that flooding did this year. Has an engineer's estimate of \$123,500 and is applying for a grant for \$100,000 and shows the remainder if they get the grant would be paid for out of the Road & Bridge maintenance fund.

[11:00:06 AM](#) **Motion by Commissioner Young to approve the LHTAC Emergency funds application for the Local Rural Highway Investment Program. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

### **PLANNING & ZONING – MILTON OLLERTON**

- **WRITTEN DECISION - TETON PEAKS INDUSTRIAL PARK 4<sup>TH</sup> AMENDED PLAT**

[11:01:13 AM](#) Chairman Hancock said this was approved needs a signature.

- **UPDATE**

[11:01:27 AM](#) Milton said he is working on a solar farm's ordinance. Have a lot of new ideas for Planning & Zoning Commission. Hoping to have the new Area of Impact Agreement for Menan. Met with City of Menan on this. Wanted to leave the area the same but want this all zoned R-10. Did not want subdivisions unless they are annexed. Planning & Zoning Commission did not like the requirements. This included a section if they did a subdivision they had to stub out the sewer and water. Have agreed to get rid of this if the county rezones this to R-10 and limits zone changes. Interesting idea. Will need to have the city meet with the Planning & Zoning Commission. If they do not have one acre lots where do they want them to go to? None of the cities want one acre lots in the area of impact. Chairman Hancock said the law that did not pass legislation stated these areas are to be no more than one mile. Milton said this is around a mile. Chairman Hancock said they need to be careful they are not in violation of any laws. Commissioner Young said if they commit to providing infrastructure in the area. Milton said the concern is the growth down 500 N will be easier to hook into Rigby with where their new water treatment plant is. Understands that concern. Menan their sewer treatment is across from the dry bed. There is a natural divider.

[11:05:33 AM](#) Chairman Hancock said Lewisville could hook to either treatment plant. Milton said they did look at this. Menan talked about a sprinkler system on Lewisville's side. These ideas have since gone away. Had discussed moving the line and Lewisville backed out of that idea. Things change with elections. Chairman Hancock said they need to realize they need to be reasonable. The county is still enforcing its standards. With that in mind they need to work together the correct way. Milton thought they were making progress then legal counsel showed up. Talked about decreasing this to half a mile around Menan. Thought they agreed. Then went back to the mile and R-10 zoning. They do not want small lots unless they are annexed. The challenge with it being a mile they cannot jump properties to annex. If someone that is not contiguous to the city wants a subdivision the answer is no. Cannot do one until they annex. If the ultimate goal is to control growth. Problem is this makes the growth go other places. One acre lots are the best answer. Commissioner Clark said it still comes back to the cities. Would accept that if they put the sewer lines in. Would bring them into the cities but they are reluctant to run the sewer systems they need to. Then as things happen will extend this out. Not a permanent line when they say half a mile instead of extending this in a few years. Need to be willing to hook up or this will go somewhere else. Half a mile is a good place to start. Milton said at the meeting they thought they would have population of 7,000 to 8,000. Growth happens when they sell property. With nobody selling that is the ultimate way to control growth.

[11:10:21 AM](#) Milton said they are working on some compliance issues. Appreciates the ability to do this. It is nice when they send out a letter they come in and solve the problem. Always works to have those conversations.

### **NOXIOUS WEEDS & INVASIVE SPECIES – MITCH WHITMILL**

- **MOWING PROGRAM**

[11:10:52 AM](#) Mitch said they had discussed this around a year ago on assuming the mowing program. At that time the budget for them is very small and runs the weed control. The only way he would accept this was if Commissioners and Road & Bridge purchase a new mower. Would need three months of operator time as well. Is not sure if Road & Bridge mows. Got a quote from Metro Quip last year. This mower is a side and rear mower. Road & Bridge asked that they get one with an extendable arm to trim trees. This would require a bigger tractor. Knows they demoed one. This has a rear mower that would have to be dropped off. Weed Department ran these thirteen years ago but do not have mechanics. Road & Bridge was supposed to buy new but just kept running the old ones. Would change this to a sixty-inch rotary or flair motor on the side. The flairs are much safer. Usually do not do the bottom because they are not sure what they will hit. Mow to help mechanical function. The high clearance deck they have would be recommended. Got this bid last year was asked to look at the cost of a mower. Does not have the funds to purchase something like this with his budget. Terms were if they came up with a mower he could hire an operator. Got rid of this because they could not keep the equipment

running. Does not think the individual that had been doing this is returning this year. Have the two older mowers. Does the lot behind the jail and the Mike Walker Boat Dock with the one they still have.

[11:19:25 AM](#) Chairman Hancock said right now they do not have anything in the budget. Mitch said this is a year ago. Mike asked that he bring this back to their attention. Not sure if they have funds to buy a mower. Chairman Hancock said he knows they do not. Mitch said this is something to think of. May want to put this in the next budget. Chairman Hancock said they may want him to add a person in his budget. Mitch said he will add that. If they could get a new one they could get rid of the others. Road time is wasted time for equipment. They haul theirs when they can. If the tractor is small enough they could still haul it on their trailer. Commissioner Clark said they have enough roads they can mow where they drive and leave it. Commissioner Young said they could find places to leave this overnight. Mitch said they had agreements with places they were great to work with. Will plug in a line for an operator.

- **UPDATE**

[11:22:59 AM](#) Mitch said the fuel depo is all done. This was eighteen months trying to get Leonard's to complete this. Had some gas dropped a week ago. This is not online yet Garn needs to come and hook up the data bank. Will have fuel in this region of the county. Currently he purchased the fuel. Thinks in the future they might want a standalone fuel department. Have a five percent upcharge could cover this. Fairly maintenance free but would lessen the burden to Road & Bridge. Pull this all together and separate this as a standalone. The whole system is linked as one. Chairman Hancock asked how the spraying is going. Mitch said they were out early got a good knock on the kochia. They are in Mud Lake and Hamer this week. Has two trucks down. The 1996 they have front end repairs. The newest are the road side trucks. They have the GPS. Planning on running this to put out fires of kochia as the rest do other broadleaf treatments. Make the first round on kochia then they have thistles and leafy spurge. A lot of this is seedlings. Finally got enough water so they can knock these out if they are seedlings. 2,4-D has to be repetitive. Soon as they get done with these roads they move to state roads. Seldom get back to these twice a year. Done a good job at reducing this over the years. Need to remember that every time they disturb the soil they get kochia. Would like them to have some sort of revegetation program. Chairman Hancock said they should mention that to Rob. Mitch said wheat grass is good does not come up the next spring they have to be patient. Trying to keep the weeds out. In pretty good shape this year. Not a lot of wind yet.

[11:32:54 AM](#) Idaho Department of Agriculture is rewriting pesticide writing laws. Trying to get their input in. The rule making process will be done at the end of this week. Chairman Hancock said they had a presentation in Moscow. Mitch said Alan and Chase are both dedicated. Different how they operate. Hire contractors to do the spraying. Have Highway Districts that have their own crews. Do not do the roadway spraying like they do. The Weed guys are enforcing noxious weeds on private land. Around here they have little to none of these types of applicators. That is why they offer to help with certain smaller projects. Pay for the program cost and the equipment to do this. Need to protect their agricultural production ground.

[11:37:06 AM](#) Mitch said he saw they had a meeting out on the west side. Wanted to start spraying out there this year. The kochia had not sprouted yet. Will spray the gravel roads they pulled with the grader. Chairman Hancock asked on problems with chemical. Mitch said they haven't but the price is up. Chairman Hancock said Round Up has gone down. Mitch said the ones in the ag industry took the biggest jump and have come back down some.

[11:38:59 AM](#) **Motion by Commissioner Clark to adjourn at 11:39. Second by Commissioner Young. All in favor – aye. Motion passed.**



*Scott Howard*  
Chairman of the Board

*Audrey Moon*  
Clerk of the Board

*Colleen C. Roske*  
County Clerk



9/11/23  
Date

9/11/2023  
Date

9/11/23  
Date