

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
TUESDAY, JANUARY 3, 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 Chairman Hancock. Prayer offered by Commissioner Clark.

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COMMISSIONERS – SHERIFF - STEVE ANDERSON

• **JAIL INSPECTION**

9:02:48 AM Commissioners, Mark Taylor, Colleen Poole and Audrey Moon attend the jail inspection. Met by Sheriff Anderson and Lieutenant Clements. Go into the jail. Have one male inmate doing laundry. Head into the kitchen area. Have two male inmates cleaning up from breakfast. Kitchen is clean and everything is working well. Head out through the sally port area. Need to replace a panel on the large door that had a malfunction. Head past the library and recreation rooms. In control are Officer Belnap and Officer Raymond. Officer Belnap said they have eighty-six inmates with seventy-three male and thirteen females. Have eight from Jefferson County, ten from Teton County, thirty-five from the US Marshalls, one DOC and three ICE inmates. Head back out through the jail. Go into dispatch where there are three stations. Head out through the Sheriff's Office. (Exhibit A)

PARK & RECREATION – MICKEY EAMES

• **PURCHASE TEN-FOOT DUMP BED TRAILER – (ACTION ITEM)**

9:29:01 AM Mickey is over Zoom. Asked them to look at their email really quick she sent some comparisons. Chairman Hancock asked if these were sent this morning. Mickey said yes, she thought she had sent these earlier but did not go through so she re-sent these this morning. Can see they are all fairly close. Wants to go with Hitch & Go Trailer Sales here in Rigby. Commissioner Clark asked if ten feet is big enough for what they need. Mickey thinks so they use their pickups to take stuff to the dump. Would like to get this and then get a different pickup. Most of the trucks she is looking at are short-boxes. Can build sides on this trailer. Then instead of several trips can go once. Commissioner Clark asked which one she is looking at. Mickey said the one here in Rigby on Yellowstone Highway. Commissioner Young asked if this is the one for \$6,999. Mickey said it is \$7,030 but the one that is less does not have a few things added in so they are only a dollar different. Commissioner Clark asked if this is a tandem or single axle. Mickey believes this is a tandem. That is what she wants. Commissioner Clark said the one picture is. Chairman Hancock said he sees the pictures but not the prices. Mickey said they are in the picture. The 5X10 with Trailers Plus is \$7,239. Other one is \$6,999 that is Diamond Quality Trailers and the one she is looking at is \$7,030. Commissioner Young said one is 5X10 and the other is 6X10. Mickey said the cheaper one is 6X10 but is a single axle. Does not like seeing the stuff sitting out by the office can put it on the trailer in the parking lot and take it out and dump it. Commissioner Young said they will sell this for \$7,030.

9:33:12 AM Commissioner Clark said the Hitch & Go Trailer Sales says 5X10 so might want to check. Mickey said the one that is 6X10 is not a double-axle. Commissioner Clark said with branches and limbs wonders a 5X10 is not that big. Mickey said they can build sides on this so they can go higher. Would be able to haul the mower out to Mike Walker as well. Commissioner Young asked about an end gate. Might need to get a ramp. Mickey said that is not a big deal. Knows that Dennis can weld her something if she needs it. Chairman Hancock asked if they have the funding. Mickey said she does.

9:35:18 AM **Motion by Commissioner Young to purchase a ten-foot trailer for \$7,030 from Hitch & Go Trailer Sales and Rentals for Park & Recreation. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

9:35:47 AM Chairman Hancock asked if there is anything else. Mickey said they are doing well. Going to do the lottery again for the celebration. Then will open the site at the end of January first of February. Got season passes being printed and will come and create walk-in passes.

COMPLIANCE – KEVIN HATHAWAY

• **UPDATE**

9:36:19 AM Kevin said they are still having problem with water on the road but now it's frozen. Getting more and more snow pushed into the road. Been spending some time on this last week. Talk to people if he is out and sees this. Working on the spreadsheet still and is implementing the items that were not on the list so should have that within the next week or so. Take the complaints and add them into the sheet. Still getting active complaints. Have a lot of people living in RV's that are doing additions to homes or building. Couple of cases where the motor home has been given a porch and are living in these. Do have available spaces at trailer parks that could be parked in. That is what he is hoping he can direct them to do. Commissioner Young asked if he looks at them emptying black water on the ground. Kevin said they always look for that a lot of time they will hook into the home's cleanout. This is District 7 that approves that. There are a few that use these for sleeping and use the home for everything else. Main concern is health and safety. Does not want anyone dying of carbon monoxide because they are not adequately protected. Also, sanitary issues. Commissioner Clark asked if he is working on the spreadsheet. Kevin still has more to add. Some have had resolutions. Another thing he can get the old list and mark it up. Can show them manually which ones are resolved. Chairman Hancock thinks they should be able to edit this into the

computer. Kevin said this was from IWorQ. Chairman Hancock was told this was imported to Excel. This gives the ability to do a lot of editing. Kevin said he has the information. There is some information that is not on that sheet. Will have Garn come and help he is more knowledgeable on this. Chairman Hancock said in Excel they have a lot of editing ability.

[9:44:45 AM](#) Chairman Hancock asked how they are doing on the impact fees. Kevin is waiting on Road & Bridge does not want to submit this until they have an updated report. Thinks Rob was waiting on the street report to do that. Chairman Hancock said that is done now. Kevin said they had been waiting on the City of Roberts but they have not submitted anything but has notified them. Chairman Hancock thinks it's Roberts Fire. Kevin said yes that's right. Commissioner Clark said maybe to double check with Road & Bridge and see if they can get this going.

COMMISSIONERS

- **APPROVE 2022 INDIGENT DEFENSE EXPENDITURE REPORT – (ACTION ITEM)**

[9:44:11 AM](#) Colleen said this is a quarterly report. Chairman Hancock said they have spent \$122,603. \$62,497 for conflict attorneys and \$37,628 for support staff. Also have Capital Crimes Defense Fund for \$13,128. Is there anything else they need to be aware of? Colleen does not think so.

[9:44:50 AM](#) **Motion by Commissioner Clark to approve the 2022 Indigent Defense Expenditure Report. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **QUARTERLY REPORT**

[9:46:08 AM](#) Colleen provides the quarterly report and copy of the budget. Chairman Hancock asked for any comments. Colleen said they have quite a few funds in the negative. Hopeful this will be fixed once the taxes come in. Chairman Hancock said Courts is negative. Colleen said they have a trust they can transfer from. Chairman Hancock said also have the Justice Fund. Is surprised this is in the negative. Colleen needs to get with the Sheriff to see if we are waiting on money. Chairman Hancock said they need to follow up on this. Asked on Special Road & Bridge is this waiting for tax revenue. Colleen said they do levy for that. Is hoping the taxes will fix some of this? May be in the same boat in a few months. Commissioner Clark asked when these usually transfer over. Colleen said usually in January. Chairman Hancock said same with Revaluation. Colleen said most that are negative are levied funds. Chairman Hancock asked if they ever got a release on the bond. Colleen has not seen anything. Just had an email. Can check on this. Chairman Hancock said they really should send a release. Commissioner Young said they should see this within a few months.

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

[9:50:31 AM](#) **Motion by Commissioner Young to approve commissioner meeting minutes from October 3, 2022 with noted changes. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:51:00 AM](#) Chairman Hancock asked Colleen if they can try and get these caught up. Colleen said she will work on it. Chairman Hancock said they are three months back.

[9:51:16 AM](#) Recess until 10:00

Open session 10:01

PLANNING & ZONING – MILTON OLLERTON

- **PUBLIC HEARING – RECONSIDERATION OF LAND DIVISION APPLICATION – (ACTION ITEM)**

- **JAMES & LORI NEWTON – 4624 E 267 N**

[10:01:30 AM](#) Chairman Hancock said they have a public hearing for reconsideration of land division application for James and Lorie Newton at 4624 E 267 N. This is an appeal they appealed the decision and have asked for reconsideration. Will reconsider that in this hearing at this time. Will have a report from Planning & Zoning. **(Exhibit B)**

[10:01:54 AM](#) Planning & Zoning Milton Ollerton said this is a reconsideration of a denial on a land division application for Jim and Lorie Newton. Understands the Planning Department position is to be neutral and present the facts of the case and conclusions of law to lead them to reach a decision. Base this on public hearings where they listen to public input. Planning Department recommendation is based on the facts of the case and conclusions of law. Made this difficult to review and has brought to light some possible changes that need to happen in the zoning code. This property was rezoned earlier this year and approved in June from Ag-10 to R-1. This zoning was changed to make it similar to the subdivision next door the Willows West. Willows West Subdivision was originally platted in 1978. Was then vacated. There are questions on the vacation and this was divided into five acre lots. There are fourteen five acre lots on this road currently. Those fourteen lots are in an organized Homeowners Association. There is not a plat for this subdivision there are just records of surveys that created this. Interestingly in the deeds they call this road out from the 1978 plat. This brings into question on if this is a public road or not. With the research they have done with Road & Bridge Department this road has not been accepted by the county so this road has been looked at as a private road. When the zone change was approved in June. About ten days later the Newtons applied for a land division. Land division code is one paragraph in the code that identifies if this is an original lot from 2008 they can apply for land division basically by deed. They applied for this and the staff reviews that for a decision. Then they approve or deny and it gets recorded. In reviewing this the challenge is when the code was written all developments must follow these codes. Any new developments can only be three lots or dwellings or fewer on a private road. This is a private road that already has fourteen plus the Newtons so a total of fifteen parcels on this road. The staff felt they had no choice but to recommend denial on this project. That offers them several paths forward. They can appeal that decision which is what they did. It then went to the Planning & Zoning Commission for a hearing in September who reviewed this and ultimately denied this file. Upheld the Planning Departments decision because this is another development on a private road. Parcel is approximately 6.8 acres that was in an Ag-10 zone so this was a non-conforming lot. Once this was rezoned to R-1 it became a conforming lot in the R-1 zone and has the ability to be split. The requirements in the code prevent this from being split. Once the Planning Commission denied this it came to the Board

to either hear the appeal or not. They chose not to hear the appeal. Then the Newtons filed for a reconsideration and that is why they are here today. In the reconsideration the Newtons attorney submitted information that they feel are the issues with this decision. So the staff reviewed with the attorney and that is what is in the staff report. The first issue they brought up is the word development that is was not defined in the code. Is defined in the zoning code Section 112-1(52) "any manmade change to improved or unimproved real estate." The way codes are written they work together with each other. Subdivision and zoning work together especially with terms of definitions. If they want the zoning code to look like the tax code then you would put everything in this. So, the proposal would be a manmade change to real estate so does constitute a development under our ordinances.

[10:09:28 AM](#) Milton said the next issue is Planning & Zoning Commission denied this because it would add another lot or parcel on a private road. Reconsideration argued that under one definition of "private road" in county ordinances E 267 N is grandfathered because it was established prior to 2005. That particular statement is in the Road & Bridge ordinance and is under the Access Management Code not under the Subdivision Code. Does not refer to this in the subdivision code. In Access Management it discusses applying for access permits. This makes this interesting because Road & Bridge definition of a road existing prior to 2005 that is not the way the Subdivision Code looks at this. Explained this in much more detail in the staff report. The definitions of "private road" and "private street" under Section 110 in the Subdivision Code and these apply to this application. Under those definitions only three lots are permissible on E 267 N. The point he has tried to make with everyone he has met with this this does not apply to this parcel this is for any new development on this road. A new lot on a vacant lot or any accessory dwellings. This private road ordinance applies to them all. Basically, there can be no new development on this road. Next issues that was brought up was non-conforming uses that they had sometime in the 1980s. They say they had two lots on this parcel and they had a non-conforming use. When the Newtons purchased this on their deed this was listed as one parcel. Tough argument these non-conforming uses expire after one year of not being used. If there was one this has long since expired. The reconsideration argued there was a precedence set because there was a lot split approved. Unfortunately, a property owner applied for a split in 2019 that staff reviewed and approved that land division. Does not know the specifics on why this decision was made. The files show approval. In the Subdivision Code Section 110-35 says "failure to institute, require, or enforce any provision of these regulations prior to final approval of a subdivision or subdivision phase shall not act a waiver of the right to institute, require or enforce these provisions in subsequent subdivisions or subdivision phases." If the Planning staff makes a mistake that does not set a precedence. Do not have to allow everyone enjoy that mistake. Means there was a mistake on this particular approval. There has not been a home or building permit issued on this new lot. Once again with the private road code this property will not be able to build a home. The county should not issue a permit for that property. Finally, the reconsideration argued this road was dedicated to the public. Can see in the documents on the plat map in 1978. This has to be done by plat and the Board has to accept this road into the maintenance system. This is a step process. The road has to be up to county standards and reviewed by the road department and approved by the board. There is a statute that tells the public how to fix this is called a Road Validation in Idaho Code 40-203A. This statute allows any property owner the opportunity to initiate public proceedings to validate a public right-of-way. There is a process involved with an application and hearing. There is a way forward to do this. It is not clear that this is currently a public road. As far as staff has found there is no record of this being accepted into the road maintenance system.

[10:16:24 AM](#) Milton said they have the findings and facts and conclusion of law either way. However, the Board decides to go. Would recommend when the Board makes the decision would like to have the positive or negative with the vote so this can proceed properly. Again, with meeting with all of the parties understands and sees both sides. Sees what the Newtons are trying to accomplish. Understands the burden to make a road public and bring this up to county to standards. Understands the neighbors concerned about the impact and what a public road means to them. Based on the ordinance which they are asked to review the staff is left with its original decision to recommend denial of this project. Chairman Hancock said at this time they will let the applicant speak. If the Newtons want to come up or their attorney.

[10:18:17 AM](#) Mr. Manwaring is representing Jim and Lorie Newton. Wanted to clarify a few things on the staff report. Has not seen this is not sure what it entails. There are a couple of misconceptions that need to be corrected. The Newtons are not petitioning the Board to make the road public. This has never been presented. The problem before they raised the issue of what access the Newtons have to their parcel. For those reasons and in answering those questions, the Newtons do have legal access to this parcel. This access has been in place prior to 1978. Question on access had become an issue. Problem with the road and thinks the staff is grappling with the code. The use on this road. Have Willows West Subdivision that was accepted by the county. Accepted this then nothing further happened to make this a public road. Argument is that the statute requires official action need for dedication of a road. Was this subdivision put in predating the statute that discusses this process? That was Idaho Supreme Court's observation in the Hochberger case where this was platted and shows a dedication. This is not incumbent on anyone in this hearing to ask for some validation. Not an issue they need to decide on. The question is if there is any kind of access to use this parcel for residential purposes and the answer to that question is yes. Whether that is an applied easement or prescriptive easement or dedicated public road. The Newtons have access to this property and can use it. The real question is they need to understand their own ordinances. These are not really clear. The denial of the application was based that this did not meet the requirements under the Local Land Use Act. There is nothing that supports that. Second is the proposal was reviewed with the criteria and standards of the subdivision code. Article 4 subsection 112-193 is not in accordance with Jefferson County Zoning Code. The ordinance talks about no more than three lots apply to this private road. This comes out of a subdivision ordinance. In a subdivision they can have nothing but private streets. Sure, they can and that would be more than three lots. That does not violate the ordinance. If they take the staff's position they would have to eliminate subdivisions that have been approved and presented because they allow for private roads in these subdivisions with three or more lots. Need to think this through. Are they looking to develop three or more lots on this private road the answer is no. The staff says any private road that exists cannot allow a lot split. This does not apply to this. Ordinance is pretty plain it deals with says private streets should be prohibited in developments with more than three lots. Need to read the whole thing. In developments of more than three lots. This does not apply to the Newtons application. They are not developing three lots. This private street issue is a mistake and they are going off of a goat trail and the Commissioners went down and was their first error. Has to disagree with the staff presentation that non-conforming uses expire. This is constitutionally unsound. If that is what the ordinance says that is unconstitutional. Cannot decide a use dissipates and they

presented to them the facts from Idaho Supreme Court that showed non-conforming uses that have been in place long before any zone or use changes. This remains an allowable use and cannot just expire that because the ordinance states this expires in a year that is not true. United States Constitution allows the use of property to be held as a constitutional right. The Newtons are here as citizens of the county looking to do a lot split on their own property. Want to use the property for legitimate purposes. There is nothing wrong with their requests. But the staff is saying this is a development of more than three lots on a private street and their non-conforming use has expired. Both of these conclusions cannot be upheld. Would be overturned in Court. There is no strength to these. Presented to them facts that show this lot was unity of title with common owners then severed off. In 1978 this was changed to two lots. There were two residences on these parcels. Can see maps of historical uses on these properties. There were two residences. Can see information from the power company. Had a historical use with the power company having two owners. This has a historical use of two residences. Staff admits that the lot split on the Newtons property is allowable. There is nothing wrong with this. What the Newtons are asking to accomplish here is an allowed use as well as has a historical use. To recap what they are looking at this lot conforms to all requirements when the applicant applied for a lot split which is something that can be done. That use to have two residences on this property has been shown as a historical use of this property. Has existed. Was there before the changes. This becomes essential when looking at the issues they need to decide on. This non-conforming use was allowed in the past so is still allowed now. Is an allowable use. Next step is asking if this ordinance applies here. The one the staff is struggling with as well as the Planning & Zoning Commission. Are the Newtons asking to approve more than three lots on a private street? The answer is no. They do not have to struggle with this. Have shown in 2019 a landowner asked for the same thing. The same ordinance should have been applied. Staff decided this was a mistake but he does not feel like this was a mistake. This was a lot split application same as the Newtons and it was allowed. Staff recognizes they have fourteen lots on this private road. Every one of them are separately owned lots and they all have the right to use the road. It is not limited by this ordinance they have that does not apply here. There was plenty of testimony to the Planning & Zoning Commission on if the Newtons contributed to the Homeowner Association to maintain the roadway. These arguments are material to the question in front of them. Have never been a part of this Homeowner Association and are not obligated to contribute. Their use of this road is a legal use that has been in place since 1978. Do their own maintenance. This is not about who uses or maintains the road. The issue is if the Newtons can make a lot split on this property based upon the ownership of the property, historical use and the fact that their code simply cannot apply. This is not a development of more than three lots on a private street. This is an existing lot they want to have two residences on it. There is nothing on the Newtons application that has failed to meet the criteria of county ordinances and should be allowed. Allowing private property owners, the right to use their property. This is a basic Constitutional right. They are throwing up road blocks that are not based on law and facts. Which is in conformance with what the ordinance allows. Ask the Board to change this decision and approve the lot split application the Newtons have presented.

[10:37:14 AM](#) Chairman Hancock gets the sign-up sheet. There is no one in favor or neutral will start with those that are against.

[10:37:35 AM](#) Joyce DeHaan 4660 E 267 North. Lives on the road that is in question that leads to the Newton property. Feeling on this they look at properties one at a time to find out how changes in properties affect the value, appearance and quality of life for the other properties in the county. Was told when they came to the Planning & Zoning Commission that was the purpose of the reviews that are done on a case-by-case basis. The issue she has with dividing out another lot she feels that this will affect the value, appearance and quality of life for the properties in the subdivision. The Newtons have been using their property in a non-conforming way against county rules by placing trailers, cabins and now a double wide home on this property to rent out as Airbnb short-term rentals. Not sure they have permission to do this but doing it anyway. Concern she has is with the stated use that this is their plan is going to detract from the character of their neighborhood with all the strangers going up and down the private road. Need to have consideration of quality of life for those that live there. Use this road as a place to walk, exercise and meet up with the neighbors. Is a recreation space and do not want a bunch of people going back and forth.

[10:41:41 AM](#) Mark Dehaan 4660 E 267 North. Thanks for the opportunity to talk. Wanted to say there has never been two residences on the end property. First ones to move on this road and has known everyone that has lived on this road. Moved in 1989 and has known everyone that lived there and there has never been two residences. Know the Newtons bulldozed an old shack into the pond but no one lived in that. Would like to see proof of this. The idea that the Newtons want the same rights as everyone is not right. Pettingill bought this and decided when they planned this they did not want less than five acres. Have protective covenants on what they can do. Newtons are not part of the Homeowners Association. They are asking for homes on one acre lots. This is a commercial prospect. Already have three rental properties being used as Airbnb. Have a recording of Mrs. Newton that her plan is to develop the land and move somewhere warmer. This new house will be a new Airbnb. After the permit is issued to build they cannot control this. Then they can keep splitting off acres. Could split this seven more times. Like he said this is a special piece of land. Have deer, moose, mountain lions, coyotes and elk. The more traffic will double with the Airbnb people coming in that are going on vacation there. Really want the nature of the property kept. The idea that the county rezoned this so they implied they could rebuild. When he originally came into the county was told this was a two-step process. They look at zoning then look at permitting. Now the rules are changing. This was not his understanding that it implies they can build here. Another concern is this sets a precedence because then they could all split off an acre even though they have protective covenants they could all split off and make one-acre parcels. Could five years from now do this again. One more house would have an effect where this is a rental. Do not know the rules and have people that do not care and is a different atmosphere. Last point has lived there thirty-five years and have worked hard to make this dream place in the country. Bring in five or six more units they are all upstream traffic. Already seen an increase. Hard to work for this long then someone that is going to move away after they upset everything. At some point is not just money they are ruining people's lives. That really irritates him. Have lived on this road for thirty-five years and want a new bunch of houses how they would feel.

[10:47:11 AM](#) Lonnie Boyd 4630 E 267 N is the neighbor next to Newtons. First of all, have no issue with Airbnb and rentals. Sold his business and right now their sole income is doing Airbnb and rentals. This is not the issue. When they moved to the neighborhood knew this was five-acre parcels. Not going to get any larger and is a private area to have their family. As has been experienced with their Airbnb business even though they have regulations on parties these are not always observed. Had people that have manufactured drugs, had parties doing damages to properties

nearby. Not always sure what they get. Situation with this they have a dead-end road in the middle of nowhere. This would facilitate and possibly invite people out to do stuff like this. Main purpose of moving there was to be out away from everything. To divide this and bring in more rentals there is changing the whole nature of the neighborhood and was not the intent when this was developed and not what they want now.

[10:49:41 AM](#) Brian Schmidt 4691 E 267 North. Is in the subdivision and part of the Homeowner's Association for South Fork Willows. Looked for years for a rural secluded lot and three years ago purchased this home on nine acres. Loves the subdivision is created with a nature preserve and that they all have five acres or more. Love the location because they see more trees and wildlife than buildings. Particular value to him is the private road. Can wheel down this private road. Not interested in any additional traffic due to development on this road. Wants to preserve the integrity of the neighborhood is important. The Newton property adjoins their neighborhood and is over five acres but to divide this into smaller parcels goes against the feel they want to preserve. Another home creates a burden on the rights-of-ways throughout the subdivision. In 1993 a right-of-way that was vague was put into a warranty deed. The proposed expansion is more concerning now that they have learned of the short-term rentals on the property. Purpose is to review this application and feels like the county has applied the code correctly. Does not feel there should be any exception made to that.

[10:52:50 AM](#) Chairman Hancock said next is Bobbie Christensen who wishes to not testify.

[10:53:32 AM](#) D. Andrew Rawlings 1000 Riverwalk Dr. Ste. 200 in Idaho Falls. In here to represent the South Fork Willows Homeowners Association. The three issues he sees are the ordinances being applied, non-conforming use and access. The ordinance being applied they have to rely on the interpretation of staff and prosecuting attorney. While the applicant talked about 110-93-89 that references private streets referencing three lots. There is also subsection E on private roads which says from the effective date from which this article was derived which was 2005 private roads are prohibited unless this is three dwellings or less. These ordinances are there and are enforceable. Thinks staff and attorney have served them well in explaining these. These prohibit what is being proposed by the applicant. With what Mr. Manwaring has said about rein of doom with subdivisions being undone that is the role of non-conforming uses. This stems from due process that we all have to not be deprived without due process of law. This is grandfathering or non-conforming use. Going back to 1978 to 1980 where they had two residences. When the Newtons got this property in 2009 this was one lot and one residence. Whatever use they had is that that is the use that is protected by the due process right. Cannot go back on decades old non-conforming uses. There would not be any zoning anywhere. They can maintain the use that is there. That is why if they have the year clause so that if this use is not maintained it is waived. This brings things into compliance over time. That is why they cannot go back to 1978 when there might have been two residences. This is not what the legal principle stands for this preserve uses that are ongoing. Think as a non-conforming use this does not fit that category. This is one house on one lot. Understand they already are using more than one residence on this lot. Moving onto the access issue this is on the applicant to show they have access to this lot. Important that they know the County Commissioners do not determine easement issues. This is for Courts to decide. The issues have been raised on E 267 N if this is a private road there was some question if this was a dedicated road. Staff has not found anything accepting this road and there has been no maintenance on this road. Staff has pointed toward the road validation application with Idaho Code 40-203A. They are looking at the land division application. The easement that is held by the applicant applies. On their deed "Together with a right of appurtenant to an existing right-of-way as platted through South Fork Willows Subdivision." Skipped this but he noted the staff said they do not have a plat for the subdivision next door where this HOA exists and where they have protective covenants. This easement references as platted through South Fork Willows. There is not an express easement. There are other easements. The next most likely would be a prescriptive easement could be allowed but this is narrow to the prescriptive use. This is limited to the one house that has been on the lot for decades. Cannot expand on a prescriptive easement. Issues surrounding access are plentiful. Feels like they should follow the recommendations from staff.

[11:00:18 AM](#) Brenda Boyd 4630 E 267 N lives next door. Everyone has said what she knows. The only reason they are here is because they got a notice from the county. Were told the Newtons were wanting to subdivide and if another dwelling was added would force our private road to become public. This is a private road the neighborhood has paid to pave this. In order to bring this into compliance were told this would be over \$200,000 to bring into compliance and lose 320 mature trees. The pavement would be widened to thirty feet and the county takes another fifteen feet all the way down. This is significant amount of property they would lose. Like her husband said they are not against development. It is important to be respectful of the neighborhood they are trying to develop in. This is a special area that Mr. Pettingill who originally developed this so they have wildlife. They have access to the wildlife preserve. This is the draw to the neighborhood. Know they did not apply to have the road changed. Was told that would have to happen because they have to come up to conformity. This is why they are here. Know they have other property that might be better to put this home. Would also ask that the county has spoken with everyone they have been told to speak to. Would like them to be clear and read the law and codes to please be clear on what can or cannot happen. Some things are not supposed to be happening what is happening is not being enforced.

[11:03:54 AM](#) Mr. Manwaring is going to touch on the comments that were made to clarify some facts. There is no reason to paint the Newtons as aliens that are coming to destroy the subdivision. The reasons are the same on why they bought their seven-acre parcel. Is a nice area and has a lot of nature. What they need to focus on is what is allowed for the use of that property by statute. Mr. Dehaan said this is going to affect their values. Does not change anything for them they are not putting in a subdivision. There is not a commercial project here. Looking at residential use on the property. Same use that has been there forever. Not going to change any. Mr. Dehaan would like to see proof of two residences and they have that. Of 1978 there were two residences on this parcel. Each person that have talked has said their part of a subdivision. They have covenants and regulations. Those parcels that have these regulations have to live with these covenants but the Newtons parcel is not part of that. This is not the situation to violate codes or any HOA. This is a parcel of property they want to split. They heard a lot of talking about Airbnb and commercial properties which is irrelevant. They are adding this home to help with a family member. They have used a trailer on their home for Airbnb but that is not a violation of anything. They are looking at residential use on the property. Will not be a huge increase to traffic. Mr. Schmidt wants them to preserve the integrity of the neighborhood which they will nothing is being changed. Have an attorney here that can explain what Mr. Rawlings stated that a prescriptive easement use reasonable increase of this use is allowed by law. If this is an implied easement which he feels this is the Idaho

Supreme Court said the scope of an implied easement is for unlimited reasonable use case *Aizpitarte v. Minear*. This is not a question on doing harm. Mr. Rawlings also said the prior use for non-conforming use cannot be resurrected. They are not resurrecting anything here and is incorrect. Claims the time you purchased property that the use is dead at time of purchase. This is not the law they cited to them is that non-conforming use still applies. Does not matter when they bought this property. Are not resurrecting anything and that is incorrect. Mr. Rawlings also stated that staff correctly applied the ordinance. But if they look at the staff report they are struggling because the ordinance is not very plain. Cannot have more than three lots on a private street or a dwelling. Already discussed they can have a subdivision with private roads. Then Brenda Boyd mentioned they were told not sure by who but assumed someone here at the county that if this lot split is allowed they are forced to make this a public street. If someone told Ms. Boyd that they were flat wrong that is impossible. Know if they are requiring a street become public they have to go through a process. There is not a wand to wave making the road public. That cannot happen. So, whoever this was told her some bad information. This is an allowed use and a Constitutional right for a lot in the county. The Newton application was improperly denied and should be approved by this Board.

[11:13:58 AM](#) Milton said now they can see what they have been working on. Interesting if staff were to advise someone about adding an additional lot they would be told this needs to be a public road. Based on the way the code reads that is how that goes. When this code was written the county was drawing a line. Wanting development to be paid for by the developers. Further non-conforming uses do expire is in state statute and LUPA. LUPA talks about it being ten years seen others that are less than ten years. This is not anything new. Especially if you remove the house that was not conforming. Does not feel this is an overreach. There are ways to accomplish this and it all takes effort but the code is clear there is not to be more than three lot developments on a private road. This was a land division application. This is not to decide if the road is public or not. Staff is bound by ordinances that are in place. The ordinance requires that all developments cannot have more than three lots on a private road. This is what staff and Planning & Zoning Commission followed.

[11:17:31 AM](#) Commissioner Young asked Milton so they have a private road. Is curious the private road serves South Fork Willows and the Newtons property was this ever two properties after the subdivision broke out. Milton provides the original plat. Is not sure on if the Newtons property was ever part of this. This subdivision was eventually vacated. Mark said they forgot to read the letters into the record so they need to do this before the rebuttal.

[11:19:12 AM](#) Milton said he will read the letter from Bonnie Cromwell. "Commissioners, This letter is pertaining to the appeal by Jim and Lori Newton to divide their property at 4624 E 267 N, Rigby. We have lived at 4670 E 267 N for twenty-two years. Currently we are spending our winter months at our home in Arizona so we cannot be to the hearing but we would like to express our concerns with the appeal that the Newtons have filed. The Newtons have never paid for the maintenance of the private route on 267 N. It is our understanding and according to the survey map with our deed, the road is owned by the property owners that belong to the South Fork Willows Homeowners Association. I talked to Alonzo Zaugg who originally built and lived in the Newtons home. He told me that there was never an easement agreement between him and Phil Pettingill, the developer of South Fork Willows. It has been an understanding that the Newton residence have an easement for the road. This, however, does not include an easement for other homes that they want to build most especially for their short-term rental clients. When the Planning & Zoning Committee reviewed the Newtons' request to divide their property, it was denied. The Newtons appealed that decision and again the Planning & Zoning Committee denied their application and yet about two weeks later the Newtons defied that decision and had a double wide trailer house delivered to their property. It is our understanding that the Newtons have been renting cabins and a RV without the permits required. We have viewed their website advertising rentals. This brings more traffic on the road and brings strangers wandering through our neighborhood. It seems that Newtons are using our road for their profit. The Newtons say they have had gravel delivered to the road in front of their house and they believe that should be their share for maintaining the road but to my knowledge Mr. Newton never consulted anyone in the homeowner's association to determine if that is agreeable with all involved. Because this decision affects everyone in the South Fork Willows division, we are asking that the Newtons request be denied. Sincerely, Doyle and Bonnie Cromwell."

[11:21:19 AM](#) Milton will now read a letter from Todd and Paula Pettingill. "This is Todd and Paula Pettingill at 4671 E 267 N. We are against the proposal of Land division located at 267 N and allowing the Newtons to build on a one-acre parcel. All lots within South Fork Willows are five acres or larger to include Newtons property. The lots are this big so wildlife can live in harmony with us. This is the intent that South Fork Willows wants and why it was established. By approving this proposal, it would change what we have now. Having a rental empire at the end of South Fork Willows private property is not what we want. 267 N runs through South Fork Willows from 4700 to the South Fork Willows private turnaround, where Newtons driveway begins. 267 N is private property. 267 N is owned and maintained by South Fork Willows homeowners. Newtons are not part of the South Fork Willows HOA and have no ownership in the road. Having rental property at the end of South Fork Willows would increase traffic and wear and tear on the road. Newtons do have a deeded road easement for Jim and Lori to have passage access through South Fork Willows. The big problem is this road easement does not cover renters or tenants (legal access). Road easements must be used for their original purpose and this easement is just for Jim, Lori, and family staying in their home. If this proposal is approved how many more variances will be approved? This is opening the door for Newtons to subdivide even more one-acre lots and then they will have an Airbnb empire. South Fork Willows was not established to have rental properties at the end of our neighborhood. South Fork Willows was established well before Newtons bought their property and their idea of turning it into a rental empire. Please standby previous decision and decline this proposal. Sincerely, Todd and Paula Pettingill."

[11:23:25 AM](#) Chairman Hancock said this is all raising the same issues. Mr. Manwaring said they are not making a rental empire.

[11:23:52 AM](#) Chairman Hancock said they will close this hearing but may have some questions for their attorney.

[11:24:12 AM](#) Mark said he would rather answer questions. Commissioner Clark does have a couple questions. When Newtons bought this was this one parcel? Commissioner Young said this was two parcels that were rejoined into one parcel when it was bought. Mark said that was their understanding of the facts when this was purchased. Commissioner Clark asked on a written easement to use the road. Milton reviewed the easement and his opinion was this was between private property owners. Commissioner Clark asked if the road existed before the building of the other homes. Was it a dirt road back into that property? Chairman Hancock asked if there was access prior to 1978 via this road. Commissioner Clark asked if it came a different direction. Milton said this was there but was solidified with the plat. This is a private road that has been there.

Commissioner Young said this road did serve South Fork Willows and the Newtons so the two properties. Commissioner Clark said on the lot split they want one split with one acre split off. Talked about the double-wide that has been moved on. Milton said it is just sitting there because it could not be on the lot so it is being storage. Commissioner Young said the conforming and non-conforming use no longer applies. Milton said this was changed in the zoning. Chairman Hancock said they changed this from Ag-10. Milton said the subdivision was originally R-1. Commissioner Clark asked on a prescriptive easement knows a lot of these they have these and cannot add to but if they add another house do they have the rights to travel on the road. Mark said prescriptive easement is specific to each individual. This is not a general easement to the public. There was also discussion on expanding this reasonably. Question becomes what is a reasonable expansion. Does having an Airbnb become reasonable? They can determine this as these are almost separate questions. The application in front of them is the lot split admissible. Some of these are other satellite issues surrounding this. Commissioner Young said his worry is he understands on the private road but on some easements, they are restricted on increasing the usage. Mark is not aware of any provision that allows them to expand a non-conforming use. The non-conforming use is they are living there and using the road which is continuing. Does not believe they can expand a non-conforming use. This would become a civil matter but is still not the question before them.

[11:30:58 AM](#) Chairman Hancock knows they are here to discuss on a lot split but the question still comes if they allow a lot split they are going to have the same issue when they come in for a building permit then they are looking at the same requirements and ordinances. The question is according to our ordinances they will not be able to build on this lot. Mark said they had testimony on this. Milton had stated in 2019 there was a lot split allowed but they have the same issues there is not a building permit that is going to be issued because of these same issues. Chairman Hancock knows they are talking a lot split but once this happens they will want to build. This is his concern. Knows this is a separate question. Mark found fascinating that they are not looking at future questions about building rights. When they look at zoning what is being built is not part of the application. This is not the case. Not going to let building or not building be isolated in their decision. That is not the question only thing they can look at is the lot split what they do on the split is not before the Board.

[11:33:53 AM](#) Chairman Hancock said another question is the use of property and non-conforming or grandfathered property. There is a time that this goes away. Cities grow cannot have a pig pen in the middle of the city because a hundred years ago they had one in the middle of the city. Sold ten times and they would not put this back into the city. Mark said non-conforming is saying this can continue after a law passes. What they are talking about is discontinuance of these uses. There is a non-conforming use that is discontinued then after a certain amount of time they have to conform to the existing ordinance. State has this at two years. The county is one year. This has been one lot since 2006 with one residence.

[11:36:40 AM](#) Commissioner Clark said looking at the lot split. Commissioner Young said that is all they can consider. What they do with this is another matter down the road. Chairman Hancock agrees the lot split for the property is not part of the existing subdivision the problem is this is not going to go away even if they agree to a lot split. It is interesting. Concerned about expanding the right-of-way. Mark said that was one issue for the denial. Commissioner Young said the expansion would already be there. Mark said that is the argument that they are adding another property. They looked at this access is on a private road. Cannot add to the lots that are already non-conforming. Commissioner Young asked where in the code property has rights under the ordinances. Chairman Hancock said the problem is they are accessed by the same road. Commissioner Clark said to increase any properties they have the same problem of expanding the use on the road. Milton said this already has fifteen parcels. Chairman Hancock said they could approve the division but then they expand the use of the road if they ever build on it. Mark said without the building they are still expanding because they add a parcel. Commissioner Young said this is two separate pieces of property. Mark said this is their driveway so they have to access this. Milton said Planning & Zoning did struggle with this. This is not a new named road. So, they are back to this being one private road. Commissioner Clark thinks with that being said feels that they may need to uphold their decisions. Commissioner Young does not think they want to expand any uses on this road. Chairman Hancock said that if they are ready to make that motion they need to have the following included in that.

[11:44:42 AM](#) **Motion by Commissioner Clark to uphold the Planning & Zoning Commission thereby denying the land division for Jim and Lorie Newton located at 4624 E 267 N in Section 17 of Township 04 North Range 40 East Boise Meridian, Idaho. Based on the following conclusions. The decision is based upon the evidence submitted up to the time the Staff report was prepared, and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this decision and transmit to all interested parties. This action does not result in a taking of private property. The action could be taken, if any, to obtain the approval of preliminary plat is to: File a new application with the Planning Department and meet the standards required by Jefferson County Code; or Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[11:46:10 AM](#) Chairman Hancock said they have put a lot of time into this. Thinks that right now that this is the right decision to be made.

[11:46:46 AM](#) Recess

Open session 11:53

- **STEEPLE VIEW SUBDIVISION NO. 1 PLAT AMENDMENT – (ACTION ITEM)**

[11:53:45 AM](#) McKinlay said that they looked at this back in December. Have the plat ready for signature.

- **FLOODPLAIN VIOLATION - NOTICE TO TITLE – RP04N41E314190 – (ACTION ITEM)**

[11:55:35 AM](#) Milton said that FEMA comes around every five to twenty-five years and does an audit. Not sure when they came here. They find where there have been any mistakes on permitting in the floodplain. Ask the county to go back and fix the mistakes. Fixed those but this one. The challenge with this one is the building permit was permitted to build with a basement. Then two or three years later another permit was submitted to finish that basement. This is in the floodplain. Has been given a permit. Can correct this by backfilling the basement or raise all the mechanical equipment in the home. It is 2.86 below so they need to backfill this. FEMA has agreed if they have a notice to title notifying future property owners this home is in violation this would satisfy their requirements. Then the property owner can continue to live there and use this basement. Would not

be able to get flood insurance through FEMA. If they build in the floodplain can get insurance through FEMA and only get \$200,000 coverage. This property owner has gotten their insurance elsewhere. Spoken on this situation. This is the best solution moving forward. Then if someone wants this in the future they are aware.

[11:58:47 AM](#) Bruce Anderson 49 N Newby Lane. Do have a basement this is a walk-out and the basement floor is ground level. Did not realize when they got the permit that this was below the floodplain. Cannot dig down out there with subwater. Hopefully this mistake won't be made again. This is one reason Palisades Dam is there is to mitigate flooding. The flooding happened when Bureau of Reclamation was not paying attention when they got a lot of rain and they did not release the water as quick as they should. Do have another flood insurance. Even with all of those factors not knowing he was below the level. Milton has been great to work with and explained the situation. Chairman Hancock appreciates that. Asked in 1997 did where he build get water. Bruce said he had not built yet was in Wyoming at that time. Wife grew up on the property. Mother-in-law's property flooded because the culvert was plugged up and the water got backed up. **(Exhibit C)**

[12:02:44 PM](#) **Motion by Commissioner Young to approve the floodplain violation and notice to title on parcel #RP04N41E314190. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **FLOODPLAIN VIOLATION - NOTICE TO TITLE – RP002400010090 – (ACTION ITEM)**

[12:03:33 PM](#) Milton said the next one is the same situation. Not sure how this got permitted. Knows they have been trying to correct this. FEMA did not accept their engineered correction. This is a basement. Chairman Hancock said they have ten directly in the floodplain. Milton said some of the engineers could pull out doing a map amendment showing the elevation was higher then what was on the map. Turned this into FEMA and they decide if they are good to go. This home has a basement that is below the flood level. Asked that we do this so they do not have to fill in the basement yet. Will take care of this before he sells the house. **(Exhibit D)**

[12:05:04 PM](#) **Motion by Commissioner Young to approve the floodplain violation and notice to title on parcel #RP002400010090. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[12:05:44 PM](#) Commissioner Clark asked if this was FEMA suggested. Milton said this is what they did up north so they agreed to it.

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

[12:06:20 PM](#) Milton said they do not need this added this in case they had any questions during the previous items.

- **UPDATE**

[12:07:05 PM](#) Chairman Hancock said they have been busy. Milton said they have a couple hearings next week. Have six to hear on Thursday night. Do have some subdivisions coming up for review in February. The office is still busy. Trying to fix the glitches with the computer software. Has been talking with Road & Bridge on their parts of the programs. Hoping they will have their inspector back soon. Would like to discuss the private road codes. Came up with some ideas with the attorney but want to verify and get everyone on the same page.

PUBLIC WORKS – ROB CROMWELL

- **INCREASE COMP TIME HOURS – (ACTION ITEM)**

[12:10:54 PM](#) Chairman Hancock said that Rob is out. Will read what he has sent over. “Commissioners, I apologize for my absence. I have laryngitis and the doctor has ordered that I shouldn't use my voice at all for a few days. Here is the update for Public Works. Solid Waste - Everything is going pretty well with Solid Waste. There has been a lot of ice buildup in the parking lot which has created a hazardous situation. I am ordering traction devices that employees can wear to prevent slips and falls. Last week piece of equipment hit an employee's vehicle. I am working with the personnel out there to prevent this from happening in the future. Transfer Station - I think we should push the public discussion back to the meeting on January 23rd so we can advertise and better prepare to present. Road and Bridge - I have been really impressed with how well the crews have been maintaining the roads throughout the county. Last Tuesday was particularly dangerous for motorists and everyone did their best to de-ice the roads and increase safety around the county. I would like to thank the Sheriff's Department and Rebecca for issuing travel advisories early to inform the public of dangerous road conditions. Action Item - Increase comp time bank to 120 hours. Unfortunately, most of the storms have hit us on the weekends, and they have been spaced out so that just as we get everything cleaned up from one storm, another one moves in. Many people in Road and Bridge are approaching the 80-hour cap, and a few could surpass it this week. As soon as we can catch a break in the weather, I will let people use some of the comp time they have accrued, but for the time being, I am requesting a temporary increase from the current eighty-hour cap to 120 hours.

[12:13:22 PM](#) **Motion by Commissioner Clark to increase Road & Bridge comp time to 120 hours. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **ANNUAL ROAD AND STREET FINANCIAL REPORT – (ACTION ITEM)**

[12:13:55 PM](#) Colleen said this was completed by Rob.

[12:14:17 PM](#) **Motion by Commissioner Young to approve the Annual Road and Street Financial Report for 2022. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

EMERGENCY MANAGEMENT/HR – REBECCA SQUIRES

- **FACILITY PLANNING/LOWER LEVEL FINISH – (ACTION ITEM)**

[12:16:28 PM](#) Rebecca said for the record they have begun consultation with the architect on the lower level finish of the annex building. Are reviewing the contract believe they are ready to go. Mark said they still have some blanks to fill in the template is fine. Rebecca said in discussion have talked and listened to a lot of people about the lower level. One thing is that to affectively fill in the lower level they have some needs. For herself there are three objectives. The wise use of their facility and monetary resources. Need to address a range of needs but to look at the big
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picture. Any change requires stakeholder involvement want them to have that involvement. Talked to them in conversations individually on this. Just departments that are affected.

[12:19:03 PM](#) Lower level have area on the lower level. Will move the Treasurer and Assessor kind of flip-flop them with a minor remodel. They are okay for now but is part of the larger plan. Included IT Office space in the lower level. Park & Recreation office space in the lower level. Chairman Hancock asked on IT thought they needed one and a workroom. Rebecca said they have one and a space. Believe they have a request for Spencer to move. Talking about the Clerk's space during their discussions it became apparent there is utilization of spaces now including the old Commissioner room, where the Bailiffs are and storage room. Previous proposals that were her ideas may not work. Broad acknowledgement that there is additional space needed because they are outgrowing what they have now. Clerk's Office and Elections Department have come onboard at looking at this and defining how the lower level could be of service. Could expand the downstairs as storage and workspace. Would suggest leaving the old commissioner room alone for now. Did a walk-through with Scott Nielson and the Court Clerks. These are the hardest to fill because of the brick walls and their work flow. Has some sketches that they came up with. Option one has a hallway and door and turn the service counter to serve people. The wall masonry the main architecture is supported by columns. They can take out the windows and build addition space and the first Judge Chambers would have a hall and two offices one becomes a visiting office and current visiting will become storage or could be an office. This goes into the back-parking lot. Still have ability to deliver does get cozier but thinks it is doable. Chairman Hancock worries about the sally port area. Rebecca said the day this idea came up went and looked in the fresh snow the cars going into the sally port was well away from this wall. Chairman Hancock asked on the buses. Rebecca said these do not go in. Audrey said they just park right along the side. Rebecca said option two is similar. Rather than the Court Clerks coming out the back they would take over the Judge Chamber and extending that west. No one has seen this yet. This just happened after the walk-through. Been averse to changing this at all but this might serve the Courts and keep their workflow. Still need to run this by the Sheriff. This Body is the first hurdle. Does believe this addresses the majority of the need from the Courts. Preserves the space for Elections. Treasurer and Assessor are happy with this. Has talked to all the department heads that would be affected.

[12:28:36 PM](#) Rebecca said that she has talked to departments in the Courthouse. Commissioner Young said if they did the basement first they could move them downstairs. Rebecca said looking at the program holistically this helps them with their plan. Chairman Hancock did not think they had enough room back here to expand. Rebecca will still double check with the Sheriff on this. No one should be driving that fast then.

[12:31:27 PM](#) Chairman Hancock said they really need to look at more room for Elections. Cathy said they have talked to them and are going to change some things. Would be more onboard after 2024 Election. Commissioner Young said he did talk to Paul to contact them. Commissioner Clark thinks they can work with Travis on getting someone in.

[12:34:03 PM](#) Rebecca said there is a lot to talk about. Today although they have had informal discussions have not had anything from the Board. Would like to proceed with the whole program and get designs out there. This way if they build this they can use this area. Colleen thanks Rebecca for dealing with this has had some hard conversations. Commissioner Young thinks the expansion of the area and finish the basement. Chairman Hancock said now they need to finish the basement and will give Scott permission to proceed. Mark asked on payment. Rebecca said they need the contract first. Right now, have only had informal discussions and sketches. Colleen said that Scott has been great to work with. Rebecca said for the court addition looking at around \$375,000. Points out the outside storage area right now is the roll up garage door. Elections would very much like to keep this. What do they gain with that space. Nothing can be parked in there. Suggest looking forward at getting a heated shed for the storage they need. Keep that storage for Elections. Chairman Hancock knows that Travis would like to use this for some of his equipment. Colleen said they talked and he has backed off on that idea.

[12:40:32 PM](#) **Motion by Commissioner Young to proceed with NBW Architect and get designs completed for the lower level and the Court addition. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[12:41:54 PM](#) Chairman Hancock appreciates their architect Mr. Nielson. In talking with Fremont County, they have no interaction with their architect.

[12:43:06 PM](#) **Motion by Commissioner Clark to adjourn at 12:43. Second by Commissioner Young. All in favor – aye. Motion passed.**

Scott Hancock
Chairman of the Board

Audrey Moon
Clerk of the Board

Colleen C. Rode
County Clerk



3/20/23
Date

3/20/2023
Date

3/20/23
Date