

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
JANUARY 23, 2023**

Meeting called to order at 9:00. Those present are Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Sheriff Steve Anderson, IT Garn Herrick, Maintenance Travis Thompson, Emergency Management Rebecca Squires, Probation Tammy Adkins, Assessor Jessica Roach, Treasurer Kristine Lune, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Hancock. Prayer offered by Commissioner Young. Commissioner Clark is excused.

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ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

9:05:12 AM Extension Office Lorie Dye has a quick update. Both herself and Joseph were handling the potatoes class he is really good with these because he does speak Spanish. 4-H school is March 1. Will start her cooking classes this week through February and March. March will be food preservation and will do some chocolate dipping in February. Really fun time for her because she really enjoys teaching. 4-H is going strong. Amanda did take a judging team to Twin Falls. Does have a concern she wanted to bring up with caution. On the front parking really feels like employees should park away from the building if at all possible. Understands if they have an injury. Have had some concerns on the trucks backing up and the sidewalks. If handicap person needed to get up that ramp they are not going to be able to get by. Chairman Hancock said he also has a note on this concern. Lorie apologizes knows that she has had a wheelchair temporarily and could not get up the ramp. Maybe they could be more aware and ask their employees. Commissioner Young said they did mention this to a few people last week. Chairman Hancock said they do want this open to patrons. Lorie said there is a lot of winter schools for ag. Farm in session, pesticides, shooting sports has started for 4-H so they are on the go.

9:08:26 AM IT Garn Herrick said as many of them know that Spencer has relocated offices over to the Sheriff's Office. Both do the same thing he just changed locations. Is cohabitating with Mike Miller. Is going to take on some additional roles over at the Sheriff's Office. On the Know Before email report they had three clickers one in Sheriff's Office and two in Planning & Zoning. Did have one person reply to the email. Garn said they had security cameras tied together in the building and the Sheriff's Office now has access to them all. Word of caution to watch out for scams. Spencer got one over the weekend stating he was his old boss and needed some gift cards. Word of caution that scams are out there. Chairman Hancock said they had some people in the county call him and ask if the county is doing a survey because they are using the Assessor's Office and Planning & Zoning. Called because they did not want to be in violation. Jessica said they may want to add something to the website because other counties are experiencing the same thing. They never ask for a social security number over the phone. Chairman Hancock just brought this up because they are specifically calling acting like they are from the county. Jessica said they target the elderly because of circuit breaker. Garn said to be vigilant.

9:12:52 AM Maintenance Travis Thompson said they got the air dampeners on the roof taken care of. Got the filters changed out on the units. Have more fresh air coming in the building. Staying up on the snow. Been keeping up on things.

9:13:32 AM Treasurer Kristine Lund said they are getting loose ends together. Have 2019 delinquent taxes they are processing on. Starting to work on warrants of distraints first of next month.

9:14:05 AM Sheriff Steve Anderson said this was a really busy weekend. Has a couple sections of concrete on the main sidewalk that is being brought up with the frost. May need fixed this spring and one section is pretty bad. Chairman Hancock said he had not been over there how the piece that was replaced is. Sheriff Anderson said those ones still look good the issue is with ones that are not fixed yet. Commissioner Young said this is a section they have not fixed yet.

9:15:01 AM Probation Tammy Adkins said they are status quo and getting a bit busier after the first of the year. Are moving along.

9:15:13 AM Assessor Jessica Roach said circuit breaker started the first of January. Getting reappraisals entered for 2023. Chairman Hancock said he heard they met with School District. Jessica said they did Kristine, Colleen, Sheri, Audrey, and herself. Expressed if they do town hall meetings with both the county and school that they would be happy to attend to answer questions on the bonds and taxes. Chairman Hancock said they did take his suggestion on the level payment. Need \$7.5 million and they looked at this as the base amount. This is a smarter way. Before this was a percent. Has gone down with the base rate. Thinks this is good and the county patrons and residents need to know this is the best option.

9:16:46 AM Park & Recreation Mickey Eames said she is getting up and going. Have lake passes getting made. Will do the walk-in passes. Trying to get all the things they need to do. Will talk to the Board later today about a vault toilet for Mud Lake. Been keeping the lake path as clear as possible. Chairman Hancock asked if they have reservations open. Mickey said they will do the lottery on Friday for the celebration dates. Will open the reservations the second week of February. Commissioner Young asked on the claims. Chairman Hancock said they will ask her later on this.

9:18:58 AM Prosecutor Mark Taylor said they are business as usual. There are people that would love to have his deputies. There may be some changes in the office. Hoping they will be able to keep them. But they may end up being short staffed.

9:19:59 AM Clerk Colleen said they have a bond election coming up for Rigby School District #251 and levy election for Ririe School District #252 and West Jefferson School District #253. These will be held on March 14 if they want to go and vote.

9:20:19 AM Commissioner Young said he did have a few things but must have forgot. Appreciates everyone and things they are doing. May have some space available out in Mud Lake because the Health Department is closing down that office. Trying to save a few dollars. The visits have been down to under a hundred visits a year. Will schedule days out at the school. Will have some space out there that is available. Not sure if

anyone would use this. Lorie asked if this is county owned. Chairman Hancock said it is. Lorie said maybe they could hold 4-H activities there. Then have a custodian come through. Chairman Hancock said they do their own custodial. Anyone that used it would need to be cleaned after. Is a nice little building. Lorie asked on holding a class for twelve. Commissioner Young said this is a smaller house. Chairman Hancock said 1,200 to 1,400 square feet. Commissioner Young said this is on the left side when leaving Mud Lake. Lorie asked about scheduling. Chairman Hancock believes the Health District still has the keys. Commissioner Young said he will get ahold of those.

[9:23:00 AM](#) Emergency Management/HR said next week is the State Emergency Manager conference. On February 15 have courthouse emergency procedures trainings. Talking about many emergencies that can happen. Doing the training in two sessions will have a morning and afternoon. Does have a question for the Sheriff. Has not sent these emails to law enforcement personnel. Not sure if they want them included. They respond according to their own SOP. Sheriff Anderson said to include John Wolfe. Rebecca said he is aware. If they have any questions let her know. One more thing some of them know they have access to computer-based training through Mineral. The subscription is held by Intermountain Insurance. Have access to these at no cost. Have customer service, leadership, cyber security all sorts of stuff. If they are interested let her or Audrey know and they can set this up. Then they get an email with a welcome email to sign in for the training.

[9:25:35 AM](#) Chairman Hancock asked if there is anything else if not will excuse them all. Thanks, them for being here.

SHERIFF – STEVE ANDERSON

- **CITY LAW ENFORCEMENT CONTRACTS – (ACTION ITEM)**

[9:26:01 AM](#) Sheriff Anderson said they have their annual city contracts. Mark had updated these last year. There are not any changes.

[9:26:19 AM](#) **Motion by Commissioner Young to approve law enforcement contracts with the City of Ririe for \$8,626.75. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:27:08 AM](#) **Motion by Commissioner Young to approve law enforcement contracts with the City of Lewisville for \$7,332.74. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:27:31 AM](#) **Motion by Commissioner Young to approve law enforcement contracts with the City of Menan \$7,332.74. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:28:05 AM](#) **Motion by Commissioner Young to approve law enforcement contracts with the City of Roberts for \$7,764.08. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:28:40 AM](#) Chairman Hancock asked how they determine the amounts. Sheriff Anderson said this is a ratio of man hours. Chairman Hancock just wants to make sure he feels good on these. Sheriff Anderson said he is and the cities are good with these rates.

COMPLIANCE – KEVIN HATHAWAY – CANCELLED

- **UPDATE**

COMMISSIONERS

- **ARBOR TECH AGREEMENT – (ACTION ITEM)**

[9:28:58 AM](#) Chairman Hancock said that he spoke with Arbor Tech. After reviewing they decided they needed more time.

- **INTERGOVERNMENTAL AGREEMENT – US DEPARTMENT OF ENERGY – PILT – (ACTION ITEM)**

[9:29:53 AM](#) Audrey said not to date the front page. Just sign the three copies. Chairman Hancock said this is not one they do not have a say in. Commissioner Young said they get \$38,000 out of this.

[9:30:23 AM](#) **Motion by Commissioner Young to approve the Intergovernmental Agreement with the US Department of Energy for PILT with payment of \$38,333.06. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **APPROVE CLAIMS – (ACTION ITEM)**

[9:32:26 AM](#) Commissioner Young asked on the ninety sheets of metal. Mickey said that is for the vaulted outhouses. This is the metal they are using. Had to put a down payment on these to make sure they held onto these for her. Chairman Hancock asked about the fee for \$400 for a flag. Mickey said this is a hand carved American Flag that she has put in the office. Chairman Hancock just wonders why they are spending so much on a decoration. Mickey said this is beautiful and is going in the office. Chairman Hancock thinks that a hand carved American flag is excessive. Need to be careful on these types of things. Mickey said this will stay out at the lake office. Chairman Hancock said some people may question that. If they want to purchase decorations maybe they should use their own funds. Commissioner Young asked on Solid Waste cell phone was put into Road & Bridge probably should be put in Solid Waste. Commissioner Young asked on the trouble shooting controllers. Chairman Hancock said that is another thing they need to ask Travis on. They will be speaking with him later.

[9:39:08 AM](#) **Motion by Commissioner Young to approve claims from 1/9/2023 to 1/20/2023 for \$364,973.02. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

[9:41:29 AM](#) **Motion by Commissioner Young to approve commissioner meeting minutes from October 24, 2022 with noted change. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:42:13 AM](#) Recess until 10:00

Open session 10:00

PLANNING & ZONING – MILTON OLLERTON

- **PUBLIC HEARING - ORDINANCE #2023-1 – TEXT AMENDMENTS TO SUBDIVISION ORDINANCE – (ACTION ITEM)**
 - **UPDATES TO DEFINITIONS, CREATION OF COMMERCIAL SECTION, UPDATES PLAT PROCESS**

[10:01:13 AM](#) Chairman Hancock said today they will be having two public hearings. The first one will be on the text amendment in the subdivision ordinance. If there is any testimony for, neutral or against ask the public to sign-up. Ask they turn their cell phones off. If anyone becomes rowdy they will be asked to leave. There are no attacks during these hearings. Wants to excuse Commissioner Clark he is out of town. If they have any questions please ask before they get started. Their staff is neutral and they will present a staff report to them. On this first hearing they do not have an appellant so will go into the hearing itself. Will turn the time to Milton.

[10:03:40 AM](#) Milton said they are amending the section of the subdivision ordinance that has to do with the processing of plats and different processes that go along with this. Held three public hearings on this code. Spent a lot of time digging through and talking about this. The changes start in the definition section to clarify what is being added. Want to follow the ordinance and the way this is written. Updating the administrative plat process to truly be an administrative process. This is a division of land into three or fewer parcels. It will be an administrative review. An application is turned in and staff reviews this and staff tells them what needs to be done to prepare a final plat. State Statute requires the Board sign all plats. Since this creates a plat they would bring this final plat to the Board. Statute also requires that all plats are reviewed by the county surveyor. So, when this is turned in staff reviews against guidelines. Will then submit this to Road & Bridge, GIS, Assessor and County Surveyor for their review. Once these are completed will submit this to the Board. Commissioner Young said administrative plat does not go to the Planning & Zoning Commission. Milton said this is an administrative process.

[10:06:05 AM](#) Milton said next is administrative land division or lot splits. Planning & Zoning Commission did not want to lose this process. If someone cuts off a corner of a section they can do this through this division process. Has to be an original parcel that existed prior to 2008. Able to divide a section off. This is in the code now. This is still the way it was before.

[10:07:03 AM](#) Milton said next they are adding a short plat this is for nine or fewer lots. This is not a regular subdivision. Would still require a review of all the design guidelines. Would need an NP1 study. Would need to do a traffic study. Would have to look at county standards on their roads. This would be an administrative review process. Once it has gone through that process and met the guidelines then it would come to the Board for review. This is a simpler process for smaller lot subdivision.

[10:07:53 AM](#) Milton said the regular subdivision process of a preliminary and final plat is designed for ten lots or more. The preliminary plat goes to the Planning & Zoning Commission and they hold a hearing. Makes recommendations which goes back to the applicant. They do whatever was recommended then goes back for a final plat to the Planning & Zoning Commission for another public hearing before coming to the Board. Change this so a preliminary plat would go to the Planning & Zoning Commission for a public hearing. Would then come to the Board for a final stamp. This would go back to the applicant and they would make any changes and improvements. Would work with staff on the final plat approval. This would be administratively reviewed. Then would bring that final plat for the Board for signature. Gives the developer the opportunity to know what they need to do. Planning & Zoning Commission did not see the benefit of two public hearings. They bring the public in on the preliminary plat does not see the need to bring them back in for another public hearing. This is more similar to a building permit. There is a checklist of things that need to be done. If they are bound by the zoning. If they have a hundred acres as long as they meet the requirements of the subdivision they can divide this into one acre lots. The subdivision gives the public a way to review the impacts this subdivision would have on services such as schools, roads and emergency services. As they review these subdivisions they ask for input from the patrons to make sure these are being addressed. A subdivision cannot be denied because they do not like it. Can only be denied based upon the impact. That is the reason for NP studies and traffic studies. The preliminary and final plat being changed will help with that oversight.

[10:11:17 AM](#) Milton said the next process they established is the commercial/industrial subdivision process. Tried to create a set of guidelines for development in a commercial subdivision. Allows a developer to get approval for the entire property and plat this as they sell it. Allows the developer more options. Can build this out as they develop this. Developer does not have to lay out the lots and put in all infrastructure. This is a benefit to a commercial subdivision because the needs change. May have one person that needs an acre and another needs two acres. This changes where they put their roads. If they lay this out and have to move something they go through procedures that are not necessary. Say on original plat would need to show where the roads and lot lines go. Would have to then move the roads and lot lines. This is a simpler way. This is being added for commercial developments.

[10:13:18 AM](#) Milton said another change is the plat amendment process. Right now, these include a lot line adjustment or any change to a plat. Is defined now if they are adding lots to a plat they need to go through one of the subdivision processes. If they want to move lines around they can do this through a lot line adjustment. A lot line adjustment is an administrative process. Is working with the Planning department. Send this to the agencies within the county. Then makes suggestions to the applicant and the Board has to sign the plat amendment or lot line adjustment. Much simpler process to move lot lines around. Just the way development works. Once folks' plat something seems like something comes up that requires a change to the lines. Right now, have to have a public hearing and come to the Board for a signature. The lot line adjustment would take care of that. Some counties a lot line adjustment is even more simple. View is that they are changing a Board approved document so feels they need to be aware when there is a lot line change.

[10:15:36 AM](#) Milton said the last thing they added is a boundary line adjustment this is between un-platted parcels. This is an application letting staff review the boundary line that is being adjusted. Simple process but gives Planning department the ability to be aware of why they are moving lines around. This is a big change to the subdivision code. Feels it makes it more user friendly for the public to work with.

[10:16:39 AM](#) Commissioner Young said he really does like this. Thinks this was well thought out. The concern he has when he went through this there are a few terms referring to irrigation ditches have a lot of miles of canals and ditches. Chairman Hancock thinks this was addressed. Commissioner Young thinks they spoke about water courses in here as the verbage. When they read through this they need to see canals and ditches. Chairman Hancock said there were some comments on plats themselves that canals and ditches themselves need to be added on the plat.

Also needs to show the easements. This is one thing they required. Milton asked a specific spot. Irrigation is included in the final plat process. Commissioner Young said this is their plan and when people first read through this they know what they need to do. Does not see the verbage until they get to the plat. Felt maybe some of this should be in this also. Chairman Hancock asked where they would put this. Commissioner Young said maybe where they mention roads and elevations. Chairman Hancock said if they make changes now they have to go back out for another public hearing. Throws the time table off. Commissioner Young thinks the rest of this is concise and makes this simpler. Does not want to delay this just for that. Chairman Hancock said they want to be able to move forward with this.

[10:19:34 AM](#) Mark asked on section 110-68 wonders if they have a typo that needs fixed under (a) (1). Refers to another section. "In which case the provisions of Division 6 section 110-68 of this Article shall apply." Wondering what they are referring to here because there is not a section six. Either Division 6 is wrong or the section 110-68 is not right. Suspects this is the wrong section. So, what applies the clause before states unless all affected property owners have consented then this section applies Milton said this should be section 110-69 this is in the lot line adjustment. Chairman Hancock said they can make that change since it is a typo. Mark said yes that change needs to be noted since this is not a substantial change. Commissioner Young thinks this will decrease some complaints and relieve some burden on the Planning & Zoning Commission. Chairman Hancock said this flows better. Then people can correct issues. Commissioner Young said they have spent a lot of time on this. Chairman Hancock said they knew that commercial has been an issue. Need to be able to change lot lines. Do not know when they put this in who the tenants will be. May have a few ideas but they will need different sizes. Mark said on page fifteen again refers to Section 110-68 and believes this needs to be 110-69.

[10:24:34 AM](#) Chairman Hancock said they have the sign-up sheet. There is no one signed up to speak. Milton said they did have a few come to the Planning & Zoning hearing.

[10:25:22 AM](#) Chairman Hancock said they will close the public hearing section. Will discuss this now. Chairman Hancock said he did go through this. Commissioner Young feels this is very organized and chronologically well thought out. Chairman Hancock thinks this looks good and the staff recommends this. **(Exhibit A)**

[10:26:19 AM](#) **Motion by Commissioner Young to approve Ordinance 23-01 to amend the sections of Chapter 110, Subdivisions, as presented or amended in this hearing, finding that is in accord with the general and specific objectives of the Jefferson County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law, and 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 and fact and conclusion of law as set forth in the staff report or amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, will have Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

• **PUBLIC HEARING – VARIANCE APPEAL – IRON MAN ENTERPRISES – (ACTION ITEM)**

[10:28:21 AM](#) Chairman Hancock said they will enter into another hearing at this time. This is an appeal on a variance for Iron Man Enterprises. Have a sign-up sheet available. Will start with the staff report.

[10:28:51 AM](#) Milton said it is important to note right off the bat they are not here to discuss the variance. The Planning & Zoning Commission approved the variance. Added some conditions. Iron Man is appealing one of the conditions. One condition that was added they required the applicant indemnify the Canal Company and county for any damage that may occur to the building in result of being sixteen feet from the canal. Iron Man is requesting this condition be changed. In the submission he reviewed he did not find any hardship reason to remove that requirement. Would expect the applicant could present more information on the hardship on this condition. The application stated they wanted this condition removed. Statute around variances that these are to be granted in the public's interest. Planning Commission tried to account for that in their decision and making these conditions. When this came about on the variance being needed the county met with the Canal Company and applicant. Discussed what the Canal Company would like to see. Canal Company requested several things that the applicant agreed to. Keep the weeds down, build up the bank, allow access down that side even though they do not treat the canal on that side. They still wanted access and the applicant was willing to allow this and will keep this area clear and allow access. Canal Company was concerned about a possible sink hole may occur. This is where this discussion came about not holding them liable. The Canal Company requested this be part of the decision and that the county enforce these conditions. This is why they added these conditions is so the county can enforce these. Make sure the applicant meets these and they do not have a problem with this. Happy to do this. During the discussion the Planning Commission also requested they hold the county harmless and not liable for any damage to the structure for allowing this to be sixteen feet away from the canal. To fully inform the Board this arose after an error with the Planning department and applicant. The application for permit was submitted and, on the plans, showed a ditch so when they saw this was sixteen feet from a ditch there was not a concern. Building permit was issued and inspected. Did not capture that the ditch was an actual canal. Brought to their attention later. Made changes in the Planning department they have added all irrigation systems to the planning map. So, the canals are now named on the map so they hope to prevent this from happening in the future. Because of the nature of this being sixty feet by code. Asked the applicant to apply for a variance. Happy to answer any questions they have.

[10:34:35 AM](#) Commissioner Young said his understanding is Iron Man wants to remove the indemnification on the county for any damages. Milton said that is correct. Chairman Hancock said that is all they are asking. They are not asking them to waive this for the Canal Company. Milton thinks they are willing to hold the Canal Company harmless from a sinkhole. Chairman Hancock asked the appellant to come up and state their appeal.

[10:35:47 AM](#) Mac Lund 151 N 4000 E Rigby, Idaho. There may have been some confusion. Not familiar with the process. Is here today they are asking to change some of the hold harmless agreement on the variance. Discussed removing the county. What they are really after today they discussed the hold harmless clause was put in to protect the county and Canal Company in case of any damages. Some of this agreement was crossed out and this was being held harmless for anything. The whole point of this is the building is close to the canal. Are okay to hold harmless for

the building being too close to the canal. The owner of Iron Man purchased this to ease some of the tension that has been going on for six months. Goal is to keep this project moving and make it happen.

[10:38:08 AM](#) Chairman Hancock said they will start with testimony. Will start with those that are for this.

[10:38:20 AM](#) Clark Millett said he is here on behalf of himself is a stock holder in the canal. Does not represent the canal. Talked about the permit was issued. Remember asking the question if the variance is decreased does this increase their liability? The answer was no. This did not increase their liability. Proceeding with that was concerned about the hold harmless letter. This is very comprehensive indemnifying everything. Milton had said this should just be for the damage to the building. In the letter besides indemnify for everything they stated in case of a sink hole. This was in the letter but two of these four were crossed out. Milton indicated the permit being issued was a problem because with the plan drawings showed this being a ditch. County did not verify that. Should have verified that and feels they are at fault for issuing the permit. This was a large and glaring blunder. Was done by oversight. Now is this indemnification letter trying to sweep this under the carpet? This is putting the problem on the builder and owner. That seems inappropriate. Is there something like quid pro quo or being bought off by signing a letter. Trading something for the permit. Looks like something fishy is going on that is not appropriate. Feels the county should not be listed in this indemnification letter. Just need a simple hold harmless with the builder and Canal Company would be more appropriate.

[10:42:34 AM](#) Chairman Hancock said they have one signed up neutral.

[10:42:45 AM](#) Clint Kinghorn 188 N 3833 E Rigby, Idaho. Is on the North Rigby Canal Board. To him this is a pain in the butt and sets a bad precedence for the county. Trying to work with these guys. This got rammed down their throat. Personally, voted and did not feel right about it. Have a sixty-foot setback. Is not sure how this parcel site was approved to have a permit on it. If they put a building and parking will not have much of a building. Another thing that was discussed when this first got noticed they were across the road and it was noticed before the concrete was done. Felt that needs to be brought up. There was a lot of extra cost put into this. Clark was over there talking to them and told him there was no concrete and there was the next day. Agreed to vote for the hold harmless for the sinkholes. Have had other canals jumping on him for voting on this.

[10:45:33 AM](#) Chairman Hancock said now will give Mac the ability to rebut anything that has been said.

[10:45:50 AM](#) Mac just adds wants to emphasize what Milton was saying. They did go through the process. Had setbacks. As far as he is aware no one came on site to halt this. This building is still sitting there. Chairman Hancock said that is all they have signed up for the hearing so the hearing is closed. Clark asked to clarify something.

[10:46:49 AM](#) Chairman Hancock said they will allow his comment.

[10:47:06 AM](#) Clark Millett 3905 E 485 N. Said when he observed the building under construction and went and took pictures and measured he thought this was just footings poured at that time. In actuality this pony wall was completed so there were no forms left to be done. That comment came from a different Board Director. When he saw them working on this the front of the building was done. Was not familiar with the construction of the building. Were removing forms at the end of the building and it looked like they might be pouring more. Concurs with what Mac said the concrete was done.

[10:48:19 AM](#) Mac has no further comments. Chairman Hancock will close this hearing. Would like Mac to restate how they want the indemnification to read. Mac said they are looking at the hold harmless clause to be kept with the matter at hand with the canal. Will hold the county and canal harmless from any damages due to the building being close to the canal. Chairman Hancock asked Mark on this request. Mark thinks this could have been included in the drafted language. Their attorney would not speak with him. This is a reasonable request. This covers the county and that is the issue. Would not have any problem if they have this as a revision.

[10:50:22 AM](#) Milton said indemnification does not need to be in the agreement. Mark understood that this is for any damage due to the building being only sixteen feet away. This way it is not wide open to any damages. This is absolutely reasonable. Milton said the condition was to assign liability. Thinks it took this hearing to get to this agreement. Chairman Hancock hopes the canal people understand this. Milton asked if they need to amend the condition. Mark said the county wanted to be indemnified. Felt this went beyond that. Commissioner Young said the state requires twenty-foot setback can they modify that. Chairman Hancock said that is state code the canal has the right to approve the variance. Mark does not know the answer. When looking at what to apply the general rule is the more restrictive applies. This is an interesting question. Chairman Hancock said that is why they have a variance. Mark said they can make variances on their ordinances. Would have to look at state code to see if they can change that.

[10:54:44 AM](#) Milton said where they crossed out sinkhole they should have suggested that this be specific to the building. Mark said this did not come through in the agreement. To Commissioner Young point for today's purpose is to move ahead with if this is not then Planning & Zoning is void on being able to provide the variance. Commissioner Young said taking Clark's point they are not trying to seep this under the table. Can make variances for specific cases. Dangerous setting a precedence. Chairman Hancock said every variance is looked at on a case-by-case basis.

[10:59:12 AM](#) Chairman Hancock thinks as they discuss this want to move forward. Commissioner Young said can they approve this with the exception. Mark said if this is not allowed by state law then the decision is void. Will be either valid or invalid based on state law. Commissioner Young likes the way they have changed this. This is case specific situation. If damage would be caused by the canal they would not have allowed a variance. Thinks this is safe of this particular situation. **(Exhibit B)**

[11:01:55 AM](#) **Motion by Commissioner Young to approve app 22-12-01 and the indemnification verbage that the county and Canal Company will be held harmless for any damages to the building. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **SALVAGE LICENSE RENEWAL – PETERSON BOYS, LLC – (ACTION ITEM)**

[11:03:33 AM](#) **Motion by Commissioner Young to approve the salvage license renewal for Peterson Boys, LLC. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **UPDATE**

[11:03:53 AM](#) Milton said this has been a busy month. Have had some public hearings this month. Will meet with canals on February 13th at 4:00. Chairman Hancock said that will be after their normal meeting. Milton said yes. They are starting to see the building permits slow down. Might be part of the economy. Chairman Hancock asked on the software. Milton said it is just fine tuning this. Commissioner Young asked if this is better. Milton said once they are through it all it will be better. There are different patterns and terms. Different processes. Some of the other software companies want them to put this together. Vern is meeting with them to make sure they are getting what they want. Started in the planning module. Commissioner Young thanks the staff for their efforts.

PARK & RECREATION – MICKEY EAMES

- **DOUBLE VAULT TOILET – (ACTION ITEM)**

[11:08:16 AM](#) Mickey said this is for a double vault is 1,000 gallons each so 2,000 gallon toilet that Bonneville County is getting rid of. Where they had this, they had to pull up because it kept sinking. Told her if they dig this deeper and put a foot of pit run down it will not sink. Bonneville County put a different one in. These are concrete and super heavy. Just like what they have in the campground. Once a year or twice will probably only have one pit open. Will have some maintenance that will be done since this will not be a secured area. Bonneville County is asking \$5,000 but offered \$4,500. Got a hold of CCI and to bring this to Rigby was \$3,930 and to go out to Mud Lake would be \$4,830. Asking to see if they can keep this around \$4,500. Thinks this is a good deal. These vaults range from \$35,000 to \$50,000. Asked on the cracks. They do have some small ones. Will have to come out of the general budget where this is for Mud Lake. Was told if they do not take it the Forest Service will.

[11:11:50 AM](#) Chairman Hancock asked if she has physically looked at this. Mickey said she did go out last Wednesday. Chairman Hancock asked what they paid for the one at the Lake. Rebecca said that predates her that was put in by Michelle Harrington with a grant for the Park in the early 2000. Mickey would rather find someone to unlock and clean these instead of having a porta-potty out there year-round.

[11:13:30 AM](#) Rob said he did a design on a similar facility and it was \$85,000 for just the structure. Mickey asked if they can dig the hole and put in the gravel. Rob will talk to the Road & Bridge guys and see if they can transport this as well. Mickey said they are super heavy. Mike asked how wide this is? Mickey was looking at this looks like they are fourteen and four inches but that is without the roof so the roof is an additional twelve feet. Mike said they are permitted on this. Mickey said they take a specific clamp to move them. Mike said they are precast will need to have a crane to lift this. Hauling it will be fine the loading and unloading will be the issue.

[11:15:51 AM](#) Chairman Hancock said they will need two different purchases one from Bonneville County and one with CCI. Mickey said she wanted them to see the full price. Can split these and if Road & Bridge can transport these. Chairman Hancock said they will need a crane company. Need to approve the purchase with Bonneville County and will leave this until winter is over. Cannot dig right now.

[11:17:00 AM](#) **Motion by Commissioner Young to approve the purchase of a double vault toilet for \$4,500 from Bonneville County with condition they leave this there until they can move it. Second by Chairman Hancock. Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[11:17:43 AM](#) Mickey will get this updated and will get a purchase order for them.

PUBLIC WORKS – ROB CROMWELL – MIKE CARTER

[11:18:15 AM](#) Chairman Hancock said that Arbor Tech wanted more time to review the contract.

[11:19:33 AM](#) Rob apologizes for missing staff meeting. Had the trailer there to unload. Chairman Hancock asked if they pulled these off the back. Mike said they got these off. Rob said they have one more. Chairman Hancock said they feel good about these.

- **PLOW TRUCK ENGINE REPAIR – (ACTION ITEM)**

[11:19:49 AM](#) Rob brought Mike along are looking at some truck repairs. Has a pricing out of Texas this comes with everything other than the accessories to the engine. Chairman Hancock asked if they are capable of doing this. Mike said Broch is capable it will just tie him and the shop up. Chairman Hancock asked what is the warranty on a remanufactured motor? Mike thinks this is 180 days. Rob thinks this one was three years. Mike said the other was with Holst but they never gave an official price. Looking at the future this truck with the bad engine and the Sterling would be the first to go. This has a shorter bed and are both ready to go. With that being said if they could take the engine out of their sanding truck that is falling apart. The one that hauls the water truck is shooting parts off the frame. Is separating and right now is only packing half the weight it normally does. If they took \$20,000 out for a truck at Grover's that would be a fifteen-year truck. This way they are putting this money toward something they are going to have for fifteen years. Since the sand trucks frame is bad thinks it would be better to use that motor. Is worried about adding a water tank on that truck.

[11:24:46 AM](#) Rob said they could get one from Grover's or ITD is putting some things on auction. Nothing coming out this week. Have ten or fifteen trucks sitting on their line. Mike said the only problem with what they bought were single. Rob said they have a bunch of different configurations. They have different sander options. Mike said if they did this quick it would not be that big of a deal. Rob said ITD is also looking at the possibility of loaning them one. Rob said with the way the frame is would not bring them much. Mike said it is starting to not be safe to have on the road. Chairman Hancock said they do not want something that is not safe. Commissioner Young thinks they should go ahead and pull that motor and put in the other truck. Chairman Hancock asked if District 5 has anything. Rob said they have forwarded some contacts. They list two times a month so is checking to see what is coming up.

- **UPDATE**

[11:30:54 AM](#) Rob thinks their roads are looking great. Last week on Menan-Lorenzo had the crew put down some brine on the icy patches. Commissioner Young said there are only a couple places. Rob said mainly on the center line or edges. Chairman Hancock knows they hit a spot-on County Line and those cinders really help. There are some nasty spots that people come up on.

11:32:34 AM Rob said for Solid Waste on February 6 has the transfer station public comment. This is going to be at 10:00. After that meeting will take the engineers from Great West and Forsgren to discuss site development. Need to expand the asbestos pit so will discuss that with them.

11:33:49 AM Rob said they do not have information today but may need to discuss some leave donation at a later meeting.

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

11:34:28 AM Motion by Commissioner Young to go into executive session 74-206 (B) – Personnel. Second by Chairman Hancock.

Roll call taken. Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 1:10

1:10:36 PM Chairman Hancock said they have discussed several personnel issues. Will recess until 3:00 and will go back into executive session when the employee is available.

Open session 3:03

3:04:19 PM Motion by Commissioner Young to go into executive session 74-206 (B) – Personnel. Second by Chairman Hancock.

Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 3:32

3:32:14 PM Chairman Hancock said they discussed personnel issues. No action at this time. Are working through some issues.

3:32:32 PM Motion by Commissioner Young to adjourn at 3:32. Second by Chairman Hancock. All in favor – aye. Motion passed.

Scott Hancock
Chairman of the Board

Audrey Moon
Clerk of the Board

Colleen Cole
County Clerk



4/3/23
Date

4/3/2023
Date

4/3/23
Date