

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
APRIL 26, 2021**

Meeting called to order at 9:01. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Emergency Management Rebecca Squires, Sheriff Steve Anderson, Public Works Dave Walrath, Planning & Zoning Kevin Hathaway, Maintenance Travis Thompson, Treasurer Kristine Lund, Probation Tammy Adkins, Assessor Jessica Roach, Park & Recreation Mickey Eames, Extension Office Lorie Dye, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Chairman Hancock. Prayer offered by Commissioner Young.

DUE TO COVID-19 COMMISSIONER MEETING WILL BE HELD IN PERSON OR ON ZOOM.

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COMMISSIONERS – ELECTED OFFICIALS – DEPARTMENT HEADS

• **STAFF MEETING**

9:03:07 AM Emergency Management/HR Rebecca Squires said on the Emergency Management side the COVID vaccines are available to anyone sixteen and over. Can set this up online or call Public Health. Has one or possibly two more mass vaccine distributions on Tuesday at the Fairgrounds. Been a great effort. Have been able to put about three hundred shots in arms per day. For those still on the fence she had her shot a few months ago and is still fairly normal. On other news they have decided to skip flood season and hit fire season. Had some youth burning pallets out on the desert. Don't burn. Try to encourage everyone not to burn. On the HR side hopefully departments and elected officials are getting their performance evaluations done. This is how they justify step increases. This is a great time to set goals and offer those kudos. A lot of this is just feedback. Also with the summer months please watch additional injuries and accidents. Have had quite a few claims this year. Please be extra careful especially with those with bad shoulders and knees. Chairman Hancock asked if she would report the COVID numbers. Rebecca said that their COVID numbers are down in the eight or nine range which is the lowest they have been. Still in stage three with the State. There are not any mask orders just use good judgement.

9:06:40 AM Extension Office Lorie Dye said they are hosting the district 4-H training over at the fairgrounds. 4-H is going crazy have a lot of weigh-ins and clubs starting. There are a lot of dates in their newsletter. Let her know if there are any questions.

9:07:30 AM Public Works Dave Walrath said today they are hauling cinders out west of Roberts. Did get the bridge extensions done. Starting tomorrow will be hauling chips from Leadore to the Montevue pit. Have a couple guys hauling a loader out today. Starting about June 1 will begin overlays and then otta seals. Had Bonneville grinding their brush but they broke down. Thinks they are waiting for a part. Have a short crew for Solid Waste due to health issues.

9:08:46 AM Park & Recreation Mickey Eames said they are starting to wind up. Have six docks they want to put out by the shelters. Also have two that will go off the end of the island where they can have some water polo tournaments. Thought this would be fun. The guy that had the waterpark idea a couple years ago may have backing. Will see if this becomes anything. Had a few youth groups and missionaries come out and help clean up. Opening May 3. Should have the swing set sometime in May.

9:10:35 AM Treasurer Kristine Lund said they are business as usual. Have their publication out. This is the smallest publication they have had since she has been here. Hopes that means good things for the community.

9:11:04 AM Planning & Zoning Kevin Hathaway said it is still busy. Tracked their numbers in comparison to last fiscal year they are 333 was at 223 last year. Last year was their highest year since they have kept track. Still working on their updates. Been through the zoning ordinance is with the Planning & Zoning Commission for review. Will get this forwarded to them.

9:12:20 AM Noxious Weeds & Invasive Species Mitch Whitmill said they are working on final repairs and fabrications at their shop. Out working with the departments doing the fertilizer at the courthouse and the lake. Have several trainings they are putting together this spring. In June will have a live meeting for the Weed Warriors. This is for anyone with a professional license can get some recertification credits. Difficult with the Department of Ag still on shut down. Will be working with the folks at the INL. Will get a new drill this year that is available through CWMA. This is for public use. The backpack program will be opening up on May 1. Lorie asked if they can advertise this in their newsletter. Mitch said yes. Cindy usually gets them some information.

9:15:07 AM Probation Tammy Adkins said things are starting to pick back up. Will see what happens with the trials that are beginning to be scheduled.

9:15:18 AM Assessor Jessica Roach said they are in the full swing. Will be ramping up assessments to print notices mid-May. Put out the RFP notice for the imagery. Have two positions open.

9:15:48 AM Sheriff Anderson said the calls for service is trending upwards. The inmate population is going up. If they are trying to get keys know that his Chief Deputy will be in and out with some family medical issues just leave him a message he will get back to you as soon as possible.

9:16:37 AM Maintenance Travis Thompson appreciates Dave having the patch truck over and fixing a few areas at the courthouse. Are out working on the lawn. Working on the boilers trying to make sure they are working. The gate is up and working. Cards will get them in or there is a call box.

9:17:50 AM Public Defender John Stosich joins over Zoom. Good to see everyone and hear what is going on. Have the annual review from the Public Defense Commission this week. Colleen has done a good job interfacing with them. There is a jury trial today that they are not involved in. Will be good to see how this goes off. Appreciates all the help they get.

[9:18:57 AM](#) Prosecutor Mark Taylor said they have resumed jury trials that is why the parking lot is so full. Their conversation last week was none too soon. Have a contract attorney he will introduce today. Have interviewed one candidate for the legal assistant has another this week. Hoping to have a decision within a few weeks.

[9:19:40 AM](#) Clerk Colleen Poole said they have a jury trial every week. The other thing is she has budgets to hand out. There is a cover sheet that has the information. Would like these back by May 17. If they need more time just get with her.

[9:20:36 AM](#) Commissioner Young thanks everyone it is that time of the year for the budget to start again. Everyone does well on the budgets. Thanks the county leaders and employees for their efforts on COVID thinks they are getting there. Saturday was the first day they had no new cases in a long time. The rates are going to go down low. Getting vaccinated is important. Mickey asked if they have had it why get vaccinated. Rebecca said they can speak with their doctors and see what their recommendations are.

[9:22:53 AM](#) Commissioner Clark would also thank everyone. The annual RC&D meeting will be coming up. Will have a tour north of the sand dunes where they had all of those fires have put in fire breaks. Will go over some of the grants they have been involved in. Once this is confirmed if they have any interest he can let them know.

[9:24:11 AM](#) Chairman Hancock said as the budgets come up just because they have excess wants to caution them not spend this. Only if they really need this. They will not lower their budget if they show the need. There is a big push to lower the county budgets. Have some proposed legislation. Have some unique methods to get a few cents of savings.

[9:25:09 AM](#) Colleen reminds them that end of March was half way through the fiscal year. The budgets are after seven months. Also the revenue sheets are in there do not need these at the same time.

[9:25:34 AM](#) Chairman Hancock said as they do these budgets be as conservative as possible. Want to show the citizens they are conservative while operating the county. Will have some increases due to wages. Thanks them all for everything they do. They do operate efficiently.

[9:27:22 AM](#) Lorie asked if maybe they had thought about taking Venmo as payments. Colleen said they can pay with cards but it is not Venmo. Kristine said this would have to be a separate account and not the general. Lorie said this is mainly for the night meetings or 4-H. Knows that Madison does this. Chairman Hancock asked the demand. Lorie said they have just started to get questions. Mickey said she has questions if they can use this at the lake. Kristine said she can research this and see what the impression is for the municipalities. Knows this is popular will see if this is something they can work out. This does not cost them anything. Would need to make sure this is safe. Personally uses this but has to be more critical for the county.

[9:30:25 AM](#) Sheriff Anderson asked on the revenue coming from the state. Chairman Hancock said this comes directly to the county. Not sure what they are getting or how they can spend this. Sheriff Anderson said they have done their best bringing revenue into the jail and COVID affected this. Rebecca said Jefferson County estimates they should get \$5.8 million. Are waiting for the U.S. Treasury guidance. Some of this is revenue replacement. If they can tell them in 2019 this is their revenue and 2020 this was their revenue could use this money to offset the differences. Other parts focus on COVID response and economic recovery and development. Would like to form a committee. Does not know if this will be distributed to the departments. Chairman Hancock said they are still waiting for more information. Right now this is still a waiting game.

[9:33:36 AM](#) Mitch said they get a lot of calls on the transfer station. Is there a timeline for this. Chairman Hancock said that Dave is working on a RFP for design. Need to select an architect firm. Dave said June or July timeframe. This would take the rest of the year to design. Thinks they could begin building next year. This would be at the County Line landfill. This would be six days. Right now the landfill is open three days. Mickey asked if they get logs. Sure they have people that use this within the county.

[9:38:27 AM](#) Chairman Hancock asked Mitch on a claim for \$1,985 for wiring on a trailer. Mitch said this had to be re-welded and wired. Took this to Camping World. Chairman Hancock said there are others that may be cheaper such as Statewide Trailer for the future.

PROSECUTOR – MARK TAYLOR

• **CONTRACT ATTORNEY – (ACTION ITEM)**

[9:42:57 AM](#) Mark said they have the jury trials starting. Has found someone to help during the backlog. This is Mr. Chase Hendricks. Was a deputy attorney in Bingham County. Chairman Hancock said that Chase came and introduced himself earlier. They know his dad. Chase said he is excited to come down here and is here to help the Prosecutor's Office handle these jury trials. Tammy asked if this is full-time here or by phone. Mark said he will be working at his firm but is available by phone. Chase said he is at their beck and call. Works for Rigby Andrus. Tammy asked how to contact him. Mark said they will have an email address. Chairman Hancock asked the rate. Mark said it is \$5,000 a month.

[9:46:23 AM](#) **Motion by Commissioner Young to approve the professional services agreement with Chase Hendricks for \$5,000 per month. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

PARK & RECREATION – MICKEY EAMES

• **NEW HIRES – (ACTION ITEM)**

[9:47:38 AM](#) Mickey said that she has hires for the booth and maintenance. Rebecca has looked these over and reminded her of the PERSI regulations. Chairman Hancock said some of these have worked for her before. Mickey said yes. Chairman Hancock asked what they do out there. Mickey said they clean up and empty garbages. Chairman Hancock said they do the mowing, weed whacking, cleaning, and bathrooms. Do they take care of the sprinkler systems? Mickey said as much as they can. None of them know the sprinkler system that well. Has someone she can call. Commissioner Clark said a few of these do not have the amount of hours. Mickey said the one will be doing both the booth and maintenance.

[9:50:35 AM](#) **Motion by Commissioner Clark to approve new hires for Jefferson County Lake for Daniel Funk for maintenance, Halle Anderson for maintenance and booth attendant, Brianna Chapple for booth attendant, Charlene Grant for booth attendant, Kelly Chapple**

for booth attendant and Cameron Stuart for maintenance. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

- **CAMPGROUND HOST CONTRACT – (ACTION ITEM)**

[9:53:38 AM](#) Mickey said that they have Brianna and Butch Stuart are a couple that will be doing the campground host. Is a disabled vet. Chairman Hancock asked the rate. Mickey had Mark look at this. Chairman Hancock said it is \$600 a month. Mickey said the wording has been corrected.

[9:54:32 AM](#) Motion by Commissioner Young to approve the campground host for Brianna and Butch Stuart for \$600 per month. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

COMMISSIONERS

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

[9:57:13 AM](#) Motion by Commissioner Clark to approve commissioner meeting minutes from April 12, 2021 with noted change. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

- **APPROVE CLAIMS – (ACTION ITEM)**

[9:58:30 AM](#) Chairman Hancock said that they already asked Mitch on one he had a question with. Commissioners did not see anything else.

[9:58:40 AM](#) Motion by Commissioner Young to approve claims from 4/19/2021 to 4/23/2021 for \$120,497.63. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

PROBATION – TAMMY ADKINS

- **QUARTERLY REPORT**

[9:59:53 AM](#) Tammy provides the quarterly report. (Exhibit A) Not really a lot of change. For the employees did do an increase for the administrative assistant Toni Day moved this to a level two position. Did not hire the previous part-time position for a female drug tester as Toni has been doing this. Did have their male drug tester quit had got a promotion at his other job so they have hired Collin Squires. Most of the report is consistent. Numbers have not changed much. Shows the juvenile offense types. This is basically for the status offenses most of these are for truancies. Worked with the Prosecutor's Office to decide what to do with these. Doing diversion type programs. Did not have any community service. On page nine shows the adult offense types. This is still mostly drug and alcohol related crimes. Is pretty consistent with where they have been. Fee collections are still consistent with where they have been. Pre-trial has stayed about the same as well.

[10:03:48 AM](#) Tammy said they are looking at what the trial court administrator does. Still working with appointments as they can. Have bumped their drug testing back up to pre-COVID. Feels this is time they get back to this. Will see how this works with all of the trials that are coming up.

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

[10:05:36 AM](#) Motion by Commissioner Clark to go into executive session 74-206 (B) - Personnel. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

Open session 10:29

[10:29:39 AM](#) Chairman Hancock said they discussed some personnel issues with Upper Valley Drug Court.

PLANNING & ZONING – KEVIN HATHAWAY

- **UPDATE**

[10:30:18 AM](#) Chairman Hancock said they have a summary of the types of permits that have been issued since 2015. Kevin said under March it shows where they were for the fiscal years. Can see how it has steadily grown. Trying to get an idea on if this will continue. Erik said they have ten townhomes right now. Chairman Hancock knows they have some people concerned about growth and will be on the May 3 agenda. Nothing really they can do. Sounds like there is worry about annexation from the City of Rigby. Cannot control the cities. Have been concerned about the cities' growth being astronomical. Kevin said they are updating the treatment plants. Talked to Superintendent Martin. Chairman Hancock said he would like to get with Mr. Martin to discuss road development when they plan the schools locations and work together. Where they need turn lanes and where lanes need widened. Would like to work together. Kevin said when they are doing development discussions everyone needs to get together on these. Schools bring growth. Looking at implementing traffic studies with subdivisions. Chairman Hancock said they find out what the traffic currently is. Then they just have to guess. There is some guidance but is a guessing game. All they need to do is go down 3800 at 8:30 in the morning. Now 4000 is getting tremendous traffic. It's been backed up on Highway 48 past the cemetery in the mornings. Have Yellowstone Highway and have no lights anywhere. Knows they have some issues. This is part of the planning for the future.

[10:36:58 AM](#) Dave said the biggest problem on Highway 48 is the school busses having to stop at the tracks. Trying to get them exempt from this stop. It's an active signal. If this is not going off why can't they continue going. Chairman Hancock said the bus drivers are obeying state law. Would see some reduction if they have a high school on the other side. Commissioner Young said they need an overpass put in. Chairman Hancock said they have asked this of the state they are not wanting to give them any overpasses. Kevin does not understand why. Commissioner Young said they only have one overpass. Chairman Hancock said this is on the north side and the traffic is on the south side. Going on this does demonstrate the growth they are seeing. This is something they are seeing as steady. Get people that do not want to see growth and want a moratorium on all building. Kevin said that is a challenge. Want to manage this to not affect the quality of life. This is what they look at when doing the ordinances. Want to keep this a nice place to live. Asked that they pull out anything that complies with the commercial and industrial within the subdivision

ordinance. Thinks the timelines will be longer on the processing the subdivision ordinance. Chairman Hancock he has some items. When they put a commercial or industrial subdivision in place do not always know the needs of the people. Need some flexibility. Does not want to publish this each time when they are not sure what they are going to need. Doing this doesn't make sense for commercial. Commissioner Clark said they need to be able to adjust the lots. Chairman Hancock said they may need additional area. Ran into this. Kevin said this does make sense. If they leave this platted will need to standardize this. Chairman Hancock said then they need sewer and water recommendations. This is much different than a home.

[10:42:37 AM](#) Kevin said this is zoned commercial or industrial. The tenant will have one use in mind. This will be that way for years. Have to kind of anticipate how this could change and what the possible other uses could be. Chairman Hancock said these are living documents. Can change these as they need to. Knows there is a difference between a home subdivision and a commercial subdivision. Kevin said the difference is the infrastructure up front. Cannot anticipate everything. Chairman Hancock said that he did give Erik his comments on the subdivision ordinance. Knows that Mark had some ideas. Mark said the surety bonds may be in a future amendment. Chairman Hancock said the issue has come up that they are selling lots when there is no infrastructure yet. Ran into this issue in Roberts where people had bought lots without roads and the subdivision went bankrupt. This was a mess.

[10:46:10 AM](#) Kevin said they cannot stop people from recording and buying. Chairman Hancock said this is why they came after the county because they could not build on it. Need to tell the developers to protect themselves that they are going to have some surety to create the roads. They are talking about selling the lots. They can sell these once the plat is recorded. They are not stopping the sale. Mark said this is for the seller that the surety bond will finish paying the infrastructure if anything happens with the developer. May enter into an agreement that they will not sell lots until a specific timeframe. Chairman Hancock said it is not a bad thing to sell the lots. The developer just needs to provide the ability to complete the project. The state does the same thing with performance bonds. Mark is still doing homework on this. Is inclined to do this at various stages of approval will not do this without a contract in place.

PUBLIC WORKS – DAVE WALRATH

- **UPDATE**

[10:53:30 AM](#) Dave does have the latest Highway Distribution numbers. Is unsure of the general fund number is not sure what this is unless this is for the new legislation that is working its way through. Under Jefferson County it is a significant number. Chairman Hancock said under the transportation have \$1.5 million and the general fund has \$737,000. Hopes they will increase the fuel tax a bit more. Commissioner Clark asked how this compares to last year. Dave said this is about double. April of last year was a dead month due to the shutdowns. This will be a big help for them.

[10:59:16 AM](#) Mickey said she wanted to let them know she talked to Idahoan and they will be donating \$7,000 for the fireworks. The guy that owns the franchise of Wendy's wants to put up a light display. May go to the chamber meeting and discuss having vendor booths that have lights up. Any kind of donations are helpful. Last year they did \$24,000 with fireworks. This year they will do \$24,500.

[11:01:12 AM](#) Recess

Open session 11:05

PUBLIC WORKS – DAVE WALRATH

- **WORK MEETING – 2100 E – BONNEVILLE COUNTY LINE TO 400 N PROJECT**

[11:05:50 AM](#) Chairman Hancock said they want to discuss their project out by the dairy. Dave said they probably should get Ted up here. They want guidance on how they proceed with this project. If they have to acquire the right-of-way this will change the scope of the project. They may have to do appraisals. Chairman Hancock said it depends if this is voluntary or not.

[11:08:06 AM](#) Kelly Hoopes with Horrocks Engineers. There are two types of needs. Right now current is by prescriptive easement. On the construction sees this as temporary construction easement beyond this. This is temporary aspect. Looking at the conversion of the prescriptive right-of-way to either be fee simple or to be maintained and kept as the rest in the county. Chairman Hancock said that is his question. Not sure Mark had read through these statements on having title to this ground. His question is when they have done a complete validation of a prescriptive easement is there anything within the law that allows that to be transferred to a fee simple title? Or is there documentation someplace where someone else has run into this that says this is adequate for a government project. Kelly said they have done projects like in Jerome, Madison and Bonneville and generally when working with LHTAC look at the prescriptive easement or the right-of-way. From this standpoint where they look at the potential need for a greater amount of right-of-way the way this is recorded is as a prescriptive easement. If they went out and bought or acquired additional right-of-way then the transaction of the prescriptive right-of-way to become fee simple is a zero dollar amount. Takes this from a tax perspective of just transferring title from the landowner to the county. However if greater than prescriptive easement is acquired this is an acquisition or a purchase. If they look at the transition from prescriptive to fee simple this is a right-of-way transaction at a zero amount has to go through the process of being recorded within the county. Or this is by statute under the right-of-way. That transition to fee simple would have to be a legal document.

[11:12:10 AM](#) Chairman Hancock asked if they have in the past had to convert a prescriptive easement for these government projects. They keep asking if they have title to the property. Now the title is the question is a prescriptive easement adequate title. Economic Development Ted Hendricks said it depends on the federal agency. Have one federal agency that will be hopefully providing eighty percent of this saying they know where we are at. Knows they validated the prescriptive easement but have never said this is adequate. Taking this out of the design only part of their contract. Need the easements during construction. Merely saying with the amendment they did that they do not need to address this right now. Their attorney has reviewed this and have not come back to them and approved the prescriptive easements. State of Idaho stated they were fine with prescriptive easements. Because in Idaho they have a lot of them. Easiest way to change these prescriptive easements would be through voluntary acquisition. Which means they state to all property owners they will not come in and take their land. Have the ability to do that but then it goes from voluntary to basic acquisition. Still have to go through the process and state they will not use eminent domain. Cannot say if the EDA will allow the

prescriptive easement. Leaning that they will not think they took this out for a reason. Then a new application has to be submitted. Been told also that the county receives along with the match approximately \$570,000 to do the pre-design and design work. Not going to spend all of that. Will have a couple \$100,000 left. One of their questions is if they can ask EDA to spend this money and go out and get these easements so they have a title easement. Would not want fifty feet. Dave said probably sixty. Ted said they would want bigger than they have.

[11:16:30 AM](#) Dave said the Supreme Court said the minimum is fifty feet. Chairman Hancock said they have been saying sixty feet all along. Ted said they reaffirmed at fifty. If they are going to go through the cost of doing this they may have the money it just might be time. Right now is a good time to go for construction money. State of Idaho is getting a lot of money from the American Rescue Plan. May put this toward infrastructure, water, sewer and road. The legislator and the Governor will have a lot of say in where this money goes. There is more money available now than a year ago. Need to get the budget for construction. Have a way to secure the money. Need to address the easements now and get these taken care of. Recommendation is to send a formal request to Seattle. Then they would know if they will accept the prescriptive easement. If not then the next question would be if they can use the funds they currently have to get this done. Chairman Hancock said the main cost if they do this voluntary will be the survey cost. Dave said they have irrigation facilities within that sixty feet so it makes it more complicated. Chairman Hancock said they have mainlines. Dave said they do. Ted said a thought they do not build over it leave it and get the farmer back an easement. Dave said they already hit one once so it will be in the footprint of the road. This complicates things. Chairman Hancock said as he read through this they keep referring to the title about easements continually. Could almost certify that they have a right-of-way for the easement. Have a validated easement that are accepted in the State of Idaho. Thinks this is how they should approach this. Then if they do not accept this then they have to go back and tell them they have to resurvey and possible main line moving. First start with the fact they obtained the easement. Have demonstrated forty years and feels they have a validated easement. Would like to present this. Ted said they will need this. Chairman Hancock said they qualify this. Ted said state what they have. Chairman Hancock said then they attest to that.

[11:21:59 AM](#) Commissioner Clark said they are going to have to decide if they are going to accept this or not and make them do more. Chairman Hancock said that is his opinion as well as he has read through and pondered this. Thinks this is how they start. Asked the engineers their thoughts.

[11:22:33 AM](#) Ben Burke said they totally agree. Need to find out what EDA needs. Does not want to wait until after design. Would like to modify his design based off of what right-of-way is available. Can make changes on what right-of-way they have. Kelly said before trying to go beyond the existing prescriptive easement and get fee simple the only reason they would do this is so they did not have private landowner, county private landowner. This is to clean this up. This is the only way they turn a prescriptive easement into a fee simple. Ben said they want to make sure the Prosecuting Attorney is comfortable signing the form. If not can they adjust the form? Chairman Hancock said they are not making a misrepresentation. They will let them know what they have. They state they have a prescriptive easement.

[11:24:31 AM](#) Ted said it would be prudent to have Chairman Hancock, Mark and himself to draft up a letter to send. Wants everyone to be comfortable with what they are moving ahead with. Has talked to the state who is fine with prescriptive easements. Tell them what they have and if they have their approval to move forward. Commissioner Young said if not they are looking for clarification. Ted said this is to build the road. Talked with the state director and if the state gives them money from the federal agency they do not ask about this. So if they give this to them in state money then it doesn't matter. This is money the State of Idaho disperses. Either program will count as match on the eighty percent that EDA is giving. County would have to come up with about \$300,000 more.

[11:27:07 AM](#) Chairman Hancock asked on the NEPA statement. Asked if everyone agrees this is the way to move forward. Can draft up some statements on this showing them what they have. Have forty years of documentation, have validated this road and this is common practice in the State of Idaho. Commissioner Young said they will not be using eminent domain. Chairman Hancock said then they fill these out based on what they have. Ben said there is publication they have to publish with the tribes. Dave said they can publish in *The Star* or *Post Register*. Ted said they want publication in metropolitan area of 50,000 or greater. Then the preliminary environmental is done. Will have additional if they move forward with construction money.

[11:29:48 AM](#) Mark said to be clear on part two where the attorney comes in the engineer asked about these earlier. The forms do not accommodate their situation. Chairman Hancock said on bullet number two says this is to fully certify all leases goes on under two or all easements or right-of-ways have been introduced. Keeps talking about this but need to point out that they have a prescriptive easement that has been validated. Mark said also on part four that all permits described have been obtained and he has examined these. Does not have permits and has not reviewed anything. Chairman Hancock said they can rely on Horrocks Engineering if there is anything for review. Chairman Hancock said they really need to make sure they are not providing fee simple title on this property. Ted said they are making a claim. They are qualifying their response and as long as they accept that qualification. Chairman Hancock said he would need to sign off on viewing the documents validating the road. Mark said they have documents for sixteen year. This did not need to go back forty years. Even if he did what he would see is that all of the homeowners own until the middle of the road. Chairman Hancock said they have a letter from Bruce Tibbitts who started in 1979 and retired in 2019. The county had maintained 2100 E since he started in 1979 and graded this in his career. Mark said the problem is the form is saying things he cannot agree to. Can write a letter but will not sign this form. Every time he reads something off of this there is something that does not qualify. Ted thinks that is fine can say what they have. Mark said that the form has a lot of things that are not true.

[11:34:09 AM](#) Ted said they need to speak to EDA on what they do have and seek their approval. Chairman Hancock said if they qualify on the form itself with a letter. Ted said then maybe if they do need a simple fee title then ask if they can use the additional funds. Chairman Hancock said they need to make their qualifications. Ted said they want to make sure they do not have legal problems in the future. Chairman Hancock said in other states the way they take roads is by title. Mark said federal agencies do not recognize that they are different. Chairman Hancock thinks they have their path forward. Ted asked that Chairman Hancock and Mark put together a qualification form. Show them what they do have. Chairman Hancock said they are then executing this with what they have. Ted said this is what they have moving forward in Idaho.

11:38:53 AM Ted asked if they need to publish this in both papers. Dave said the *Post Register* is more expensive. Ted said that in Madison they are doing a project and they did not meet the requirements of the amount of people with their local paper. They could then publish once in *The Star* and the recommendation in the *Post Register*. They like papers that have a reach of 50,000 or more. They will offer this up to the tribes. Will finalize the letter after him and Mark get a whack at it. Mark asked for clarifications on number four for permits that have been examined. Where is the solution on this? Ted is not sure they need the entire form right now. Chairman Hancock said this would be for the engineers that they have the necessary permits

11:43:18 AM Ben said they usually use property use agreements or right of entry agreements. They will obtain these during their design. Anything that goes beyond the right-of-way line will be on his desk for review. Mark asked if that is before they need this form. Ben said that form is not needed until construction so he will do this before he stamps his plans. Kelly said they are looking at the guidance if they go fee simple ~~of~~ if this is already satisfied with the easements. Then they finish the design. Anything outside of this would be temporary or property construction. Chairman Hancock said they may want to add that they have reviewed what they have. Ted said this will be three to six months. Chairman Hancock said they will not get this done this summer. Dave appreciates everyone being here thinks they have a path forward.

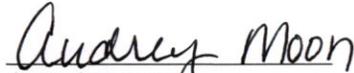
11:46:31 AM Commissioner Clark asked about Mark's email about publishing on the subdivision ordinance. Chairman Hancock said they have done their review and given their comments. Mark said whatever changes that have come up need to be reflected in the notice. Need to know that language is different at their hearing from the Planning & Zoning notice. Chairman Hancock said they can have this published May 4 and 11 to be heard on May 17. Mark said they had one issue on the season with high water. Chairman Hancock said he has not seen a final draft. Mark thinks that Erik sent him an email this morning.

11:50:22 AM Commissioner Clark said that Dean Fullmer called him with a name for a person to be on the mosquito board. Chairman Hancock said they will need to approve that per statute.

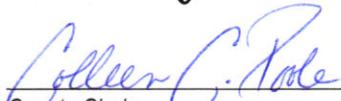
11:53:38 AM Motion by Commissioner Young to adjourn at 11:53. Second by Commissioner Clark. All in favor – aye. Motion passed.


Chairman of the Board

5/10/21
Date


Clerk of the Board

5/10/21
Date


County Clerk

5/10/21
Date

