

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
JUNE 21, 2021**

Meeting called to order at 9:01. 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 Colleen Poole.

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

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PUBLIC WORKS – DAVE WALRATH

• **MICHAEL CARDWELL VARIANCE REQUEST – (ACTION ITEM)**

[9:04:02 AM](#) Chairman Hancock asked if they need to have a variance. Dave said he is not sure they need to do a variance. They were not sure the intent of this access. Chairman Hancock does not see any reason they do not move forward. Kevin said the problem is this was allowed as an access which is different than a road. This is an easement and is not the people that bought the land. Chairman Hancock said this is a deeded easement so it is a right-of-way. Kevin said it could never be a county road because it is an easement. Does not own the land to dedicate this.

[9:05:12 AM](#) Mark said the access is on the plat and the plat is referenced in the deeds. The easement is deeded. Understanding the request for a variance is to not have the 250 foot requirement. This is all that is being asked. Chairman Hancock said this was put in long before they had this requirement. Commissioner Young said they didn't have that restriction. Mark said they can say where they are intending to use this now will allow this use despite of the rule. The point in his mind if they are going to enforce the fact this should be 250 feet. The other ones were being used. Probably looking for reassurance. Need to be clear this is all they get is the exception for the 250 feet requirement. This is not allowing them to build a road. In the future if they want to build a subdivision they are not saying he can put a road here. Dave said this will need to stay private. Chairman Hancock asked if there is sixty feet of right-of-way. Dave said he cannot dedicate this to the county. This is the owner of lot five. Kevin said the easement was granted when this was one parcel. Concern is they cannot have a subdivision road coming out here. Would need to find a different access point. The easement granted in 2018 was for one parcel. Chairman Hancock said the easement was granted in the 70s. What they did in 2018 was divide the back into three lots. This has always been there. Kevin said in order to create a subdivision they would have to upgrade the road which they cannot do since they do not own the land.

[9:10:32 AM](#) Chairman Hancock does not think they need a variance this will be a private road access and that is all they are going to have. Mark said this will all it will ever be.

• **REQUEST FOR QUALIFICATIONS – TRANSFER STATION – (ACTION ITEM)**

[9:11:25 AM](#) Dave said this is request for qualifications. Provides what he wants to advertise. They want to have a list sent out of qualifications to five firms. Then would have the four of them look at these as a panel. Chairman Hancock asked if there are any locals that have done a transfer station. Dave said possibly Forsgren. Chairman Hancock said maybe they can reach out to Fremont County to see who did their designs. Dave said Great West is a common firm. Knows that Teton County has recently done a transfer station. Will do some more research with his colleagues. Will come up with five good candidates. Will advertise this on their website and the paper. Chairman Hancock wonders if they can offer their hourly rates. Dave will have to review this with Mark. Chairman Hancock said this is not based on price but is nice to have it. If they don't ask for price sometimes since the State of Idaho does not have the same regulations they give different rates. The Truth and Negotiation Act states that they should have the same rates that they charge other government contracts.

[9:16:39 AM](#) Dave has four things listed here. Experience and qualifications of the individual team members. Experience of the firm on similar projects. Understanding of the project objectives. Evaluation of references. Chairman Hancock said another problem they run into is having the junior colleagues working on this. If they propose someone they need to be the ones working on the project. Dave will finish working on this will refine the RFQ. Talk with other counties.

• **UPDATE**

[9:20:28 AM](#) Dave said on Solid Waste Paragon will be out to look at cell two again tomorrow. Ted said they have one spot lacking in cover. Other than that are about eighty-nine percent ready to dig holes. For Road & Bridge are out doing clean chips today on 4200 from 500 to 650 and from 400 to 650. Chairman Hancock asked on the otta seal. Dave said they did well did take out one mailbox. Chairman Hancock said a lot of these are too close. Dave said this one may have been operator error. Did not get any complaints so the information Rebecca pushed out did some good. Do have a new employee at Road & Bridge today and one tomorrow out at the landfill. Will be here in the next hour for the closing of the Willmore property. They pay this up front then get reimbursed by LHTAC. This will be the final item before they can advertise for this project. The bull pens have to be relocated. Was told that it may not be until fall since everything is delayed. The project is set for 2023.

[9:25:03 AM](#) Commissioner Young asked on the tree trimming. There are a lot of stop signs where the view is not very good. Dave asked that they send any of these to him. Have not gotten Bonneville back to finish their brush.

• **MICHAEL CARDWELL VARIANCE REQUEST – (ACTION ITEM)**

[9:26:09 AM](#) Chairman Hancock goes back to the variance request. Wants Mr. Cardwell to understand they are fine to proceed they do not have to allow a variance. Probably will never be able to have a subdivision back there but for three lots they can have a private road. Mr. Cardwell asked out of curiosity the neighbors to the left want to do an administrative plat on their property. Dave said anything more than the three lots has to have a county road. Would have to convince owner of lot five to allow this to be a dedicated county road.

PARK & RECREATION – MICKEY EAMES

- **VENDOR CONTRACT – (ACTION ITEM)**

[9:28:14 AM](#) Mickey Eames with Park & Recreation. Has another license agreement for a gal that is going to have a taco place out there on the north east side of the parking lot by the sno cones and paddle boards. Chairman Hancock asked if this will be too congested. Mickey said it will be fine this is the last one. This is the standard agreement.

[9:30:00 AM](#) **Motion by Commissioner Young to approve the license agreement with Jasmine Alvarez doing business as Momma Nita's for \$400 at Jefferson County Lake. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **RAIN FOR RENT INVOICE – (ACTION ITEM)**

[9:31:52 AM](#) Mickey has some pricing for having sprinklers out on the island. This will be so they do not have to move sprinklers anymore. Mark asked if they have water rights. Chairman Hancock said they still have to have a water right to use the lake water. Commissioner Young said they can pump sub to keep this off of the structure but not to water a lawn. Chairman Hancock said they cannot take water out of the lake to water the lawn. Still needs to figure out getting some water rights. Asked who will be putting these in. Mickey said Dennis will be doing the work. Chairman Hancock said sometimes it feels they should hire Dennis out there full-time. Mickey is unsure if he wants to be full-time but is great to have out there.

[9:34:43 AM](#) **Motion by Commissioner Clark to approve purchase of sprinkler parts for \$2,283.68. Mark asked if they are putting these in before having a water right. Chairman Hancock said they can use the well water if they have to. Need to finalize the water right. Chairman Hancock asked if they checked any other sprinkler places. Mickey said these are heavy duty. Dennis went around to the various companies. This will just help so they do not have to move these all the time. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

COMMISSIONERS

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

[9:39:23 AM](#) **Motion by Commissioner Young to approve commissioner meeting minutes from May 24, 2021 with noted change. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

[9:40:08 AM](#) **Motion by Commissioner Young to go into executive session 74-206 (B) – Personnel evaluation. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

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

Open session 10:17

PLANNING & ZONING – KEVIN HATHAWAY

- **PUBLIC HEARING - ADOPT MUNICODE – ORDINANCE #2021-04 – (ACTION ITEM)**

[10:18:42 AM](#) Chairman Hancock goes over the procedure of the public hearing. Asked Planning & Zoning to go over what Municode is.

[10:19:08 AM](#) Erik said this is a codification of the county ordinances. This makes it easier to refer to the county ordinances. Keep updates that apply to the ordinances. Chairman Hancock adds this allows the county to have all ordinances in one place so they can search anything that is related to that particular ordinance. These can be updated on an annual basis. Kevin said that is the important part is the updates. Chairman Hancock said the reason they are having a public hearing. They are not changing ordinances but are putting these into one place. As these change they will have hearings specific to that ordinance. This notifies everyone of updating these into one place. Erik said there was some grammatical errors fixed by Municode.

[10:21:58 AM](#) Chairman Hancock opens the public hearing. Is there anyone in favor? In neutral? Opposed? Does not see or hear any. Once again wants to restate they are not changing ordinances but adopting a centralized system. Kevin said this has never been done. Several other counties have done this. Chairman Hancock closes the comments.

[10:23:39 AM](#) Mitch asked this is basically a digital format in one location. Will there be public access? Rebecca said on the new website that will launch on July 7, 2021 they will have a button that takes them directly to Municode. Chairman Hancock said they have been making some improvements.

[10:24:35 AM](#) Chairman Hancock reads ordinance. Jefferson County Ordinance No. 2021-04 an Ordinance Consolidating, Amending, Adopting, and Codifying the Governing Ordinances of Jefferson County for the purpose of enacting a code for Jefferson County, Idaho; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective. Be it ordained by the Board of County Commissioners: Section 1. The Code entitled "Jefferson County Code," published by Municipal Code Corporation on or about June 21, 2021, consisting of chapters 1 through 110, each inclusive, is adopted and incorporated herein by reference. A copy of each of these chapters may presently be obtained from the Planning and Zoning Department until hardbound copies are delivered to the County Clerk and until the copies are available to the public on the internet. Section 2. All governing ordinances of a general and permanent nature addressed by this Code enacted on or before June 21, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed; provided, however, that the following shall not be repealed by this ordinance and shall continue in full force and effect unless or until subsequently amended or repealed: (1) Such ordinances and/or resolutions that may be declaratory, quasi-judicial, or ministerial in nature which may include, but are not limited to, ordinances designating zoning for a specific parcel of property, validation of roadways, or establishment of fees, unless otherwise provided in those codified chapters herein. (2) The zoning

ordinance, as adopted on April 25, 2005, and subsequently amended. Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance. Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$1,000.00, or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. Except as otherwise provided by ordinance, (i) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and (ii) with respect to other violations, each violation constitutes a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits. Section 5. Additions or amendments to the Code when passed in such form as to indicate the

intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments. Section 6. Ordinances adopted after June 21, 2021, which amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code. Section 7. This ordinance shall take effect immediately upon its adoption.

Passed and adopted by the Jefferson County Commissioners on this 21st day of June, 2021."

[10:29:25 AM](#) Commissioner Clark does not have any comments is glad to see this completed. Commissioner Young is happy this is done and will be available to the public. Chairman Hancock said this is something that has been going on for four years. Had a lot of pressure put on P&Z to get this done.

[10:30:17 AM](#) **Motion by Commissioner Young to adopt ordinance #2021-04 regarding Municode. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **SUMMARY OF ORDINANCE #2021-04 – (ACTION ITEM)**

[10:31:12 AM](#) Chairman Hancock said next they have the summary of the ordinance. Erik said this is what will be published in the paper.

[10:31:33 AM](#) Chairman Hancock reads summary. "Statement of County Clerk under seal of County Commissioners Ordinance No. 2021-04 The Code entitled "Jefferson County Code," and published by Municipal Code Corporation on or about June 21, 2021 consisting of chapters 1 through 110. The Jefferson County Clerk has approved the following summary of ordinance under I.C. § 31-715A and believes it to contain a true and complete summary of the ordinance and further provides adequate notice to the public of the ordinance: Summary of Ordinance - Jefferson County, a political subdivision of the State of Idaho, pursuant to I.C. § 31-715A, hereby provides the following summary of ordinance: An ordinance consolidating, amending, adopting, and codifying the governing ordinances of Jefferson County into a unified code for Jefferson County, Idaho, and repealing certain prior ordinances not included therein. All governing ordinances of a general and permanent nature addressed by this Code enacted on or before June 21, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed; provided, however, that the following shall not be repealed by this ordinance and shall continue in full force and effect unless or until subsequently amended or repealed: (1) Such ordinances that may be declaratory or ministerial in nature which may include, but are not limited to, ordinances designating zoning for a specific parcel of property, validation of roadways, establishment of fees, unless otherwise provided in those codified chapters herein. (2) The zoning ordinance, as adopted on April 25, 2005, and subsequently amended. This ordinance is intended to take effect on June 21, 2021. A copy of the full text of this ordinance may be obtained at the Jefferson County Planning and Zoning Office at 210 Courthouse Way, Suite 170, Rigby, ID 83442 (8:00 a.m. to 5:00 p.m.), as well as online at: http://www.co.jefferson.id.us/planning_zoning.php. A true and correct copy of this notice shall be published in accordance with I.C. § 31-715."

[10:33:52 AM](#) **Motion by Commissioner Clark to approve the summary of ordinance #2021-04 for Municode. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **FINAL PLAT - WOODLAND LAKE ESTATES – (ACTION ITEM)**

[10:35:07 AM](#) Jenny said plat amendment is from February 12, 2021. The applicant is proposing to remove a lot line so he can build across the lot line and maintain the current vegetation. Commissioner Young read through this and did not see any issue. Chairman Hancock said they are just combining lots not dividing.

[10:35:39 AM](#) **Motion by Commissioner Young to approve the Woodland Lake Estates Division one fourth amended plat. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **UPDATE**

[10:37:14 AM](#) Kevin goes over the inspections are back down to around a three day turn around. They have been slightly down but are still ahead of last year. Chairman Hancock asked if their personnel is back. Kevin said they are being flexible right now with appointments. Did use the contractor last week. It was nice and were able to continue to serve the public. Will be advertising they had hired for a code enforcer but ended up not being a good fit. Will have to do something with this. Have had Erik filling in on the compliance issues.

[10:40:11 AM](#) Erik said he has been doing compliance since March. Some of these individuals are working with them but some of them are becoming larger issues. There have brought about seventy-five percent of these into compliance. Chairman Hancock asked what happened with Hamer. Mark said the issue was jurisdiction. There is a nuisance in the City of Hamer. If Hamer is a city they need to address this. If they are not then county rules apply. Done some legal research and believes that Hamer never met the statutory requirements and there has not been an election since at least 2011. In 1973 the Board of County Commissioners did declare a Hamer a City. Does not believe that Hamer is an actual City. Approached the Attorney General to make sure. They could have this Board retract the 1973 order or could go to District Court to have this voided. Is still looking at the legal research. The people of Hamer would have to expand their area to become incorporated. They have thirty-five registered voters when he checked with the Elections Office. Would have to re-petition to become a city. With this they would have to contract with law enforcement, have an election and create ordinances for their area. Has a meeting scheduled with residents of Hamer to see what their feelings are

if they want to be a City or not. Kevin asked if they can be a City that is incorporated. Chairman Hancock thinks that is a good question. Mark said these are some things that are still being worked on.

FIRST AMERICAN TITLE – SHANEY SWANSON

- **PURCHASE OF WILLMORE PROPERTY - (ACTION ITEM)**

[10:47:50 AM](#) Shaney is with First American Title. Is here with paperwork on purchase of property from Gary Willmore. Dave said this is in regards to the LHTAC project for the realignment. In order to do this they have to straighten the road through this property. Shaney has the closing documents. Also have the purchase and sales agreement will need to get this signed. Mark said he has not reviewed any of these documents or reviewed anything for this project.

[10:50:38 AM](#) Shaney said the settlement lists out all the fees. The purchase and sale agreement showed the county was paying the closing costs. Sell price is \$140,000. Have the owner's policy for \$798. The seller does have a lien they would like to get partially released. Have spoken with the lender who signed off on a partial release so the \$40 is the release of that loan from this property. The closing fee is \$520. Preparing and handling is \$42. Courthouse charges \$4.50 for edoc fees. Total will be \$141,439.00. Chairman Hancock asked if the taxes have been paid. Shaney did put the taxes on the seller's side and said they would go and pay them. They were not paid as of this morning. Dave had one check created but not with the additional balance. Again they will be reimbursed on this. Chairman Hancock said this project has been going on about seven years. Dave said he has been here right about the same time. Will have to void the check and make it to First American Title.

[10:53:51 AM](#) **Motion by Commissioner Clark that Jefferson County purchase property from the Willmore's for Annis Highway project for \$141,439.00. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[10:55:15 AM](#) Shaney has the provisions listed. Chairman Hancock said this was already agreed to in a previous meeting. Shaney has the escrow instructions it lists the sale price for \$140,000. Will give the county the owner policy title. This will show the county as the owner of the property and will verify this is free and clear. Next page has four parts that need signed. Have a partial release from D.L. Evans. The next section states that they did not transfer any water rights. They have boiler plate statement letting them know that she is not an attorney. They follow the purchase and sale agreement and record a deed with the Recorders Office. As stated they did do a title search. Schedule A showed the policy that is an owner's policy for \$140,000 of coverage. Has the legal description. Next is the items they state when they do the search. When they did the search they still owed property taxes. Will have to verify this has been paid. They do not insure whatever reservations of the United States patent. Is not sure without pulling the patent. The owners had a loan that will stay on the remainder of the property they still own. Will meet with the owners back in her office. Then will record the deed.

ASSESSOR – JESSICA ROACH

- **SET PUBLIC HEARING TO RAISE ADMIN FEE – DMV – (ACTION ITEM)**

[11:05:52 AM](#) Jessica said she is preparing to raise their administration fee. DMV is not supposed to be supplemented by property taxes. The fee they charge should cover the cost of this department. This fee has not changed in twenty-five years. They now have six full-time employees. Have some items coming down from the legislation. A lot of counties are facing the same issues. Has a public hearing scheduled for July 12, 2021. Will be going from \$3.00 to \$6.00. The statewide average is about \$5.00. There are a lot of counties that have not raised this fee. Counties that have raised this are between \$6.00 and \$8.00. Provides data. The DMV brought in \$216,834.61. Current budget with benefits included is just under \$300,000. So they are supplementing almost \$100,000 with property taxes. Chairman Hancock said this will put this more inline. Jessica said the other issue about the same time COVID hit the number of transactions increased. This was with the first round of stimulus checks. Most of the work is entering title work. The administration fee is only on renewals. They get \$3.00 for a title transaction and \$1.00 for tax transaction. They are already getting taxed on a lot of things but this will help so this is not supplemented. Chairman Hancock asked if she needs to add what the cost is and is going to in the summary. Mark thinks they should propose in their summary what they are going from and to so it is clear. Chairman Hancock said they understand this is designed to cover their costs. Jessica said their supervisor has been here twenty-five years and it has not been changed since she started. They had been doing alright other than Friday after other counties closed down last minute. This is their busy time.

[11:12:59 AM](#) **Motion by Commissioner Young to adjourn at 11:13. Second by Commissioner Clark. All in favor – aye. Motion passed.**

Jessie Hancock
Chairman of the Board

Audrey Moon
Clerk of the Board

Colleen C. Poole
County Clerk



7/12/21
Date

7/12/2021
Date

Date