

JEROME COUNTY COMMISSIONERS

Monday, October 5, 2020

PRESENT: Charles Howell, Chairman
Ben Crouch, Vice Chairman
John Crozier, Commissioner
Jane White, Deputy Clerk

Meeting convened at 9:07 A.M.

COMMISSIONER REPORTS

Commissioner Crozier reported he had given a radio interview about the state of the County. He said he and Commissioner Crouch had met with contractors at the Jerome Airport regarding the details of bidding to rehabilitate the runway.

Commissioner Crouch stated that two inches of the Airport surface would be replaced with four inches.

Commissioner Crouch reported from a monthly general contractor/construction manager meeting regarding the ongoing construction of an additional jail pod.

Commissioner Crouch had also attended the Jerome Chamber of Commerce annual dinner and auction fundraiser.

Commissioner Howell reported the Board of Directors for the Southern Idaho Regional Solid Waste District had discussed pay raises and purchasing a third generator for the District's gasification project at their board meeting.

JAIL INSPECTION

Commissioner Crouch had performed a jail inspection as required by the Idaho Sheriff's Organization.

SIGN JAIL CHANGE ORDER

The Commissioners determined they needed more information before signing a change order for construction of the new jail pod.

SIGN JAIL CLAIM

❖ A Motion was made by Commissioner Crouch to sign and pay the jail expansion invoice with Starr Corporation for \$194,099.44. It was seconded and carried with unanimous ayes yes.

BUSINESS AND/OR ADMINISTRATIVE MATTERS

Assessor Rick Haberman was present. He gave the Board Employee Wage Change forms to increase the salaries of two employees who had met appraiser requirements of the Idaho State Tax Commission.

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The Board signed forms for Sabrina Henderson for completing Course 1 and Ryan Stout for completing all the requirements to become a certified property tax appraiser.

The Board signed a Claims Approval Report dated September 25, 2020, for the Indigent Fund, with a grand total of \$13,191.30.

The Board signed a Direct Deposit Detail with a grand total of \$139,643.85 and a Payroll Claims Approval By Fund with a grand total of \$319,526.38, both dated September 29, 2020, for the September 13, 2020, through September 26, 2020, payroll period.

The Board signed a leave request for Deserae Jones.

The Board signed Employee Wage Change forms to increase salaries by three percent in FY 2020-21 for the following employees: Tim Larson, Brent Culbertson, Jasmine Hernandez, Lacey Carnell, David Cooper, Cindy Carnell, Charles Howell, John Crozier, and Arlen (Ben) Crouch II.

STEVE HINES—EXTENSION OFFICE REPORT

Extension Educator Steve Hines was present.

Steve Hines reported from his written report of activities in the University of Idaho Extension Office in August and September. In addition to meetings, farm visits, and phone calls, Hines said he had worked on various field studies. He had also given a presentation for the Mid-Snake Commission, had hosted UI President Green, and participated in the County Fair.

Hines also reported on the actions of Extension Educator Gretchen Manker, Community Nutrition Advisor Celia Villanova, and 4-H Coordinator Tina Miller.

Hines discussed with the Board covering the cost of a lease for a new printer/copier from the FY 2020-21 budget.

Hines presented for signature a Cooperative Agreement for University of Idaho Extension Programs, including Jerome County providing \$104,285 for extension programs.

❖ A Motion was made by Commissioner Crouch to sign the cooperative agreement with the University of Idaho extension office regarding the budget for FY 2020-21. It was seconded and carried with unanimous ayes.

TRACEE McKIM—TECHNOLOGY EQUIPMENT PURCHASE

Tracee McKim was rescheduled for October 13.

SOUTH CENTRAL PUBLIC HEALTH DISTRICT—CORONAVIRUS UPDATE

Present by speakerphone were Tanya Stitt, County emergency management director; Josh Jensen and Linda Montgomery, South Central Public Health District; Dale Layne, Jerome schools superintendent; and Mike Williams, Jerome city administrator.

Josh Jensen reported there had been 46 new coronavirus cases in Jerome County within the last seven days. He said the number of cases could not be linked to significant events and that there had been no new outbreaks in long-term care facilities. Jensen stated the Health District was keeping up with investigations of cases and that there were no staff or resource shortages in St. Luke's hospitals even though the number of coronavirus patients admitted had increased.

Jensen said Jerome County had a positivity rate of 14 percent within the last 14 days and that both the Jerome and Valley schools had a few coronavirus cases.

Commissioner Howell asked about the capacity of Pocatello and Idaho Falls hospitals, and Jensen said the hospitals there were not overly pressed.

Linda Montgomery asked how to help with tracking the spread of the virus. Jensen advised to keep sharing the message to wear masks and wash hands often, saying the number of cases in Jerome County was still in the yellow (moderate risk) category, although it was just under orange (high risk).

Dale Layne said another staff member was hospitalized with the virus and requested testing material for the school district's employees.

DESERAE JONES—MISDEMEANOR PROBATION REPORT

Misdemeanor Probation Administrator Deserae Jones was present.

Deserae Jones presented written August statistics from the Misdemeanor Probation Office, which showed 374 adults on probation and a total of \$4,466.25 in fees collected. The report also included 136 active warrants, 41 new as well as 18 closed and 97 unsupervised cases, 84 court compliance, 18 DUI [Driving Under the Influence] Court, and 12 DV [Domestic Violence] Court cases.

Jones said Deputy Sheriff Gary Taylor was still seeking to be able to purchase new smaller firearms for misdemeanor probation officers and that her department had qualified with its current firearms.

➤ Jones requested a new computer, saying her need was immediate because she had difficulty hearing Zoom meetings.

MARIO UMANA—JUVENILE PROBATION REPORT

Juvenile Probation Administrator Mario Umana was present. Also present was Renee Waite, District 5 liaison for the Idaho Department of Juvenile Corrections.

Mario Umana offered written statistics from the Juvenile Probation Office from August 23, 2020, through September 27, 2020, which showed 70 juveniles on probation and \$784.45 in fees paid. They also included four new probationers in the diversion program and seven closed probationers.

Renee Waite explained a Memorandum of Agreement to support two programs. She said the Community Based Alternative Services (CBAS) and the Substance Use Disorder Services (SUDS) programs had been successful in the previous year in diverting 95 percent of juveniles from entering the court system.

❖ A Motion was made by Commissioner Crozier to sign the Memorandum of Agreement to support the CBAS and SUDS programs. It was seconded and carried with unanimous ayes.

Commissioner Howell asked how the current pandemic was affecting probation programs. Umana answered that there had been no problems using Zoom meetings. Waite said increased video visiting had been better for families, preventing them from driving to see their juveniles. She also said there had been no coronavirus outbreaks in detention facilities.

The Board was in receipt of an agreement with the Mini-Cassia Juvenile Detention Center to house Jerome County juveniles from October 1, 2020, through September 30, 2021.

❖ A Motion was made by Commissioner Crozier to approve the Memorandum of Agreement between Minidoka County (representing the Mini-Cassia Juvenile Detention Center) and the County of Jerome. It was seconded and carried with unanimous ayes.

Meeting recessed at 11:42 A.M.

Meeting reconvened at 1:15 P.M.

EXECUTIVE SESSION

❖ 1:15 P.M. - A Motion was made by Commissioner Howell to go into executive session per Idaho Code 74-206(1)(b), personnel. It was seconded and carried with unanimous ayes.

1:58 P.M. – Return to open session.

MIKE SEIB—LEGAL COUNSEL

Attorney Mike Seib and Planning and Zoning Assistant Administrator Kacie Buhler were present.

Mike Seib advised about the legalities of a Special Use Permit that was part of the Commissioners' agenda that evening. He stated that Special Use Permits are for property parcels, not landowners.

Kacie Buhler explained that the Planning and Zoning Office had set a public hearing with the Planning and Zoning Commission for the application of a Special Use Permit (SUP) before it found that the land already had an SUP, resulting in cancellation of the hearing.

Seib said the SUP was granted in 1990 and was still valid.

Commissioner Crouch asked about the appeal process for those who object to the SUP. Seib said those objecting would have to prove to a court that the permit was revoked.

Buhler said a subdivision was approved on the SUP property in 2003 and that the land was now zoned A-L (Agriculture Limited), where a gravel permit would be allowed.

Seib said the subdivision is the non-conforming use on the property.

❖ **Executive Session:** 2:29 P.M. – A Motion was made by Commissioner Howell to go into executive session per Idaho Code 74-206(1)(b), personnel. It was seconded and carried with a unanimous roll call vote.

2:48 P.M. – Return to open session.

Seib reviewed further on the topic of the Special Use Permit discussed earlier. He also told of a lawsuit involving an illegal hold of an alien.

READ AND APPROVE MINUTES

❖ A Motion was made by Commissioner Crouch to approve the minutes of August 14, September 21, and September 28 as read. It was seconded and carried with unanimous ayes.

INDIGENT MATTERS

❖ A Motion was made by Commissioner Crozier to approve indigent matters as recommended by staff. It was seconded and carried with unanimous ayes. Dismissed was Case No. 1920-052; denied was Case No. 1920-063.

Meeting recessed at 3:05 P.M.

Meeting reconvened at 7 P.M.

MELANIE CRUZ AND NEIGHBORS—SPECIAL USE PERMIT

Present were Jeremiah Southwick, Craig Christiansen, David Clark, Gary and Anita Bartels, Mary Beth and Brian Wagner, Sara Lammers, Richard Eckert, Dusti Becker, Videt Ruiz, Raymond Ruiz, Justin Gott, Brian Wagner, Brian Erke, Paul Shaksta, H. Jean Sligar, Amand Dastrup, Melanie Cruz, and Richard Cruz. All were homeowners in the Arrowhead Ranch subdivision.

Commissioner Howell began by saying that a Special Use Permit (SUP) stays with a piece of property, rather than with a landowner. He explained that the Planning and Zoning Office had found that a SUP granted in 1990 applied to two sections of land, so a public hearing scheduled with the Planning and Zoning Commission for a Special Use Permit on one of the sections had not been necessary. He said the County's legal counsel had advised that a Special Use Permit would not expire.

Commissioner Howell invited those present to speak for a maximum of three minutes each unless representing a group.

Dusty Becker reviewed ten pages e-mailed to the Commissioners that morning. She said her subdivision is less than a quarter mile away where deep blasting, with transport through the subdivision, was planned.

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Sara Lammers read a letter from several homeowners in the subdivision. It said that there was only one private road in the subdivision, with no sidewalks and no egress. It listed concerns of heavy truck traffic, noise, dust, and the safety of children and pets because of blasting and crushing of rock. Lammers concluded that houses, wells, and septic tanks could be damaged from the blasting and that more houses were being built in the subdivision.

Mary Beth Wagner referred to Chapter 6 of the Jerome County Zoning Ordinance citing provisions for commercial uses. She questioned how industry, such as mining and blasting, fit in an agricultural zone.

Commissioner Howell explained that the subdivision is in the A-L, or agriculture limited, zone, which allows uses by Special Use Permits (SUP). He said the SUP allowing blasting was granted before the subdivision was created. He stated that what is established first has the first right, so the subdivision is a non-conforming use in an agricultural area.

Richard Eckert stated the easement for the road into the subdivision was private and maintained by the subdivision. He asked who would repair the road from truck traffic. Commissioner Howell said that question was for the Board's legal counsel.

Jeanie Sligar told the Board she had copies of legal road easements granted in 1983. She said she also had permits from Planning and Zoning and the Bureau of Reclamation for a gravel operation.

Brian Erke said when he bought his property, he was told the land around him belonged to the Bureau of Land Management, but he had since found out differently. He expressed he was angry at the prospect of a rock crusher breaking his enjoyment of peace and quiet.

Richard Cruz spoke from his experiences as a contractor. He said the County had approved a subdivision with a Special Use Permit on the land. He said the gravel operation would not be safe and asked that the company find another access to its operation rather than the road into the subdivision.

Melanie Cruz read two and one-half pages she had written. She said the homeowners wanted to be covered by Extreme Excavation insurance for any damage to their properties and wanted to prohibit all trucks and oversized equipment from using their private lane.

Richard Cruz asked if Extreme Excavation could begin its mining, and Commissioner Howell said it has the right to begin its operation the next day.

Craig Christiansen stated he and Jeremiah Southwick live on lots in the subdivision and are the owners of Extreme Excavation and said they had a vested interest in making sure the subdivision is safe. He added that the company has easements and permits allowing it in the subdivision.

Christiansen said the company would provide insurance for property damage. He explained that the gravel operation would be only for two or three months and that the gravel would be used

only as needed on company properties. He added that blasting is planned only once in every two to three years.

Christiansen said that the truck traffic during the operation would be similar to what it is currently.

He suggested the possibility of improving a road on the west side of the subdivision for use of the company.

Richard Cruz expressed that he thought the property owners would be satisfied with company insurance and differing truck access.

Christiansen said Extreme Excavation would be willing to host a meeting with the subdivision community.

Commissioner Crozier offered to help find a venue for a meeting and said, as the Commissioner representing the area of the subdivision, he would attend such a meeting.

Meeting adjourned at 8:40 P.M.

Respectively submitted:

Jane White, Deputy Clerk

Charles M. Howell, Chairman

A. Ben Crouch, Vice Chairman

John Crozier, Commissioner