

JEROME COUNTY COMMISSIONERS

Monday, April 29, 2019

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

Meeting convened at 9 A.M.

COMMISSIONER REPORTS

Commissioner Crozier reported he and Commissioner Crouch had attended Incident Action Planning and Full Scale Exercise days presented by the Office of Emergency Management. He had also received two calls objecting to loud music projecting from the Fairgrounds.

Commissioner Crouch reported from a Jerome Cemetery Maintenance District board meeting where directors had discussed the development of a new employee handbook, finances, and hiring a part-time employee; they had also re-elected Walt Appell as the board chairman. Commissioner Crouch provided a copy of the cemetery district's agenda and a sheet showing its expenses and income. He had also completed the Commissioners' quarterly jail inspection.

Commissioner Howell reported he, Deputy Sheriff Gary Taylor, Josh Bartlome (solid waste district executive director), and three solid waste staff members had met at the Jerome transfer station to study establishing a gun range there for the sheriff's department.

Commissioner Howell told the Board the Mid-Snake Resource Conservation and Development association had approved a project with Gooding and Shoshone to plant trees along highways.

Commissioner Howell had also attended a SIRCOMM (emergency communications) meeting where board members had discussed remodeling and interviews for a deputy director. He added that Valley County had requested that SIRCOMM dispatch for it as well as for the four counties it already serves.

BOARD OF HEALTH NOMINATION

The Commissioners determined to continue their search for a physician who would be willing to be nominated to serve on the Board of Health.

APPROVE TIME RECORDS

The Board approved Time Records for Cody Cantrell, Brent Culbertson, Deserae Jones, and Mario Umana.

BUSINESS AND/OR ADMINISTRATIVE MATTERS

The Board signed leave requests for Brent Culbertson and Mario Umana.

The Board signed Employee Wage Change forms for Detention Deputy Sheriffs Austin Dixon and Desea Lance as merit increases for longevity.

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The Board signed a Claims Approval Report dated April 24, 2019, for the Insurance Deductible Trust Fund, with a grand total of \$1,631.08.

CODY CANTRELL—VETERANS REPORT

Veterans Service Officer Cody Cantrell was present.

Cody Cantrell recapped a written report of services he had rendered from March 25 to April 29. He said he had received a record number of office visits during the month, totaling 46. His report included two visits with the State representative, one home visit, and two community outreaches. He explained that VetraSpec was a program in which he could enroll veterans.

Cantrell also reported on his search for volunteers to serve on a Board of Community Guardians, saying he thought such a board was necessary.

Commissioner Howell recessed the Board of County Commissioners and reconvened as a Board of Equalization.

JEROME COUNTY COMMISSIONERS

Monday, April 29, 2019
BOARD OF EQUALIZATION

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

RICK HABERMAN—CASUALTY/LOSS EXEMPTION FOR PANZIE GARCIA
(recorded)

Assessor Rick Haberman and Treasurer Tevian Ekren-Kober were present.

Rick Haberman presented an Application for Casualty/Loss Exemption from Panzie Garcia, due to a house fire. He presented a photo of the house before the fire but said he did not go on its premises after the fire because of a “no trespassing” sign. He added the lot and building were valued separately in his office and that the owner would need to go through the building permitting process with the City of Jerome if the structure were restored.

❖ A Motion was made by Commissioner Howell to approve a value of \$27,251 for Parcel No. RPJ13701370040, which was prorated to the date of loss due to fire damage, based on a staff recommendation. It was seconded and carried with unanimous ayes.

Commissioner Howell adjourned the Board of Equalization and reconvened as a Board of County Commissioners.

JEROME COUNTY COMMISSIONERS

Monday, April 29, 2019

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

DECISION—OPIOID LAWSUIT

Commissioner Crouch was in receipt of a suggested lawsuit against manufacturers and distributors of opioids, continued from a presentation to the Board by a Boise law firm on April 1.

The Board agreed to forward the document to its legal counsel.

MICHELLE EMERSON—PUBLIC DEFENDERS GRANT APPLICATION DISCUSSION

Clerk/Auditor/Recorder Michelle Emerson was present.

Michelle Emerson discussed with the Commissioners a draft of an application she had prepared for a FY 2020 Indigent Defense Grant.

Commissioner Howell suggested requesting funds for remodeling the Courthouse to provide for additional offices for public defenders.

➤ Emerson said she would consult the maintenance supervisor about an estimated cost for remodeling and report to the Board again at her scheduled time that afternoon.

LUNCHEON MEETING WITH TWIN FALLS COUNTY COMMISSIONERS—JAIL BEDS

The Commissioners and deputy clerk met at the James Moulson meeting room in the jail complex with Twin Falls County officials. Present were Sheriff George Oppedyk, Jail Administrator Marisela Ibarra, and Clerk/Auditor/Recorder Michelle Emerson. Twin Falls County officials present were Commissioners Don Hall, Brent Reinke, and Jack Johnson as well as Jail Administrator Doug Hughes.

Commissioner Howell provided information showing what other Idaho counties charge for bed space in their jails and a worksheet from the Sheriff's Association for determining the cost per inmate per day. Marisela Ibarra said the daily inmate cost of \$70.50 for Jerome County was comparable to other counties, and Commissioner Crozier stated that the county average cost, removing the ten highest counties, was \$70 per day.

Commissioner Hall said his constituents want to know how much more it costs to house prisoners out of Twin Falls County. He said Twin Falls County desired to find a win-win situation in which renting beds in Jerome would be beneficial to Jerome County as well as to Twin Falls County taxpayers.

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Commissioner Johnson said he needed to understand if Jerome County wanted to charge more for bed space than its current contract with Twin Falls County. Commissioner Howell said the former Jerome County sheriff had negotiated the amount Twin Falls County is currently paying.

Commissioner Hall said Twin Falls County needs to maintain its current jail and to build another jail in a more appropriate location, but he said passing a bond would be at least two or three years in the future.

Commissioner Howell stated Jerome County is intending to add two more pods (housing a total of 30 prisoners) to its current jail, which could be completed in nine months.

➤ It was determined that Deputies Ibarra and Hughes would meet to discuss bed space charges.

The Twin Falls representatives were excused.

The Board discussed renting beds to the Marshals Service and how much the County needs when renting beds.

MELODY BOWYER—SOUTH CENTRAL PUBLIC HEALTH DISTRICT BUDGET REQUEST

Present were: Linda Montgomery, Melody Bowyer, C. J. Fattig, Craig Paul, and MaryAnn Doshier, all representing the South Central Public Health District.

Linda Montgomery, as chairman of the Board of Health and Jerome County representative, presented a packet of information about the Health District and thanked the County for its monetary support to the District.

Montgomery reminded the Commissioners of a public hearing of the Budget Committee on May 6 at 1 P.M. to consider and fix a final budget of \$8,257,879 for July 1, 2019, through June 30, 2020. The Committee is constituted of the chairmen of the eight boards of county commissioners located within the public health district.

District Health Director Melody Bowyer reviewed the proposed budget, which asked for a three percent funding increase from each county. She said 75 percent of budget expenditures is for personnel. The increase for Jerome County was \$5,410, for a yearly total of \$131,847 in support of the District.

In answer to Commissioner Howell's question, Bowyer explained "Reserve Draw" in the District budget.

MaryAnn Doshier addressed the Board as health educator for the District. She told of programs for youth, young families, and senior citizens.

Environmental Health Director Craig Paul spoke of regulatory and emergency preparedness responsibilities and introduced C. J. Fattig as a new employee dealing with environmental health.

TIM LARSON—AIRPORTS REPORT

Airports Manager Tim Larson was present.

Report: Tim Larson reported he was hopeful of the installation of a fuel hose and nozzle at the Jerome Airport that week. He said the Idaho Division of Aeronautics had visited the Airport, providing some equipment at no charge.

Larson said he was working out from the runway with mowing and spraying and was cleaning out the green shed. The Commissioners suggested that Jerome 20/20 volunteers and juvenile probationers might be able to help clean the Airport.

➤ The Board asked that Larson seek bids for demolishing two buildings on the Jerome Airport and also determine a demolition date for the former terminal.

Thomas Helicopters Lease: Larson reported Thomas Helicopters had not requested anything specific beyond a standard lease. Signing of a lease with the company was scheduled for May 6.

MICHELLE EMERSON—PUBLIC DEFENDER GRANT APPLICATION

Clerk/Auditor/Recorder Michelle Emerson was present.

Michelle Emerson had consulted the maintenance supervisor and estimated that remodeling the Courthouse for public defenders could cost \$400,000. She said she would submit a grant application to the Idaho State Public Defense Commission, requesting \$497,592.

❖ A Motion was made by Commissioner Crozier to sign the Indigent Defense Grant Application as presented by the County clerk. It was seconded and carried with unanimous ayes.

LINDA HELMS—HISTORICAL SOCIETY BUDGET REQUEST

Linda Helms, curator of the Jerome Historical Museum; Clerk/Auditor/Recorder Michelle Emerson; and Attorney Mike Seib were present.

Linda Helms presented a letter requesting \$5,000 from the FY 2019-20 budget and detailing expenditures, income, and activities of the Jerome Historical Museum and I-Farm. Commissioner Crozier said he would be glad to attend the Historical Society board meetings, the next of which is May 9 at 6 P.M.

➤ The Commissioners were to consider Helms's request during their budget workshops.

MIKE SEIB—LEGAL COUNSEL

Attorney Mike Seib, Planning and Zoning Administrator Nancy Marshall, Zoning Clerk Kacie Buhler, and Clerk/Auditor/Recorder Michelle Emerson were present.

Rezone Decision for Larrey Anderson: Seib presented a memorandum decision approving the application of Larrey and Retha Anderson for a zoning amendment to rezone certain property from A-1 Agriculture to A-2 Commercial General, as determined by the Commissioners following a public hearing on April 15.

❖ A Motion was made by Commissioner Crouch to sign the Memorandum Decision; Findings of Fact; and Conclusions of Law for the application by Larrey and Retha Anderson for a zoning amendment. It was seconded and carried with unanimous ayes.

Approve Ordinance 2019-3: Nancy Marshall presented an ordinance that would rescind Chapter 11 (the floodplain chapter) and revise Chapters 2, 6, 8, and 19 of the Jerome County Zoning Ordinance, following the adoption of Ordinance 2019-2 on April 15 that established a separate ordinance regulating flood zones.

❖ A Motion was made by Commissioner Howell to sign Ordinance 2019-3. It was seconded and carried with unanimous ayes.

ORDINANCE NO. 2019-3

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, AMENDING CHAPTERS TWO, SIX, EIGHT, ELEVEN, AND NINETEEN OF THE JEROME COUNTY ZONING ORDINANCE, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, Article XII, Section 2 of the Idaho Constitution authorizes Jerome County to adopt “all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws” and

WHEREAS, Idaho Code Section 31-714 authorizes the Jerome County to pass all ordinances, rules and regulations necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and that are necessary or proper to provide for the safety, promote the health and prosperity, and improve the general welfare of the inhabitants of Jerome County and all persons who may be present in Jerome County from time to time; and

WHEREAS, Idaho Code Section 67-6511 mandates Jerome County to establish through ordinance certain standards and regulations regarding zoning matters, along with the authority to amend or repeal such ordinances; and

WHEREAS, Idaho Code Section 31-715 mandates all such ordinances to be published in a newspaper circulated in the county before such will become effective; and

WHEREAS, Idaho Code Section 31-715A authorizes the board of county commissioners to publish a summary of the ordinance; and

WHEREAS, the Board of Jerome County Commissioners initiated processes for amending the Jerome County Zoning Ordinance; and

WHEREAS, a proposed amendment to the text of such ordinance were received by the Jerome County Planning and Zoning Commission; and

WHEREAS, the Jerome County Planning and Zoning Commission held a public hearing and had discussions on the proposed amendment; and after having done so, recommended to the Board of Jerome County Commissioners that the amendment be approved; and

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WHEREAS, after receiving recommendations from the Jerome County Planning and Zoning Commission, the Board of Jerome County Commissioners held a public hearing and held discussions on the proposed amendment; and

WHEREAS, the requested amendment is in accordance with the Jerome County Comprehensive Plan; and

WHEREAS, all notice and hearing procedures required by the Idaho Code and the Jerome County Zoning Ordinance, specifically Chapter 21, were followed and complied with; and

WHEREAS, a verbatim record was produced from the hearings and discussions held on this matter; and

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, JEROME COUNTY, IDAHO, that effective upon approval, passage, and publication, the text of the following section of the Jerome County Zoning Ordinance is amended as indicated.

- I. The recitals above are hereby incorporated into this ordinance.
- II. CHAPTER 11 of the Jerome County Zoning Ordinance has been rescinded in its entirety and the chapter has been held for future use. The Jerome County Ordinance 2019-2 now regulates the issuance for Floodplain Development Permits.
- III. EDITING has been done to CHAPTERS 2, 6, 8, and 19 of the JCZO in an attempt to recognize; correspond to; and be consistent with, the new regulations of the Jerome County Flood Damage Prevention Ordinance 2019-2.
- IV. The provisions of the other above identified chapters are repealed, amended and/or added as shown below, except for Chapter 11 which is rescinded in its entirety and will be held for future use:

CHAPTER 2

The following Definitions are deleted from Chapter 2:

AREA OF SPECIAL FLOOD HAZARD, BASE FLOOD, FLOOD INSURANCE RATE MAP (FIRM), FLOOD INSURANCE STUDY, FLOOD PLAIN

The following Definition is being added to Chapter 2

PERMIT, FLOODPLAIN DEVELOPMENT

A type of permit that is required in conformance with the provisions in the current Flood Damage Prevention Ordinance duly adopted by the Jerome County Commissioners

CHAPTER 6

6-6. SUPPLEMENTAL GENERAL PROVISIONS

C. PERMIT, FLOODPLAIN DEVELOPMENT

A type of permit that is required in conformance with the provisions in the current Flood Damage Prevention Ordinance duly adopted by the Jerome County Commissioners.

D. PERMITS FOR PRIVATE SEPTIC TANKS REQUIRED

CHAPTER 8

[TITLE]

8-6.04 FLOODPLAIN DEVELOPMENT PERMIT

8-6.05 LOTS

8-6.04 FLOODPLAIN DEVELOPMENT PERMIT

Subdivisions proposed in a designated floodplain shall comply with the requirements of the Jerome County Flood Damage Prevention Ordinance 2019-2.

8-6.05 LOTS

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CHAPTER 19
19-2 APPLICABILITY

The provisions of this chapter apply to both Exempt and Non-Exempt Structures as defined herein. It does not apply to the actual construction of such structures; nor does it specifically address when a building permit is required for a particular kind of project. These matters are instead regulated by Jerome County Ordinance No. 2008-01, and administered by the Building Official for Jerome County. This chapter does not specifically address when a Floodplain Development Permit is required. These matters are instead regulated by the Jerome County Flood Damage Prevention Ordinance No. 2019-2, and administered by the Floodplain Ordinance Administrator for Jerome County. Finally, this chapter does not regulate the underlying land uses the Exempt and Non-Exempt Structures serve, which are instead controlled by Chapter Five (5) and elsewhere in the JCZO.

19-4 DEFINITIONS
FLOODPLAIN DEVELOPMENT PERMIT

A type of permit that is required in conformance with the provisions in the current Flood Damage Prevention Ordinance duly adopted by the Jerome County Commissioners.

BUILDING PERMIT

C. No Floodplain Development Permit shall be issued, nor shall an application for a Floodplain Development Permit be reviewed by the Floodplain Ordinance Administrator, unless the Administrator has first reviewed and approved the relevant Zoning Permit Application.

- V. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this ordinance.
- VI. Any provisions of Jerome County ordinances in conflict with the provisions of this ordinance are hereby declared to be repealed or superseded to the extent of such conflict.
- VII. This amended ordinance shall be effective upon the date of its adoption. It shall be published in the official newspaper of Jerome County and be posted as provided by law.

Approved and adopted as an ordinance of Jerome County by the Board of Commissioners on the 29th day of April 2019.

JEROME COUNTY BOARD OF COMMISSIONERS

ATTEST:

/s/ Michelle Emerson
Michelle Emerson
Jerome County Clerk

/s/ Charles M. Howell
Charles M. Howell, Chairman

/s/ A. Ben Crouch
A. Ben Crouch, Vice Chairman

(S E A L)

/s/ John Crozier
John Crozier, Commissioner

Approve Ordinance 2019-4: Marshall presented an ordinance amending Chapters 8 and 14 of the Jerome County Zoning Ordinance, as approved by the Commissioners on April 15. The purpose of the amendments was to change the reference date of an Original Parcel from March 11, 1985, to September 29, 2008.

❖ A Motion was made by Commissioner Crouch to sign Ordinance 2019-4. It was seconded and carried with unanimous ayes.

ORDINANCE NO. 2019-4

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, AMENDING CHAPTERS EIGHT AND FOURTEEN OF THE JEROME COUNTY ZONING ORDINANCE, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, Article XII, Section 2 of the Idaho Constitution authorizes Jerome County to adopt “all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws;” and

WHEREAS, Idaho Code Section 31-714 authorizes the Jerome County to pass all ordinances, rules and regulations necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and that are necessary or proper to provide for the safety, promote the health and prosperity, and improve the general welfare of the inhabitants of Jerome County and all persons who may be present in Jerome County from time to time; and

WHEREAS, Idaho Code Section 67-6511 mandates Jerome County to establish through ordinance certain standards and regulations regarding zoning matters, along with the authority to amend or repeal such ordinances; and

WHEREAS, Idaho Code Section 31-715 mandates all such ordinances to be published in a newspaper circulated in the county before such will become effective; and

WHEREAS, Idaho Code Section 31-715A authorizes the board of county commissioners to publish a summary of the ordinance; and

WHEREAS, the Board of Jerome County Commissioners initiated processes for amending the Jerome County Zoning Ordinance; and

WHEREAS, a proposed amendment to the text of such ordinance were received by the Jerome County Planning and Zoning Commission; and

WHEREAS, the Jerome County Planning and Zoning Commission held a public hearing and had discussions on the proposed amendment; and after having done so, recommended to the Board of Jerome County Commissioners that the amendment be approved; and

WHEREAS, after receiving recommendations from the Jerome County Planning and Zoning Commission, the Board of Jerome County Commissioners held a public hearing and held discussions on the proposed amendment; and

WHEREAS, the requested amendment is in accordance with the Jerome County Comprehensive Plan; and

WHEREAS, all notice and hearing procedures required by the Idaho Code and the Jerome County Zoning Ordinance, specifically Chapter 21, were followed and complied with; and

WHEREAS, a verbatim record was produced from the hearings and discussions held on this matter; and

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, JEROME COUNTY, IDAHO, that effective upon approval, passage, and publication, the text of the following section of the Jerome County Zoning Ordinance is amended as indicated.

- I. The recitals above are hereby incorporated into this ordinance.
- II. CHAPTER 14 of the Jerome County Zoning Ordinance has been amended as follows:

14-2 DEFINITIONS

Parcel, Original

A Parcel as it was legally described on or before September 29, 2008 or Resulting Parcels of Non-Regulated Land Divisions or those Parcels identified in 14-4.01 (F).

14-4.01 REGULATED LAND DIVISIONS

B. IN A-1 AGRICULTURAL AND A-L AGRICULTURE LIMITED ZONES

4. Any parcel deemed an Original Parcel per the terms of this chapter shall remain subject to the terms of any permit previously issued, regardless of whether such issuance date was prior to September 29, 2008.

III. EDITING has been done to CHAPTER 8 of the JCZO in an attempt to recognize; correspond to; and be consistent with the amendments of CHAPTER 14 listed above.

8-4 DEFINITIONS

Parcel, Original

A Parcel as it was legally described on or before September 29, 2008, or Resulting Parcels of Non-Regulated Land Divisions or those Parcels identified in 14-4.01 (F).

IV. The above language of each stated section is hereby approved and adopted by the Jerome County Board of Commissioners.

V. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this ordinance.

VI. Any provisions of Jerome County ordinances in conflict with the provisions of this ordinance are hereby declared to be repealed or superseded to the extent of such conflict.

VII. This amended ordinance shall be effective upon the date of its adoption. It shall be published in the official newspaper of Jerome County and be posted as provided by law.

Approved and adopted as an ordinance of Jerome County by the Board of Commissioners on the 29th day of April 2019.

JEROME COUNTY BOARD OF COMMISSIONERS

ATTEST:

/s/ Michelle Emerson
Michelle Emerson
Jerome County Clerk

/s/ Charles M. Howell
Charles M. Howell, Chairman

/s/ A. Ben Crouch
A. Ben Crouch, Vice Chairman

(S E A L)

/s/ John Crozier
John Crozier, Commissioner

RICK HABERMAN—UPDATE FROM CASUALTY/LOSS EXEMPTION

Assessor Rick Haberman was present.

Rick Haberman reported that the City of Jerome had determined the house with a casualty/loss approved by the Commissioners earlier in the day must be demolished.

READ AND APPROVE MINUTES

❖ A Motion was made by Commissioner Crouch to approve the minutes of April 22, 2019, as read. It was seconded and carried with unanimous ayes.

INDIGENT MATTERS

❖ A Motion was made by Commissioner Crozier to follow staff recommendations regarding indigent matters. It was seconded and carried with unanimous ayes. Approved was Case No. 1819-069 (partial). Denied were Case Nos. 1819-069 (partial); 1819-078; 1819-055; and 1819-070.

Meeting adjourned at 4:18 P.M.

Respectively submitted:

Charles M. Howell, Chairman

Jane White, Deputy Clerk

A. Ben Crouch, Vice Chairman

John Crozier, Commissioner