

JEROME COUNTY COMMISSIONERS

Monday, June 1, 2020

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

Meeting convened at 9:05 A.M.

MICHELLE EMERSON—BUDGET PRESENTATION SCHEDULE

Clerk/Auditor/Recorder Michelle Emerson was present.

Michelle Emerson asked the Commissioners if they could meet on two Tuesdays in June to hear budget presentations from department heads for FY 2020-21. They agreed to meet all day on June 16 and June 23.

COMMISSIONER REPORTS

Commissioner Crozier reported from his seat on the South Central Community Action board that directors had discussed a venue for its annual board meeting. He had also spoken with the Gooding and Lincoln County commissioners joining him on an overseer board for the Tri-County Board of Community Guardians, who had agreed on approving the four applications received to serve on the Board.

Commissioner Crozier stated the Fairgrounds had hosted match horse races and that he had listened to a situation report from Wood River St. Luke's regarding the coronavirus.

Commissioner Crouch had attended a Joe Mama's Car Show planning meeting and asked if the Commissioners would like to award a Commissioners' trophy for \$150.

Commissioner Howell reported from a meeting of the Southern Idaho Regional Solid Waste District. He said the District would experience savings from changing health insurance companies. Directors determined not to approve wage increases for the next fiscal year unless the health insurance savings could cover them.

Commissioner Howell had also attended a SIRCOMM (emergency communications) meeting where directors determined to refigure wage increases for the upcoming budget year.

All three Commissioners had listened to Governor Little answer questions regarding the coronavirus epidemic.

Clerk/Auditor/Recorder Michelle Emerson was present.

Commissioner Howell informed the Board that the Idaho Department of Lands would like to sell its interest in a strip of land adjacent to the Fairgrounds. Michelle Emerson indicated that the County budget would allow for a \$28,500 purchase.

Monday, June 1, 2020

Page 1 of 11

- The Board determined to discuss a purchase with Fair personnel that afternoon.

Commissioner Howell also told the Board that Lombard Conrad Architects had missed allowing for a thicker footing needed for the jail expansion underway. He said the County needed to know if it would be responsible for an additional payment, and the Board determined to discuss the matter with the sheriff that afternoon.

BUSINESS AND/OR ADMINISTRATIVE MATTERS

The Board signed a Catering Permit to Iron Horse Saloon, Shoshone, to be used on June 6, 2020, from NOON-1 A.M. at 402 DC Circle, Jerome.

The Board signed a Direct Deposit Detail with a grand total of \$136,706.50 and a Payroll Claims Approval by Fund with a grand total of \$255,408.09m both dated May 27, 2020, for the May 10, 2020, through May 23, 2020, payroll period.

The Board signed Permits for the Sale of Safe and Sane Fireworks to Eulalio Sandoval, Gooding, to sell at South ID and 60 Bob Barton Road, Jerome; Lynn Wilding, Twin Falls, to be used at Field Butte Drive, Lot 15, Jerome; Lynn Wilding, Twin Falls, to be used at 2328 East 900 South, Hazelton; and Lynn Wilding, Twin Falls, to be used at 60 Bob Barton Road, Jerome.

The Board signed Retail Alcohol Beverage Licenses to: Stinker Stores, Inc., dba Stinker Store #62, Jerome; Stinker Stores, Inc., dba Stinker Store #87, Jerome; Snake River Elks Lodge #2807 dba Snake River Elks Lodge #2807, Jerome; Maverik, Inc., dba Maverik, Inc., #252, Jerome; Eric Fermin Luna Anaya dba La Costa Colima, Jerome; J&M's Parks dba Anderson Camp, Eden; and Pilot Travel Centers, LLC, dba Pilot Travel Center #640, Jerome.

OLD BUSINESS

The Commissioners briefly discussed the paramedics' request on May 26 that the ambulance based in Jerome is used for standby transport in order to save mileage on it. They determined that Commissioner Howell would e-mail the paramedics that the Commissioners were not in favor of the ambulance purchased by the County to be used only as a back-up vehicle.

STEVE HINES—EXTENSION OFFICE REPORT

Extension Educator Steve Hines was present.

Steve Hines reviewed his monthly written report of activities in the University of Idaho Extension Office in May. He said employees had returned to work in the office following closure because of the coronavirus, except for Extension Educator Gretchen Manker, who would return June 15. He stated that pursuits continue with restrictions resulting from the COVID-19 epidemic but that they just happen differently.

Hines' report included Manker's activities in nutrition and health as well as 4-H youth development, Celia Villanova's efforts as advisor for the Eat Smart Idaho program, and Tina Miller as 4-H coordinator.

Commissioner Crozier suggested that Juntos 4-H members might want to become involved in disseminating COVID-19 prevention to the Spanish-speaking population.

Commissioner Howell told Hines the Board was expecting a zero increase in FY 2020-21 budgets.

Hines said the University was requiring that he take at least a three-day unpaid furlough between June 28 and January because of budget restraints resulting from the coronavirus.

In answer to the Board's question, Hines said the University Café project establishing a dairy research farm was on hold while obtaining preliminary data on soils.

JARED RICKS—PUBLIC DEFENSE COMMISSION REPORT

Clerk/Auditor/Recorder Michelle Emerson was present. The Board reached Jared Ricks, regional coordinator for the Public Defense Commission, by speakerphone.

Jared Ricks stated he had sent a report to Jerome County regarding a new rule for public defender contracts, which would require the defense attorneys to establish records. Michelle Emerson said the provision would be included in future contracts. He questioned whether the County had knowledge to receive extraordinary litigation funding, and Emerson said Judge DePew was aware of how to receive extra funding.

Ricks said some counties budget funds for an investigator to be accessible to defense attorneys at their discretion. Emerson said the County budgets for training and investigations.

- Ricks said his future communications would also be by phone to save travel expenses.

HEALTH DISTRICT UPDATE ON THE CORONAVIRUS

Clerk/Auditor/Recorder Michelle Emerson was present and Emergency Management Director Tanya Stitt was present by speakerphone. Also present by speakerphone were Linda Montgomery, chairman of the South Central Public Health District; Melody Bowyer, Health District director; Logan Hudson, Health District representative; and Randy Hall, emergency management director for Wood River St. Luke's Hospital.

Linda Montgomery expressed a concern of the number of individuals who might attend Family Farm Days in Hazelton. Logan Hudson said he would investigate whether the event would follow the State guidelines for slowing the spread of the coronavirus.

The Health District reported three positive coronavirus cases in Eden, four in Hazelton, and 67 from Rite Stuff Foods in Jerome. According to the District, all residents of an assisted living facility in Jerome had tested negative.

Melody Bowyer invited those listening to join a virtual meeting of the Hispanic Commission about the coronavirus on June 10. Commissioner Crozier suggested Bowyer also invite members of Latinos in Action from Jerome High School.

Randy Hall reported the Wood River hospital census of coronavirus cases was low, with ample hospital capacity for new cases.

Montgomery asked about the distribution of flyers printed in Spanish regarding prevention of the spread of the virus, and Hall said signage had been posted.

Bowyer reported St. Luke's Magic Valley was forming a regional structure including representatives from three of its local hospitals as well as from Kimberly, Buhl, and Shoshone to help with safe business, health care, and testing, especially for the vulnerable community.

GEORGE PANAGIOTOU—DEVIL'S CORRAL UPDATE

Present were George Panagiotou; Kyle E. Bastian, Wright Brothers Law; Engineer Scott Bybee; Larry Hall, Jerome 20/20; and Alanna Thelen, videographer.

George Panagiotou inquired about the progress of establishing a County recreation zone. He said he had been doing research and that his goal was to sell the most expensive lots in Jerome County. He then invited the Commissioners to meet on his property and view the new roads he had built.

Commissioner Howell stated the Commissioners needed to exercise caution in gathering information because they could be required to be both judges and a jury at public hearings involving zoning. New information might cause them to declare that the information had not changed their attitudes or to recuse themselves from a decision. Panagiotou said he understood.

Panagiotou produced a large map of his Devil's Corral property and said he wanted an assessment on the modifications being made to the County Comprehensive Plan. He introduced Engineer Scott Bybee, who asked how he could help with Comp Plan modifications. He told the Board he had met with the Public Health District and that residential development would involve six different methods for septic systems.

Commissioner Howell recommended that Panagiotou apply for a rezone of his property, and Bybee said he would meet with the planning and zoning administrator.

MARK REYES—2020 CENSUS OUTREACH

Mark Reyes, mapping specialist; Nancy Marshall, planning and zoning administrator, and Michelle Emerson, clerk, were present.

Mark Reyes asked for permission to participate with the Census Bureau in administrating the 2020 Census and for sharing response rates. He explained that the Bureau had asked him if he could help promote the Census in order to get a better response from the County, especially in the Eden and Hazelton areas. He said he would need to use a County vehicle to distribute flyers.

Nancy Marshall stated part of the responsibility of his job was to interact with the Census Bureau and that his expenses to do so would fit into the planning and zoning budget.

Michelle Emerson suggested putting notices in the North Side Journal, establishing a Fair booth, and possibly interviewing Reyes on Spanish-speaking radio.

Commissioner Crozier stated maybe Latinos in Action and Juntos 4-H members could help to reach the Hispanic population with Census information, and Commissioner Howell suggested asking the chairman of the Idaho Dairymen's Association to contact dairies about their workers responding to the Census Bureau.

Meeting recessed at 11:59 A.M.

Meeting reconvened at 1:18 P.M.

JAMIE RUPERT AND GARY WARR—FAIR MATTERS

Present were Jamie Rupert, Fair manager; Gary Warr and Bryant Nelson, Fair Board members; and Michelle Emerson, County clerk.

Fair Matters and Rodeo Update: Jamie Rupert presented paperwork showing increased costs of holding the annual Jerome County Fair and Rodeo with social distancing. She said the total potential loss would be between \$38,163 and \$64,272.50. Rupert added that Fair funds are already reduced because of the coronavirus.

Gary Warr stated the Fair Board wanted to make a decision of whether to have a fair in 2020 to be in agreement with the Board of Commissioners. He explained how it would be difficult to follow the rules of the PRCA (Professional Rodeo Cowboys Association). He said the Fair Board had requested rule modifications but that the PRCA had been lackluster in being willing to change.

Warr also warned that fewer people might attend the Fair, which might result in a 30-50 percent loss in revenue. He said the County's liability insurance company (ICRMP) was requesting a written plan for the Fair to be submitted in June. He and Michelle Emerson said extra necessary expenses would need to come from Fair projects or the new bleachers fund.

Bryant Nelson suggested seeking input from the community of whether to hold the Fair.

- The Board asked that Warr submit a plan for holding the Fair.

Idaho Department of Lands Property on the Fairgrounds: Both Warr and Bryant expressed interest in pursuing the purchase of additional land for the Fairgrounds, as reported by Commissioner Howell that morning.

- Commissioner Howell said he would notify the Idaho Department of Lands that the County was interested in purchasing the County's interest in the strip of land adjacent to the Fairgrounds.

TIM LARSON—AIRPORTS REPORT

Airports Manager Tim Larson was present.

Report: Tim Larson reported that the Department of Environmental Quality had phoned him with some questions before the closure of his report on a fuel spill at the Jerome Airport. He said he had moved the empty fuel tanks at the Airport and that a power pole would be moved when installing a new beacon.

Tractor Compatibility: Larson said Doug Fisher with Limelight Equipment was still searching for a used tractor that could handle a larger mowing deck than the current tractor at the Airport.

Larson told the Board that his assistant had tendered his two-week employment termination notice and that his last day would be June 9. Larson and the Board discussed how to cover airport duties because Larson had previously planned to be on vacation June 15-22 and July 1-10.

GEORGE OPPEDYK AND TANYA STITT—TRAVEL CREDIT CARD

Present were Sheriff George Oppedyk, Jail Administrator Marisela Ibarra, Emergency Management Director Tanya Stitt, and Clerk/Auditor/Recorder Michelle Emerson.

Travel Credit Card: Tanya Stitt explained that the issuance of a second credit card for the sheriff's office to be used for travel expenses would make the sheriff's current card available for other expenses.

Marisela Ibarra said travel expenses are mainly for out-of-state transports of prisoners.

Sheriff Oppedyk told the Board it is necessary to send two officers for a transport, which can easily cause excess charges on the current card.

❖ A Motion was made by Commissioner Howell to approve a credit card for travel only for the sheriff's department with a limit of \$2,000. It was seconded and carried with unanimous ayes.

Stitt informed the Board of the threat of a riot within the City of Jerome against law enforcement that evening. She told of preparations her and the sheriff's office were making if an emergency response became necessary.

Sheriff Oppedyk followed up from Commissioner Howell's report that morning of additional jail expenses and said that a change order was necessary.

❖ A Motion was made by Commissioner Crozier to approve the expense of \$42,451.00 for the completion of phase III for the jail and \$5,000 of the change order to change the footings. It was seconded and carried with unanimous ayes.

MIKE SEIB—LEGAL COUNSEL

Attorney Mike Seib, Tri-County Noxious Weed Superintendent Terry Ruby, and Clerk/Auditor/Recorder Michelle Emerson were present.

Weed Question: Mike Seib verified with the Board that State statute determines if a resident is compliant with noxious weed laws.

Commissioner Crozier said a resident might have a different perception of compliance.

Terry Ruby said contained weeds are in compliance. He told the Board he had replied to every complaint made by Sergio and Julie Arroyo and found no violations.

➤ The Board determined to write letters to the Arroyos regarding their complaints about noxious weeds.

Yingst Grade Ordinance: Seib had submitted an ordinance prohibiting motorized traffic on Yingst Grade, which had been reviewed by the chairman of the Snake River Canyons Park Managing Board.

❖ A Motion was made by Commissioner Howell to sign Ordinance 2020-5 prohibiting motorized vehicles on Yingst Grade. It was seconded and carried with unanimous ayes.

ORDINANCE NUMBER 2020-5

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AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, PROHIBITING MOTOR VEHICLES ON YINGST GRADE; SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

RECITALS:

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 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 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, Jerome County has lease an area from the United States, Department of the Interior, Bureau of Land Management, for the purpose of developing a recreational park, where activities such as hiking, skiing, hunting, jogging, target shooting, archery, riding bicycles, horses, motorcycles, snowmobiles, ATVs, UTVs, and other motorized vehicles, and other similar recreational activities can occur.

WHEREAS, a park board oversees the recreational park, known as the “Snake River Canyons Park,” to ensure it is developed in such a way so as to ensure its various features are best utilized for the many kinds of recreations intended in the park.

WHEREAS, one such feature within Snake River Canyons Park is Yingst Grade, a derelict roadway, no longer suitable for automobiles, that descends rapidly into the Snake River Canyon south of the City of Jerome.

WHEREAS, in developing Snake River Canyons Park, it has been determined the best utilization of Yingst Grade is as a path for non-motorized travel.

NOW, THEREFORE, BE IT ORDAINED BY THE JEROME COUNTY BOARD OF COMMISSIONERS as follows:

- I. Recitals. The above recitals are hereby incorporated into this ordinance.
- II. Authority. This ordinance is enacted pursuant to Idaho Code Section 31-714.
- III. Title. This ordinance shall be known as Ordinance No. 2020-5. Exhibit “A,” which is attached hereto and incorporated into this Ordinance as if fully stated herein, shall be known as the “Prohibition of Motorized Vehicles on Yingst Grade.”
- IV. Purpose. To promote the public safety, health, welfare, convenience, and enjoyment of Snake River Canyons Park, and to preserve and enhance the recreational experiences of all who utilize the park.
- V. Adoption. This ordinance is adopted as written and shown in Attachment “A,” which is attached hereto and incorporated herein by this reference.
- VI. Repeal. Any other existing Jerome County Ordinance, resolution or portion thereof that conflicts with the provisions of this ordinance is hereby declared to be repealed or superseded to the extent of such conflict.
- VII. Severability. The various parts of this ordinance and those of its attachment are severable. The invalidity of a certain part shall not affect the validity of the remaining parts.

VIII. Implementation. 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.

IX. Effective Date. This ordinance shall be effective upon its approval, passage, and publication in a newspaper in circulation in Jerome County.

Approved and adopted as an ordinance of Jerome County by the Board of Jerome County Commissioners on the 26th day of May 2020.

JEROME COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

/s/ Michelle Emerson
Michelle Emerson, Jerome County Clerk

(S E A L)

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

A. Ben Crouch
A. Ben Crouch, Vice Chairman

/s/ John Crozier
John Crozier, Commissioner

ATTACHMENT "A"
MOTORIZED VEHICLES ON YINGST GRADE PROHIBITED

Part 1
DEFINITIONS

Section 1.1 Definitions

For purposes of this ordinance, the following terms shall have the following meanings:

"Motor Vehicle" means a mechanical vehicle, usually wheeled, which is self-propelled and capable of transporting one or more persons.

"Yingst Grade" means the slope or gradient of Yingst Road as it proceeds into the Snake River Canyon, becoming Auger Falls Road, and the entirety of the path or paths of Yingst/Auger Falls Road in the Snake River Canyon to the point or points it reaches the northern edge of the Snake River.

Part 2
MOTOR VEHICLES – PROHIBITED

Section 2.1 Motor vehicles on Yingst Grade prohibited

No person shall operate a motor vehicle, or cause a motor vehicle to be operated, on any portion of Yingst Grade. This Section shall not apply to law enforcement officers or other emergency personnel acting in an emergency situation or when necessary for a law enforcement officer to discharge an official duty.

Part 3
PENALTY

Section 3.1 Penalty

Any person found guilty or who pleads guilty of a violation of the provisions of this ordinance is punishable by imprisonment in the county jail not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1000), or by both.

READ AND APPROVE MINUTES

❖ A Motion was made by Commissioner Crouch to approve the minutes of May 7 as read. It was seconded and carried with unanimous ayes.

INDIGENT MATTERS

❖ A Motion was made by Commissioner Crouch to follow staff recommendations for indigent matters. It was seconded and carried with unanimous ayes. Approved were Case Nos. 1819-107; M020-003; and 1920-032. Denied were Case Nos. 1920-053; 1920-052; and 1920-046.

Meeting adjourned at 4:25 P.M.

Respectively submitted:

Jane White, Deputy Clerk

Charles M. Howell, Chairman

A. Ben Crouch, Vice Chairman

John Crozier, Commissioner