

**JEROME COUNTY COMMISSIONERS**

Monday, June 4, 2018

PRESENT: Charles Howell, Chairman  
Roger Morley, Commissioner  
Jane White, Deputy Clerk

Commissioner Roemer was expected to be present at 10:30 A.M.

Commissioner Howell had been detained.

Meeting convened at 9:37 A.M.

**COMMISSIONER REPORTS**

John Crozier was present.

Commissioner Morley reported from a Southern Idaho Regional Solid Waste District meeting; he said the methane power plant grand opening would be June 27. He had also attended a District IV Elected Officials meeting where current issues were discussed and good-byes were said, including one to Representative Maxine Bell retiring after 30 years of service. The Commissioner said the Jerome Airport fueling system was down and that the manager would advise when it was working again.

Commissioner Howell said he had had some inquiries for the Airports manager position that would be open on June 16. He had participated in a selection board for a new director on the City of Jerome Urban Renewal Board.

**SIGN AMBULANCE SERVICES AGREEMENT**

John Crozier was present.

The Board was in receipt of an amendment to an agreement for ambulances services that its legal counsel had presented on May 29.

❖ A Motion was made by Commissioner Howell to sign the First Amendment to the Ambulance Service Agreement. It was seconded and carried with unanimous ayes.

**BUSINESS AND/OR ADMINISTRATIVE MATTERS**

John Crozier was present.

Commissioner Howell signed a Permit for the Sale of Safe and Sane Fireworks to Lynn Wilding, Twin Falls, to be used at Field Butte Drive, Lot 15, Jerome.

The Board signed leave requests for Brent Culbertson, Cody Cantrell, and Deserae Jones.

The Board signed a Direct Deposit Detail for \$107,514.03 and a Payroll Claims Approval By Fund for \$286,855.10, both dated May 31, 2018, for the June 1 payday.

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The Board signed Retail Alcoholic Beverage Licenses to the following: Summer Howard dba Eden Country Store, Eden; Warren Resort Hotels of Jerome dba Sawtooth Inn, Jerome; Stinker Stores, Inc., dba Stinker Store #87, Jerome; Stinker Stores, Inc., dba Stinker Store #62, Jerome; Sylvia Garcia dba La Morena Enterprise, Jerome; Larry Tucker dba Honker's Mini Mart, Jerome; Emilio Silva dba El Parralito Salon, Jerome; and Jose Luis Anaya Martinez dba La Costa Colima, Jerome.

### **KEN ROBINETTE—COMMUNITY ACTION BUDGET REQUEST**

Clerk/Auditor/Recorder Michelle Emerson was present. Also present were Ken Robinette, executive director of the South Central Community Action Partnership, and John Crozier.

Robinette presented statistics of services provided by the Community Action agency for all eight counties served as well as statistics just for Jerome County; they included numbers for Family Stability Services, Weatherization/Energy Conservation, and Energy Assistance. He asked that the County continue to contribute \$2,000 a year to the agency.

Robinette told the Board of the use of a mobile office to serve counties other than Twin Falls and said he believed it was helping to provide services in outlying areas. He expanded on services offered to veterans in response to a question asked by Commissioner Howell.

10:30 A.M. – Commissioner Roemer was present.

### **PUBLIC HEARING—WHITE CLOVER LCO OPERATION EXPANSION AND VARIANCE (recorded)**

Present were Planning and Zoning Administrator Art Brown, P&Z Assistant Administrator Nancy Marshall, and Attorney Mike Seib. Also present were Matt Thompson, David Mezes, Arlen Morgan, Donald Thibault, J. M. Roth, Brian Parks, Todd Pratt, Evan Roth, Rick Naerebout, and Rod Thomas as well as John Crozier.

The deputy clerk swore in those who were to testify.

#### **APPLICANT**

Thompson, as consulting engineer for the White Clover Dairy, gave its history and explained its application for an increase in animal units and a variance. He said the Planning and Zoning Commission had recommended approval of the application with 12 conditions and told how they had been or would be met.

Commissioner Morley confirmed with Thompson that the dairy was presently operating at capacity for its permitted animal units. He also questioned about allowing a variance for an existing lagoon to remain 27 feet from a property line.

Thompson showed on an overhead map that the distance of the nearest well was far from the lagoon.

Commissioner Howell also asked about the variance. Thompson said the nearest neighbor to the lagoon had written a letter of support for it.

Commissioner Roemer said a County resident had written a letter expressing concern that lagoons tend to leak and asked Thompson to detail how the lagoon had been constructed. He did so and said that the Idaho State Department of Agriculture had inspected it.

#### STAFF

Brown said the application met all the requirements of Chapter 13 of the Jerome County Zoning Ordinance. He explained the difference between a runoff pond and a lagoon, which is regulated by the County. He said an operation has to meet all the conditions of the most recent County zoning laws if it is allowed to expand.

Brown stated his written staff report addressed a complaint letter written by a County resident; he said his office was not required to notify the resident of the application because she lived more than a mile from the dairy property.

Seib verified that a resident could read his letter into the record as part of his testimony even though it could not be an exhibit because it he had submitted it less than seven days before the hearing.

#### IN SUPPORT

Arlen Morgan testified in favor of the variance because he said the dairy's runoff ponds and lagoons had proved their integrity when they had held water during the winter before the last.

Thibault stated he was in total support of both the variance and the expansion because he had never seen one of the dairy's ponds run over and that dairies need to be profitable.

Roth, as attorney for the White Clover Dairy, reviewed meeting the conditions recommended by the Planning and Zoning Commission and asked that the Commissioners approve the application as recommended by the P&Z Commission.

The Commissioners accepted Exhibits CC21 through CC42.

#### NEUTRAL

No one offered testimony as neutral to the application in question.

#### IN OPPOSITION

There was no testimony in opposition to the application.

#### REBUTTAL

Thompson said he had no rebuttal but would answer additional questions from the Commissioners.

Commissioner Howell closed the evidentiary part of the hearing, and the Commissioners entered into discussion of whether to approve the expansion and variance.

Commissioner Howell stated he had reviewed the conditions for approval, had been assured that the lagoon was not leaking, and was in favor of approving both the expansion and the variance.

Commissioner Morley believed the risk assessment was low for the degradation of drinking water, imposition on the neighbors, or runoff, so he was also in favor of approving the requests from the dairy.

Commissioner Roemer also favored approving the application because of hearing very thorough explanations.

- Final approval was set when signing a Memorandum Decision.

### **GARTH BAKER—AIRPORT MATTERS**

Airports Manager Garth Baker and Clerk/Auditor/Recorder Michelle Emerson were present. Also present were Rod Thomas from Thomas Helicopters and John Cozier.

**Use of Load Site:** Baker stated the Jerome Airport had a vacant ag pit that Thomas Helicopters would like to lease.

Thomas expressed that his concern was being liable for pre-existing conditions of the pit. He said he was willing to follow secondary containment rules but needed to know how to do so.

- Following discussion, the Board determined that Thomas would have his attorney consult the County attorney in preparing a contract and that the County would proceed with testing the soil and structure of the pit.

**Selection Committee Update:** Baker said he would set a date for the consultant selection committee to meet the next week.

Baker added that after his resignation effective June 15, it would be important for someone to take care of the paperwork and fuel sales, especially at the current time of the year. He said he would be available for consultation if necessary.

Meeting recessed at 12:07 P.M.

Meeting reconvened at 1:21 P.M.

### **DESERAE JONES—EXECUTIVE SESSION**

Misdemeanor Probation Administrator Deserae Jones was present.

❖ 1:22 P.M. - A Motion was made by Commissioner Howell to go into executive session per Idaho Code Section 74(206)(1)(a), hiring an employee. It was seconded and carried with a unanimous roll call vote.

1:45 P.M. - Return to open session.

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### **GEORGE OPPEDYK AND MARISELA IBARRA—MEDICAL CONTRACT**

Present were Jail Administrator Marisela Ibarra and Sheriff George Oppedyk. Also present was Eric Wells with Sawtooth Correctional Medicine. Other employees present were Deputy Sheriff Chad Kingsland, Emergency Management Coordinator Tanya Stitt, and Social Services Director Kim Drury. Also present was John Crozier.

Ibarra introduced Eric Wells to explain his proposal for a contract to service jail inmate medical needs. He explained the differences between his proposed contract and the County's current contract with Badger Medical.

Maintenance Supervisor Brent Culbertson and Clerk/Auditor/Recorder Michelle Emerson were present.

Commissioner Morley verified with Wells that the County would save more than \$27,000 under his contract. Ibarra said Badger Medical had offered renewal of its contract with no changes except a one percent increase.

Sheriff Oppedyk said he was supportive of what a contract with Sawtooth Correctional Medicine would bring to the County.

➤ The Board determined to consider which contract to sign during its budget considerations for FY 2018-19.

### **CHAD KINGSLAND—CONSTRUCTION PROJECTS**

Deputy Sheriff Chad Kingsland, Maintenance Supervisor Brent Culbertson, and Clerk/Auditor/Recorder Michelle Emerson were present. Other employees present were Sheriff George Oppedyk and Emergency Management Coordinator Tanya Stitt. Also present was John Crozier.

**Maintenance Shop Decision:** Culbertson told the Board that estimates for upgrading a building at the Jerome Airport for a maintenance shop would be \$16,120; adding new siding would bring the total to \$34,405. He said enlarging a building at the jail complex to include a maintenance shop would be \$24,500.

The Board discussed the options presented.

❖ A Motion was made by Commissioner Howell to add a maintenance addition to the sheriff's evidence building, not to exceed \$24,500, followed by discussion of thanking Brent for researching the options, and carried with unanimous ayes.

**Annex Building Remodeling:** Emerson reported she would bring architectural plans to the Board for final remodeling of the Judicial Annex Building. She said the next step after approval would be letting the project out to bid. She added it might be necessary to spread the cost over two budget years.

### **TANYA STITT—TOWER SITE, AMATEUR RADIO**

Present were Tanya Stitt and Sheriff George Oppedyk. Other employees present were Deputy Sheriff Chad Kingsland, Jail Administrator Marisela Ibarra, and Clerk/Auditor/Recorder Michelle Emerson. Also present was John Crozier.

Stitt asked the Commissioners to cancel the Memorandum of Understanding (MOU) with the amateur radio operators (RACES/ARES) that was signed on November 6, 2017, to support local government officials during certain emergency conditions. She informed the Board technicians were determining whether the new tower was useable for emergency communications equipment; in the meantime, her relationship with the RACES/ARES organization was becoming intense.

Sheriff Oppedyk supported Stitt's request, saying there was a need for ham radio operators but that RACES/ARES representatives were standoffish and confrontational. He added that the County needed to determine whether the tower was workable for Jerome County before dealing with the ham radio operators.

Commissioner Howell said the Board needed written verification that the tower is salvageable.

Commissioner Roemer said she would like an attempt to repair the relationship with the ham radio operators and was not in favor of terminating the MOU at the current time.

### **TEVIAN EKREN-KOBER—TREASURER MATTERS**

The Board rescheduled the treasurer for June 11.

### **JUSTIN McMILLAN—AIRPORT DUTIES**

Airport Maintenance Employee Justin McMillan was present.

Commissioner Howell asked McMillan if he could assume manager duties for the Airports until the Board could hire a new manager. He said he was willing and would be submitting an application for the manager position.

The Board questioned McMillan about needing extra help and about the duties he would need to assume and the equipment available.

➤ It was determined to speak with McMillan again on June 11 for an update on his assuming the duties of manager.

### **MIKE SEIB—LEGAL COUNSEL**

Attorney Mike Seib was present.

**Litigation:** Seib advised the Board on records requested by the American Civil Liberties Union (ACLU) in a subpoena to Jerome County.

**Cemetery Office Rental:** Seib advised that a motion made on December 26, 2017, to extend the office space lease with the Jerome Cemetery Maintenance District was contrary to the language

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in the current contract that stated the parties would review the District's ability to function independently after the first year of the contract.

The Board discussed whether to continue the current contract as written. Commissioner Roemer said she would like to discuss the cemetery district's finances with a representative from the District before making a decision about the lease.

A Motion was made by Commissioner Howell to offer the cemetery district a new contract to expire December 30, 2018, for \$1, to be reviewed with financials at that time. It was seconded, followed by discussion about a suggestion from the County clerk, and did not carry with Commissioners Howell and Roemer voting nay and Commissioner Morley voting aye.

❖ A Motion was made by Commissioner Howell to offer the cemetery district a new contract to expire September 30, 2018, to be reviewed with financials from the cemetery district. It was seconded and carried with unanimous ayes.

➤ Signing a new contract was added to the June 11 agenda. The cemetery district secretary was later scheduled to meet with the Board on June 18 with financial information about the District.

**READ AND APPROVE MINUTES**

❖ A Motion was made by Commissioner Morley to approve the May 29 minutes as written. It was seconded and carried with unanimous ayes.

**INDIGENT MATTERS**

❖ A Motion was made by Commissioner Morley to approve indigent matters as presented. It was seconded and carried with unanimous ayes. Denied were Case Nos. 1718-058 and 1718-059; dismissed was Case No. 1718-014.

Meeting adjourned at 3:53 P.M.

Respectively submitted:

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Charles M. Howell, Chairman

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Jane White, Deputy Clerk

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Catherine M. Roemer, Commissioner

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Roger M. Morley, Commissioner