

## **JEROME COUNTY COMMISSIONERS**

Monday, August 8, 2022

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

Meeting convened at 9 A.M.

### **COMMISSIONER REPORTS**

Commissioner Crozier reported from his participation on the Magistrate Commission, which had interviewed six applicants for the Lincoln County magistrate judge position and had chosen Brendon Ash, from Gooding.

Commissioner Crozier had approved employee Time Records and had auctioned three tax deed properties to satisfy delinquent tax bills. He had also joined the Fair Board at Vickers Saddlery in Twin Falls for an introduction to and explanation of the JAE Foundation, which is a suicide prevention effort that is centered in a young man's love for "cowboy boots."

Commissioner Crozier related that Airports Consultant Kent Atkin of JUB Engineers had discussed updating the Master Plan for the Jerome Airport as well as the extension of the runway at an Airport Advisory Board meeting. Some discussion was also held on how the proposed windfarm for the area would affect instrument landings.

Commissioner Crozier stated he had accompanied Twin Falls County Commissioner Brent Reinke and ladies from a Twin Falls treatment and recovery center on a trip to Boise to visit with Ada County community guardians about that county's program and starting groundwork to establish statewide standards for the guardians program. He said the necessity of advocacy for adults is becoming more needed and that he had committed to be involved in the effort to continue the guardians program.

Commissioner Howell had given a radio interview, apprising of the large number of new businesses in Jerome County. He had also attended a kick-off event for the upcoming Jerome County Fair and Rodeo, which he said was well attended.

Commissioner Howell stated he had spoken with other county commissioners about a proposed wind farm and making statements before an Environmental Impact Statement from the Bureau of Land Management is expected in November.

Commissioner Howell reported from a Southern Idaho Economic Development (SIED) general meeting, where directors had determined to eliminate the executive board and to be governed by a smaller general board of directors. He said the organization is seeking non-profit status and that Mini-Cassia will rejoin. Commissioner Howell said he would chair rewriting the organization's bylaws and that his concern is that the association serves Twin Falls County more than the north side of the Snake River.

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Commissioner Howell had talked with the director of North Canyon Medical Center, who was optimistic about establishing a health facility in the Eden/Hazelton area. He had also participated in several phone calls regarding the County tax exemption for True West Beef.

Commissioner Crouch said he had spent a few hours discussing the True West Beef tax abatement with local officials as well as with George Brown with the Idaho Tax Commission. He had also talked about other County issues with members of the public.

All three Commissioners had attended a dinner presentation by the College of Southern Idaho (CSI) Foundation at Mountain View Barn. Plans for a new CSI facility on North Lincoln in Jerome were presented, with talks by the Foundation president, CSI president, Jerome city manager, and an outstanding CSI ag student.

Linda Montgomery was present as the chairman of and Jerome County representative to the South Central Public Health Board. She asked the Commissioners if they had any input for an upcoming board meeting; they said they would discuss her request.

#### **TEVIAN EKREN-KOBER—SIGN TAX DEEDS**

Chief Deputy Treasurer Nina Lagle was present.

Nina Lagle presented quit claims deeds for tax deed properties auctioned the previous week.

❖ A Motion was made by Commissioner Crouch to sign three quit claim deeds for the tax deed auction held on August 2, 2022. It was seconded and carried with unanimous ayes.

#### **BUSINESS AND/OR ADMINISTRATIVE MATTERS**

Commissioners signed three Catering Permits for the South Hills Bar & Grill, Hansen, to be used August 13, 2022, from 3 P.M.-12 A.M.; August 20, 2022, from 3 P.M.-12 A.M.; and August 27, 2022, from 4:30 P.M.-12:30 A.M., all at The Risk Barn.

The Board signed Employee Wage Change forms to increase the salaries of the following employees: Windy Jay, probation period ended; Chase Garey, promotion to Deputy 1; Kacie Buhler, promotion; and Kacie Buhler, cost of living and merit increases effective October 1, 2022.

The Board signed leave requests for Deserae Jones (2) and Nancy Marshall.

#### **SIGN AND APPROVE CLAIMS**

This matter was continued until August 9.

#### **MIKE HARRISON—JEROME CITY QRU FUNDING**

Present was Chief Deputy Clerk Tracee McKim. Also present were Mike Harrison and Lane Sickles, representing the Jerome City Fire Department; Wayne Stone; Dean Dimond; Eden Dimond; and Linda Montgomery.

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Mike Harrison presented written statistics showing Emergency Medical Services (EMS) dispatch times for the Jerome City Fire Department and miles traveled as well as the cost to run the fire truck, which totaled \$63,732.04 annually. The total of EMS calls had increased from 1,065 in 2018 to 1,386 in 2022.

Commissioner Howell questioned Harrison about the fire district's partnership with St. Luke's Medical Center. He said he did not agree with priority dispatch but that St. Luke's was improving its availability of an ambulance in Jerome County.

#### **DEAN DIMOND—LAVA RIDGE AND POWERLINE DISCUSSION**

Present were Chief Deputy Clerk Tracee McKim and Chief Deputy Treasurer Nina Lagle. Also present were Linda Montgomery and Wayne Stone as well as Dean and Eden Dimond.

Dean Dimond thanked the Board for signing a resolution not supporting an application to the Bureau of Land Management (BLM) for a wind farm on BLM land located primarily in Jerome County. He said he had met with US Senator Mike Crapo, who felt like the project is a local issue even though it would be on federal ground.

Dimond said the construction workers for the project would need to be union workers. He believed that the BLM should put the application on pause until it has its resource management plan updated from 1985. He added that the Idaho Conservation League opposes the Lava Ridge Wind Project.

Dimond also opposed the planned construction of a power line following its approval in the 1990s. He said public hearings are now needed, citing one house to be under a power line and another person who had moved because a power line would affect his pacemaker. He stated that counties have the right to create corridors for power lines.

Nina Lagle was excused.

Commissioner Howell read from the County Comprehensive Plan regarding the regulation of power lines, adding that state and local laws need to be followed, including the issue of Special Use Permits.

Dimond told the Board that the LS Power chief executive officer is from Russia, which would have full access to the power grid. He concluded by saying the wind project would have a large impact on the County highway districts and that an Environmental Impact Study (EIS) is valid for only five years.

➤ Commissioner Howell said he would ask the BLM about its resource management plan, and Commissioner Crouch said he would advocate public hearings regarding the establishment of power lines.

#### **JEFF STEVENS—AMBULANCE BUDGET DISCUSSION**

Present were Clerk/Auditor/Recorder Michelle Emerson and Chief Deputy Clerk Tracee McKim. Also present were Stan Flint and Chris Shandera, both representing Magic Valley Paramedics; and Jeff Stevens, St. Luke's finance director.

St. Luke's representatives met with the Board as a follow-up to an ambulance budget discussion on July 25.

Tracee McKim explained that preliminary figures showed that the County could budget \$600,000 for the paramedics contract in FY 2022-23, which would not be the \$679,140 requested but would represent approximately the amount allowed from taxes, less the exemptions allowed in the contract with St. Luke's.

Jeff Stevens stated there had been an increase in ambulance service requests and exorbitant cost increases as well as partial or no payments for service calls.

Stan Flint said St. Luke's has experienced a need to transport patients out of the Wood River Valley hospital and would be housing a second ambulance in Jerome County so that Twin Falls paramedics would not have to provide back-up for Jerome as often.

➤ It was determined to budget \$600,000 for the paramedics contract, unless there were changes to the budget after a tax exemption discussion for True West Beef that afternoon.

#### **NANCY MARSHALL—PLANNING AND ZONING REPORT**

Planning and Zoning Administrator Nancy Marshall and Deputy Sheriff Rick Scruggs were present.

Nancy Marshall explained three code violation cases that had been sent to the prosecutor's office. She stated two court dates for one case had been continued to allow the defendant to submit an application for a building permit, which her office still has not received. She said Deputy Scruggs would issue a third citation.

Marshall stated a second case involving the installation of three mobile homes without building permits had "fallen through the cracks" but was set for an August 29 court date. She said the defendant in another case had pleaded guilty, but the case was dismissed on a technicality and that the sheriff's office would issue another citation.

Marshall reported her office had spent approximately 15.75 hours in July on code enforcement duties and that it was discouraging when cases are not resolved. She feared that defendants would begin not to take citations seriously.

Marshall said she would be submitting a report to the court of the number of hours she and the sheriff's office spend on preparing each case for prosecution. She added that her office receives about 60 percent compliance when approaching residents with code violations.

Deputy Scruggs reported on a building permit violation east of Eden; he said he had not received an application yet, although a 60-day extension expired on July 10. He gave details on other cases, including an illegal mechanic shop and RV park.

Deputy Scruggs said he would consider a zoning complaint called to 1911 as a written complaint because it will be documented.

Commissioner Crozier said residents erroneously perceive that when they register a complaint with a County Commissioner that the legal process will begin.

Deputy Scruggs was excused.

Marshall expounded on her written department report for July, including finances, building department inspections, mapping activities, and other department endeavors.

Commissioner Howell asked about the definitions of transmitting towers and utility structures in the Jerome County Zoning Ordinance (JCZO). She stated there are definitions for (1) transmission towers without wire, (2) transmission towers with a direct line, and (3) non energy-producing towers. Marshall said a wind farm requires a Special Use Permit.

Regarding legislative activity, Marshall said meetings with the community about creating a Recreation Zone would probably be in October.

Marshall said Larrey Anderson had resigned from the Planning & Zoning Commission after volunteering for 16 years, and she suggested other persons who might be interested in serving on the Commission.

❖ 11:48 A.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.

11:55 A.M. – Return to open session.

❖ A Motion was made by Commissioner Howell to instruct Nancy Marshall to proceed as discussed in executive session. It was seconded and carried with unanimous ayes.

### **OPEN BIDS FOR SNAKE RIVER CANYONS CAMPGROUND**

Present were Sue Williams, Bill Bridges, and Greg Moore, all members of the Snake River Canyons Park Managing Board.

Commissioner Crouch opened the only bid received for creating an RV park within the Snake River Canyons Park. It was from Triple J Excavation, LLC, for \$495,428.

The Commissioners determined that the bid was higher than the grant approved for the work and also that more information was needed to determine if the bid proposal meets the advertised requirements.

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Meeting recessed at 12:05 P.M.  
Meeting reconvened at 1:18 P.M.

### **BRENT CULBERTSON—MAINTENANCE REPORT**

Maintenance Supervisor Brent Culbertson and Clerk/Auditor/Recorder Michelle Emerson were present. Also present was Linda Helms.

Brent Culbertson reported that the electrical and fire systems in the former jail had been dismantled and that he was waiting for a bid to create storage areas for County departments. He said the new windows for the Courthouse had been installed and that he had ordered new windows for the County clerk's office. Painting the trim of two windows was still pending. He said he was also waiting for a bid to resurface the Courthouse parking lot.

Culbertson stated that engineers are determining what remodeling can be done to the ambulance building.

Commissioner Crozier said the area between the Judicial Annex Building and the China Village looked good since Culbertson had ridded it of weeds, as requested by the Board.

➤ It was determined Culbertson would request New Tech to test the County office panic buttons.

### **LINDA HELMS—HISTORICAL SOCIETY ADDITIONAL FUNDING**

Clerk/Auditor/Recorder Michelle Emerson and Chief Deputy Clerk Tracee McKim were present. Also present was Linda Helms, as the curator of the Jerome County Historical Museum.

Linda Helms expressed that the Historical Society was grateful of annual support from the County and was careful in expending its funds.

Helms said the buildings at the Idaho Farm and Ranch Museum (I-Farm) were weather-beaten and needed painting in the current summer. She said it would be difficult to find volunteers to do the painting and dangerous for them to be on high scaffolding. She then presented a bid from Aim High Painting to paint the Canyonside Building, Lickley Barn/Grain House, and the Carriage House, totaling \$16,248.23.

Helms requested a County donation of \$7,000, noting that \$9,000 received in donations from other parties would cover the balance for the painting.

The Board discussed with the clerks where the current budget would allow a donation.

❖ A Motion was made by Commissioner Crozier to designate \$7,250 from Discretionary Miscellaneous Funding in the General Current Expense Fund to the Historical Society for painting three buildings at the Idaho Farm and Ranch Museum. It was seconded and carried with unanimous ayes.

## **TIM LARSON—AIRPORTS REPORT**

Airports Manager Tim Larson was present. Also present was Kent Atkin, JUB Engineers airports consultant.

**Master Plan:** Kent Atkin presented on an easel a Preferred Alternative Configuration for an updated Master Plan for the Jerome Airport. He said the proposed plan was the result of both advisory and public meetings. Atkin explained that the Master Plan is a vision of the Airport for the next 20 years, including a runway extension, additional aircraft parking, and improvements around the terminal. He said the Plan would be submitted to the Federal Aviation Administration (FAA) by the end of the year, after which there would be a review period.

Atkin said representatives could talk with the FAA in Helena October 17-19.

Atkin told the Board there are two grant programs for the Jerome Airport, the Airport Improvement Program (AIP) and the Bipartisan Infrastructure Law (BIL), both requiring a five to ten percent match from the County. He said the Capital Improvement Program (CIP) for the Hazelton Airport uses State funding, which requires a 50 percent local match.

**Sign Close-out documents for the Hazelton Airport Pavement Overlay:** Atkin presented for signature a final Contractor's Application for Payment, a final Closeout Certification, a final Request for Reimbursement, and a Final Invoice from JUB Engineers, all upon the completion of the Hazelton Airport runway project.

**Remaining Grant Funds:** Atkin said the Hazelton project ended \$80,000 under the budgeted amount and suggested that the Board send a letter to the Idaho Transportation Department requesting to shift the remaining grant funds to a proposed taxiway project for the Hazelton Airport.

❖ A Motion was made by Commissioner Crouch to pay Western Construction, Inc., and JUB Engineers as final payouts for work done on the Hazelton Airport runway. It was seconded and carried with unanimous ayes.

**Report:** Tim Larson gave the Board charts showing cumulative fuel sales, purchases, and net fuel purchases/sales for January through July of 2022. He also told the current fuel prices and said prices per load had increased.

## **CURTIS BENNETT—EMINENT TECHNICAL SOLUTIONS OPTIONS**

Present were Chief Deputy Clerk Tracee McKim and System Administrator Cody Westover. Also present were Curtis Bennett and Jacob Johnson, Eminent Technical Solutions CEO and founder, respectively.

Curtis Bennett said Eminent Technical Solutions (ETS) committed to a 91-page comprehensive technology report to give to the Commissioners.

3:47 P.M. – Commissioner Howell was excused.

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Jacob Johnson stated the ETS assessment lays groundwork for the County to expand its broadband offerings. He recommended hiring Rocky Mountain Telecom to produce plans that would meet USDA and federal standards, saying it could provide an area coverage design. Johnson suggested working together with adjacent counties to create a larger project for which to apply for a grant. He said hiring Rocky Mountain would be a reimbursable expense when receiving grants.

Johnson asked how important broadband is to Jerome County. The Commissioners believed improved broadband services are important, especially for educational purposes

### **MARISELA AGUIRRE AND LCA ARCHITECTS—JAIL EXPANSION**

Jail Administrator Marisela Aguirre, Sheriff George Oppedyk, and Chief Deputy Clerk Tracee McKim were present. Also present were Ben Bernier and Mark Heazle, both representing Lombard Conrad Architects (LCA).

Mark Heazle advised on what needed to be changed in the initial pod design for the County jail in order to begin discussions with the contractor for a third pod if the County wanted LCA Architects to have oversight during construction and continue with monthly meetings involving one of the Commissioners.

Marisela Aguirre explained to Heazle and Ben Bernier what she would like in the third pod.

Sheriff Oppedyk confirmed with Heazle that a realistic timeline for completion of the pod would be six or seven months. He said he was satisfied with rehiring Starr Corporation to complete the pod.

➤ The Board said it would speak with its legal counsel that day about beginning the construction process.

### **KIM DRURY—DISCUSS INDIGENT NON-MEDICAL PROCEDURES AND ALLOWANCES**

Social Services Director Kim Drury and Clerk/Auditor/Recorder Michelle Emerson were present.

Kim Drury expressed the need for resolutions to update monthly cost allowances when determining whether an applicant is eligible for non-medical indigent payments. She said two County resolutions adopted in 2013 were no longer valid regarding policies and procedures for indigent persons and indigent deceased following the State Legislature eliminating the portions of Title 31 of State Code referring to medical services for indigent persons.

Drury stated the County would simplify its application for social services following the new State law.

**Policies and Procedures for the Indigent Citizenry:** The Board determined to continue to use United States Department of Agriculture guidelines for food expenses in the Thrifty Food Plan.

Other monthly allowances determined were: **Rent**, not to exceed \$1100; **Mortgage**, actual amount; **Utilities**, average bill amount; **Phone**, up to \$50; **Auto**, up to \$400; **Personal Gasoline**, up to \$150; **Auto Maintenance**, up to \$50 or \$100 depending on vehicle age; **Non-Food**, \$60 per person; **Child Support**, documentation of regular monthly payment; **Student Loan**, documentation of regular monthly payment; **Credit Card and/or Loan**, a maximum of two cards; **Medical Insurance**, employer cost or amount for major medical policy; **Life Insurance**, upon verification of one premium; **Previous Medical Debts**, documentation of regular monthly payment; **Cable**, not allowed; **Internet**, up to \$30 if for education or self-employment; **Personal/Pay Day Loans**, documentation of up to two loans used for medical bills; and **Unverified Utilities**, \$50 per utility. It was determined the County would not allow for medication expenses.

**Policies and Procedures for the Indigent Deceased:** The Board determined not to exceed \$1,000 for the disposition of one person's remains.

Drury informed the Board a decision was necessary for an indigent appeal held on July 18. She said the State CAT Board had changed its mind and would pay the life flight expense beyond \$11,000 if the denial were reversed.

➤ The Board's memorandum decision was scheduled during consultation with its legal counsel that day.

3:53 P.M. – Commissioner Howell was present.

### **63-602NN TAX EXEMPTION FOR TRUE WEST BEEF**

Present were Clerk/Auditor/Recorder Michelle Emerson, Chief Deputy Clerk Tracee McKim, Sheriff George Oppedyk, Assessor Mark Swenson, and Deputy Sheriff Chad Kingsland. Also present were Mike Williams, City of Jerome administrator; and Dave Davis, Jerome City mayor.

Present by Zoom were George Brown and Alan Dornfest, Idaho Tax Commission; and Robert Rios, regional consulting appraiser.

Commissioner Crouch reviewed the tax exemption for True West Beef according to State Code 63-602NN granted by the Commissioners on July 21, 2020. It approved a property tax exemption to True West Beef at 90 percent for the first year, 80 for the second, 70 for the third, 60 for the fourth, and 50 for the fifth year.

Commissioner Crouch stated True West Beef had requested that the tax exemption begin in 2023 when construction of the facility was complete but that \$85 million had already been put on the new construction tax roll with no exemption and could not be removed.

George Brown said the \$85 million would not be available for the exemption, but he said the tax exemption could be spread over the next five years with another five-year plan. He added that another alternative would be to reopen the Board of Equalization to take the \$85 million off the tax roll.

Attorney Mike Seib was present.

Michelle Emerson said taking the True West Beef new construction off the tax roll would affect the County budget and the taxing district budgets.

Commissioner Howell favored leaving the valuation as it is, and Brown stated the County would want to make sure the company receives the tax break it was promised. Commissioner Crouch said the Board would discuss the tax exemption but he did not favor reopening the Board of Equalization.

The Commissioners discussed how they could make True West Beef whole, and the matter was put on their August 15 agenda to talk with True West Beef representatives.

**MIKE SEIB—LEGAL COUNSEL**

Attorney Mike Seib, Planning and Zoning Administrator Nancy Marshall, Sheriff George Oppedyk, Sheriff Deputies Sheriff Rick Scruggs and Chad Kingsland, and Building Officials Rick Kirsch and Sharde McMillan were present.

**Half-way House:** Deputy Kingsland informed of the sheriff department's investigation of a half-way house recently established in Jerome County. He said a physical inspection of the house revealed 25 residents, more than the eight allowed for a single family dwelling. He also said he had alerted the State fire marshal of unsafe conditions in the house.

Deputy Kingsland said the residents were receiving treatment and pay \$400 a month, supplemented by Medicaid.

Nancy Marshall said there are multiple building code violations but asked that communication about the establishment be between attorneys.

Mike Seib advised that the Planning and Zoning Office should serve the building code violations. He said the home is violating living as a single family unit.

Marshall stated she had sent a letter to the home, which had responded that it housed no more than eight residents. She said if the home is a rehabilitation facility, then it is a business.

Rick Kirsch stated a change of occupancy requires contacting the P&Z Office for a building permit within ten days or be subject to a zoning violation.

➤ It was determined that Deputy Kingsland would ask the State fire marshal to perform an inspection of the dwelling, and Nancy Marshall would serve building violations.

Seib said if the home's attorney contacts the P&Z Office that Marshall could refer him or her to his office.

All were excused except Seib.

**Discuss Indigent Appeal for Case No. 2122-008:** The Board determined to uphold the denial of Indigent Case No. 2122-008, following an appeal hearing from St. Luke's on July 18. Signing a memorandum decision was continued until August 9.

**Resolution for Mileage Reimbursement Change in Employee Manual:** Seib stated that the Appendix of the Employee/Supervisor Manual could be changed to reflect the Board's motion to increase employee mileage reimbursement to \$.625 per mile, effective July 25, 2022.

**Jail Expansion:** The Board asked Seib whether it needed to seek bids again to construct a third jail pod. Seib said seeking new bids would not be necessary if the former bid was to complete the jail expansion. The minutes of September 30, 2019, indicated that the proposed fees from the bidder (Lombard Conrad Architects) included the design of two extra pods rather than just the one pod planned for construction in 2020.

**P&Z Court Referral:** The Board asked Seib about a zoning violation that was dismissed on a technicality. Seib counseled to cite the defendant again.

**Windmills and Power Lines:** Seib advised of a court case about private entities on private property.

**Snake River Canyons Park RV Park Bid:** Seib told the Board if bids were more than expected that the County need not accept them. He said it would be necessary to advertise for a new bid.

#### **READ AND APPROVE MINUTES**

❖ A Motion was made by Commissioner Crozier to approve the Board of Equalization minutes of July 14 as read; the minutes of July 18 as corrected; and the minutes of July 25 as read. It was seconded and carried with unanimous ayes.

The fourth paragraph on Page 8 of the July 18 minutes was corrected as follows: The Board considered funding for new grandstands at the Fairgrounds or the purchase of the National Guard armory property on the Fairgrounds when it becomes available. *Commissioner Crozier asked if the County had the first right of refusal and said the County should not let another entity buy it.* He expressed a liability concern about the condition of the current grandstands and said the County needed to deal with both issues.

#### **INDIGENT MATTERS**

❖ A Motion was made by Commissioner Crouch to approve indigent matters as recommended by staff. It was seconded and carried with unanimous ayes. Commissioners signed liens and the continuance of a hearing.

Meeting adjourned at 5:30 P.M.

Respectively submitted:

BOARD OF COMMISSIONERS

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Jane White, Deputy Clerk

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A. Ben Crouch, Chairman

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John Crozier, Commissioner

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Charles M. Howell, Commissioner