

## FREMONT COUNTY COMMISSIONERS MEETING MINUTES

July 06, 2009

Present for the meeting were Commissioners Paul Romrell, Skip Hurt, and Lee Miller.

Also attended by: Clerk Abbie Mace, Deputy Clerk Jody Flores, Prosecuting Attorney Joette Lookabaugh, Assessor Kathy Thompson, Sewer Supervisor Dan Lostutter, Sheriff Len Humphries, Juvenile Probation Director Darin Burrell, Weed Supervisor Bryce Fowler, County Extension Agent Lance Ellis, Planning & Building Administrator Kurt Hibbert, IT Administrator Lisa Turner, Treasurer Patricia McCoy, Public Works Director Marla Vik, Chief Deputy Treasurer J'lene Cherry

Commissioner Romrell opened the meeting and welcomed those in attendance.

Darin Burrell offered the opening prayer.  
Sheriff Len Humphries led the Pledge of Allegiance.

### **Elected Officials & Department Heads**

Assessor Kathy Thompson: They have spoken to 522 people regarding property assessment value protests -only 37 are coming to BOE. She presented a map regarding the current status of our agriculture values so that the commissioners know where they are.

Sheriff Len Humphries: They had a busy weekend – no serious injuries. There are 20 inmates in county custody with three offsite. Those working the safety grant made quite a few traffic stops – strong presence this weekend. The state Search & Recue will be holding event in the Mill Creek Campground this weekend.

Planning & Building Administrator Kurt Hibbert: Met with all of the gravel design companies in the area. There was some strong support for some definite rules regarding this issue. A handout was given outlining what they have so far. They will begin the permit process implementation program this week. Discussion was held regarding the progress of the Development Code.

Juvenile Probation Director Darin Burrell: Due to the warmer weather, the numbers are beginning to rise. They have hired a new tracker. As of two weeks ago, the PREA (Prison Rape Elimination Act) criteria will now include probation agencies. There are still a few modifications that are being made. This is going to be very burdensome to their department.

Sewer Supervisor Dan Lostutter: Mr. Lostutter provided a brief update. They took in a million gallons of waste last month – this is the highest that he has seen. Foundation to the new building was put in last week.

County Extension Agent Lance Ellis: They had a great 4H camp last week. They were down in attendance numbers from last year. There have been a few grasshopper problems. There will be a beef and cereals school within the next month.

Weed Supervisor Bruce Fowler: The state is going to begin checking boats for milfoil. This is only on the big holiday weekends. They have had good support for their boat washing project. Discussion was held regarding the evasive species boat sticker. Emmy Hill will be leaving in two weeks. July 28<sup>th</sup> they will be having a Henry's Lake Evasive Species Education Seminars – it will be a week long event.

IT Administrator Lisa Turner: They are beginning to move the cell phone accounts from Alltel to Verizon.

Clerk Abbie Mace: She has been working on the budget this past month. Robyn Singleton brought in a Fremont County history book last week and wondered if the Commissioners would be interested in selling the book in conjunction with the centennial celebration. These will be sold in the Clerks office. A letter was received from the school district confirming that they wanted to participate with the fueling station at the studmill.

Prosecuting Attorney Joette Lookabaugh: There was a two hour meeting with Marla Vik and Dan Lostutter regarding the sewer ordinance. They should have a revision within a week. She has implemented a call log for her office for each call that comes into her office so that everyone is reviewed by her. The new victim witness coordinator has been doing an outstanding job. She met with Sheriff Humphries and the city police chiefs in regards to the dog ordinance.

Commissioner Skip Hurt: Update was given on the water abatement around the courthouse. The modifications to the basement entrance of the prosecutor's office should be completed sometime this week. The roof is on the R&B shop at the studmill - the weed shop has the siding. Bids will open this afternoon on the Ashton R&B shop.

Commissioner Lee Miller: He met with Sheriff and ITD on the road crossings in Island Park. They will stay with what the state says for signage. He and Commissioner Hurt also met with a gentleman regarding a possible cell phone tower in the Chester Area. There were a couple of different sites that they would like. A brief update was also give on the Parks & Recreation Department - they will be letting down more water from the Ashton Reservoir.

Commissioner Paul Romrell: Overview was given regarding the Five County Detention meeting. It remains a serious issue – there are currently four federal kids and two state kids. They now have the Federal Marshall contract – this is a staging placement. They have been discussing the hiring of the directors position – the counties would be required to nearly double their contribution. The Director's position will be advertised with marketing skills as a necessary skill. He attended a BLM meeting regarding the closure area around the Sand Hills. This closure area impacts many private land owners. F&G would like to keep it as it is. Personal property rights are important as well as herd populations. Some modifications would need to be made to add some verbage to the current county ordinance – discussion was held. Discussion was held regarding employee benefits. He reviewed the State rates for medical coverage. Commissioner Romrell asked for input on this matter. Some felt that they would rather keep the current benefits package with no wage increase. They also felt that disability insurance was not necessary.

Public Works Director Marla Vik: Discussion was held regarding the parking lots on the west and east side of the courthouse. The plan was to use the millings that ITD would produce from Bridge Street and then to cover with a seal coat. She found out that ITD will not be working on Bridge until the end of the summer. She has called HK Contractors for a quote on hotmix – they have not got back to her. They will at least put on gravel to look good by the 24<sup>th</sup> of July celebration. Because of paperwork, the Teton Highway Sealcoat project has been delayed and will most likely not happen this year.

Treasurer Patricia McCoy: There was \$516.06 in tax cancellations for the month of June. They have collected \$3,110,037 in taxes including circuit breakers. They still have 8.7% of 2008 to collect. An update was given on the responsibilities of the public administrator for Terry Cahoons estate. There is an approximate value of \$100. Discussion was held regarding a policy and procedure for credit cards. Something is needed to protect the employee and the consumer. Attorney Lookabaugh will have Carol Jensen draft an appendage to the current policy. Discussion was held regarding payroll. Commissioners would like the auditor to come back and give us an idea of what exactly needed to be done.

### **Treasurer Patricia McCoy (RE: Tax Deeding Properties)**

We had nineteen properties this morning – they now have sixteen - three have been collected. She will not tax deed the properties until the July 24<sup>th</sup>. Discussion was held regarding title searches and the money that we spend. The Commissioners felt that this should be done “in-house”.

Commissioner Romrell made a motion to accept the presented parcels from the Treasurers office and authorize them to proceed with the tax deed process. Commissioner Hurt seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

Commissioner Miller made a motion that title searches will now be done in-house for tax deeding purposes. Commissioner Romrell seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

### **Social Services Debbie Adams (Claims – Executive Session IC 67-2345 (d))**

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (d) to consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code at 1:00 p.m. Commissioner Miller seconded the motion. A roll call vote was taken with Commissioner Romrell voting “I”, Commissioner Hurt voting “I”, and Commissioner Miller voting “I”. Commissioner Romrell declared the meeting at 1:18 p.m.

Commissioners signed one new lien and one partial release of lien.

Commissioner Miller made a motion to approve case #M2009-13 and deny cases #M2009-30 and #M2009-33. Commissioner Hurt seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

### **Delmont Blanchard (RE: Chester Main Street & West Street Abandonment)**

Mr. Blanchard presented a map outlining the changes. This map has been made previously of record. They would like to see this move to the public hearing process.

### **Search & Rescue Director Brett Mackert (RE: Road & Bridge Building Purchase)**

Mr. Mackert did not appear before the Board of Commissioners. Sheriff Humphries presented a letter. Discussion was held regarding utility costs.

### **Bid Opening for Road & Bridge Shop in Ashton**

The following bids were submitted and reviewed for the Road & Bridge Shop in Ashton:

1. Abegglen Construction Inc. - \$174,475
2. Bloom Construction - \$193,068
3. Larry Chapple Co. - \$177,926
4. Harper Construction Inc. - \$163,895
5. Harold L. Harris Construction Inc. - \$189,074
6. Doug James Construction Inc. - \$171,364
7. Ovard Construction LLC - \$165,505
8. SE/Z Construction LLC - \$174,689
9. Shaw Homes & Construction - \$211,874
10. Shook Construction Company Inc. - \$192,767
11. Steel Systems Inc. - \$180,302

A question was raised by a representative of Ovard Construction regarding a requirement for the sub-contractors to have state licensure. Previously, the state director has stated that the county is only responsible for the contractor's licensure. Discussion was also held regarding the necessity of

listing all sub contractors – this requirement was also stated in the bid packet. Harper Construction appears to be the low bidder – Ovard Construction submitted the next low bid with all subcontractors listed.

#### **Lionel Smith (RE: Property Issue)**

Mr. Smith presented a map of the property at issue - this property is county owned and does not meet the public auction criteria as it is an odd lot. Discussion was held. Joette Lookabaugh will look at the exception law and will determine if this lot indeed meets the criteria. The Board is agreeable to deed him this property if he pays the associated costs.

#### **Craig Robb (RE: Macks Inn Subdivision – Hailey Road Issue)**

Mr. Robb submitted pictures of the problem areas of the road. They do not want to widen the road etcetera, but would like to even them out and to fill out the holes. Discussion was held regarding gas tax and the funds that are received for road maintenance. Marla Vik stated that she is concerned that this could turn into everyone with road problems wanting this same consideration. Mr. Robb will check to see how much it would cost to haul the materials for this repair – the county would be willing to provide the materials. Ms. Vik will provide them with names of some of the contractors in that area.

#### **Prosecuting Attorney Joette Lookabaugh (RE: Water & Bridge Jumping Issues)**

Mrs. Lookabaugh has spoken with the Dean of Students at BYU-Idaho – there have been 15 students from the university that have died within the last 11 years while recreating in Fremont County. Brief discussion was held.

#### **Executive Session IC 67-2345 (b)**

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student at 4:19 p.m. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Romrell voting "I", Commissioner Miller voting "I", and Commissioner Hurt voting "I". Commissioner Romrell declared the meeting open at 4:35 p.m.

#### **Executive Session IC67-2345 (f)**

Commissioner Romrell made a motion to into executive session pursuant to IC 67-2345 (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement at 4:39 p.m. Commissioner Miller seconded the motion. A roll call vote was taken with Commissioner Romrell voting "I", Commissioner Miller voting "I", and Commissioner Hurt voting "I". Commissioner Romrell declared the meeting open at 4:52 p.m.

#### **Amended Agenda Items**

Commissioner Miller made a motion to add an executive session IC 67-23459 (f) to today's agenda. Commissioner Hurt seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

#### **Items to Discuss**

Commissioner Romrell made a motion to sign the Joint Powers Agreement with Five County Detention. Commissioner Hurt seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

Commissioner Hurt made a motion to approve payment to Abbeglen Construction for the water abatement around the courthouse in the amount of \$4,335. Commissioner Miller seconded the motion. A full voice vote was heard with all Commissioners voting in favor.

There being no further business to come before the board, the meeting was adjourned.

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Paul Romrell, Chairman  
Fremont County Commission

Attest: \_\_\_\_\_  
Abbie Mace, Clerk

**PUBLIC HEARING  
(SECURE RURAL SCHOOL TITLE III FUNDING)**

July 06, 2009

Attended by: Commissioner Paul Romrell, Commissioner Skip Hurt, Commissioner Lee Miller, Clerk Abbie Mace, Deputy Clerk Jody Flores, Treasurer Pat McCoy, Chief Deputy J'lene Cherry

Commissioner Romrell opened the public hearing at 1:20p.m.

Commissioner Romrell welcomed those in attendance and introductions were held of county employees. Commissioner Romrell questioned if there were any conflicts of interest – none were stated. An overview of the proceedings was given.

**Lynn Ballard (Caribou/Targhee National Forest, 1405 Hollipark Drive, Idaho Falls, ID 83420):**  
Mr. Ballard stated that he was in attendance of the meeting as some of the provisions are that requests be thru the RAC Committee. He also stated that he wanted to get some idea of where it was intended that those funds were to go.

Commissioner Romrell questioned if there were any rebuttal comments – none were noted. The meeting was closed at 1:25p.m.

\*Discussion was held regarding the difference between Title 2 & 3 funding. An overview was given.\*

**PUBLIC HEARING**  
**(Partial Plat Vacation of Cottonwood Subdivision)**  
July 06, 2009

Attended by: Commissioner Paul Romrell, Commissioner Skip Hurt, Commissioner Lee Miller, Clerk Abbie Mace, Deputy Clerk Jody Flores, Treasurer Pat McCoy, Chief Deputy J'lene Cherry, Assessor Kathy Thompson, Barbara Hirschi, Planning & Zoning Administrator Kurt Hibbert, Joshua Chase

Commissioner Romrell welcomed those in attendance and introductions were held of county employees. Commissioner Romrell questioned if there were any conflicts of interest – none were stated. An overview of the proceedings was given. Commissioner Romrell questioned if proper notice had been given – Clerk Abbie Mace stated that it had.

Commissioner Romrell opened the public hearing at 1:40p.m.

Kurt Hibbert: Mr. Hibbert presented a map demonstrating the proposed parcels for the partial plat vacation of the Cottonwood Subdivision.

Mary Eldredge: Would like to clear up this subdivision – this proposed vacation would make it possible for her to sell her land on the other side of the subdivision.

Commissioner Romrell went over this attendee list and questioned if there were any additional comments.

Treasurer Pat McCoy stated that certification will be needed that taxes have been paid. This would possibly include 2009 and 2010 taxes.

Clerk Abbie Mace stated that she would like to see that she would like to see an amended plat to be submitted to be recorded.

Commissioner Hurt questioned if what can happen to track these changes.

Hearing was concluded at 1:57p.m.