

FREMONT COUNTY COMMISSIONERS MEETING MINUTES
October 25, 2010

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

Also attended by: Clerk Abbie Mace, Deputy Clerk Cathy Conger, Prosecuting Attorney Joette Lookabaugh, and Treasurer Patricia McCoy

Commissioner Romrell called the meeting to order and welcomed those in attendance.

Commissioner Paul Romrell offered an opening prayer.
Deputy Clerk Cathy Conger led the Pledge of Allegiance.

Commissioner Paul Romrell made the motion to amend the agenda to include Prosecuting Attorney Joette Lookabaugh regarding the spice ordinance, the verbage in the firearms signage, and Mayor Sutherland from Teton City for a grant request. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Elected Officials

Clerk Abbie Mace – There have been a large number of absentee voters. She thanked the commissioners for allowing them the use of the room for elections. She presented the 2010 Levies that have been certified by the State Tax Commission. There has been an increase in taxes. We have maintained and not lost value. She and Commissioner Miller attended the PRIMA conference.

Treasurer Patricia McCoy – We are starting the tax drive. She encourages everyone to come in and see how they put these together.

Prosecutor Joette Lookabaugh – There was a jury trial last week. She was really impressed by the jury pool and the caliber of the individuals. There is a public hearing for the Subdivision appeal on Fisherman's Drive on November 9th at 2:00 p.m. Tonight there is a Planning & Zoning public hearing for the home occupation (cabin rental) ordinance. She has been reviewing the development code prior to the Planning & Zoning hearing for that.

Commissioner Skip Hurt – He attended a Tri-County meeting last Tuesday. He is very impressed with the quality of people in these counties. Discussion was held on the probation request from an outside county. He attended a Five County Detention Center meeting with Commissioner Romrell on Wednesday. He is very impressed with the individuals there.

Commissioner Lee Miller – He attended the PRIMA meeting. There was very good information available. Training was an important topic. Jim McNall commented that we cannot run the government like a private business because of specific laws that we have. We talked about commuting automobiles. We need to address what qualifies as an emergency vehicle. He went to a meeting in Dubois on the East Idaho Solid Waste District. We are moving forward with that project. There was some concerned expressed about the amount of energy that will be generated. The report from the PSE Company out of Utah that did the scoping of the plant was very interesting. We don't anticipate any problems that some others have had. We accepted their

findings even though there was some negative in it and will be working on those negatives. He will be contacting the Veterans Assistance Officer to coordinate sending the Christmas cards out to our serving troops from the county.

Commissioner Paul Romrell – On at least two occasions in Rotary it has been questioned why we did not build the Solid Waste Incinerator plant locally. Even in the place that it is being built this will be a fairly tough sale due to the proximity to Yellowstone National Park. Population is not the issue but rather the proximity to Yellowstone. He went to 5 County Detention Wednesday for the board meeting and it was reported to the board that as of Wednesday there is \$400,000 in the bank. This is significantly better than it was 18 months ago. This facility is unique and they are just now being recognized for that in other states. State statute says that we cannot house juveniles with adults which means that we have to have a juvenile detention center. Several years ago there were some that wanted to do away with the contract beds. However having these beds generates roughly \$200 a day per inmate. We have to have a certain ratio 8 youth to 1 staff. We are continually trying to stay in compliance with the state for one youth; however, it is easier to stay in compliance with the federal government for the other 14. Each county pays a percentage based on juvenile population that they have in the facility. He has a High Country RC&D meeting on Thursday. They will be canvassing votes on November 5th at 9:00 a.m.

Commissioner Lee Miller made the motion to have the clerk make a journal entry to put the health district payment in the proper fiscal year so that it will be paid out of the first quarter of the FY2011 Budget instead of the last quarter of FY2010. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mayor Sutherland discussed with the commissioners the school system generator that will be used for an emergency facility in case of a power outage. In January there was a \$60,000 grant from the government for re-wiring. We added eight new street lights and a used bucket truck. They received over \$100,000 to do the overlay on city streets. We would like to put in for a grant to chip seal all the roads. On the application there is a request for a participant and Mayor Sutherland is asking the county to help with that participation with 1% assistance. Commissioner Hurt recommended that we do more than 1% however in kind rather than with money. The commissioners are willing to do \$5000 with in kind work.

Ms. Lookabaugh gave the commissioner the proposed spice ordinance. She spoke with the prosecutor's organization to determine if anyone else was adopting spic ordinances. The legislatures will sign it no later than January. Once that happens ours will be mute. We have not done a single spice arrest and only have one confirmed place of business that was selling it. She feels confident that she has what she needs and that there is no need to move forward with the ordinance. The commissioners are fine with that.

They discussed the ordinance that prevents the public from bringing weapons or firearms of any kind into county owned buildings. The language in the signage mirrors Bonneville County. Discussion was held on changing the ordinance to indicate any county building. Discussion was held why this is important and that there have been incidents where weapons have been brought into a courthouse.

Ms. Lookabaugh had a strong sentencing for a DUI where the individual was given a year in jail and a \$1000 fine. We are investigating a sex offense and the defendant is in Texas. They have their own team of sex offense investigators and they are working very well together.

Commissioner Paul Romrell commented that when you pull a jury trial there are 125 extra cars plus all the other vehicles such as attorneys and staff. The additional parking was very helpful.

Commissioner Paul Romrell reminded the public that this is a public meeting but not a public hearing. Comments will only be heard by the person that is on the agenda.

Henry's Fork Foundation Steve Trafton RE: Waterways Ordinance

Mr. Trafton presented to the commissioners the proposed draft of a waterways ordinance. He explained that this is a long term project that the Henry's Fork Foundation has been involved with. This ordinance proposes to limit motorized use in different parts of the Henry's Fork by restricting the horse power. Additionally this proposed ordinance is short and easy to understand the language and the content. We broke down the public comments to 124 comments written and oral regarding the motorized boat use; 83 comments that supported no motors or no motors on large portions; 23 comments in favor of no restrictions/allowing motors; 18 comments that were difficult to classify or in relation to sections that we have left out. The section specific comments were not opposed to motors was between Macks Inn and Vernon Bridge; from Vernon Bridge to Chester Dam the preference was no motors; from Chester Dam to Fun Farm, motors with a horse power limit; and below fun farm it was split. I believe that this reflects the public comments received and allows for a balance between motors and no motors. It allows for the bigger section of the river to have motors. This proposed ordinance in no way restricts recreational use on the waters of Henry's Fork River. I believe that this is in the best interest of the Henry's Fork itself. Thank you for your time and consideration of this.

Commissioner Lee Miller stated that in testimony there was a lot of discussion about the size of the motor and were in agreement with smaller horse power, however Mr. Trafton recommends 15 horsepower. Mr. Trafton stated that those that he spoke to recommended 15 horsepower or less. He personally does not have a motor boat so he sought outside assistance on this. Commissioner Miller asked about what type of motors would be allowed and the option of not allowing jet type of motors. Mr. Trafton stated that he hopes that this will be addressed.

Commissioner Hurt asked how Mr. Trafton felt about the decision that the committee came up with. Mr. Trafton feels that it is a good decision however it did not go down far enough. By extending it down to Chester and Fun Farm it would solve a lot of problems.

Commissioner Miller mentioned that it does not address private property or accessibility to launch a boat. That part of the river is lined with private property. Mr. Trafton stated that from Ashton to Fun Farm there are multiple public access sites and land owners who control very large chunks are open to the public using their property. Below that the river is far from the road and harder to access it.

Commissioner Romrell explained that the commissioners will discuss it and then decide the appropriate action to take. He explained that it was more appropriate for Mr. Trafton to come today

so that the public could be aware that he was speaking on this rather than hearing his statements last week when he was not on the agenda.

The commissioners discussed turning this over to Planning & Zoning. There was discussion as to how much damage the small motorized boats do to the river. There have been a lot of comments about regulations and discriminating against certain groups of sportsman's. This will be tabled until November 8th.

Fremont County Sheriff Melissa Turner RE: Shop with a Cop Program

Ms. Turner spoke with the commissioners regarding the Shop with a Cop program. They are still looking at changing the lapel pin. Last year the county donated \$1500 and they are asking for that again.

Commissioner Skip Hurt made the motion that we donate \$1500 to the shop with a cop program to be taken out of indigent funds. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Ashton Senior Center (Karinda) & St. Anthony (Karolyn) Senior Center RE: Program Updates

Commissioner Romrell stated that he had asked Karinda to meet with Ms. Lookabaugh and law enforcement to discuss the accounting practices previously held. Karinda has done an excellent job correcting those problems. The workman's comp issue has been resolved. All of the bills and taxes are corrected and there is now money in the bank. Commissioner Romrell stated that some of the concerns were how money was being accounted for. We cannot receipt payment for meals but we can for larger donations. There is a donation box and there are two people that account for the money. One of the frustrations our accountant had was being able to follow the expense/revenue trail. Karinda met with Kim and they went over everything. The treasurer of the board sits at the donation box and then they count it, sign it and deposit it. The board is starting to function in Ashton. There are some areas that involve the county however primarily the county does not get involved with the centers. The county expects there to be a functioning board and an accounting system since we are giving money and a building to them. There are 4 board members and they are meeting monthly. The county commissioners require the board to meet every month. Karolyn talked about following the state Area Agency on Aging contract so that they do not lose that funding. All of their expenses are now on the computer. Commissioner Romrell doesn't want Karinda to feel that she is under the microscope. Karinda feels that the newspaper article was unfair and that she should have been contacted before that article was written. Karolyn will be helping Karinda to finalize the issues that have continued. Karolyn stated that things are going very well. The bus is very helpful and in constant use. We have about 450 boarding on the bus per month. Discussion was held on the step for the bus. The commissioners would like to start requesting a new bus before it is actually used.

Parks and Recreation Administrator Tamra Cikiatoga RE: Henry's Fork Outlet Recreation Bridge

Ms. Cikiatoga discussed with the commissioners an article that she will put in the newspaper this week. The cost will be about \$50,000 to resurface the Old Osborne Bridge. This is also for the purchase of new boat docks and a steam cleaner. She is looking at a variety of different types of boat docks. She is meeting with Fish and Game for the Henry's Lake property. The individual

interested in the baseball diamond will call Commissioner Miller later today or tomorrow. She has not done anything with the sand dunes but will move this up on her things to do list. Commissioner Hurt would like her to get the ordinance from Bonneville County for the fee for outfitters on the South Fork of the Snake River. Snowmobile revenues are down considerable this year. With law enforcement we are only allowed to use 15% per fiscal year/season. The money that has come in is about \$193,000. We are really going to be stretched with law enforcement this year.

Social Services – Debbie Adams Re: Indigent Claims

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 1:02 p.m. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Romrell voting "Aye", Commissioner Hurt voting "Aye", and Commissioner Miller voting "Aye". Commissioner Romrell declared the meeting at 1:12 p.m.

Commissioners signed one new lien and one release of lien.

Commissioner Miller made a motion to deny case #M2011-01. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Public Works Director Marla Vik RE: Department Report

Road and Bridge – The rock excavating at Cherry Butte Road will be done tomorrow. During the Fish Creek Road project they need to remove the rock as well. Blue Creek Road has been on the map for years. Ms. Vik gave the commissioners the proposal from Butlers engineering for the ultra sonic and in-depth inspection of the Fun Farm Bridge.

Commissioner Skip Hurt made the motion to approve the engineer costs for the Fun Farm Bridge testing in the amount of \$5,280. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

We are not able to move the portion of Red Rock Road unless Mr. Pearson deeds that portion to us. The portion could be prescriptive rather than deeded. She needs a letter from them approving this process.

Commissioner Skip Hurt made the motion that he be authorized to sign the agreement for prescriptive use on red rock road. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Discussion was held on the fuel tanks at the Ashton Road & Bridge Shop. Leonard is looking at what it would take to move it to the north.

She is applying for a grant to improve Big Springs Road this Friday. This will be used to pave the 5.5 miles that aren't currently paved. We will also have to apply to get the forest highway designation as well. At some point it may be possible to apply for scenic byway status.

She will be applying for a grant to update and replace signs throughout the county. In January she will be applying for the STP rural incentive program for the reconstructing of the Salem highway

from 100 N to 200 N and 350 N to 500 N. Discussion was held on the railroad crossing in that area.

Landfill – They are starting the remediation this week. They removed task 6, and there are two left that the commissioners haven't authorized. Task 3 is the leachate investigation plan and task 4 is to assess and recommend control measures. The estimated cost is \$14,440.50. Ms. Vik expects a cease and desist in the next couple of years.

Commissioner Skip Hurt made the motion to authorize Ms. Vik to go ahead with Task 3 in the amount of \$14,440.50 with CES. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Ms. Vik had received some questions about landfill fees and was able to answer that.

They will be testing the well in Island Park soon. Ms. Vik will get a date for that and let the commissioners know.

The grant that Keith Richey received sits untouched and as we do the work we apply for reimbursement. This money will go to Fisherman's Drive, Cherry Creek Road and Red Rock Road. Ms. Vik believes that we can get this done without having to contract out.

Ms. Vik and Blair will be at the Idaho association of county engineers and road supervisors November 8th, 9th and 10th.

The commissioners explained to Marla the agreement that we have made with Teton City for \$5000 in kind work grant match.

Planning and Building Interim Administrator Stephen Loosli RE: Department Report

Mr. Loosli updated the commissioners on the Planning and Zoning November 16th public hearing for the development code. There are a few small things such as grammatical errors that are being worked on. The code is only concerned with what happens from here out. There is no need for an original date but we do require every parcel that is not a lot to become one. We have a short plat process that can now be completed. It is the applicant's job to make sure that the property is in compliance. There is a zoning section explaining what is and is not allowed. Planning and Zoning made a suggestive change to the comprehensive plan that those zones such as the Wilford area be zoned only commercial/industrial. They have made the recommendation no wind farms in the county. Discussion was held on neighborhood specific zoning which have a high concentration of people but are unincorporated. Currently extraction of gravel is permitted anywhere in the county, the manufacturing and crushing of gravel is only permitted in commercial/industrial zones. The short plat is difficult for some to understand. This cannot be used for more than 6 lots. It is a onetime abbreviated process. Current proposal is for 30% of the property developed and 70% open space. We have a 50% open space requirement with rural living. Rural living is on the map for a three square mile section of Wilford, all of Parker, with Chester having some rural living and a small portion of Marysville. The development code is based solely on standards. There was some discussion on the visual designation of areas. Discussion was held on set back from streams.

The Planning and Zoning are publicly hearing Appendix I revisions. He will try to get it to the commissioners tomorrow so that a public hearing at the commissioner level can be scheduled. There were only three significant changes. There is a work meeting tonight on the Stoddard Brothers appeal. There is 3-4 approved fencing that will be reviewed tonight. There was discussion on fencing around the gravel pit. The commissioners questioned if the county has any gravel pits that are in violation and Ms. Vik stated that we do. We need to get our own gravel pits in compliance. There are no depth restrictions. Once it has been reclaimed there are no fencing requirements. Regardless of what the property owner wants the fencing will still go up on gravel pit properties. Weed control for burms must be weed free. The weed ordinance addresses this as well.

We have sent a letter to the property owner in Chester and they responded that no one is living there and the buildings are just storage. He is working with the sheriff to continue this investigation.

Nick is still getting the fence finished one board at a time.

We met with the attorney for the Henrys Lake Outlet boat house. They are going through the process for a variance.

Discussion was held on county public hearing for Appendix I Residential Businesses and Lodgings. There is a cease and desist order for a property that would be seriously affected by this appendix however it was determined that it would not. We will progress as scheduled. The hearing for Amendments to Appendix I will be scheduled for November 18th at 6:00 pm in the annex building.

Discussion was held on agriculture buildings permits and cost. It is \$210 and they do all the inspections. Discussion was held on Boise Cascade certificate of compliance on trusses.

Miscellaneous

Commissioner Skip Hurt made the motion to award the contract for the Henrys Lake Outlet Bridge to Cannon's in the sum of \$96,758.50. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Lee Miller made the motion to approve the catering permit for Island Park Lodge for November 20, 2010. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Lee Miller made the motion to approve the minutes from October 4th and 12th with amended changes. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Discussion was held on the Canal Bridge bid awards. None of the commissioners were comfortable with awarding an untimely bid. The bid notice was reviewed. The decision was made to give the project to DL Beck.

Commissioner Paul Romrell made the motion to amend the motion from 10/18/10 to show that DL Beck was awarded the four canal bridges project. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hurt will attend the pre-work meeting for this project.

Commissioner Paul Romrell made the motion to amend the agenda to include a discussion with City of Newdale Mayor Shane Hansen regarding gravel assistance request. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mayor Hansen is requesting the county's help with gravel for an additional road that they have put in. This would be approximately 80 truck loads. There will be 12 inches of pit run and 12 inches of road base. Ms. Vik will go over and look at what they are doing and what they might need.

Claims were reviewed and submitted.

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

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk