

**FREMONT COUNTY COMMISSIONERS MEETING MINUTES**  
**August 16, 2010**

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

**Also attended by:** Deputy Clerk Cathy Conger, and Prosecuting Attorney Joette Lookabaugh

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

**EMS Bob Foster RE: St. Anthony EMS Building & 2011 EMT Compensation**

Commissioner Romrell commended the EMS volunteers for their work and their interest in continuing their volunteer status. Mr. Foster discussed the painting and building face lift for the St. Anthony building. There were three bids. Upper Valley is \$10,889, Joseph Carroll is \$7900 and Golden Ram is \$6752.70. Joe Carroll's bid is the most complete at the lowest price. Upper Valley's bid is the lowest but is not complete. Mr. Foster's recommendation is to accept Joe Carroll's bid. He gave us two additional options at cost that would increase the life of the work. Commissioner Romrell mentioned that this would be outside our buildings and grounds budget. Commissioner Hurt asked about the heating and Mr. Foster stated that it was working quite well last winter but that he has allowed for it in his upcoming budget to be fixed or replaced if needed. He is planning on having the work on the building done right away.

Commissioner Skip Hurt made the motion to accept the bid from Joe Carroll in the amount of \$12,010 to do the work on the St. Anthony EMS building. Commissioner Lee Miller seconded the motion. A full voice vote was head with all voting in favor.

The next discussion revolved around staffing and compensation. It appears that the basics are covered to work with paid on call staff. Mr. Foster is concerned that we lose an extensive amount of our volunteers from Ashton and one from St. Anthony. Mr. Foster feels that we are where we need to be in order to be in compliance with IRS however there are some volunteers here today who would like to address the issue. Deputy Prosecuting Attorney Blake Hall and Mr. Foster met and do not feel that there is any way around this. The IRS has extensive criteria for what constitutes an employee and we need to change the way we structure our staff and schedule. J'lene Cherry suggested paying time and a half at the lowest wage possible and issue a resolution to that effect. Commissioner Hurt states that he is unaware if we are able to pay a lower rate where they are already full time employees. Mr. Foster addressed the issue of whether the IRS would accept that. The IRS does not allow for volunteers. Rod Chandler called ICRMP and they believe that there is no problem as far as they can tell. They would like to talk with Mr. Foster to help determine where the problem is if there is one. Commissioner Romrell explained that the problem with the IRS is if they audit us than there are penalties for both the county and the employee as far back as two years. Marinda Ballard asked about getting tax form 1099 at the end of the year. Commissioner Miller had asked about that and was told that we can't do that. J'lene Cherry spoke with Dan Chadwick who said that you can get around the IRS with a 1099. Commissioner Hurt would like Blake Hall to talk with Dan Chadwick. Commissioner Hurt mentioned that there is not a commissioner who wants any of our EMT's to be gone. There is an incredible amount of experience. Ms. Lookabaugh will talk with Blake Hall to see if all avenues have been explored. Gem County paid the fines – limited their one county employee to 19 & 20 hours on call. They limited their on-call hours. Commissioner Romrell explained that the commissioners have

agonized over what to do so that we don't lose any of the EMT's. They talked about completely severing the ambulance district from the county. One issue that Mr. Foster brought up is that there are a lot of opinions that are not based on facts – the issue appears to be fairly clear. He believes that there is a danger in bringing in other counties who have not dealt with the experience and are simply expressing their opinions. We are trying to avoid raising red flags that will encourage the IRS to look into the past. Commissioner Romrell looked at separating the ambulance district from the county and that appears to be the most reasonable direction. There was quite a bit of discussion on how to separate the county from the ambulance district. Mr. Foster will discuss this further with Ms. Lookabaugh and Blake Hall.

#### **Public Works Director Marla Vik RE: Department Report**

Ms. Vik received an estimate from Leonard's Petroleum for \$43,000 for a new gas tank at the Ashton Road & Bridge Shop. Commissioner Hurt suggested that we give this to the school and ask if they would like to use our facilities we will have a facility available to them. There is an advantage to having two tanks for when they switch fuels in the winter. The commissioners discussed whether we would want to put \$10,000-\$15,000 into it. The commissioners would like the money up front from the school district. If the school does not want to we will simply wait until the old tank needs to be replaced. The commissioners would agree to pay for 50% of the final costs.

Commissioners discussed the bridge replacements on the Salem Road and straightening the road. If the canal company will move the canal for us it will eliminate cost. They are willing to do this. We won't be able to shift the road as far as we would like to the west. There will be some gradual curves rather than a straight shot. They finished St. Anthony seal coat and will do one tanker for Parker today. Seal coating in Island Park is also finished. Hog Hollow Road is wearing rather thin. Ms. Vik will look into this. She could send Dustin out with a water truck in front of the grater. Discussion was held on the forest service agreements.

Ms. Vik received a quote for drilling and blasting at Fish Creek however it is very high and she believes that we need to go for a full blown bid.

#### **Parks and Recreation Administrator Tamra Cikaitoga RE: Waterways/Snowmobile**

Ms. Cikaitoga talked with the commissioners about Idaho Transportation Department changing what they had agreed on for the recreation bridge on Henry's Lake Outlet. There will be an increase of \$50,000. She had their written approval May 2009 and now they want a groomer. This will put the project a year off. It will cost about \$40,000. The state may come in with more money but they want the county to match it. Commissioner Romrell is concerned that this is all coming up at the last minute even though we have all of their approvals. This will throw us back a year. Ms. Cikaitoga addressed waterways. There were two public meetings and two weeks for written comments. At this time she would recommend that an ordinance be created that the backwaters from Ashton Reservoir to the bridge be non-motorized and from Vernon Bridge down to the county line. Bill and Wade spoke about Vernon Bridge and that it has worked well to this point. There are areas where people use boats in a safe manner. There are areas that do not support boats and there have never been a problem with people taking advantage of it. 15 horsepower minimum would be appropriate. Kim stated that the public spoke clearly and believes that we should be listening to that. Mel Sadeki believes that we need to be listening to the public and that public opinion was to not have motorized craft on that section. Bill Fuches believed that it was

already a non-motorized section of the river. He believed that it was primarily for the water fowl hunters. It is all private grounds down through there and motorized craft will allow them access to private property. The sportsmen need to be proactive to get access from these property owners rather than using the county to supersede that. Steve stated that the key section of the river from Vernon Bridge to St. Anthony there is potential for user conflict. He believes that it is a balanced sportsman access and sees no reason to change that. The issue came from a landowner who wanted to use 5 horsepower boat off of his own property. Ms. Cikaitoga believes that this was put into a draft and either never approved or never recorded as approved. Commissioner Miller believes that the issue was that you simply could not fish from a boat with the motor running. Accessibility to the river is what is in question as far as he believes. This should not be a problem as the river tends to dictate what can and cannot be used. The committee has done a great job in addressing problems. Chester Dam is what needs to be addressed in his opinion. A decision will be made in the next month.

**Ashton Senior Citizens Center Karinda Fisher & Dick Hines RE: Building & Funding**

Did not show.

**Doug Siddoway RE: Smart Growth New Officers Introduction**

Mr. Siddoway introduced himself and explained that there is a new board and they wanted to introduce everyone. Jeff Dufault, Jan Neish and Eileen Draper have been appointed to the board. He is aware that they have not been the most popular organization in the county and is aware of the ongoing contention. He states that there are concerns; however, he is here to extend a hello and to let them know that they want to work with them. He stated that they recognize all the differences; however, they want to work together not against each other.

Jeff Dufault is the new vice president and director. He reinforced what Mr. Siddoway stated and believes that they will be able to make a more positive reputation for themselves. He is interested in what has happened to drive the new development code. The other part is if the public understands what we are developing and the process then they will understand if it needs to be urgent. Commissioner Romrell responded to the comment about the urgency of the development code. He has been working on this for seven years and does not understand why others may feel that this has been rushed. He feels that it has been too far delayed. Some of his frustration is that we can't seem to get it brought together and get it to the people for their opinions. There are aspects to the previous code that have outgrown it. His concern is that there is a discrepancy in rights for those that have a productive land use. Commissioner Romrell commented that Chan Atchley was very well informed because he never missed a meeting although he was not allowed to make a comment. Commissioner Romrell expressed concern that Chan Atchley is pulling strings from the back row and that this will not happen anymore. Jeff Dufault agreed that this is a problem. Commissioner Hurt commented that every time a comment comes up it was an attack on the commissioners. Mr. Dufault agreed that this would be very difficult but they are committed to making it work and making it a more positive relationship. Commissioner Miller stated that there needs to be good growth in this county and he believes that everyone has this as their goal however the contention between the two organizations has created a problem. He is excited to see this new administration for Smart Growth. Commissioner Hurt commented that we want the development code done right. They want it publicized but it needs to be done correctly. Mr. Siddoway commented that no one is trying to generate lawsuits and this is an area where they can help to distribute information. Jan Neish commented that she is not aware of the politics going on and has no interest in knowing them. She wants to start fresh. She is the one dealing with the

media. She would like to offer them their services to get their information to their readers. Chan Atchley is not a part of their administration or a part of their decision making process. They would like something specific from them about the new development code so that it can be published with them in the commissioners own words. They will be re-vamping their web site soon.

Commissioner Romrell commented that they appreciate their input and them coming in. This is not the usual time that they would see them since this is a work meeting however they felt that this was important. Commissioner Romrell stated that he is excited about this change. He believes that a subdivision is good for the community and not an avenue for revenue. Only \$6 million of our \$26 million budget comes from property taxes. Our decisions are not based on property taxes. We all feel optimistic about this change and look forward to working together.

### **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 12:20 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 12:27 p.m.

Commissioners signed three releases of liens.

Commissioner Miller made a motion to approve cases #ML2010-44, #M2010-38 and deny case #M2010-43. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

### **Executive Session IC-2345 (a)**

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office; at 12:56 p.m. Commissioner Miller 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: 44 p.m.

Discussion was held on duties of the planning and zoning commission.

Commissioner Hurt made the motion to appoint Rod Nichols to the Fremont County Planning and Zoning Commission effective immediately. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Miller made the motion to appoint Patty Crapo to the Fremont County Planning and Zoning Commission effective immediately. Commissioner Hurt seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Hurt made the motion that if another vacancy develops on the Planning and Zoning Commission to appoint Layne Hepworth to the Planning and Zoning Commission. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

### **Planning and Building Interim Administrator Stephen Loosli RE: Pending Ordinance**

He has finished the entire reformatting of the draft of the Development Code to a standard across the whole document in a municipal based code format. He has to identify by roman numerals what the paragraph is and then has to find it and put it in the right spot. Has made a few shifts of things to the correct area. All pending changes have been accepted and made permanent. The number one item is the home occupation/home based business codes and deadlines. Mr. Loosli and Joshua are working extensively on this.

Commissioner Skip Hurt made the motion to extend the implementation of the home occupancy ordinance deadline to January 1, 2011. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Hurt requested that Mr. Loosli put out a news release and encourage those who would fall under this ordinance to complete their physical inspection before the snow comes.

Home occupation, residentially based business, transient rental, bed & breakfast where the owner is not present. He will be drafting a revision of this ordinance to more appropriately identify those uses. The ordinance needs to note when a business gets bigger and when/how that happens. DEQ document will be used as a guideline for water usage.

We have some housekeeping with the gravel hearing. We have some changes that the Planning & Zoning commission wants changed. The earth berm is appropriate rather than fencing. An official recommendation on wind mills was never completed. The commissioners want to protect the scenic views. Cell towers are not in our total control. Signage is an issue that we are trying to get a committee on. Mr. Loosli will update the Planning and Zoning commission list. Steve Trafton expressed concern that the community sees the new development code as a travesty. The commission will do a better job explaining what is within their realm of ability to do. The forced plat was recorded last Monday. They would like to do a public notice for thirty days. We do not have the development impact study. Commissioner Romrell would like someone to do a cost of service analysis. Subdivisions are required to put in their own infrastructure.

There was some discussion on staffing and how this will impact their office. Mr. Loosli gave the commissioners an update on the article in the Island Park News. It was based on inappropriate information that Elizabeth Laden received. There was no illegal lot split. It came before his office and was immediately fixed. Ms. Lookabaugh explained that they had a meeting with Kurt Hibbert and was asked specifically if he tried to quid pro quo and he lied about it. Mr. Loosli and Kathy Thompson are talking about taking the development code once it is finalized to the title companies and the surveyors and have training.

The commissioners feel very strongly that we are not to be doing the leg work for others when they are capable of coming down and researching the information themselves.

### **Miscellaneous**

Commissioner Skip Hurt made the motion to approve the minutes from August 2, 2010 with indicated changes. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Paul Romrell made the motion to approve the liquor licenses for Star Bar (Gaylene Blair), Go-C Goe Teton Junction (Thomas and Roberta Goe) and Imperial Club (Janice Kay Fisher). Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all voting in favor

Discussion was held on the flow control ordinance. Clarification on section two was discussed. Commissioner Romrell was concerned that it has not been advertised for the correct amount of time.

Commissioner Skip Hurt made the motion that we pass Ordinance 2010-07 Flow Control with Clark County. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Discussion was held regarding the road vacation in Wilford Townsite. Ms. Lookabaugh will explore this and report back next meeting.

Discussion was held regarding the Ashton Senior Citizens Center.

Discussion was held on the perpetual yard sale. He has fenced off the one offending area however it is now starting to show in another offending area.

Commissioner Skip Hurt made the motion to accept and sign the credit card contract for the Clerk's office. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Treasurer Patricia McCoy came in regarding a lady who owns a condominium timeshare receiving an email supposedly from Ms. McCoy although she has no record of this. There appears to be a breach in someone's email. Ms. McCoy is turning this over to the Sheriff's detectives.

The waterways issue will be tabled until next week.

Jan Neish asked questions of the commissioners regarding property tax monies and other revenue that the county receives.

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: \_\_\_\_\_  
Cathy Conger, Deputy Clerk