

**FREMONT COUNTY COMMISSIONERS MEETING MINUTES**  
**August 2, 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, Sheriff Len Humphries, Assessor Kathy Thompson

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

Commissioner Lee Miller offered an opening prayer.  
Prosecuting Attorney Joette Lookabaugh led the Pledge of Allegiance.

**Elected Officials**

Sheriff Len Humphries – We have 19 inmates in county custody. The Sheriff received a complaint about the approaches to new bridge on the Salem Highway (1900 East) how bumpy it was and that he lost his trailer. Southbound seems to be fine however northbound is rather bumpy. He had a meeting with BLM Wednesday. They have provided 3600 hours this year which meets contractual requirements however will continue to patrol, etc. at the sandhills. Commissioner Romrell explained that a letter has been sent to Wendy Reynolds on the landfill fees that are owed by BLM and there has not been a response. BLM currently owes \$3000 in landfill fees to us. They help with a variety of things however we need to have a resolution to this problem. The sheriff received a letter from BLM that they are done with the sand rail grant obligations and it is now the property of the sheriff's office. They did not however discuss the landfill fees. Commissioner Miller commented that Ms. Reynolds stated they are paying PSI but that is nothing to do with us. There has been a struggle to cover shifts with some of the officers being in the guard. There was no city officer working yesterday so the sheriff's office is assisting them with that.

Commissioner Miller made a motion to send BLM a letter requesting payment of past due amount on landfill fees within 15 days or dumping will be discontinued. Commissioner Hurt seconded the motion. A full voice vote was heard with all voting in favor.

Assessor Kathy Thompson – The GIS department seems to be going well. Angie from Driggs has been helping Eli Hubbard. Maps are done for Public Works Director Marla Vik and for Search and Rescue. We are saving a lot of money with utilizing Angie and Eli. She has spoken with Ms. Vik about the contract and the mapping. Addressing has continued. They have simplified it and it is going very smoothly. Her office is rather slow right now. Commissioner Hurt mentioned having security cameras installed in her office as well as other areas of the courthouse. Motor vehicles has been very busy so it has been nice having three people down there.

Prosecuting Attorney Joette Lookabaugh – She has spoken with Teton City Attorney Bill Forsberg regarding the Teton impact area situation. He feels that it is a city issue and that the individual should be going to the city and ask for a rezoning. She has a warrant on a man who was picked up in Denver. Denver is looking to prosecute for 16 years so he will remain there rather than extradite. Their office had someone come in and turn themselves in. She is going to start taking a victim/offender mediation approach to offenders who are under ten and doing candy bar stealing rather than dragging them into court. The lifetime garage sale man is apparently fencing it. He had

thirty days to cease or comply – he is now moving it to the back. It appears that his thirty days is over. The man at Fall River Café appears to be gone. She had a fish and game trial this week. The public needs to be aware that fish and game are under cover and if they see you they will fine you. There has been some dog poisoning. The door lock on the back of her office was wrecked and pulled open and left ajar. Nothing was missing and a lock smith was called to fix it.

Clerk Abbie Mace – There is an election tomorrow that we are running for South Fremont Fire District. We do not anticipate a huge turn out. The new law about having a Government issued ID in order to vote has gone into effect. We have been working with the secretary of states office and have a grant for some portable ramps to help with the auto marks for \$153.48. Court Clerk Debbie Mace has indicated that we are getting more inquiries from attorneys who would like more access to digital media as they are presenting their cases. IT Josh Warnke put together a quote for materials - \$7,778.28 from Dell & \$7,093.63 from CDWG. The TV that is currently in there is not adequate. It is very important to display digital evidence from a lap top. The money is available in the court budget. Federal courts are now mandating that all evidence be done electronically. It is mounted directly to the wall and the guts are on a mobile cart.

A personnel issue came up about prescription drugs in relation to the drug testing policy. The new policy does not address this issue and needs to be adjusted.

She visited with IAC Analyst Seth Grigg on the Rural School Funding Resolution and he is available today if needed. We have the bids from Omni security to review for the security camera project at the courthouse.

Commissioner Hurt made the motion to sign the grant application for the election ramp. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Hurt made the motion to purchase the necessary equipment from CDWG to update the courtroom's electronics in the amount of \$7,093.63. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Lee Miller – The Waterway Committee has completed their public meetings. They have received \$1,000 in donations for Frome Park. The total is approximately \$1,700 to date. August 10<sup>th</sup> is the RAC tour. They will leave Idaho Falls at 9 am. Commissioners Hurt and Romrell will attend with Commissioner Miller. Fair week is this week. They are excited about everything that is going on. Next week on Wednesday the Solid Waste District meets again.

Commissioner Skip Hurt – He met with Tri-County Probation Board on the budget. He has a meeting in the Prosecutors office with some of the folks from Chester and Planning and Building. Tomorrow morning at 9 am there is a pre-bid meeting with the contractors regarding the Island Park Road & Bridge building. Tuesday at 1 pm is a meeting with the Seventh District Health. The courthouse lawn repair is supposed to be done today. All of the concrete is poured. The rope on the flag pole broke. He has a bid on finishing the outside of the prosecutor's office.

Commissioner Paul Romrell – He had a meeting with governor and several others. There was an opportunity to ask questions and he was able to ask where the state is with the economic recovery and the state budget. He thanked the State's First Lady for the Paint the State Campaign. The

campaign was a huge success. Friday there is an appreciation picnic at 5 County Detention. There will be a board meeting previous to that. He will speak at the Women's Republican dinner on Wednesday. There is an RCD meeting on Thursday and an RCD board meeting on August 6<sup>th</sup>.

**Public Hearing for Partial Vacation of Roads in Chester**  
**At 10:10**

Commissioner Romrell opened the hearing at 10:11 for the partial vacation of roads in Chester. Present were the three commissioners, Prosecuting Attorney Joette Lookabaugh, Planning and Building Administrator Kurt Hibbert, Public Works Director Marla Vik, Assessor Kathy Thompson, Clerk Abbie Mace and members of the community.

Commissioner Romrell explained the purpose for the hearing is that there are roads that are not being used since Highway 20 went through the community it rendered those roads useless. The purpose of the hearing is to vacate those county roads and return ownership to the adjacent landowners. Del Blanchard is present as one that recommended that we move forward with this.

Del Blanchard, PO Box 134, Chester, ID

The property next to his has been vacant for sometime. He would like to see this cleared up

Commissioner Romrell asked Mr. Blanchard if he would like all of these vacated or just the ones that are next to him.

Mr. Blanchard offered maps to be reviewed that will also show the alley ways. Discussion was held on the alley on block 8, 7, 6, and all of Winter Street. The areas that were advertised are portions of Winter Street, West Street, all of Yellowstone, portions of Howard Street, East Street, Main Street, Center Street & all alleys. When we vacate something like that each adjacent property owner gets a portion of the vacated piece.

There was no one else from the public that requested to testify.

Commissioner Romrell closed the hearing closed at 10:22 am

Commissioner Hurt made the motion that the County vacate the roads and alleys in Chester that were advertised for public hearing. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

**Public Hearing for Partial Vacation of Roads in Original Wilford Townsite**  
**At 10:30 a.m.**

Commissioner Romrell opened the hearing at 10:32 am for partial vacation of roads in original Wilford Townsite.

Present are the three commissioners, Prosecuting Attorney Joette Lookabaugh, Planning and Building Administrator Kurt Hibbert, Public Works Director Marla Vik, Assessor Kathy Thompson, Clerk Abbie Mace and members of the community.

Commissioner Romrell explained the purpose for the hearing was to review the roads that are being considered for vacation are the roads between blocks 5 & 6, 6 & 7, and 7 & 8 of the Original Wilford Townsite.

It was asked that as you testify you give your full name and address and limit your comments to five minutes.

Diego Bautista, 2395 North Wilford Road, St. Anthony

My appearance before you was for the petition of the road that I have asked to be vacated. I have been in some very uncomfortable positions with my neighbor, Mr. Behring. My concern is that it is a county road that has numerous problems with my neighbor who is trying to keep me off of the property that I had permission to be on. My mission this morning is to ask the commissioners to vacate this road and to assist with dissolving the problems with the neighbor.

Gene Clements, 2397 North Wilford Road, St. Anthony, ID

I am to the east of Mr. Bautista. Three weeks ago when we petitioned he (Mr. Bautista) was told that he could continue to graze his cows on the unused county road. Mr. Behring was told to stay off the road however on Saturday he was driving up and down the road. The commissioners have the power and authority to protect the community. I feel that if they vacated the roads to the east but maintain other roads maybe future buyers would not be in the same situation that Mr. Bautista is in. I suggest that the county vacate half the road between blocks 5&6 and work out some kind of swap for the roads that we use to access our homes. This would benefit the rest of the community by remaining public. Commissioner Hurt held discussion on where the lots are and what it is that Mr. Behring believes he owns.

Fred Behring, PO Box 668, Ashton, ID

He presented his deed to his land (given to the commissioners as exhibit 1). Commissioner Romrell read the land description. As far as he is concerned this meeting is mute, he is the property owner and all this other crap is irrelevant.

Barbara Hirschi, Chief Deputy Assessor

The only ordinance that we are aware of was recorded June 13, 1982. The streets between blocks 5 & 6, 6 & 7, 7 & 8 were never vacated.

Public Works Director Marla Vik

Commissioner Hurt asked her if she was aware of this issue. Those roads were not vacated and there are homes that do not have public access to their homes. When Mr. Behring sold them the property he did not tell them that they have an easement for access. Commissioner Romrell questioned Ms. Lookabaugh as to where the county's responsibility is and where is the responsibility to the homeowners. Ms. Lookabaugh stated that we have the right to vacate the road. Ms. Lookabaugh stated that we can vacate the road and then Mr. Behring has the right to sue the county. The property can be accessed from 300 North however there is a working canal there.

**Rebuttal:**

Mr. Behring offered a rebuttal – has several things to bring up. The date of that petition is 1982 and the date on the deed is 1968. The road was vacated when he bought it. Those are private

roads. I have given all of them access and written access to ingress and egress. I sold the land to them and they knew where their land is. They are squatters and want more land than what they bought and he will fight it.

Mr. Clements offered the legal description. He described a discrepancy between the legal description and what the description that Mr. Behring gives.

Commissioner Hurt explained the basic request for vacating certain roads and asked Mr. Behring if he would be willing to do a road swap. Mr. Behring said no.

Commissioner Romrell closed the hearing at 10:57 a.m.

Ms. Lookabaugh stated that Mr. Behring is going to get exactly what he wants as far as getting the county involved in his civil issues. Commissioner Romrell again questioned where the county stands in responsibility for this. The county is not the one who has an obligation to settle the harassment issue that Mr. Behring has inflicted on his neighbors. Commissioner Miller stated that we do have to address the county roads where Mr. Behring is infringing. Ms. Lookabaugh would advise the commissioners against making that decision today. The statute states that we have time to make a determination – we will find out what that is. We have to base our decision on the evidence that we heard today. It is up to the homeowners to prove that we have the right to vacate these roads. To do this it will cost Mr. Behring a great deal of money and use a great deal of county resources.

#### **Lorene Lowe RE: Hardship Application for Tax Relief**

Did not show.

#### **Josh Warnke, Jon Laux & Kurt Hibbert RE: Planning & Building Plotter**

Mr. Warnke explained that the plotter and scanner unit in planning and building is suffering a major hardware issue. It is very old and we can no longer even find the parts for it. We use it regularly. Once they are scanned they can be printed on the one in the courthouse. It was passed down to us from GIS and it is working although it is dying. The cost to replace both scanner and plotter is about \$15,000. We are not scanning at this point but we can bring it over to assessor office in an emergency. There is also a lease option. These were purchased through the general fund in the beginning. They will use the one in the assessors as needed.

#### **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 12:57 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 1:10 p.m. Commissioners signed one new lien.

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

Forsgren and Associates proposal for the bridge design was reviewed. They will research a pre-cast bridge as well. We will have to buy right of way for Salem Road reconstruction project if we go forward with it. Commissioner Romrell relayed to Ms. Vik the complaints about the Salem Road canal bridge.

We have a grant application 2010 Idaho forest highway project proposal. Ms. Vik feels it would be ideal for South Big Springs Road.

There was discussion on traffic counters and how we are maintaining those counts.

There is a public open house for Stone Bridge Federal Aid Project, Wednesday August 21<sup>st</sup>. If there is no controversy about the project then a public hearing won't need to happen.

County Extension Agent Lance Ellis would like to hold classes in Ashton and in Island Park on water protection, etc. This would be helpful working in conjunction with Ms. Vik's project.

Commissioner Romrell made a motion that we recognize Dan Lostutter for the work that he has done and the recognition from the state that he has received as 2010 Collection Operator of the Year. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

There was discussion on a small lift and a jack for the St. Anthony Road & Bridge Shop.

Commissioner Hurt made the motion to purchase a lift for the shop. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Ms. Vik will check on whether the changes to the sewer ordinance have been placed on the county website.

After chip sealing is done they will take the zipper up to Island Park and work on roads.

Ms. Vik talked with the foreman about the request for assistance at Eastern Idaho State Fairgrounds. The work has already been completed and she has asked them to let us know further in advance in the future.

Engineer Bob Butler spoke with the commissioners about the proposed bridge replacements on the Salem Highway. There are three on Salem Highway and there is one that needs some discussion. At approximately 450 North on 1900 East will need to be widened. If we widen on one side then we won't have to relocate canal. On the other side if we widen then we have to relocate a check dam. The commissioners reviewed some pictures that he had brought in. The road has already been tweaked to some extent. There was discussion on the specifics of the canal and the specific challenges that it brings in relocating the road. That particular area is very hazardous and the canal should probably be moved. Mr. Butler will speak to the canal company and report back to the commissioners.

### **Planning & Building Director Kurt Hibbert RE: Appeal & Department Report**

We have had an appeal submitted on the DePatco Gravel mining request. We need to schedule a time for this appeal. September 8<sup>th</sup> at 6 pm at the annex.

Review of monthly lease agreement on the postage machine in the annex building. Commissioner Hurt made the motion to approve the Pitney Bowes lease agreement for 60 months. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Planning & Building Fees were reviewed for the 2011 fiscal year. Some of the fees proposed increases are more than 5% so we will need to have a hearing for it preferably before the fiscal year takes effect. The commissioner scheduled the hearing for September 13<sup>th</sup> at 10:10 am.

The notice went out Saturday for the Development Code public hearing before the Planning & Zoning Board. We feel that it is much improved.

The perpetual yard sale is improved however still out of compliance. He was handed a letter to come into compliance within 30 days.

### **H&K Floyd Gardner & Clarence Davis RE: Gravel Pit**

Ms. Lookabaugh explained that this is a City of Teton issue and their appropriate action would be to go back to the City of Teton and ask for a rezoning. The city feels that they are trying to use the county to circumvent a zoning change.

They explained that they have been to the city several times. They discussed their concerns and various issues that they have had with Teton City.

Ms. Lookabaugh explained that it is in their impact area and that Teton City Attorney Bill Forsberg feels that the county would be interfering with the city. Mr. Forsberg explained that they need to go before the city for a rezone request. However it is Mr. Hibbert and H & K understanding that they won't consider a rezone because they won't change their comprehension plan.

Commissioner Romrell discussed the concerns and consequences of planning a city impact area. He encouraged them to place their request in writing and get the denial in writing.

### **Public Works Marla Vik RE: Landfill Consent Order**

DEQ agreed to the changes that we requested. Commissioner Miller made the motion to sign the DEQ Landfill Consent Order. Commissioner Hurt seconded the motion. A full voice vote was heard with all voting in favor.

George Spinner's contract was reviewed. They would like it to be phrased as the project is completed in phases. She will take the contract back to Mr. Spinner and have it revised.

The proposed increase for landfill fees was discussed. Ms. Vik will return to the commissioners next week with a more accurate cost analysis. The resolution will be tabled until next week. There was discussion about location and the most appropriate way to handle this. There was some discussion about the property that is adjacent to the landfill. There was discussion on cost for each option.

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

Commissioner Romrell made a motion to go into executive session pursuant to IC67-2345(a&b) at 2:36 p.m. 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, and 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. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Miller voting "Aye", Commissioner Romrell voting "Aye" and Commissioner Hurt voting "Aye". Commissioner Romrell declared the meeting open at 3:17 p.m.

### **Forest Service District Ranger Liz Davy RE: Introduction**

Ms. Davy introduced herself and explained some of her background and how she came to settle here. Commissioner Romrell asked about the grant talked about earlier. She and Ms. Vik will meet to discuss the grant and what the requirements may be. She is going on the RAC trip next Tuesday. She has been really pleased with her crew and how hard they work. There was some discussion about bears. Problems have been pretty minimal. She will be working to try to develop a plan for the compound up in Island Park.

### **Gaylen Moser (458-4578) RE: Dog Barking Ordinance**

Mr. Moser explained that he was told there was no resolution or ordinance for the county regarding dog barking. Ms. Lookabaugh explained that he could take the person to civil court however there is nothing that the county will do. It is very hard to enforce an ordinance of this type and it is not supported by the general county population. Clerk Mace commented that a proposed ordinance for a leash law that also failed miserably several years ago.

### **Miscellaneous**

Commissioner Romrell made the motion to approve the liquor catering permit for Island Park Lodge to be issued on the 12<sup>th</sup> of August at the Island Park golf course pavilion. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Romrell made the motion to approve the Last Chance Sewer LID Release 2002-1 #489312 for William F. and Elaine T. Daines. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Hurt made the motion to approve the minutes for 7/26, 7/27, 7/12, 7/7, and 6/22. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

5 County Detention and Teton County, Wyoming contract was reviewed. Commissioner Romrell made the motion to approve the contract to house juveniles at the 5 County Detention Center for Teton County, Wyoming. Commissioner Hurt seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Hurt reported on negotiations and budget talks with Tri-County Probation in regards to the drug testing lab.

Discussion was held on the resolution for the landfill fee increase. This will be discussed again with Ms. Vik next Monday.

Claims were reviewed and submitted.

Discussion was held on the Forsgren and Associates contract to do a bridge design for \$6,000. Commissioner Hurt made a motion to sign the contract for Forsgren and Associates to complete a bridge design on the enterprise canal. Commissioner Miller seconded the motion. A full voice vote was heard with all voting in favor.

The commissioners reviewed the Omni security camera proposals. All of the common areas have been covered. Doors have been reviewed. There was discussion on where to place a camera in the prosecutor's office. It will be better to simply replace the locks instead. Commissioner Hurt will have high country glass come over and take a look at their doors and locks.

Commissioner Miller made the motion to approve the \$17,400 and \$2,300 bid for the security camera's from Omni and to have them installed. Commissioner Romrell seconded the motion. A full voice vote was heard with all commissioners voting in favor.

There was some discussion on the keyless entry project proposal. It was decided that we will not pursue this at this point but will gather bids for it.

Discussion was held on the Secure Rural School Resolution. The commissioners directed Clerk Mace to put it together with 80% going to Title I and 20% will go into Title II with nothing going into Title III.

Clerk Mace reported on the process with the budget. There hasn't been anything concrete from Carlos Aponte yet on the medical insurance renewals. She will meet with the commissioners next Monday and Wednesday.

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