

FREMONT COUNTY COMMISSIONERS MEETING MINUTES
September 13, 2010

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

Also attended by: Clerk Abbie Mace, Deputy Clerk Cathy Conger, Sheriff Len Humphries, Assessor Kathy Thompson and Treasurer Patricia McCoy

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

Clerk Abbie Mace offered an opening prayer.
Treasurer Patricia McCoy led the Pledge of Allegiance.

Elected Officials

Sheriff Len Humphries – We have 23 inmates in custody. There was one accident at the dunes this weekend. He attended a 911 committee meeting. The state 911 people came in to do a presentation on next generation 911. Next generation 911 is really not ready – they have not come up with standards. Commissioner Romrell spoke with CIT Academy. At least 3 of our people have been through the academy. They learn how to handle mentally challenged individuals. The CIT academy will be in Rexburg in November. There is one officer at post he graduates the 24th of September. The commissioners were given a contract for the forest service. There was discussion on the probation officers that have to drive to Salmon for a probationer and whether or not we can bill Lemhi County for that.

Commissioner Skip Hurt made a motion to approve the agreement with Fremont County and the Forest Service. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Assessor Kathy Thompson –GIS is very busy with projects for Marla Vik and Stephen Loosli.

Treasurer Patricia McCoy – We have cancellations for July for \$10,947.40 and for August for \$567.15. The new program is causing some problems. When we put on the cost for sheriff fees we have to put it on as a charge and then cancel if they pay. These are on the pending issues that we had. The program does not give you a good report. Commissioner Romrell asked to be notified when the BLM payment arrives. Discussion was held on the sewer rates and fees.

Clerk Abbie Mace –We are starting absentee voting. She will be presenting later today the proposed levies. We need to reschedule the hearing on the Stoddard gravel pit.

Commissioner Lee Miller – He had an Island Park meeting with the snowmobile committee on Thursday. He let them know that we have had a set back with the bridge – 14 foot bridge is what it will be. We should get bids in the next few weeks. It may cost more money than we can afford. Tamra Cikaitoga is taking care of that. Terry Martindale has worked out the problems with the tuckers snowgroomers. The company rebuilt both of those that were not working correctly. Funding will be down for snowmobiles. We are looking at not renewing the contract with Yellowstone for grooming services. He is getting ready for IAC meeting. Eastern Idaho Regional Waste committee has a meeting next week. Final facts and findings should be done next week.

The Defenders of Wildlife group has removed the funding for confirmed wolf kills. The group has given us additional money for final pay and want us to use the money for non-lethal ways to deter wolves.

Commissioner Skip Hurt – We had the gravel mining appeal hearing for about 45 minutes. There was an inaccuracy in the advertising so it was cancelled. We have cleaned off the timber at the Island Park Road and Bridge building site. He went to a City of St. Anthony Council meeting. They had a good discussion about the airport. We have a \$9000 commitment to them. We will do this with in kind work. We talked about the landfill. The city was surprised about hearing the landfill. We talked about the options of going to Jefferson County or to Dubois. There was a big thanks to the county for the help to the city for chip sealing. The St. Anthony EMS building and the prosecutor's building has been painted. When up at Island Park the new door has been backed into. He sent Bob Foster up there to make sure that it worked before an ambulance call came in.

Commissioner Paul Romrell – He attended the mental health board meeting. Pete Schneider resigned. John Hathaway is the new chairman. It was surprising that with about a dozen professionals they had little knowledge of the spice problem. At the mental health meeting he reported what had been done for training here and they were very curious about what direction Fremont County would go. He explained that he had directed the prosecutor to come up with an ordinance. Sheriff Humphries stated that he would be in full support of this ordinance. Commissioner Romrell saw that a local community had made an arrest for this already. Sheriff Humphries stated that the inhalant statute will be supported. The next mental health meeting will focus on five topics. In our community what are we lacking – prevention, intervention, treatment, recovery, or crisis. There was discussion on these topics. There is a Biomass Utilization group. It is an organization that works Montana, Wyoming and Idaho. The next meeting will be September 28th in Fremont County. We have bugged trees in our area and the landfill group might be interested in attending this meeting. Commissioner Miller will be looking at this and possibly attending. Commissioner Romrell received a letter from Madison County in Montana in reference to a port of entry at the Idaho border near Valley View. They are asking for strong support for the funding for this port. There is a bill currently being drafted that could be a federal stimulus funded bill.

Valerie Hull RE: Tax Problem on Property

Commissioner Hurt recused himself from discussion. Ms. Hull explained to the commissioners that she was no longer on home owner's exemption and she did not know why. Her and her husband had gone to Hawaii to work and they were apparently taken off the exemption. They had originally signed up in 1993 and moved in 2002 to Hawaii and was taken off until 09. She is requesting that credit be given. Assessor Kathy Thompson explained that she was taken off because of an address change. If the county is not their primary residence for six months out of the year they are not eligible. The status of their homeowner's exemption is on their assessment notice and on their tax notice. Idaho statute is very clear that the commissioners do not have the authority to go back to previous years and credit taxes. Commissioner Romrell explained the effect this would have on the many taxing districts. Mr. Hull believes that this is a moral issue and that although they did not see it in the notices the county is also responsible and should be giving credit for the years that they were living back in the county. The commissioners are bound by state statutes. The commissioners have to abide by the law. The state does not consider moral issues and if it were

within the county's control they would be sympathetic however they do not have that authority. Treasurer Patricia McCoy stated that they are three years behind in their taxes.

Planning and Building Interim Administrator Stephen Loosli RE: Department Report

He presented to the commissioners a plaque of appreciation to Planning and Zoning Board Member Glenn Pond who has resigned. Commissioner Romrell stated that we normally have them come to a Planning and Zoning meeting and publicly present it to them. We have completed the investigation for the home on Henrys Lake Outlet. We have verified that it was constructed completely from scratch – 21 ft off of water (29 ft too close) and the retaining wall was built leaning into a tree. The landowner has a permit in process so he is aware of the process. We will invite him to come down and apply for a permit and then request a variance. If that is denied then it will be turned over to the prosecutor's office.

Blake Bowman met with the perpetual yard sale. Nick's property is 18 ½ acres. He is concerned that he will always be bothered – he continues to grow and is outside the home business requirements. He does not have a permit for this type of business. He needs to apply for a commercial permit. The fence blocks all of his products which counter his purpose. He seems willing to come into compliance. Mr. Bowman is asking for strict and immediate compliance. We have the ability to charge a fee of \$300 per day and we would like to give him one more shot to come into compliance. He is going to ask ITD if they are willing to give him a license to operate a business off of highway 20. Commissioner Hurt would like closure on this. It is ineffective to send a letter stating that they have broken a law. There does not appear to be any follow through. Mr. Bowman has done very well with documenting these cases.

There was discussion on unlicensed lot splits and how his office is planning on dealing with this. In the development code they have inserted language that shows the property is a lot. Mr. Loosli explained the letter and how it states to homeowners that they are not in compliance and need to correct the deficiencies. There is no threat in the letter that it will be going to the prosecutors. The Home Occupancy Ordinance is changing to Residential Business and Lodging Ordinance. He provided the commissioners with a copy of Appendix I. Fremont County is a rural county and many people operate businesses from home. This does not apply just to cabins but to all home business. There are four types that we have permitted – a home occupation (such as an accountant), a home based business (such as small engine repair with 1 or 2 employees), residential care facility or a group home (not on parole or registered sex offender), transient rental use (such as cabins). This is designed to be much clearer. The process is different for other non-home based business. This will be incorporated into the code. Commissioner Hurt would like to know how we are enforcing the current code which states 75 gallon per person. The advice from the DEQ was 40 gallons. This ordinance excludes some businesses such as dental office, storage, veterinary services, etc. Some of these will be discussed at the planning and zoning tonight.

Discussion was held on county road access management regulations. Individuals accessing county and state roads for a permit. Recent applications have come forward that will put a lot of heavy equipment on the road. They have drafted a response and requirements asking for how much weight, what types of vehicles and hours that it will be happening. Mr. Loosli will be looking at those fees. The 2010 fees will stand until the new code is completed. Commissioner Hurt doesn't feel that there should be a fee for that permit. Mr. Loosli doesn't feel that there should be a

fee unless there are improvements or repairs to the road specifically because of the increased traffic. Agriculture trucks are being reviewed for this however it does not appear to be realistic. There is a possibility that future permits would have to fall under this.

We are reviewing manufactured housing siding. We have had a number of people ask them to look at the dog at large ordinance. There have been some comments about affordable housing in Island Park. It is a need and it will be looked at so that is done legally. We are looking at Teton County Wyoming as an example. Discussion was held on animal proof containers and where people can obtain them. We are drafting an inspection on sale ordinance requiring that a home seller have their septic inspected. IT is working on an improved website. Kurt Hibbert had signed the county up for a software program that has never been used. It is scheduled to be renewed however Mr. Loosli cancelled the service. Our county website is just a list of documents but little or no explanation. He is unaware of what budget item it was coming out of.

We continue to move forward on the development code that we will discuss tonight. We have a list of changes. We are trying to create a public hearing in mid November. There were many issues that he has addressed. We expect to have a review of this soon and be able to present it to the commissioners at the beginning of December. There is a possibility that the comprehensive plan will need to be amended. Commissioner Hurt questioned that when this was published did the planning and zoning commissioners get a copy of it before it was published. Mr. Loosli does not believe that they did.

Planning and Building Interim Administrator Stephen Loosli RE: Consideration of a Resolution & Planning & Zoning Commission Members

Wednesday we had a public hearing to alter the number of members to not less than 7 and not more than 11 members. We also allowed for terms of 1, 2 or 3 years at the commissioners discretion. Chairman of the planning and zoning is nonvoting. Historically we have had ties however nothing lately.

Commissioner Skip Hurt made the motion to accept the Planning and Zoning recommendation on increasing the number of members not to exceed 11 as Ordinance 2010-08. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Skip Hurt made the motion to appoint Layne Hepworth on a two year term and John Herrington on a one year term to the Planning and Zoning commission effective upon publication of Ordinance 2010-08. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Discussion was held on the Parker and St. Anthony areas being under represented on the Planning & Zoning Commission.

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 1:00 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 1:06 p.m.

Commissioner Miller recused himself.

Commissioner Hurt made a motion to approve case #G2010-133, and deny case #M2010-45. Commissioner Romrell seconded the motion. Commissioner Miller abstained from voting. A full voice vote was heard with Commissioner Romrell and Commissioner Hurt voting in favor. Motion carries.

Open Bids for Fish Creek Road Rock Blasting

Bids were opened for the Fish Creek Road Rock Blasting.

Superior Blasting Inc	\$161,025	bid bond present	blasting license present
Eagle Rock Blasting Inc	\$159,662	bid bond present	blasting license present
Hill & Son Excavating LLC	\$31,500	bid bond present	cutting rather than blasting

There was discussion held as to whether the bid was advertised for blasting or rock removal. There was discussion if excavation could be accepted or if it would have to be re-bid. Road closure was discussed. The work on the Chester Dam was done by Hill & Son Excavation. There was discussion on how much material would be removed. Commissioner Romrell recommends talking to the Forest Service and to Ms. Lookabaugh before making a decision. There was discussion on what type of rock this is. This will be reviewed again on September 27th.

Public Works Director Marla Vik RE: Department Report

Road and Bridge – DEQ requirements for the search and rescue building were reviewed. There was discussion on removal of the fuel tank. There were three options for this – leave it in place - not fill it but still insure it and test it; fill it with dirt material and still test it; or remove it. DEQ stated that it should last a long time while empty. DEQ will come and look at it and check it to see if there is any possibility of it rusting. The decision was to leave the tank there and have DEQ inspect it. Ms. Vik was told that the fuel tank at the Ashton Shop is in the city right of way. Cathy Stegelmeier will look into that. The new tank is just outside the right of way. There was discussion about crossing roads, etc.

Pictures were reviewed as to whether or not they will re-drill the damaged well at Island Park Landfill.

There was discussion on the remediation plan. Task three and four have not been signed. Discussion was held as to the consent order and would like the commissioners to sign task five.

Commissioner Skip Hurt made the motion that the commissioners approve and sign Task Five with CES for \$8927. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Gravel in Island Park will hopefully be in this week. Discussion was held on the patch crew who was working on Wednesday and there is a problem with the oil.

Discussion was held on certain bills.

Sewer Ordinance

Commissioner Romrell stated the date and purpose of the recording. A sewer ordinance hearing was held on September 1st. Numerous people thanked the commissioners at that hearing. A great deal of work went into this revision. Commissioner Hurt stated that a few comments had been made that we had violated our ordinance in relation to cost. He discussed this with planning and zoning as well as the prosecuting attorney's office. The criteria state nothing about cost but rather the basic equivalent user criteria. Commissioner Hurt recommends that after consulting legal counsel and reviewing the previous ordinance we did not violate our own ordinance. The four major comments at the hearing were that revisions were illegal for costs; interest on the cash to revenue; RV dump station; and looking at commercial rates. Interest on the cash revenues was discussed. This is a legitimate concern and we need to review this so that we can look at putting the interest back into a separate fund. We have not been crediting the sewer system back, and we will look into how to do that. The next issue was the RV dump station. There are a couple of issues with this. Macks Inn was built with grant money which includes the RV dump station. If we stop that dumping it could negatively affect that grant. The forest service is paying an amount for campgrounds and RV dump sites. Commissioner Hurt does not feel that it affects the ordinance but it is something that needs to be addressed. The fourth issue was the commercial rates and apparent discrepancy. The question was why three similar businesses are so different. Discussion was held on these businesses. Commissioner Hurt believes that we need to look at this and determine why they are so different and how are we going to make them equitable. These will change next year with the new ordinance because rates have been decreased. Those are the four issues that were brought up that needed to be addressed. There are two text amendments to this ordinance. In our operating maintenance fee schedule it was recommended that we put in \$56 per EDU per month. Operation and maintenance fees may be adjusted on an annual basis by resolution. Appendix C in the rates we call it O&M fees and should be O&M rates. These are not significant changes that would require another hearing

Commissioner Skip Hurt made the motion that we adopt the Fremont County Sewer Ordinance for Macks Inn and Last Chance sewer systems as Ordinance 2010-09 replacing the ordinance from 1998. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hurt noted that Appendix C goes by 500 sq feet increments. If a person questions where they are at on this they need to bring in their plans in order for us to address it.

Clerk Mace RE: Proposed Levies

Clerk Mace presented to the commissioner what the proposed levies will be that will be sent into the state. City of Drummond went down however they are the only one. School and fire district bond passed. It could be later than usual before the state can get them back to us. There was some discussion on tax exemption. The paperwork came in that was required for certain businesses to become exempt. There was discussion on the urban renewal district.

Bonnie Burlage RE: Ambulance Service

Rod Chandler, Randy Gravat, and Stephanie Potter accompanied Bonnie Burlage to the meeting. Ms. Burlage spoke with the commissioners about her concerns with the ambulance service and the research and ideas that she has for the EMT situation. The ambulance district board's goal is that the residents receive the same quality that they have been receiving. We are here to talk about

what option we have. The federal law 553.106 was discussed that talked about volunteers being paid for their expenses and not lose their status as volunteers. The commissioners had not seen this before. Ms. Burlage stated that some would like stay at the volunteer status as the present system as it fits into the federal law 553.106. Commissioner Hurt understands that the IRS has more stringent rules. This federal law does not state that they do not have to have a 1099. Rod Chandler said that the accountants he talked to said that it would be beneficial to file the 1099's but not mandatory. Commissioner Hurt stated that the 1099's have to reflect the overtime hours for the current employees. The ambulance district board is not the same as Fremont County. Commissioner Romrell stated that they had asked that question that if they reconvene as an ambulance district meeting and he was told by Blake Hall that it cannot work this way. Mr. Hall has represented entities and individuals in this type of cases. Ms. Lookabaugh stated that there is nothing stopping this group at their own expense from taking on the IRS. The county at this point is not interested in arguing with the IRS in this matter. Ms. Burlage is asking that the county postpone the changes and leave the ambulance as it is. Ms. Lookabaugh stated that we are not interested in continuing to break the law as we understand it. Commissioner Hurt stated that we have no interest in hurting the ambulance service however we also are not interested in going against our legal advice. We do not understand how we came out with three separate presidents and three separate by-laws. Ms. Burlage stated that they are looking at by-laws that would address all of them. The by-laws do not state that the director has the ability to state who can work on the ambulances. Ms. Burlage stated that they are working on the goal of one by-law. There was some discussion on how individuals operate in the back of an ambulance. Commissioner Romrell believes that we are outside the law and we cannot continue to do that. There is the other concern that as they check things out and we get investigated we would be in more trouble. Commissioner Romrell asked Mr. Chandler how this is different from the fire district. Mr. Chandler stated that the ambulance district would have to find their own insurance. Commissioner Romrell argues that they have been paid by Fremont County and technically have been employees whether they like it or not. Mr. Hall addressed these same concerns in his response to the legal letter. Regional states have the same problem – this issue was brought up at the clerk's conference and Clerk Mace returned it to the commissioners from there. Commissioner Romrell stated that in the process if we find something that will work we will move directly to that solution. Mr. Chandler expressed a concern that based on the fact that because we consider ourselves volunteer and have to move shifts in regards to employment performance. Mr. Chandler explained that there have been some legitimate issues and he believes that these need to be addressed. Ms. Burlage asked for a committee that could come up with by-laws that would help this. This would include Commissioner Hurt and EMS Director Bob Foster. Bob stated that we have a broader scope of interest. The process is complicated by various agency requirements that have to be followed. Commissioner Romrell is concerned that the president of a unit has more authority than the director and the commissioners. Mr. Chandler expressed concern that they have given the impression that this is fact. Commissioner Hurt suggested Mr. Foster direct down here and then each area have a lead staff. Commissioner Miller suggested that the three presidents meet regularly with Mr. Foster. Ms. Burlage believes that there needs to be more interaction with Dr. Curtis as licenses are updated. Stephanie Potter asked why a 1099 does not solve this problem. Clerk Mace stated that the IRS has wrote a ruling that they don't look at you as a volunteer but as an employee which is why the 1099 does not cover it. Ms. Burlage asked for a copy of that and Clerk Mace stated their attorney has that. Clerk Mace stated that the IRS defines a volunteer as total non-compensation. Ms. Lookabaugh asked the commissioners if they would like her to undertake legally addressing the IRS in this matter and all three commissioners stated no.

Commissioner Hurt's understanding of the letter from their attorney was that it was threatening. Ms. Burlage feels that Mr. Halls letter was degrading to the EMT's. The commissioners will address the appropriate authorities next week at their meetings. Mr. Chandler stated that he has a meeting on Wednesday and will know more after that as to how many of his EMT's will remain on. Commissioner Romrell expressed some concern about how many employees did not report this income and the impact that would have on both employees and the county. The county also has to be aware of possible criminal laws if we continue. Mr. Foster stated that any EMT who wants to stay on as a complete volunteer and still be reimbursed for trainings has that option. Mr. Chandler expressed that the EMT's were feeling left out of the loop. Commissioner Romrell has asked Clerk Mace to write a letter to ask ICRMP to get an official ruling from the IRS for volunteers as EMT's. Blake Hall is the legal representative for ICRMP.

Miscellaneous

Commissioner Skip Hurt made the motion to approve liquor licenses for Elk Creek Station, Henry's Lake Station, & Woodies Hungry Bear Market & Resort. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Skip Hurt made the motion to approve junior college applications for 7 individuals. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioners asked for a letter of appreciation to the Eastern Idaho State Fair board for the tickets and the smoke free environment.

Commissioner Lee Miller made the motion for Commissioner Romrell to sign a letter of appreciation to the Eastern Idaho State Fair board. Commissioner Skip Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Carlos Aponte is meeting with Blue Cross Dental however the commissioners have already approved the move to Delta Dental.

Commissioner Skip Hurt made the motion to approve the minutes from August 9th and August 16th. Commissioner Lee Miller seconded. A full voice vote was heard with all commissioners voting in favor.

Discussion was held on the Veteran's Assistance Officer, Stacy Whitmore. She will be provided with an office in the courthouse. Tentative hours will be Monday, Wednesday and Fridays from 1pm to 4pm.

Waterways ordinance was discussed. It is now written and we need to set up a public hearing date and time. The public hearing will be held at the annex on October 6th at 6:00 pm.

Ordinances will be going through Planning & Zoning and then to prosecutors office.

The new hearing for the gravel pit will be in the annex building and will be held on October 7th at 6:00 pm.

Discussion was held on weapons signage in the courthouse. Clerk Mace explained that there was an incident in Teton County where a person had a concealed weapon in the commissioners meeting. There was discussion as to whether or not the city would have to pass an ordinance in addition to the county's ordinance. Our current ordinance states specifically that it is for any county owned or operated building. There was also discussion on having a sign to indicate an elevator. The commissioner would like Ms. Lookabaugh to review this ordinance so to ensure that all county buildings are covered.

Dana Miller would like Josh Warnke and Lisa Turner to talk to the company about buying out the lease on the extension office copy machine.

Keith Richey has the other generator for the county courthouse ready to be hooked up. The grant from Idaho Department of Lands was signed.

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

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk