

FREMONT COUNTY SEWER ORDINANCE PUBLIC HEARING

Date: June 22, 2010
Time: 6:00 pm
Location: Island Park EMS Building

Attended by: Commissioners Paul Romrell, Skip Hurt, and Lee Miller

Also attended by: Clerk Abbie Mace, Deputy Clerk Cathy Conger, Treasurer Patricia McCoy, Chief Deputy Treasurer J'lene Cherry, Hearing Officer Blake Hall, Sewer System Supervisor Dan Lostutter, Public Works Director Marla Vik, and Keller & Assoc. Representative Mr. Jim Mullen

Commissioner Romrell called the hearing to order and welcomed those in attendance. Commissioner Romrell introduced those in attendance. He reviewed the schedule for the evening.

Keller & Associates Jim Mullen

Mr. Mullen gave a brief review of the sewer system. He explained the purpose of a waste water review and how they determined the future needs of the community. He felt that there were some things that needed to be addressed in the sewer ordinance in an effort to better serve the county and represent those needs. The impact that it has on the community is one thing that he will address. The goal is to address issues such as growth, and waste management. He showed a power point that emphasized the various aspects of the sewer system. There was discussion on how the system is impacted based on how many people are in the home. He showed ordinance samples from two other sewer systems from similar areas. He explained that there is a difference between residential usage and business usage. Mr. Mullen discussed the challenges that the county is facing with this type of system. The sewer system is very unique. He discussed high peak times and how that impacts the sewer system. The system needs to be designed to address the peak times. Peak days show that most households have a larger number of people. During the summer there are a greater number of people residing in Island Park. He addressed how many facilities are in the area to assist the whole sewer system. Lift stations are the most problematic aspect of the sewer system. There is a lot of effort in the treatment systems as well. The design criteria needed to address the various aspects of this particular sewer system such as a reflection system, gravity flow, lift station, pressure lines, and treatment plant or another lift station. The collection system needs to be designed to handle collection from peak times. It is designed so that those that use the system more are charged more. He addressed EDU's and WGU's. WGU stands for water generating unit. He gave an example of what a WGU looks like and how that converts to an EDU. Charges will be based on EDU's which will be determined from the homes WGU's. He reviewed several house plans and how the WGU's are determined. He addressed how the waste water is disposed of. The waste water is not disposed of into the river. This system treats the water and then creates snow or releases it back into the ground through a sprinkler system. The question was asked if these were additional fees to what they are currently paying. Mr. Mullen clarified that this it is not.

Hearing Officer Blake Hall

Mr. Hall welcomed everyone and gave guidelines for the hearing and those that are speaking. He explained that this hearing was published in Standard Journal. He explained that this hearing is solely for the purpose of hearing comments on the sewer ordinance. He encouraged everyone to

read the ordinance and use it as a reference during their comments. He will read the names from the sign up sheets and those that would like to testify can. He asked that those who come up to testify please state their name and their address. Each person will be given 4 minutes with a 30 second warning. If they do not have enough time for their comments they will be able to submit their comments in written form to the Clerk and it will be submitted to the records.

A question came from the audience as to whether or not any written comments had been submitted to the county at this time. Clerk Mace stated that she had not received any and Commissioner Romrell stated that he had received maybe five emails.

PUBLIC COMMENT:

Kay Ridley (4222 Barrett Lane, Island Park, ID)

Mrs. Ridley stated her name and address for the record. She thanked the Commissioner for allowing the opportunity to make comments. Mrs. Ridley questioned why there was no difference made for homes smaller than 3 bedrooms. She would like the commissioners to take this into consideration. She is concerned that the sewer ordinance states that the county is the owner of the system while her understanding is that it is the users who own it. She stated that she doesn't believe that the rates should be controlled by the commissioners. She believes that previous ordinances addressed the use of flow meters and would like this to be considered.

Karen Leyse (4162 Teton Ave, Island Park, ID 83429)

Ms. Leyse stated her name and address for the record. Ms. Leyse stated that she believes the ordinance is needed. She lives in California where sewer rates are based on water usage but understands that this could be difficult. She would appreciate it if that were looked at.

Richard Bishop (4265 Gooding St, Macks Inn, ID 83433)

Mr. Bishop stated his name and address for the record. Mr. Bishop stated that he believes it is a good idea to charge for amount of water used. He feels that seems to be a way to raise more money. Mr. Bishop stated that he was under the belief that the 300% increase was supposed to cover costs for an extended period of time. If the rates are increased on larger houses will smaller houses be decreased?

James Randall (4264 Shoup St., Island Park, ID 83429)

Mr. Randall stated his name and address for the record. Mr. Hall stated that since he was representing several others on a committee his time would be split up between him and David Karling for a time of 8 minutes each. There was no objection from the audience. Mr. Randall stated that in the June 14th Commissioners meeting the Commissioners stated that the ordinance was to level the playing field so that those who are generating more would pay more effectively. The legal challenges are concerning. In ordinances 2008-01 and 2010-01 there appears to be some discrepancy in how a WGU is described such as a bedroom. Mr. Randall stated that consistency in this is needed for it to be effective. Patrons are aware that the ordinance is not perfected. There have been some changes made since it was placed on the internet, however if we are going to reach the goals that the commissioners stated in the June 14th meeting more changes are needed. In section 13.01.01 there is ambiguous language regarding entry of an operator. Mr. Randall is urging the Commissioners to table the ordinance until language can be cleared and feels that others feel the same. He would like to see the square footage issue

reviewed. It appears that this is unfair and comparables would be helpful. Waste water does not have to be used the way that we do and other ways should be considered. Mr. Randall feels that over occupancy is not a sewer issue but rather an occupancy issue. He encourages Fremont County to deal with occupancy issues differently rather than with the sewer ordinance. He would like the Commissioners to review the possibility of using meters. This would verify the claims that rentals require more sewers.

David Karling (4517 Shadow Ridge, Island Park, ID 83429)

Mr. Karling stated his name and address for the record. Mr. Karling thought that this ordinance was supposed to be used to make users pay for their actual usage. There are very few large homes in the majority of the sewer district. A bedroom is redefined in the ordinance 13.02.84. According to the building inspectors a bedroom is only considered as such if there is a closet and two egresses. Why does the sewer ordinance redefine a bedroom? It can also be applied to any home in Island Park that has the same type of room but not a bed in it. This can be misinterpreted and can produce false charges. Mr. Karling would like scientific facts as to how they determined square footage. After the first ordinance was questioned it only took a few weeks to make certain changes. Why would it be changed because a few people were complaining? When he questioned the sewer supervisor he was told that it was a gut feeling. There is a difference between a commercial charge, a rental charge and a residential charge. Shouldn't all the residences be measured on the same level? We have found that the Payette Lake Area Recreation Sewer District is a good comparable system. He would propose that we review those. They have had 13 rentals on sewer system that were rented for a total of 80 days last year. Can those 13 rentals be generating as much flow as we believe that they are? Mr. Karling would like scientific data to back this up.

Doug Button (4215 Grandview Rd., Island Park, ID 83429)

Mr. Button stated his name and address for the record. Mr. Button was disappointed by Mr. Mullen's presentation. Mr. Mullen explained how the rates would be changed well but did not provide very much on why more money was needed to come into the system. Mr. Button does not understand how this is equitable when you look at 1 bedroom versus a 4 bedroom even though there are only 2 people in the 4 bedroom. He stated that it appears to him that everyone seems to want to kick the rental people. He had a rental that he only rented minimally. He doesn't understand why rentals are doubled. He feels that the Commissioners are missing the point on rentals. Mr. Button feels that the shining spot on the rental ordinance showed that only so many people can be in a rental. He believes that the county is double dipping between the sewer ordinance and the rental ordinance. He would like the commissioners to rethink this before more contention is made.

David Van Drimmel (4536 Cobblestone, Island Park, ID 83429)

Mr. Van Drimmel stated his name and address for the record. Mr. Van Drimmel stated that they came to Island Park ten years ago and it was the best decision made. However they haven't had much time to be here. He believes that an equitable solution should be done. His home sits vacant most of the time but they will pay at the higher end. He believes that the most equitable path would be the meters but understands that because of their expense it probably won't happen. Appreciates that this is a difficult issue but encourages commissioners to review this again.

Arlene Henderson (4141 Shoshone, Island Park, ID 83429)

Mrs. Henderson stated her name and address for the record. Mrs. Henderson stated that she feels that this ordinance is not equitable –it charges for WGU's rather than what you actually use. She feels that the price for the sewer is unreasonably high and that they already pay more than other areas even though they receive fewer services and are under represented.

Charles Lundeen (4182 N. Bigsprings Loop Rd., Island Park, ID 83429)

Mr. Lundeen stated his name and address for the record. He has a cabin and a room over the garage. Would they be charged as separate homes or individually? He could be charged double even though they barely make up 1 EDU together.

Ralph Burton (4494 Stone Run, Island Park, ID 83429)

Mr. Burton stated his name and address for the record. His concern is that the system doesn't process square feet, toilets or bedrooms – it processes liquid. He would like to see the Commissioners ease the heartburn of the equitable issue.

Kyle Babbitt (3774 Indian Paintbrush Ln., Island Park, ID 83442)

Ms. Babbitt stated her name and address for the record. Ms. Babbitt believes that meters are the most equitable way to review and that the use of WGU's and EDU's are a way to start. She questioned section 13.02.84. What constitutes a bedroom? Most living spaces could be construed as a bedroom. We are already having an increase in fees and taking the time to look at this is important to make sure that it is equitable.

Laurie Augustin (4788 Basalt, Island Park, ID 83429)

Mrs. Augustin stated her name and address for the record. Mrs. Augustin would like to see this go back to the basics. She believes that this has gone overboard. There is still not enough information given to the users. The only cost mentioned is an EDU. Why isn't the annual increase enough? Mrs. Augustin would like to know if there were repairs or regulations that the users were not aware of. She owns a short term rental that is advertised for eleven people however it operates under a 50% occupancy. The vacation rental will cost more than what her house is. A meter will show exactly what is used. She questions if all of the rentals can even be determined or found so that everyone is treated poorly equitably. What this ordinance was first designed to do is what it should go back to. She feels that it needs to be relooked at – thinks it is too deep. She would like the pissing match between Island Park, Fremont County and the sewer people to stop.

Connie Nipko (3418 Douglas Dr., Island Park, ID 83429)

Ms. Nipko stated her name and address for the record. She stated that there are a lot of people around her that bring up their trailers and stay three weeks a year and would like to know how that is made equitable.

Hollie Miyasaki (1995 Olympia St., Idaho Falls, ID 83402)

Ms. Miyasaki stated her name and address for the record. She would support an equitable user pay system. She does not feel that those who own cabins and are only used in the summer are treated fairly. She has a smaller cabin and uses it less and would like that to be considered. She would like the county to provide data on what would happen if Macks Inn were separated. Please investigate applying meters. She would like a breakdown of costs of what the \$809 yearly fee is used for. She feels that it would be helpful to put in the newspaper specifics on how to submit a

written comment to the county. She doesn't feel that the fact sheet is factual – feels that it is inappropriate and contains negative language.

James Dalton (4277 Fremont, Island, Park, ID 83429)

Mr. Dalton stated his name and address for the record. Mr. Dalton stated that when they expanded the system in Macks Inn they all carried the loan and this was not fair. He is still paying \$809 a year even though he is not up here. He feels that this can be dealt with more affectively as a co-op. He stated that his taxes and fees are tripled but he is receiving no services.

A question came from the audience as to who would be going to the home to determine the WGU's. Ms. Vik stated that the only time someone would go into the home would be with the cabin rentals, and that others would be determined by assessor's information. If you believe that we are charging you for more WGU's than what you have please contact us.

Fritz Menning (4006 Martin Ldg., Island Park, ID 83429)

Mr. Menning stated his name and address for the record. He stated that the flow issue is a mandatory issue and if it is not locked into the ordinance at least make it an option for users to purchase meters on their own.

The hearing was closed at 7:43 p.m. by Mr. Hall.

Commissioner Romrell stated that they have 60 days to make a determination, and if changes are made that are significant this ordinance will go back to another hearing. Many have said that they would pay for meters – that would be considered a significant change. Mr. Randall explained that the average cost of a meter of \$600 for the meter and \$600 for installation. Commissioner Romrell encouraged those in attendance to talk with Mr. Mullen and Ms. Vik about their concerns and questions. There has been a lot of talk about rates and the Commissioners instructed Ms. Vik and Mr. Lostutter that if rates go up in one area than it needs to go down in the other area. Commissioner Romrell thanked everyone for the comments and their attendance.

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

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk