

FREMONT COUNTY COMMISSIONERS MEETING MINUTES

May 9, 2011

Present for the meeting was: Commissioners Skip Hurt, Lee Miller and Jordon Stoddard.

Also attended by: Clerk Abbie Mace, Deputy Clerk Cathy Jasinsky, Prosecuting Attorney Joette Lookabaugh, Sheriff Len Humphries, and Assessor Kathy Thompson

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

Commissioner Hurt offered an opening prayer.

Commissioner Stoddard led the Pledge of Allegiance.

Elected Officials

Assessor Kathy Thompson – They are finishing appraisals and new constructions. New construction to date is \$14,310,000.00. She received a report from tax commission regarding the centrally assessed property (operating property). Clerk Mace estimates levy at a 10% decrease every year however it may be 15% this year on the operating property. Discussion was held on rates going down. A preliminary report comes out the first part of June. The operating property is about 35 million annually. We are close on our values. Manufactured home values had to be dropped. We are in compliance with everything according to the state so they will not have to come back and do another ratio study. Discussion was held on BOE training. Last year we had 800 people call or come in but only 6 that actually held an appointment for BOE.

Sheriff Len Humphries – He attended post graduation Friday. Jeff Davis was top student in the graduation. The other deputy Howard Overton got top gun. He is starting to see some flooding. Code red is up and running. They have had a lot of people registering their cell phones. He would like to add this insert to assessment notice mailings. The new inmate phone system is in and running. He would like to take part of the wall out in the visitor room. He needs to get it approved by the jail standards committee. We are closer with electronic visitation. He still needs to look at closing in the exercise area.

Prosecuting Attorney Joette Lookabaugh – Dede Draper has filed for judicial review. She is being represented by Attorney Doug Siddoway. Karl Lewies, attorney for Huber appeal, has expressed that he would like to eliminate some of what he originally requested for the record however he has not contacted Blake Hall or her. We have filed some additional felonies for drunk driving. This week we have a full court schedule.

Clerk Abbie Mace – She met last week with Judge Schinderling and the Elected Clerks of the 7th Judicial District. They discussed voluntary commitment process. We have found some ways to make the process more efficient. We went over budget issues as far as what the county has to pay in court issues. It looks like it will all be about the same amount. They met after that meeting on the drug lab regarding the accounting. We will still continue to operate the lab. The problem that has created is that the state level has not eliminated the specialty courts but is cutting the revenue for testing. The cost will have to be covered by the county. There has been an increase in probation revenue. If you get the fees too high the probationers won't be able to make the payments and that has to be considered. The judge is concerned because we are making a profit. We are charging less than anyone else. In the beginning we weren't making money. We will take this time to get the accounting in order. Ms. Lookabaugh has been considering eliminating the contract with Attorney John Stosich however he is more economical on our involuntary mental health commitments. He has volunteered to come and do training with law enforcement regarding the new form and what they have to consider for involuntary mental health commitment. With the use of this form the officers will be able to assist in moving the person more quickly. The individual has to be a resident for at least 6 months in order for our indigent program to step in. A week from tomorrow is the consolidated election for the Fremont County Library District. They trained poll workers last week. They showed some concerns with the new process. They talked with them about the closed primary. Tomorrow is the budget and levy training in Idaho Falls. She is meeting with department heads this week on their budgets. Insurance Agent Carlos Aponte is

coming in today with the results of the insurance survey. She received an email from Tom Seamons from last week. He would like the forms filled out to move forward on his proposal. If you are serious about the Gem Plan Insurance and want a solid quote the employees need to fill out the paperwork. The commissioners would like to talk about it after Carlos Aponte's appointment. She went to PRIMA and they will have things to discuss in our personnel policy. She will bring it later this month for review. She asked for direction on how they want to change the resolution to reflect the new law regarding public records requests. Abbie will arrange for a committee to get together to make a recommendation on this.

Commissioner Lee Miller – He went to BOE training. It was a good meeting. They talked about values going down in subdivisions. It was very informative. Steve Fiscus did a good presentation. The recreation bridge is completed. It has ended up being 14 feet. They missed a bit on what they estimated on fill. He received a call from a farmer complaining about another farmer whose disc is tearing up the road. He asked if when we use the men from the work camp are they eligible to drive on public roads. If they have a valid license they can. They have to have a CDL in order to drive one of the really big trucks. It would be nice to have something on hand showing that they have a valid license. We need to be in close contact with one another and with Keith Richey in light of the flooding that is going to happen.

Commissioner Jordon Stoddard – He attended BOE training. This is going to be an interesting experience. The webinar went well. He is working with Carey Daniels on building issues.

Commissioner Skip Hurt – We are lucky with our BOE. The meeting with Judge Schinderling was very productive. Clerk Mace is going to have to do make some changes to the budgeting with the specialty courts. He is concerned about the potential flooding.

Jerry Reese & Chet Work RE: Teton Land Trust Introductions and Update

Mr. Reese introduced Chet Work as their new director. Mr. Work gave an overview of the program and their purpose. They purchase conservation easements. They are not an advocacy organization. They only work with willing land owners. Mr. Work reviewed the purpose of the Teton Land Trust. He discussed the Greater Yellowstone Ecosystem. Their service area is the southwest corner of Idaho. He reviewed each service that they provide. He reviewed the NAWCA grant. They have accreditation for the land trust. Mr. Work talked about the Henry's Fork Legacy Project. They are very similar to what we do. Discussion was held on what the benefits are to landowners. Generally they try to maintain agricultural processes.

Bid Opening for Over the Snow Utility Vehicle for Sewer Department

There was one bid received.

Tucker Snow Cat Corporation \$138,414.97 New 2012 Model

Discussion was held with Dan Lostutter about what his estimated costs were. He has the funding in the budget. Discussion was held on what this will be used for.

Commissioner Lee Miller made the motion to accept the bid from Tucker Snow Cat Corporation for \$138,414.97 plus freight with the condition that it meets Dan Lostutter's approval for specifications. Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

Public Hearing for Vacation of County Road in Wilford Townsite

Date: May 9, 2011

Time: 10:50 a.m.

Location: Courthouse

Attended by: Commissioners Skip Hurt, Lee Miller, and Jordon Stoddard

Also attended by: Clerk Abbie Mace, Deputy Clerk Cathy Jasinsky, Prosecuting Attorney Joette Lookabaugh and Assessor Kathy Thompson

Commissioner Hurt called the hearing to order at 10:52 a.m. and welcomed the public.

Commissioner Hurt asked Clerk Mace if the notice for this public hearing was properly noticed. She stated that it has.

Commissioner Hurt introduced those in attendance.

Commissioner Hurt asked if any of the commissioners have a conflict of interest. Commissioner Miller responded no; Commissioner Stoddard responded no; Commissioner Hurt responded no.

OPENING COMMENT:

Joe Meservy (243 N 2400 E, St. Anthony)

Mr. Meservy gave an overview of what he is asking for. He is asking for the road at his house to be vacated. Their house sits right on the roadway. The address is 244 North. There are three of us that share that lane – the Staeb, Royal and Sheila Meservy, and us. We own property on both sides of that lane and we are concerned about heavy traffic coming through it. This property being commercialized is a concern. The farm machinery has another way to get to the property on the north side. The road is 99 feet. It was part of the old Wilford Townsite.

Commissioner Hurt explained that the public comments will be kept to three minutes each. Commissioner Hurt read through the sign in sheet for those in attendance.

PUBLIC COMMENT:

Harry Kennedy (2382 E 214 N, St. Anthony)

He is the originator of the compromise. There were two proposals – one to close all the county roads and one to keep all the county roads open in the old Wilford Townsite. At that time he suggested to keep them open at a narrow width. All roads are 6 rods wide. They changed some of them to 4 rods except for the east and north side of the Wilford church. The petition allowed those to be narrowed. They recognize that the Meservy home is in the right of way. There is one road that has a fence right in the middle of it. Discussion was held on this road. He is asking that this be returned to planning and zoning.

He submitted pictures of the road as Exhibit 1.

Rod Staeb (2383 E 214 N, St. Anthony)

Mr. Staeb read from a written statement. They are congenial neighbors; they have never had a dispute about this road. Their property is accessed through this road and is the only access that they have. Currently the acreage is used for grazing horses and on occasion they have to take farm equipment through this road. Mr. Meservy notified him of this road closure request and stated that he does not want gravel equipment going through this road. The landowners signed the document stating that this and other roads would be kept open. He understands the dilemma that they are in however he should not be penalized. He is willing to discuss solutions but not willing to give up current rights.

Cheryl Meservy (259 N 2400 E, St. Anthony)

Most of the roadways have been vacated and the Meservy's would still allow access but not to development. The other properties do have access and the option of building a bridge can allow additional access. They could share a bridge they would still have access and not be landlocked. There is no bridge at this time but it could be built. They are not opposed to the Staeb's using the road for access to their horses but they do not want others to use that road.

Sharon Stab (2383 E 214 N, St. Anthony)

There isn't access right now and it would be a great personal expense to us to put in a bridge and a road.

CLOSING COMMENT:

Joe Meservy (243 N 2400 E, St. Anthony)

He wants his neighbors to know that he doesn't have any problems with them and doesn't want any problem with them. What he would like to see is to take 244 N road, vacate 49 1/2ft from the center, on south of the center line vacate 12ft, then

start the 25ft wide roadway. That way they can still go down that lane. He has some trees and his house that he would be able to save by doing this. This has already been done in the Wilford townsite so precedence has been set. He read from a deed for a previously vacated road. He showed the commissioners pictures of the road.

Commissioner Hurt explained that Mr. Meservy is proposing dropping 49 ft north and 12ft south or just the 49ft. This would give us 24ft and 6 1/2ft of burrow pit. Commissioner Hurt asked Mr. Staeb if he was aware of what Mr. Meservy is proposing. Mr. Staeb stated that he is. Mrs. Staeb questioned if that limits it to being a private lane. Commissioner Hurt stated that the county would maintain ownership of that road and grant partial ownership. Mrs. Staeb stated that they don't want to have their property limited by making it so narrow. It may not stay farmland but if it doesn't would the road limit it. Ms. Lookabaugh stated that she would like Marla Vik's opinion on this before proceeding. Commissioner Hurt explained that we have many private drives that are less then 66ft.

Commissioner Hurt feels that Marla Vik and Planning and Zoning needs to have input on this. He stated that if we went to the 37ft right of way and those trees would remain until necessary to change.

Mr. Meservy would like them and the Staeb's to build a bridge. He believes that it would less than \$5000. He and his wife are concerned that if they build back there it will create a lot of problems for him.

Commissioner Miller is concerned because they haven't discussed what requirements have to be met.

Commissioner Hurt stated that they will turn it over to Marla Vik and Planning and Zoning and they will be contacted to meet with them.

Mr. Meservy submitted the following exhibits –
Exhibit 2 Map of Parcels
Exhibit 3 Deed vacating roadways in Wilford from 1982
Exhibit 4 Picture of road and adjoining property
Exhibit 5 Proposed Changes

Commissioner Hurt thanked everyone for the comments and their attendance.

The hearing was closed at 11:32 a.m. by Commissioner Hurt.

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

Exhibit List
Road Vacation in Wilford Townsite
Held May 9, 2011

Exhibit #1 - Pictures of the Road
Exhibit #2 - Map of Parcels
Exhibit #3 - Deed vacating roadways in Wilford from 1982
Exhibit #4 - Picture of road and adjoining property
Exhibit #5 - Proposed Changes

Commissioners reconvened their Board of County Commissioners Meeting.

Carlos Aponte RE: Insurance Update

Mr. Aponte presented the insurance survey breakdown. Overall it was a good survey. Each question was reviewed in detail. There were 98 turned in and 75 answered all of the questions. The percentage for each answer was discussed. Discussion was held on insurance. There hasn't been any savings by being self funded. Insurance variable were discussed.

Social Services – Debbie Adams Re: Indigent Claims

Commissioner Skip Hurt 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 1:16 p.m. Commissioner Jordon Stoddard seconded the motion. A roll call vote was taken with Commissioner Jordon Stoddard voting "Aye", Commissioner Lee Miller voting "Aye", and Commissioner Hurt voting "Aye". Commissioner Skip Hurt declared the meeting open at 1:32 p.m.

Commissioners signed one new lien and three releases of liens.

Commissioner Lee Miller made a motion to approve case #G2011-73, and deny case #M2011-22. Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Planning and Building Administrator Stephen Loosli RE: Department Report

He has spent the last couple of days creating a corresponding resolution that will match the fees with the new proposed development code. He has not had any formal public feedback. The proposed rules do not address where in a buffered area for a gravel pit a burm needs to be. Neighbors of the Stoddard Brothers Gravel Pit are asking Mr. Loosli to intervene and ask the gravel pit owner to move the burm. Ms. Lookabaugh believes that this would be inappropriate because the appeal is still active. This would be ex parte communication. Stoddard Brothers may want clarification on the burm issue. Mr. Loosli asked if the latitude of the placement of the burm is left to the property owner. They are welcome to talk with the Stoddard's as this is a neighbor issue. The applicant has the option of using a burm or a fence. At this point the county is neutral on this subject. Discussion was held on the benefits of moving the burm in 25 feet. There are some appendixes that were intentionally left alone to address by the County Commissioners in the proposed development code. Business transactions are looking very grim. There is an expected reduction in home values nationally. Given that information there will be a significant impact on his department's functionality. A lot of what we have done this year is garages, and manufactured homes. Reduction In Force terminations still apply. It is based on the need in that office. When looking at Madison County they have an administrator, planner, inspector and secretary.

Commissioner Lee Miller made the motion to amend the agenda to include an Executive Session IC 67-2345 (b). Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Skip Hurt made a motion to go into executive session pursuant to IC 67-2345 (b) 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 at 1:53 p.m. Commissioner Jordon Stoddard seconded the motion. A roll call vote was taken with Commissioner Jordon Stoddard voting "Aye", Commissioner Lee Miller voting "Aye", and Commissioner Hurt voting "Aye". Commissioner Skip Hurt declared the meeting open at 2:10 p.m.

Veteran's Service Officer Stacy Whitmore RE: Change in Hours

Ms. Whitmore has requested from the commissioners that her hours be changed to Tuesday, Wednesday and Thursday from 10:00 am to 12:00 pm. She has only had 3 clients on her previous hours in the last quarter. She wants to extend her weekend and wants to see if the morning hours are better for the veterans. She updated the commissioners on a summer camp program for the children of military personnel.

IT Administrator Lisa Turner RE: Plotter/Door Locks

Lisa Turner and Josh Warnke presented to the commissioners the proposal for the plotter in the assessor's office. The plotter has officially died. There have been problems off and on for the last year; Kathy Thompson just put \$2,000 in repair costs recently and in the past year closer to \$3,000. Since the repairman worked on it, it has quit working completely. Mr.

Warnke looked at several options and there is a local company that could be useful for purchasing a new one. IT has the money in the budget to cover the replacement costs.

Commissioner Jordon Stoddard made the motion to purchase the plotter/planner from Yost Office Systems for \$8,549 and have Josh Warnke check on a trade in. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Discussion was held on the key card system for dock locks on the courthouse, sheriff's office, annex building, the prosecuting attorney's office. Discussion was held on which offices need this and which employees. Discussion was held on what the benefits are for going to this type of entry. Homeland security grants will pay for the sheriff's department and the courthouse. The annex building and the prosecutor's office would be at our expense. The commissioners would like Mr. Warnke to look into the expenses of doing the extra buildings now versus doing them later.

He asked if the commissioners wanted another computer for the small meeting room. The commissioners questioned if a laptop would be just as effective. There is a surplus computer that would work fine for power point that they will put it in the meeting room now. He will wire the television so it will work with the computer. They can be used for the webcasts. Discussion was held on whether or not government entities have the possibility of using webcast.

Jan Neish RE: Development Code

Ms. Neish discussed with the commissioners her thoughts on the proposed development code. She has an idea for small landowners. She is concerned about the density. There was discussion on a density zoning sheet that she developed. Discussion was held on short plats. She feels that the density needs to be lowered. Under the current density with 40 acres a person can only get one dwelling on it. Take the 40 acres and take out the open space and you can divide it into 1.7 acres each. With the exchange bonus density there would be more density per 10 units for 100 acres. It accomplishes keeping the county rural and still allowing development. Part of the open space requirement that you would take off would be part of the parcel. This would leave the open farm rural that we currently have. On the smaller parcels a portion would be open space. She is trying to avoid the cookie cutter appearance. This would allow the area to continue to be open. Counties in the west have done this before but are now going back and lowering their density. This is a way to still allow people to short plat and deed property to their families. She explained that this is about building up.

Commissioner Hurt explained that they want it to be a rural county but at the same time they want property owners to be able to make the decisions of their property. She agrees however there has to be a balance. She is trying to find that balance between property owners and their rights and how what they do affects their neighbors. Commissioner Hurt explained that he does want to raise the density. He doesn't feel that development won't happen. Commissioner Miller and Commissioner Stoddard believe that it should be based on property rights. Commissioner Hurt said that the way it is written right now is not fair to current owners.

Public Works Director Marla Vik RE: Department Report

Commissioner Skip Hurt made the motion to amend the agenda to include an Executive Session IC 67-2345 (b). Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Skip Hurt made a motion to go into executive session pursuant to IC 67-2345 (b) 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 at 3:51 p.m. Commissioner Jordon Stoddard seconded the motion. A roll call vote was taken with Commissioner Jordon Stoddard voting "Aye", Commissioner Lee Miller voting "Aye", and Commissioner Hurt voting "Aye". Commissioner Skip Hurt declared the meeting open at 4:15 p.m.

Discussion was held on the public hearing for vacating roads in Wilford.

Miscellaneous

Commissioner Jordon Stoddard made the motion to approve two junior college applications. Commissioner Lee Miller seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Skip Hurt made the motion to approve a liquor catering permit for Island Park Lodge. Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

Commissioner Lee Miller made the motion to contribute \$1,000 to the Island Park afterschool program. Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

Ms. Lookabaugh presented the development agreement for River's Edge for the commissioner's review.

Discussion was held on the Island Park sewer system.

Commissioner Skip Hurt made the motion to approve the claims for May 9, 2011 as submitted. Commissioner Jordon Stoddard seconded the motion. A full voice vote was heard with all voting in favor.

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

Skip Hurt, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk