

Fremont County Commissioners Meeting  
Minutes  
May 29, 2007

Present for the meeting were Commissioners Paul Romrell, Skip Hurt, and Donald Trupp.

Also in attendance were Prosecuting Attorney Karl Lewies, Treasurer Patricia McCoy, Assessor Kathy Thompson, Sheriff Ralph Davis, Clerk Abbie Mace, and Deputy Clerk Suzanne Bagley was present to take minutes.

Commissioner Romrell declared the meeting open.

Commissioner Hurt offered a prayer.

Sheriff Ralph Davis led the pledge of allegiance.

**Sheriff Ralph Davis** reported that there are currently 17 inmates in county custody. He stated it was a busy Memorial Day weekend. He stated he has lost an engine in a vehicle this weekend. He will report to the board as he knows more. He is changing some scheduling to be able to patrol the sand hills seven days a week.

**Assessor Kathy Thompson** stated her office is getting ready to send our assessment notices out. They will be mailed next Monday.

**Treasurer Patricia McCoy** reported she has sent out the Last Chance LID billing last week.

**Clerk Abbie Mace** reported to the commissioners that she received a phone call reporting some water damage on the Senior Citizen Building owned by the county last March and there has been no communication to the county on this. She will report as she learns more on it.

Clerk Mace reminded department heads to turn in budget requests as soon as possible.

**Prosecuting Attorney Karl Lewies** reported that he received the transcript on the Woodlands last week and a decision will need to be made soon. He reported on the Rivers Edge Appeal there has been a request for mediation from the developers attorney. He will look into this process and report back to the commission. Commissioners agreed that there should be a written document on their decision for the scoring of the LESA evaluation. Attorney Lewies will draft a letter for the commission.

Attorney Karl Lewies had no new information on the Grube case.

Commissioner Skip Hurt had nothing to report.

Commissioner Romrell reported that he was appointed to be chairman a subcommittee of High Country RC&D to address cloud seeding in our area.

Commissioner Trupp talked the information they reviewed at East Idaho Public Health District meeting regarding the West Nile Virus and if it was possible to do something. Some residents have voiced concern over this.

**Public Hearing**  
**Morrison Street Road Vacation**  
**May 29, 2007**

In attendance for the public hearing were Commissioner Romrell, Commissioner Skip Hurt, and Commissioner Trupp.

Commissioner Romrell asked Clerk Mace if proper notice had been posted.

Commissioner Romrell asked Planning & Building Administrator Jeff Patlovich if proper notice had been posted.

Commissioners stated they had no conflict of interest.

**Planning & Building Administrator Jeff Patlovich** presented the request to the board along with photo's of the proposed vacation (Exhibit 1) and a copy of the Flatrock Subdivision Plat (Exhibit 2). He explained the portion of the Morrison Street the petitioners would like to be vacated. A packet was received from several parties that are in protest (Exhibit 3).

**Mr. Gordon Thatcher**, attorney for the petitioners stated that the 2/3rd of the law does not apply when all parties are the same land owner. He stated that he will have one of his clients give the actual facts. He asked that Jeff Burton to speak and reserve any remaining time for his comments.

**Mr. Jeff Burton** gave commissioners an Aerial map of Flatrock Subdivision (Exhibit 4) and also a large copy of the Flatrock Subdivision Map (Exhibit 5). Commissioners were given an explanation of where the road they would like to vacate is located. He indicated that there has never been a built there. Morrison Street and Riverside Drive have no access to the river. The road is not on the tax rolls right now, and if it vacated it goes on the tax rolls and brings revenue to the County. This was not intended to access the river at this point and have no benefit to the County.

**Mr. John Hill** is the other petitioner has owned his cabin in Island Park for 25 years and feels bad that the Island Park News has misrepresented their intent. This has been done once before. It has been surveyed, recorded and a hearing has been held with the City of Island Park. Mr. Hill stated that he is a fisherman and wants to have access for the public and there is reasonable access to the river. They just want to make sure that no one puts in another road. He stated there is no evidence of any one walking through this area to access the river.

Mr. Thatcher talked about there being no road north and that it stops at the Big Springs. It was stated that to Mr. Thatcher's Law firm that it was the City who approved the vacating, and then it was stated under Idaho Code that the County had responsibility for the vacation. That is why the second application was made to the county. If there is any protest he would like to know what code that is. Included with the petition is a list with a map with all the owners within 300 feet of the road. They are seeking the vacation and those against this do not live here in Fremont County. Most were from out of state. He has gone through stacks of Idaho Supreme Laws that would state otherwise. He made a recommendation to the commissioners to vacate this small segment of Morrison Street.

Commissioner Romrell asked for public comment.

**Chan Atchley** state that he is representing the Smart Growth Collation and submitted a list of names as part of the record and is leaving names under protest (Exhibit 6) and also brochure on Smart Growth Coalition (Exhibit 7).

Attorney Karl Lewies asked if the members of the Smart Growth Collation know that he has representing them on this issue.

Mr. Atchley stated that they do. They pay fees to belong to this organization to have Mr. Atchley speak on this matter. He stated that the Mayor of Island Park not is in favor of this road vacation.

Commissioner Romrell asked if this was the Mayor or his Son who has the same name.

Mr. Atchley stated that he had talked to the Mayor and the Mayor was not in favor of it.

**Mr. Pat Brown** from the Department of Lands stated that this land was originally endowment land and cannot change hands without a public auction.

Attorney Lewies stated that there was a dedication signed by the state Land Board done in 1912. He referenced Section 9 Article 8 of the Flatrock Subdivision Plat.

**Greg Walker** who is a long time vacationer and now a resident of the subdivision sees the need to vacate the road, but also sees the need to have access to the river. He stated that he wanted to have the commissioners weigh the decision and would like them to be fair to all the community for kids and grandkids and to think of others.

Mr. Thatcher wanted to render as hear say that Mr. Atchley is representing 300 individuals with only a list of names with no addresses or signatures and also to the claim that the mayor made that he is against this. He signed an agreement to vacate the road, when it was presented to the City. He made comment to the court cases that he has stating the Supreme Court decision. He stated that the vacation should be granted.

Mr. Pat Brown stated that the Department of Lands has had this arise in other counties.

Mr. Patlovich stated that would like to submit in the record Idaho State Code 50-1317 to 50-1323 (Exhibit 8) as part of the record.

Attorney Karl Lewies stated that the commissioners need to look at this as what is in the best interest of the County, and would like to make note that he ask the commissioners to make a decision at a later date.

Note just two lots and not and not the whole road.

No rebuttal comments were made.

Commissioner Romrell declared the hearing closed.

Exhibit List for Morrison Street Vacation:

1. Photo's
2. Flatrock Subdivision Plat
3. Packet of letter in opposition of vacation
4. Aerial map of Flatrock Subdivision
5. Large Copy of Flatrock Subdivision Plat
6. List of Smart Growth Coalition Members presented by Chan Atchley
7. Smart Growth Brochure presented by Chan Atchley
8. Idaho Code 50-1317 to 50-1323

Commissioner Romrell declared the regular commissioners meeting open.

**Dave Murdock** came before the commissioners to discuss a Rail Road Right of Way he owns. Mr. Murdock would like relief on the taxes that he owes for the last three years.

Chief Deputy Assessor Barbara Hirschi stated that the property is now a category 19 which means that there is no value, but it was in a different category for the previous years.

Treasurer Patricia McCoy stated that for Tax Year 2006 he did not owe taxes, but he does owe back taxes. It is strictly Rail Road Right of Way, but there is still \$1,600.00 in property taxes owing.

Commissioner Romrell stated that they will schedule to discuss this at the June 18, 2007 work meeting.

**Bob Fisher** a Fremont County Resident came before the commissioners to discuss the Loosli easement what he contends is on his property. Mr. Fisher stated that he should have the First Right of Refusal and would like to know why the county has granted an easement through his property.

Commissioner Romrell asked if he had been paying any taxes on this property.

Mr. Fisher stated that he did not because he has an agreement for first right of refusal. He does not want to allow Mr. Loosli access He already has a problem with people coming on his property without asking for permission. He stated that it has been used for a public campground, shooting range and even a restroom. He does not want public access. He stated that Mr. Loosli bought his property knowing full well that he did not have any access to highway 20.

Attorney Karl Lewies asked Mr. Fisher if he had retained counsel on this matter; if the right of way was allowed if he would try and stop the County.

Commissioner Romrell asked if he would be interested in this property should there be an appraisal done.

Mr. Fisher stated he would be interested in the purchase of the property.

**Ivan and Charlotte Skinner** came to thank commissioners for keeping the Yale Kilgore road open and to thank the commissioners for the road being graded this spring. They were very happy with this. The Skinners would like to meet with Marla Vik to request some gravel be put on the road.

**Fremont County Weed Control Supervisor Bryce Fowler** came before the commissioners to ask that he be able to take his vehicle home during the spraying season.

Commissioner Hurt made a motion allow this. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

He also asked if Extension Employee Dana Miller could have permission to use the Weed truck to transport kids to 4-H Camp. Commissioners agreed that this would be allowed.

Commissioner Trupp made a motion to approve one Junior College application which met all requirements. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Romrell read into the record a liquor license application for HHSR, LLC doing business as Lazy Trout Lodge. Commissioner Hurt made a motion to approve the liquor license. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Clerk Mace presented a request for contribution to Teton Regional Public Transportation Authority for \$1,000.00 that will be approved in with the bills today.

**Social Services Director Debbie Adams** asked to meet with commissioners in executive session for 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 1:02 p.m. Commissioner Trupp seconded the motion. A roll call vote was taken with Commissioner Romrell voting I, Commissioner Trupp voting I, and Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 1:06 p.m. Commissioners signed one new lien. Commissioner Hurt made a motion to deny case # M2007-20 and deny case # 2007-22. Commissioners Trupp seconded the vote. A full voice vote was heard with all commissioners voting in favor.

**Planning & Building Administrator Jeff Patlovich** came before the commissioners to ask for final plat approval for the Louise Hobbs Subdivision. He explained to the board about the subdivision. All signatures were proper done. Commissioner Trupp made a motion to approve the final plat for the Louise Hobbs Subdivision. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor. Commissioners discussed the RV pad on Jeff Siddoway's property adjacent to the sand hills. Commissioners are concerned about the Class II permit and whether or not he has one. Jeff Patlovich will send Mr. Siddoway a letter notifying him of his violation.

Commissioners will remind all Department Heads and Elected Officials that all computer programs and software approved through the IT Department.

Commissioners reviewed the contract for the water monitoring with Keller and Associates. Commissioners would like to see some of the residents in IP, DEQ to help with the costs. Commissioner Trupp made a motion to approve the Water Quality Testing for Keller Associates for this season. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

**Fair Board Members Sid Keller, Tammy Orton, and Tom Howell** came before the commissioners to ask for a grounds keeper for the summer. It would need to be advertised. Commissioners agreed that this has been budgeted. They also discussed concerns with horse trainers using the fair grounds. Attorney Karl Lewies will work with the Fair Board to go over these. They asked the commission attend the July 24, 2007 dedication of the Rodeo Arena in Honor of Dale Hill. This ceremony will be at the beginning of the rodeo

**Juvenile Probation Officer Darrin Burrell** came before the commissioners to let them know that all is well and that the Juvenile Department is very transparent in the public eye. He invited the commissioners to Pocatello for a meeting on June 4, 2007. The topic of discussion will be Effective Juvenile Justice Programming. Darrin Burrell and Kent Dummer are asking that he be allowed to take their vehicles home due to the fact that they are on call 24 hours a day 7 days a week. Commissioners will exempt Probation from having a county identification on the side of the door of their vehicles for safety. Commissioner Hurt made a motion to approve the Juvenile Probation to allow Darrin Burrell and Kent Dummer to take their vehicles home for one year and be exempt from the County Identification on the vehicles for safety reasons. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor. He also asked for permission to go to Philadelphia for a conference it is in the budget and feels that it would be helpful.

Commissioners would accept the JABG Grant allocation from Clark County for \$4,000.00. Commissioner Romrell made a motion to accept Clark County's allocation. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Romrell 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 2:24 p.m. Commissioner Hurt seconded the motion. A roll vote was taken with Commissioner Romrell voting I. Commissioner Trupp voting I, and Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 2:35 p.m. Commissioners discussed a 5 County Detention Center personnel matter with Juvenile Probation Officer Darrin Burrell.

**Val Wynn** came before the commissioners, before Mr. Wynn was heard Attorney Karl Lewies stated that this was in litigation. Mr. Wynn talked about the offer of dedication on County Plats of the roads in Grandview Estates. Mr. Wynn was invited to Boise and was told that the offer of dedication was accepted. Mr. Wynn received a copy of a booklet for the offer of dedication. Mr. Wynn referred to IC 50-1313 in his handout. He stated in his opinion if the County has accepted this as a County Road they have some liability. There is no way this road can be made to be safe. He stated that this road is a public road. He stated the barricade has been removed and question if it needs and additional offer of dedication.

Commissioner Hurt asked the name of who owns the adjacent property.

Mr. Wynn stated that it was the Boyles.

Commissioner will not address this until the Boyles apply for a Class II permit.

Mr. Wynn stated that he is not opposed and would like to have there be another access.

**Betty Stevens** came before the commissioners to discuss packaged alcohol sales on Sundays. She feels that there is a lot of revenue that can come from Alcohol sales on Sunday. She asked that in the County Ordinance the word Sunday be stricken from the Ordinance.

Vickie who owns the liquor store in Island Park stated that it is hard to be open on Sunday and close ½ the store due to the liquor sales.

Mayor Bill Beck stated they struck the word Sunday out of the City Ordinance and would support Betty to be able to strike the word Sunday from the county ordinance.

Commissioner Romrell stated that he has heard this issue three or four times. This was put to the voters. Commissioner suggested that any change would need to go to the voters again.

One business owner stated that it was very discriminatory.

Commissioner Romrell stated that these individuals start the process once again and get it on the ballot. He stated that the voting was overwhelming and the people spoke.

Commissioner Trupp stated that they have to go by the vote of the people.

Commissioner Hurt also agreed.

Economic Development Specialist Cathy Koon stated that only those people that were interested in the vote came to vote. She is promoting the County. But yet we take away what the people want and states that it is an Economic Development.

Mayor Bill Beck stated that he received much positive feedback with the change to the city ordinance.

Commissioners are not interested in making a change to the ordinance at this time.

Attorney Karl Lewies would be interested in hearing from the City Attorney since Mayor Beck stated the City of St. Anthony is a sovereign state independent from county ordinance.

Commissioners stated that they are only interested in an election.

Commissioner Hurt would not be opposed to a hearing. Commissioner Trupp stated that he would agree Attorney Karl Lewies to look into this further. Commissioners will table this decision until it is looked into further.

Commissioners reviewed the proposed Ordinance #2007-02. Commissioner Romrell made a motion to approve the Idaho Standards Public Works Contractors Ordinance #2007-02. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (f) at 3:53 p.m. to consider and advise its legal representatives to pending litigation or where there is a general public awareness of probable litigation. Commissioner Hurt seconded the motion. A roll vote was taken with Commissioner Romrell voting I, Commissioner Trupp voting I, and Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 4:10 p.m. The commissioners discussed tax deeding issues with Treasurer Patricia McCoy.

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (f) at 4:15 p.m. to consider and advise its legal representatives to pending litigation

or where there is a general public awareness of probable litigation. Commissioner Hurt seconded the motion. A roll vote was taken with Commissioner Romrell voting I, Commissioner Trupp voting I, and Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 4:45 p.m. The commissioners discussed a pending criminal prosecution with Special Prosecutor Joshua Garner.

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

---

Paul Romrell, Chairman  
Fremont County Commission

Attest: \_\_\_\_\_  
Abbie Mace, Clerk