

County Commissioners Meeting Minutes August 9, 1999

Present for the meeting were Commissioners Neal Christiansen, Glenn Davis and Frank Mackert. Clerk Mickie Funke was also present. The minutes of the previous meeting were read and approved.

Legal Issues: Attorney Penny Stanford reviewed legal matters for the county. She went over impact to the county waste water system for new hookups and developments. It has been suggested by the impact committee to assess a special fee to new users because no more people can be added to the Local Improvement District to create some equality and create a reserve.

Stanford had researched the problems with the landfill operated by Dee Ard. She prepared a temporary restraining order to be filed in court and will request a permanent injunction for the operation of the landfill.

A discussion was held on the joint powers agreement for planning and zoning between the county and the City of Island Park. The city was to have an enforcement officer in place to work on issues, there is none. Attorney Stanford reported that there is a sixty day clause to break the contract. Commissioner Glenn Davis made a motion to terminate the joint powers agreement between the county and the City of Island Park. The motion was seconded by Commissioner Frank Mackert, a voice vote was taken with all commissioners voting in favor.

Pacific Corp. Proposed Buyout by Scottish Power: Ninny Christensen commented that she is concerned on the proposed buyout of the Pacific Corp. power takeover by Scottish Power. She had attended the public hearing meeting in Rexburg and felt that the commissioners and city councilmen need to be aware of the transaction of power to a foreign nation. There would be a stock takeover of the investment along with the land and water rights to Scotland. Christensen questions the constitutionality of the proposal. She requests the commissioners inquire about the sale and to take action.

Junior College Applications: Twelve applications for certificate of residency for tuition assistance for College of Southern Idaho were reviewed and approved.

Roads: Meeting with the commissioners on a controversy over a county road was J.T. Beech, Lowell Birch, Blair Calloway, Steve Jeppesen, Boyd Price, Jerry Dalling and Mike Birch. Mike Birch had installed a fence across a county road and the commissioners had requested it be removed but said that it could be replaced with a cattle guard. A letter had been sent to these adjoining property owners requesting a settlement on the dispute with the county mediating.

Mike Birch had three questions that needed resolved: 1) replacing or maintaining the bridge on a county road – a county responsibility if funding available. 2)

Where the fence should be placed, it was suggested where the old fence was, the road may be pretty narrow around 17-18 feet to move equipment through. 3) The deeded easement is 33 feet by law, by prescription the width of the road is what it actually has been. Beech said that the road looks like it was centered by in 60-70s the BLM resurveyed and marked different lines. Lowell Birch said that four different surveys have different lines. The road has not been maintained on a regular schedule by the county.

Mike Birch said he would use the remaining fence posts to put the new fence in. Beech requested consideration on making the road a little wider to allow for equipment width. The road may drift a little as it goes to the north from the top of the hill. Commissioners ask Birch to use common sense when he installs the fence to help the other landowners and promote good will. The group will go after this meeting to the site and make a joint agreement. A turn-around will need to be established.

The deed transfers for the easement was discussed. The county could vacate the easement on the upper end and deed it to the property owners where it is located. There is an actual deed to the property. The property owners where the prescriptive easement is would need to deed to the county. A clean record needs to be left for the future. Mr. Jeppeson agrees to work with Stanford on submitting a petition to vacate the property in the easement. Jeppeson needs the property for a portion of his home.

Repair work and maintenance need to be scheduled on the bridge crossing the Salem-Union Canal. The bridge is sixteen feet wide and twenty-five feet long. If the land is sub-divided and the road needs a wider access the developer would need to provide it. Dalling said that according to a Barnes survey, on the south side of the bridge, the road is entirely on the Birch property and the section line is approximately followed. That the road easement is wide for 40 rods and then narrows to twenty on one side.

The landowners decided to go 18 feet from the existing fence on the west. Digital photos are included with the minutes. The Jeppeson house is within about two feet of the easement, one rod will be taken back at the top of the hill and a petition to vacate the property will be made. The commissioners will agree to a public hearing. A turn around will be worked out between the property owners. The electric fence will remain until a permanent fence is installed.

Impact Zone for the City Of Island Park: Jan Brown and Ray Stratford from Island Park representing the Gem Team presented information on the boundary of the City of Island Park. Brown said that the city needs to establish the impact zone and hopes that the joint powers agreement can be negotiated and better enforcement be developed. A proposed ordinance was reviewed. The proposed impact zone was to name the townships with private lands, essentially all of Island Park. An additional representative from Island Park for the county

Planning and Zoning Commission could be added; it is in need of additional members. The county commissioners will appoint the new nominated members.

Sherri Owens, Mayor of the City of Island Park said that Councilman Rick Evans is the enforcement officer for the city and that he has checked signs and complaints. Karen Lords said that she had checked on Friday and found a rental business at Ponds, a hot dog stand, a jerky stand, and property at Valley View that are all commercial ventures. Penny Stanford said an elected official should not be the enforcement officer, that one should be hired. Owens requested time to work with the city and the county on the joint powers agreement. Owens said that she has been working with the present and past councils to increase revenue to the city by a local tax and needs to expand the boundary.

Social Services: Clerk Mickie Funke met with the commissioners in a closed session to review claims for county services for medical care. Commissioner Glenn Davis made a motion to allow the \$1500 burial allowance be granted on case #99-219 with no restrictions as to the total. The motion was seconded by Commissioner Frank Mackert ; a voice vote was taken with all commissioners voting favor. Debt reduction agreement was signed for a reimbursement of \$50 per month on #98-194. Six liens were signed and approved to be recorded on medical claims.

ICRMP Renewal Notice: The county's insurance agent, Rod Chandler, reviewed the ICRMP proposal for insurance of property, liability and the weed premium for the new fiscal year. The premium will be \$84,676 with a \$1,000 per claim deductible for a \$20,000 stop loss deductible. There would be additional premiums for add ons, new vehicles and property. A new claim for hail damage for the roof of the courthouse will be submitted.

Building Construction on a Garage: Clyde Ingram, property owner, and Roy Batton, contractor, discussed the garage construction that was being built on a concrete slab that has been poured for several years. Karen Lords, P & B Administrator, had the construction red-tagged. Ingram felt that the concrete had been in place and he should be allowed to complete the structure.

Ingram feels that the old structure should be grandfathered in and not be under the building code. Karen Lords said that the inspector feels that the edge is becoming to crumble which Ingram takes issue on. The building inspector requests that styrofoam be put under the slab to meet frost requirements, Ingram and Batton feels that the frost requirement is excessive. Lords said that the building permit might be refunded if requested and not used within six months.

Scenic By-Way Report: John Arriaga and Jerry Anderson from the Federal Highways reported that the Scenic By-Way road has had set backs because of the moisture and density of the material used in construction. There are approximately three miles of road that was too wet and caused bogging when

compacted. Western Construction is the project contractor and the Federal Highway administration has negotiated changes with them and pushed the completion date back to August 17, 2000 with no pavement work being done this year. Seal coating as a county project is planned for FY2003 as a State Transportation Project.

Millings from the Green Canyon road will be used on the road. The fill will be used from the Lewis Pit, a private pit, near the Shotgun Store. The county has requested any extra millings for county projects. A seeding mix will be used where needed. Arriaga said they are about two weeks behind schedule. The old pits will be seeded and landscaped at the end of the project. Two vault toilets are planned for the Bear Gulch parking lot.

There are three separate road closures planned for construction. The one from Forest Service road #315 allows access for recreational use, across from Hatchery Butte. Kaye Orme with the Forest Service is working with Arriaga and Anderson as the project progresses.

Road Report: Road and Bridge Supervisor, Weldon Reynolds, said there is a lot of problems with irrigators sprinkling the county roads. Reynolds would like to contract painting the centerline on the Teton Highway for an estimated \$200 per mile, perhaps up to fifty miles and other county roads in need of striping if possible.

Crews are now in Island Park at Shotgun. Reynolds would like to consider replacing the front-end loader with a track hoe, is concerned with next years budget for gravel chips and oil.

Treasurer's Report: Treasurer Patria McCoy submitted cancellations for the month of July of \$10.10. Cancellations have been made for deed work that has not been changed over in time for the new owner to get the notice timely. Deed splits take additional time and may not get done the same year.

Penny Stanford, County Attorney, sent a letter to LaMoine Hyde concerning the hookup of a restaurant on the Last Chance/Ponds sewer system. A request from a Realtor to go through the modem to inquire on county records was discussed. At this time we will have the attorney consider a disclaimer to be used for the modem users.

Fred A Moreton and Company, Insurance Proposal: A proposal for liability, equipment and building insurance was given by Fred A Moreton Company representatives, Allen Randstrom, Marcia Wing and Jerry Mulder, safety and risk control. The company is using a St. Paul insurance policy. The total annual premium is for \$79,932 for an effective date of October 1, 1999 to October 1, 2000. It would cover property, inland marine, boiler and machinery, general liability, law enforcement, public entity management liability or errors and

omissions, automobile, crime/fidelity coverage and weed spraying liability. There is a minimum \$500 or \$1,000 deductible with no stop loss.

Differences between the St. Paul and ICRMP were discussed. Safety and Risk control were reviewed. Mulder feels that safety programs are imperative to the insurance premiums and accident rate. He would meet with the risk manager and the department heads. A review of all evacuation programs would be reviewed. Exposures by department would be reviewed.

ICBO Presentation: A presentation on the Uniform Building Code was made by George Klomp and Reginald Fuller from the City of Idaho Falls and Allen Jensen from Planning and Zoning/Building and Safety in Bingham County and Joe Belloff a contractor in Idaho Falls. Building Codes have been developed to protect the public, set standards and limit liability. After historical catastrophic building failures, codes were put in place. Goals for a building department were reviewed.

Contracts: A contract proposal from ECSI Executone on an upgrade of the phone system for the courthouse, law enforcement building, and prosecutors office and extension agency was reviewed. The total will be \$39,943, with no replacement of existing cable, extra phones or lines. There is a sixty-month lease option or total payment. The upgrade would allow connectivity, growth and voice mail. Each office would keep individual phone lines. Commissioners will determine in future.

There being no further business to come before this Board, the regular business meeting was recessed until the next regularly scheduled meeting to be held on August 23, 1999.

Dated at St. Anthony, Idaho, this Ninth Day of August 1999.