

FREMONT COUNTY COMMISSIONERS MEETING MINUTES
March 20, 2023

Present for the meeting was : Commissioners Scott Kamachi, Blair Dance and Rick Hill

Also attended by: Clerk Abbie Mace, and Deputy Clerk Kim Fletcher

Commissioner Kamachi led the pledge.
Commissioner Dance said the prayer.

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

Janet Jarvis and David Crezee RE: Request to Plow ½ Mile Off of 4500 E and Robinson Creek Road - action item

Debbie Davis discussed the to plow ½ mile off of 4500 E and Robinson Creek road for as long as possible into the winter season, however it's a groomed snowmobile trail that neither she or Tamra Cikaitoga feel would have any benefit to extending or adjusting. They have offered to do the work themselves so we wouldn't have to, but, they haven't filed the paperwork needed, and they don't currently meet the criteria for plowing either. There is also a concern that if the commissioners do agree to allow them to keep the road open, there isn't room to create a turn around. They've offered to plow a parking area rather than a turn around, but Ms. Davis and Ms. Cikaitoga both agree this wouldn't be a good idea for that area and would just create more problems, because it is federal ground.

Commissioner Kamachi worries about setting a precedent if we make an exception.

Mr. Crezee stated this would be temporary. He only wants the access to be able to extend his building time farther into the winter season. They also don't want the county to have to do the plowing. They only want permission to open the road themselves.

Ms. Cikaitoga stated she was never told this was temporary, which changes her opinion on the matter. It has always been presented to her and Ms. Davis as a permanent road opening for year-round use. We have deadlines we need to follow for road closures in order to start preparing the snowmobile trails, such as Thanksgiving Day and December 1st, but if he is willing to comply with those dates, we would be willing to work with him, and he will be able to work until the snow drives him out.

Mr. Crezee agreed with those terms and stated he would take this information back to Ms. Jarvis.

Commissioner Kamachi feels we should table this until the next meeting to continue to clarify a plan and discuss with all the appropriate parties before we make a decision.

Commissioner Dance and Commissioner Hill feel a motion may not need to be made. The county and Mr. Crezee seem to have already come to an agreement.

Treasurer J'lene Cherry RE: Tax Cancellations - action item

Ms. Cherry presented the tax cancellations for the month of February 2023 in the amount of \$416.88.

Commissioner Dance made a motion to approve the tax cancellations for the month of February 2023 in the amount of \$416.88.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

GIS Greg Newkirk RE: Aspen Ridge Subdivision Div. No. 4 - 1st Amended Plat - action item; Snake River Butte Ranch, Div. No. 1 - 2nd Amended Plat - action item

Mr. Newkirk presented a plat for Aspen Ridge Subdivision Div. No. 4 - 1st Amended Plat along with Findings of Facts, Conclusions of Law and Decision.

Commissioner Hill made a motion to approve application #22-071 by Edwynn and Margret Christopherson for the minor plat amendment and consolidation of Lots 322 and 323 of Aspen Ridge Subdivision Div. No. 4 - 1st Amended Plat along with Findings of Facts, Conclusions of Law and Decision.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Newkirk presented a plat for Snake River Butte Ranch, Div. No. 1 - 2nd Amended Plat along with Findings of Facts, Conclusions of Law and Decision.

Commissioner Hill made a motion to approve application #223-007 by Roy T. Gibson for the major plat amendment for division of lot 5A into lots 5B and 5C of Snake River Butte Ranch, Div. No. 1 - 2nd Amended Plat along with Findings of Facts, Conclusions of Law and Decision.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Damon Johnson with Jensen Poulsen RE: Present Annual Audit - action item

Mr. Johnson gave a summary of our annual audit for FY2022. He highlighted the financial information included in the audit. The county is doing very well financially.

Noxious Weed Supervisor Bryce Fowler RE: Cost Share agreement - action item; Surplusing Boatwash Equipment - action item; Open Budget - action item; Start Taking Vehicle Home - action item; Department Report

Mr. Fowler presented the agreement with High Country RC&D for the 2023 cost share grant cycle. This year we received full funding for \$109,200, and of that we received \$92,000.

Commissioner Hill made a motion to accept or enter into this cost share agreement for the 2023 year with the State of Idaho Department of Agriculture.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Fowler discussed surplusing some boatwash equipment that has been sitting for 3 years. We have 2 camp trailers and a water trailer. Jefferson county has shown interest in the water trailer. We also have a large boat wash, 2 jet skis that haven't been used in several years, and 2 sheds we are no longer using.

Commissioner Dance made a motion to surplus the excess boatwash equipment and the 2 jet skis.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Fowler asked where to put the money from the surplus sale of the old senior citizen bus. It sold for \$6,950.

Commissioner Dance made a motion to take those funds from the sale of the bus and put them back into the capital line of the budget.

Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Fowler asked if he could start taking his county vehicle home for the season. Commissioners gave their permission to take his truck home.

Juvenile Probation Darin Burrell RE: Quarterly Report and Update

Mr. Burrell presented his quarterly report. He stated he didn't have anything significant to report this quarter. He discussed the SUDS and CBAS programs which are run through the state, and explained any monies that are spent on those programs are reimbursed to us, so the commissioners don't need to worry about those large amounts on the bills. He also explained where those funds go and how they are spent.

Commissioner Kamachi asked about how there were more probationary releases than intakes in 2020 and 2021 but more intakes than releases in 2022.

Mr. Burrell stated he wasn't sure how to answer the question, because there isn't really a way to know. Programs have changed, and a lot happened with Covid as well. Prosecuting Attorney Lindsey Blake is working really hard with the Diversion Program to try to turn things around. These intake numbers reflect more difficult cases we are working with in comparison with 2020 and 2021. He discussed the diversion program and its intent to help keep kids accountable for their actions, correct the negative behavior, and hopefully effectively keep them out of the system and avoid having a criminal record.

He stated House Bill 331 to tax vaping products at the same rate as tobacco products died in committee. The Persi fix for the Rule of 80 correction has passed the Senate and is going to the House for a vote this week. It should likely pass.

Clerk Mace explained to the Commissioners that Persi's interpretation of the Rule of 80 made it so you don't qualify if you have the word Supervisor in your job title. So, employees like Mr. Burrell and several others in our county don't currently qualify. This Bill should fix it.

Public Works Director Brandon Harris RE: Last Chance Sewer ARPA Grant - action item; Micro Seal Contract - action item

Mr. Harris discussed the Last Chance Sewer ARPA Grant. There are a lot of rules and guidelines we need to follow, but they are fairly simple rules. The only risk to accepting the contract is if we back out, we will have to reimburse anything we spend of the DEQ ARPA funds, but he doesn't see us backing out of the project.

Commissioner Dance asked if there is an update on the other projects.

Mr. Harris stated although we rank next in line on the list, they are going to re-rank those projects again. So, we don't know what is happening with them, but everything is submitted and we won't need to put in for another judicial review. We are in a good spot,

especially with our relationship with State Parks, but we will just have to wait and see what happens.

Clerk Mace asked if the \$8.8M was projected at today's values.

Mr. Harris stated it was forecasted. If the project ends up overfunded, we will have to give back the rest of the money. If its underfunded, they will help us find the rest of the funds.

Commissioner Hill made a motion to accept the grant project number WW2323AP from the State of Idaho Department of Environmental Quality American rescue Plan Act Grant Offer, Acceptance and Agreement for Wastewater Facility Design and Construction for Last Chance Sewer in the amount of \$8,800,000.00.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Harris presented a renewal contract for our Micro Surfacing. It is a continuation from last year for the same price. It will allow us to do 37 miles. It is less expensive than a Chip Seal and uses the reject material the Chip Seal can't use. If he had to choose he would probably still do a Chip Seal because it is thicker, but the Micro Surfacing seems to be holding up and working really well, and we are able to do more road with essentially an extra crew because they will do the work while we are able to Chip Seal other roads elsewhere.

Commissioner Dance made a motion to approve the contract bid with Morgan Pavement for Micro Surfacing in the amount of \$812,687.60.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Coroner Brenda Dye RE: Executive Session IC 74-206(1)(b)(f) - action item

Commissioner Kamachi made a motion to go into executive session pursuant to IC 74-206(1)(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; (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; at 11:38 a.m. Commissioner Dance seconded the motion. A roll call vote was taken with Commissioner Kamachi voting "Aye" and Commissioner Dance voting "Aye". Commissioner Hill voting "Aye" Commissioner Kamachi declared the meeting open at 12:12 p.m.

Commissioner Dance made a motion to approve travel expense for the Coroner's office for the Daybell trial from the 2nd set of ARPA funds.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Public Works Director Brandon Harris RE: Willow Creek Gravel Pit MOA and Contract - action item; Executive Session IC 74-206(1)(b) - action item

Mr. Harris discussed a draft for a MOU with Clark County for the formation of a new gravel pit. It is in conjunction with the Yale-Kilgore project, in which, on the Fremont County side, we're working on 13 miles from Elk Creek to the county line, and Clark

County is paving all the way to Kilgore where the pavement ends. There is no gravel source in the area that has adequate product for the project that will meet federal criteria. There is a private source on the Clark County side they are currently getting approval for use. We have an area on the Fremont County side near Old Shotgun Road that will work for the asphalt and we can use it for other projects after Yale-Kilgore is finished. The MOU is a cost sharing agreement with Clark County to help cover the \$80,000 approval for road projects and for them to be able to use gravel for projects within 10 miles of the pit. Other costs will be \$130,000 for start up of the pit, which Clark County would also share equally. If this pit works for us for this project, we would save about \$1.8M.

Commissioner Dance asked when they would like to start the Yale Kilgore Project.

Mr. Harris stated they would like to bid on it in 2024.

Commissioner Dance made a motion to authorize Commissioner Kamachi to sign Fremont County's portion of the contract.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Kamachi made a motion to go into executive session pursuant to IC 74-206(1)(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 1:27 p.m. Commissioner Hill seconded the motion. A roll call vote was taken with Commissioner Kamachi voting "Aye" and Commissioner Dance voting "Aye". Commissioner Hill voting "Aye" Commissioner Kamachi declared the meeting open at 1:47 p.m.

Sheriff Len Humphries RE: Sign Forest Service Agreement - action item

Sheriff Humphries presented our annual agreement with the Forest Service for patrolling the various federal roads and campgrounds that lie within Fremont County. There are no changes he is aware of.

Commissioner Kamachi made a motion to accept the Cooperative Law Enforcement Agreement between Fremont County and the Forest Service USDA Targhee-Caribou National Forest for the year 2023-2024 in the amount of \$18,000.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Emergency Management Keith Richey RE: Flood Fight/Flooding - action item

Mr. Richey discussed flooding this year. Last week he had a meeting with the National Weather Service and they gave us an outlook. The reservoirs are currently at half capacity for the Upper Snake River. Henry's is at 92%, but Island Park is at 84% and Grassy is at 78%. We are at 110% of our seasonal precipitation, and we have about a 10% chance of flooding from the Teton River. Henry's Fork in Rexburg out to Beaver Dick will likely be where it will flood, if it does, but in St. Anthony there is only about a 10% chance of hitting flood stage. Right now, the county has 15,000 sand bags in stock for emergencies. Constituents can have 50 bags at no cost. However, the agreement and understanding is for cities to be required to stock their own sand bags for emergencies to provide for their communities before they declare an emergency and come to the county for sand bags. Most cities have been good about this. The City of

St. Anthony currently only has 25 bags, and has been referring people directly to the County for help. He has had a discussion with the Mayor and hopes there is now a better understanding of the proper procedure and the Mayor is working to provide more bags for the community.

Mr. Richey discussed flood insurance and mentioned that it is only effective if it has been an active policy for 30 days.

Assessor Carol Blanchard RE: Information on Unknown Parcel - action item

Ms. Blanchard presented information on the unknown parcel that was presented by Mr. Jeff Patlovich in the March 6th, 2023 meeting. Commissioner Dance had asked her to research the parcel and find any information she could about its current and past ownership. The legal description draws what the county currently has in their name, but in her research she learned that piece was deeded in 1916 to East Idaho Land Company and has never been deeded further to anyone else. It's labeled as Lots 6 and 7 South of the Canal. The North of the canal is deeded, but not the south, which left this small piece. In 2009 it was changed to an Unknown Ownership because it was determined East Idaho Land Company no longer existed. In order to move forward, we would need to have Civil Attorney Blake Hall's help to do a quiet title to the County.

Clerk Mace stated it could be determined as an odd lot, and then sold in public auction without an appraisal.

Commissioners instructed Ms. Blanchard to get the information to Mr. Hall to help start the next process and a quiet title.

Miscellaneous

Commissioner Hill made a motion to approve the claims for March 20, 2023 as presented.

Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Dance made a motion to approve the minutes from March 6, 2023 as amended.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hill made a motion to approve the minutes from the March 17, 2023 Special Meeting as presented.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hill made a motion to approve the transfer of 2022-2023 Retail Alcoholic Beverage License #10 to George Burnett, 511 Main LLC.

Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Dance made a motion to ratify his signing of the Idaho Liquor Catering Permit #1071 for Café Sabor Island Park which was used for the Klim Snowmobile Event at Sawtell Mountain Resort on March 11, 2023.

Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Clerk Mace discussed the CSC Memorandum of Understanding for E-recording. They are a company that wants to do our e-recording. We currently work with Simplifile for the electronic filing of land records. She told them we would be willing to work with them as long as it wouldn't be difficult on our end with our recorders. They did a demo for us a week ago and she had Recorder Erika Lehmkuhl and Kim Fletcher sit in on the demonstration and they had some questions and asked CSC to make some adjustments to make their programming run more smoothly on our end. We are a pilot county for this program. They have been trying to get into Idaho for a while, and have ironed out the issues with Computer Arts. This MOU is not a commitment, and doesn't cost us anything, so even if they make changes, we can still decide later we don't want to work with them.

Commissioner Dance made a motion to approve the CSC Memorandum of Understanding with Fremont County.
Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Dance discussed rescheduling the East Idaho Health Luncheon.
Commissioners rescheduled the Public Health luncheon for April 10th from 12:00pm to 1:30pm.

Commissioner Dance made a motion to adjourn the meeting at 3:07 pm. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

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

L. Scott Kamachi, Chairman
Fremont County Commissioner

Attest: _____
Abbie Mace, Clerk