

FREMONT COUNTY COMMISSIONERS MEETING MINUTES
August 7, 2023

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

Also attended by: Clerk Abbie Mace, Deputy Clerk Kim Fletcher, Civil Attorney Blake Hall, Assessor Carol Blanchard, Sheriff Len Humphries, and Chief Deputy Sheriff Bart Quayle.

Commissioner Hill led the pledge.
Commissioner Dance offered the prayer.

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

Assessor Carol Blanchard reported her office is doing their daily work. They are having some issues with the state trying to move DMV services online which is affecting our revenue. The county still receives the money if people have their services done in person, but if they are done online, we get nothing. She has a resolution in the works to help balance out some of the funds that are being lost. She has a conference about the matter that she will be attending, and DMV has a conference as well in December. Commissioner Dance thanked Ms. Blanchard for her efforts with BOE, especially the extra work that was given by the commissioners to reach conclusions on a couple of appellants. Ms. Blanchard stated we will be receiving a report soon about whether or not we are in compliance.

Sheriff Len Humphries reported we had Lori Vallow Daybell's sentencing, and he feels the Judge did a great job. Clerk Mace commented his officers did very well with the security of the building. Sheriff Humphries stated it was a group effort and everyone did very well. They have filled a position in his office with an officer from Montana. They have a new dispatcher starting on Wednesday. He doesn't have numbers, but our highways are still busy.

Chief Deputy Sheriff Bart Quayle reported the Sheriff's Office had 16610 activities logged since July 3rd. There were 293 911 calls, 926 traffic stops, 126 paper services, 568 incidents were reported. We had 44 arrests, 263 citations, 30 traffic accidents, and we currently have 18 in custody and 4 in Madison, and we booked 44 people. Idaho Dunes hosted an event for the FOP last weekend and the function was very successful.

Clerk Abbie Mace reported she and the Commissioners have been working diligently on the budget. She will try to get them to the department heads this week so they can see what their budgets for next fiscal year will look like. We don't have an August election this year, so the next one will be in November for cities, school board members, cemeteries and fire districts. If there are no contests, we won't have an election. The new DS300s should be here in September. These machines are shorter and sturdier and should hopefully work faster than our DS200s. These are the big machines which count the ballots after people vote. She won't be here next week because of the annual Clerk's Conference.

Commissioner Dance reported the new freezer at the Seniors Center is doing so well, we will be putting another one on surplus. He attended a wildfire protection plan meeting in Island Park. They have a really good board that does a great job with organizing and

finding ways to help protect the area from fire. There was an unveiling of new tech at INL for our overall power system, called Resilient Technologies. It provides a better backup system for multiple sources to keep power supplied to those who need it. State and National representatives were also in attendance. ECIPDA had their financial and board review.

Commissioner Hill reported he attended the sentencing last week. He appreciates all of the work that has gone into that process and he is proud of our legal team. The County Fair starts tomorrow and a lot of effort has gone into it. They will have a dog show and tractor pull and many other events. An entertainer is coming in on Saturday night. Fair schedules are available at the courthouse. The jail is going well despite all of the rain. They are working on the second floor and the elevator, and will be starting the exterior brickwork within the next couple of weeks. The annex is still leaking. The restoration work has been completed but all the rain this last week has revealed more issues but the roofers have assured him they will be fixed this week.

Commissioner Kamachi attended the Capital Crimes Defense Fund Board meeting. We will not be able to collect with Lori Daybell's case, but we should be able to get some assistance with Chad's case. He has been nominated to serve on the board again. The Commissioners and Clerk Mace have been working on the budget and trying to figure out a good COLA to offer our employees in hopes of keeping everyone on staff. We want to take care of our people. ARPA funds will help with some of the balance. Eastern Idaho Solid Waste District had a meeting and have finalized their budget. They are trying to move forward and finalize everything with the other counties in order to meet the requirements of DEQ.

ITD RE: Update on Ashton to 87 Project; Commissioner Questions or Concerns

Mr. Jason Minzghor introduced his team. He invited the Commissioners to attend the D6 board outreach workshop on October 17 from 1:30 to 4:30 at the Springhill Marriot in Rexburg. Representatives from 9 counties and the State will be attending.

Jeff Sneddon and Wade Allen discussed the Strategic Initiatives Grant Program for road projects and construction. The application window is from August 1 to September 1. This grant is 100% grant and 0% county funding. Projects can be shovel ready but don't have to be, as long as they can be ready to go within a 3 or 4 month window. Several projects can be submitted at the same time and they are treated as separate applications. They also provided information about the Federal Grant Notification Newsletter.

Craig Bowman and Drew Meppen discussed the upcoming community outreach meetings they will be holding for Ashton to Hwy 87 project. They've broken the project down into 3 sections to help people understand each alternative better. A meeting will be held on August 17th at the EMS building in Island Park from 5-7pm to cover the Island Park Village to Hwy 87 portion. They will cover the Last Chance to Island Park Village on August 22nd from 5-7pm at the Springhill Marriot in Island Park. The Ashton to Last Chance portion will be discussed on August 29th from 5-7pm at the Ashton Community Center. They know there will be a lot of meetings but hope to be able to go into more detail about each portion and give more information and answer more questions at each meeting. They are working on getting a public meeting organized for September 20th to discuss the Hwy 20 AT Grade project. The South St. Anthony interchange should be started this fall and will go into next year. The Strategic Initiatives Grant can be used for the county roads surrounding the interchange.

Teri Ehresman, IP Mayor Mike Bogden, Tracy River, Ella Paini, Kathy Rinaldi, Matt Pieron and Charlie Lansch RE: Proposal for Bear Resistant Container Ordinance for Island Park - action item

Ms. Ehresman discussed a proposal for an ordinance for bear resistant containers in Island Park. This discussion has been presented to the board before, so the proposed ordinance has been modified to reflect changes requested by Sheriff Len Humphries. Portions have been incorporated from Teton County's ordinance. There are many people in Island Park that have already purchased bear resistant containers themselves and there is good support from most of the people they have talked to.

Mayor Bogden discussed the grizzly bear activity in Island Park and it seems to be becoming more active every year. Currently food levels are ok so the bears aren't very aggressive, but once food sources become more limited, the bears aggression increases and the more they start breaking into garbage cans for food. He prefers to live with the bears rather than eliminate them, but in order to do that, they need to not see people as a source of food. He feels the only avenue we have is a county ordinance dictating people don't provide food to the bears in cabin areas. Fish and Game has stated they would be willing to enforce the ordinance so the Sheriff's department wouldn't need to. Deputies would only be needed to fill tickets and citations.

Tracy River stated he lives full time in Island Park and works with the Idaho Fish and Game and meets with experts and local citizens. He hasn't met anyone who doesn't feel the ordinance isn't a good idea for the Island Park area. The local and temporary population is growing, as is tourism. However, there is a lack of knowledge of bear deterrents. He feels having an ordinance in place even if it isn't enforced very well is better than no ordinance at all, and he feels it will be successful. One more human death, or one more euthanized bear, is one too many.

Ella Paini discussed a confrontation her father had with a bear when she was a child. He has a few scars and is missing a finger but is otherwise doing well. She stated bear safe containers would help mitigate the conflicts between bears and humans and feels it is a simple solution.

Matt Pieron from Fish and Game stated he realizes this is a complicated issue, especially when it comes to enforcement of an ordinance. There are a lot of bears in Island Park, as well as a lot of people. Just this year we have had 30 conflicts between bears and humans and the majority of those issues are because of easy access to garbage and simple things like birdseed. There are also people intentionally leaving food out to feed the bears. There are a lot of people trying to do the right thing, but if only 1 in 20 is doing the wrong thing, it creates huge problems for the other 19 in the neighborhood. Most of the problems are also created by permanent residents being irresponsible, even though they want to blame short term rentals and tourists. Fish and game is more than happy to help enforce the ordinance so the Sheriff's department doesn't have to. It isn't just an issue in Island Park. The Squirrel area, east of Ashton, also has issues and should be included.

Kathy Rinaldi stated she worked as a County Commissioner in Teton County. They passed a bear resistant container ordinance when she was on the Board. She also works with the Greater Yellowstone Coalition, and is happy to help get the word out to people about the safety issues involved.

Charlie Lansch stated he's lived in the area for about 50 years and in Island Park for several of those years. He has been around bears for the last 20 years. He discussed the contributing factors to the bear problem. We have more people, but we also have more grizzly bears than we did 40 years ago. He discussed bear behavior and stated they are smart and know where their food sources are, and will come back to those sources yearly to check if there is food present. He doesn't feel it's a bear or a people issue, he feels it is a public safety issue that can be addressed so bears and people can coexist. Teton County has an ordinance in place, and we should too. He realizes there are costs involved when it comes to getting bear resistant containers to everyone, but there are nonprofit organizations and opportunities available to get containers to people at a lower cost. He encouraged the commissioners to really consider this ordinance and act sooner rather than later.

Commissioner Kamachi asked Ms. Rinaldi if they had done any studies about how much law enforcement would be required.

Ms. Rinaldi stated they didn't but they really didn't need a lot of enforcement. Most people were compliant, it was just a few people that weren't, and she feels it was because of the amount of awareness and education that was presented to people when the ordinance was being promoted. Most of the issues were from people that just weren't aware.

Commissioner Kamachi asked if the requirements of law enforcement are more or less than 12 years ago.

Ms. Rinaldi stated they tried to structure their ordinance so that the need for law enforcement could pay for itself. Most of the enforcement comes from the communities policing each other to keep everyone safe.

Commissioner Kamachi worries organized groups that are supporting the ordinance may not have enough authority to help enforce it, and that it will still fall to our law enforcement, which is already very short handed. He likes the idea of people pushing the issue and regulating it, but isn't sure they would.

Ms. Ehresman stated Fish and Game has already said they are willing to help enforce it.

Ms. Rinaldi stated they have set aside funding to help Fremont County enforce this ordinance for a few years until people know it is in place and what it involves. Teton County didn't have those resources, so the cost fell back to the home owners and they expected a lot of push back but didn't receive any. Their ordinance was formed off of Red Lodge, Montana and Teton County, Wyoming also has one in place now.

Commissioner Dance asked if the Forest Service has interest in this ordinance.

Kathy stated the Forest Service has a food storage ordinance that is comparable to this.

Kade Johnson from Fish and Game discussed their role in enforcement. They currently don't have the ability to issue citations, but they can educate. For extreme cases, they can document and educate, and then send it to the Forest Service who can issue citations, especially if it is a repeat offence. A county ordinance would help them better with the enforcement because they could issue warnings and there would be ramifications for their noncompliance.

Commissioner Hill stated this is the first time he has seen this ordinance because he is the newest on the Board. He isn't opposed to it, though he does worry about the enforcement. He also feels a public hearing would be a good idea because most people may not even know this is happening, or that an ordinance is being proposed.

Sheriff Humphries stated we do have a problem that does need to be addressed. He is also concerned about the enforceability. Everything would need to be logged and addressed, which would take a lot of time his office doesn't really have because they are so short-handed. The issue isn't just in Island Park, there are also other areas where bears are a problem. Most of his bear complaints come from Squirrel from 2 yearlings that were abandoned by their mother and really don't know better, so it's creating a problem. He feels we should also have a restriction on the importation of bears from other states or counties included in the document. A lot of the bears being brought in are from areas where they were causing trouble, so they were moved and are causing the same trouble here. He recommends getting together with the Prosecutor's office to discuss and address issues in the ordinance as it is written, and that a public hearing would also be a good idea.

Curt Sandau feels we do need an ordinance of some kind, but he doesn't have outbuildings or a garbage can, and if he was forced to have one, he wouldn't use it. He opposes the garbage cans being mandatory and doesn't want to pay for one.

Commissioner Kamachi stated we need more data, so there won't be a decision made today. He does appreciate the commentary from everyone who came today. He asked Sheriff Humphries and Ms. Rinaldi how much time they would need to collect more information.

Sheriff Humphries stated he could do it within a few weeks.

Ms. Rinaldi can get her information collected within a few weeks as well and is happy to work with Sheriff Humphries.

Commissioner Kamachi would like to get all the information we can before we go into a Public Hearing. He would like to keep all of the lines of communication and participation open. He feels we can get a public hearing organized for a month from now.

Commissioner Dance suggested extending the window to 60 days to gain information and then organize a Public Hearing.

Mayor Bogden stated extending the window could be a good thing. The Bears will be going into hibernation soon so there won't be so many issues over the winter, but it would be good to have something organized by the Spring.

Commissioner Dance made a motion to take this under advisement and go to work on this issue.

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

EMS Bert Mecham RE: Department update; Step and Grade increase for Administrative Assistant - action item; Fee Increase - action item

Mr. Mecham reported EMS's call volume is the same this quarter as last year at the same time. They had 331 runs with an average of 3.6 patients a day. He has been looking for a new collection agency but the percentages are higher than our current contract. Staffing numbers are about the same since his last report. On August 17th they will have their Summer BBQ. In September they'll be doing Traumatic Injuries training, and October 18th they would like to work with the Sheriff's Department for a Cold Emergencies training. He taught 8 CPR classes in the last quarter. They are looking into doing an optional module class in the fall and EMT class in early spring. They crashed one of their ambulances and a Tahoe and both are currently being repaired. The Lucas Devices are in and will be put into services as soon as training can be set up.

Mr. Mecham discussed a step and grade increase for his Administrative Assistant from a grade 6 step 6 to a grade 8 step 1. She is a full time employee. It would be the same hourly rate, but would put her on the same rate and she will be able to see a pay increase every year for the first 4 years instead of every 2 years.

Clerk Mace stated this is in the budget for FY2024 so it would be effective October 1.

Commissioner Dance made a motion to approve moving the Administrative Assistant from a Grade 6 Step 6 to a Grade 8 Step 1 effective October 1, 2023. Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Mecham discussed a fee increase for the ambulance. All costs are going up so we need a fee increase to help things balance. We wouldn't have to have a public hearing about the matter. All fee increases would be below 4.99%. The increases are similar to those in other areas in the district, some are higher, some lower, we hover in the middle.

Clerk Mace stated it is better to have fee increases in writing, and recommended creating a resolution dictating the increase.

Civil Attorney Blake Hall stated we could look at all the fee increases from all of the other departments and include them in the same resolution. There will be some that will need a public hearing because they are more than a 4.99% increase.

Mr. Mecham will work with Mr. Hall to create the resolution.

Keith Nielson RE: Rexburg Boat Club/Bills Island Concerns - action item

Mr. Nielson deferred his time to Mr. Reed Richmond. Mr. Richmond is the President of the Bills Island Association and Director of the Rexburg Boat Club.

Mr. Richmond would like to know what it would take to put restrictions on the wake boats on the lake (Island Park Reservoir). They have broken 4 docks this year due to waves created by these boats. There have also been accidents involving children and elderly being knocked off the docks because of the force of the waves hitting them. They have a no-wake zone and 3 buoys, but one of the buoys has been destroyed. Currently, wake boats are capable of creating 4 to 5 foot waves, but the newer boats will be able to create 6 to 8 foot waves, but this corridor of the lake is too narrow to accommodate waves this large. Slowing their speed doesn't help either because they are built to create waves, so even slow speeds create large waves. He feels something needs to be done before more damage is done or someone gets seriously injured.

Commissioners asked if there are other areas where an ordinance is in place.

Mr. Richmond stated Bear Lake has a no-wake zone, and Ririe Reservoir is working on marking a no-wake zone. He doesn't want to ban wake boats, but he wonders if there is a way to regulate designating the wake-boats to a certain area of the lake.

Civil Attorney Blake Hall doesn't know if the county really has the ability to regulate what is done on the water. Water is different than property, and we don't own the water. Park and Recreation Director Tamra Cikaitoga may have an idea of what agreements we might have with the Bureau of Reclamation, who does currently have ownership over that portion of the lake. He also questions the ability to enforce anything on the reservoir. He's interested about Bear Lake and how they are regulating the wake boats there. He recommends they get in touch with the Bureau of Reclamation because of their current regulation of the lake.

Public Works Director Brandon Harris RE: Budget opening - action item; Landfill Closure and Post Closure Plan Update - action item

Mr. Harris discussed opening the budget to move monies made from helping at the Fair Grounds into Road and Bridge in the Maintenance Budget from the Miscellaneous Cash budget so it can be used. Additionally, over the winter the snow piles get so high, and we used to hire out for contractors to help keep the snow down, but this last year our excavator from Road and Bridge wasn't being used as much so it was lent to Sewer to help with the snow for \$10,000. He would like to move those monies out of Equipment to Maintenance for the Sewer. He would also like to move funds from the 2nd ARPA funds into Special Road for the FLAP Grant project in the amount of \$841,751.

Commissioner Dance made a motion to transfer \$7,856 from Fees for Miscellaneous Services 02-00-349-00 into 02-40-499-00 Repairs/Maintenance, and \$10,000 from Sewer into Fees for Miscellaneous Services into 02-40-499-00 Repairs/Maintenance. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hill made a motion to open the budget to move \$841,751 from the Auditors Trust Account #9101-00-21-00 into the Special Road Yale Kilgore FLAP Match. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Harris updated the commissioners about the landfill closure and post closure plan. DEQ called him a couple weeks ago and if we get our plans updated we can be considered for DEQ ARPA funds to help close them. He has amendments for each landfill for our closure and post closure plans.

Commissioner Hill made a motion to adopt the amendments in reference to the Island Park Solid Waste closure plan and the St. Anthony closure plan for \$16,000 each. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Miscellaneous

Commissioner Hill made a motion to approve the claims for August 7, 2023 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 minutes from July 24, 2023, and Special Meeting minutes from Wednesday July 26, 2023 and Friday July 28, 2023 as presented. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hill made a motion to approve the Junior College Application for the College of Eastern Idaho Fall 2023-Spring 2024 academic year for Yarely Benitez Saenz, Rilee Gould, and Austen Larsen. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Kamachi made a motion to approve the 2023-2024 Retail Alcoholic Beverage License for:

#1 El Jaliciens II

#2 Pond's Lodge

#3 Lakeside Lodge

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 the 2022-2023 Retail Alcoholic Beverage License for License #21 from BJ's Corner to The Corner Bar. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Kamachi made a motion to ratify the signing of Idaho Liquor Catering Permit #1074 for Shotgun Bar, catering for the I Love Island Park event for the Chamber of Commerce, which was used August 5, 2023 for 1 evening. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Kamachi made a motion to sign Idaho Liquor Catering Permit #1075 for Truthhunter for the Friends of Harriman Event at the Harriman State Park Boys House, to be used September 9, 2023 for 1 evening. Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Kamachi made a motion to sign Idaho Liquor Catering Permit #1076 for The Corner Bar for the UTV Invasion event at Sandbox RV, to be used from August 31, 2023 to September 3, 2023 for the period of 4 evenings. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioners discussed the Capital Crimes Defense Committee nomination. Capital Crimes Defense will cease to exist when the counties are no longer liable for Public Defense, which will be effective October 1, 2024, so this term will only be for 1 year. Commissioner Hill made a motion to nominate Scott Kamachi, Fremont County Commissioner, to serve on the Idaho Capital Crimes Defense Board for the current year until October 1, 2024. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Dance postponed the Solid Waste District discussion for a later date.

Commissioner Kamachi made a motion to adjourn the meeting at 1:32 pm. Commissioner Hill 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