

FREMONT COUNTY COMMISSIONERS MEETING MINUTES
August 21 , 2023

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

Also attended by: Clerk Abbie Mace, Deputy Clerk Kim Fletcher, and Civil Attorney Blake Hall

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

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

Scott Beech RE: Maintenance on County Road 2100 E - action item

Mr. Beech discussed 2100 E and the flooding of this road from the sprinklers. He owns the 44 acres at the end of the road, and the road is only maintained to the corner where Mike Birch's farm is. He's been working on trying to resolve this issue with Mr. Birch for 3 years but hasn't been successful because Mr. Birch believes the road is private. Commissioners met in 2012 and decided to leave the road as a public road because of the number of people who use it. Mr. Beech talked with Rowdy Rigby about smoothing out the road. The county is unable to bring material to this road, but Mr. Beech could, and has brought gravel to the road to fill in the potholes, but Mr. Birch's pivot has blown the gravel off the road and potholes are starting to form again, and it floods every time the sprinklers run. He did find an Idaho statute that states farmers cannot sprinkle on the road, but the statute is vague, as the farmer can claim mechanical failure and there aren't really any consequences that can be enforced other than fines to be paid if they are caught. He feels he's been lied to by Mr. Birch, who claimed he wanted to be a good neighbor, but nothing has changed or improved. Mr. Birch has installed a fence, but Mr. Beech doesn't know if he is trying to establish his property line. He's made the roadway so thin there isn't a place to turn around unless Mr. Beech drives all the way down to his property to do it. He and other neighbors only want a dry road to their properties and he would like to know where the road boundaries are so he can try to repair it again and try to widen it enough for people to turn around.

Commissioner Kamachi asked about the state statute and wanted to know if there is a time limit to facilitate fixing a mechanical failure.

Commissioner Hill understands how someone could claim mechanical failure one time, but beyond this, repairs should have been made. He doesn't understand how Mr. Birch is getting a pass for continuing to claim mechanical failure. He has options to "repair" the pivot, but doesn't seem to be making any effort to remedy the situation.

Mr. Beech received a letter from the prosecutor stating they would work on the situation, but the statute doesn't really have a way to enforce anything.

Road and Bridge's Rowdy Rigby stated the prescriptive right of way for roads should be 50 feet, which is much wider than this road is now, because of the establishment of the fence.

Commissioner Dance stated commissioners have met about this issue several times and have established this road as a public road every time. He feels we can see what the

issues are, but we may need to involve our Civil Attorney Blake Hall to make sure we don't do anything out of line and see if there is a remedy.

Commissioner Hill stated it seems Mr. Birch just doesn't want to help maintain the road and doesn't feel he should have to. Because we don't know what we can do to enforce anything, we really do need to involve Mr. Hall before a decision can be made.

This discussion will be continued on September 5, 2023.

GIS Greg Newkirk RE: 4_T Ranch Div. No. 1 - action item

Mr. Newkirk presented application #22-121 for 4_T Ranch Div. No. 1 along with Findings of Facts, Conclusions of Law and Decision.

Commissioner Hill made a motion to approve application #22-121 for 4_T Ranch Div. No. 1 short plat for Blaine Briggs 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.

Social Services Debbie Biorn RE: Executive Session IC 74-206(1)(d) - action item

Commissioner Kamachi made a motion to go into executive session pursuant to IC 74-206(1)(d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code; at 9:40 a.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 9:43 a.m.

Commissioners released a lien.

Public Works Director Brandon Harris RE: State and Local Agreement for Teton River Bridge - action item

Mr. Harris presented a state and local agreement for the Teton River Bridge. Since he has been Public Works Director, several bridges have been replaced. The first was Stone Bridge. Ora Bridge was second and the largest to be completed. Fun Farm will be started next year, and the next up will be the Teton River Bridge. The State and Local agreement is the first step in the process to getting a bridge replaced, along with a first payment of \$8000. The next bridge to be replaced will be Vernon Bridge.

There was a discussion about the Fun Farm scale replica and where to house it when it is finished.

Clerk Mace asked about the status of the state funding for replacing bridges.

Mr. Harris stated because he has pushed them, the next 5 bridges on his list will be replacements. These

are smaller bridges. 3 are in the Parker area and 1 in Egin. The 5th is in St. Anthony near the airport.

Commissioner Hill made a motion for Fremont County to enter into a State and Local Agreement with ITD for project number A024(341) South Fremont Teton River Bridge in Fremont County. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

4H Dana Miller RE: Summer Help - action item; Grant - action item

Ms. Miller received a check for \$2000 from U of I for her summer help for next year. Clerk Mace asked her to bring it back after October 1 after we are in FY2024.

Ms. Miller stated we received a check from the CHC Foundation for their trailer, \$11,051.20. This will close their passthrough account.

Ms. Miller discussed a pipe leak out at the fairgrounds that has flooded the entire livestock area. She stated the groundskeeper budget has only been 23% used for this year. She wonders if some of this money can be used for the flooding and other small repairs.

Commissioner Hill stated we will need to repair these issues regardless, but there is money in the budget for repairs.

Planning & Building Administrator Tom Cluff RE: Ordinance changing boundary of St. Anthony Area of City Impact - action item; Department Report

Mr. Cluff presented Ordinance No. 2023-02 Changing the boundary of the St. Anthony Area of city impact. This has been in discussion for the last few years. The city passed their ordinance, and the county Planning and Zoning commission held a meeting and approved an ordinance that matches what the city did. They will be annexing in everything south of 400 N to 300 N, outside of our county property.

Commissioner Dance made a motion to adopt Ordinance No. 2023-02 Amending the St. Anthony City area of impact boundary around the community. Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Mr. Cluff reported the May, June, and July building permits comparing this year to last year. We are busy, and he is getting the sense it wasn't as bad as it was last year but with mortgages at 7% this year, we will have to see how it affects us because so much of our market is cash, and so many people coming in and building are also paying cash. We also have a lot of people relocating to this area, so they aren't dependent on mortgages because they have the funds to pay up front. He is optimistic we may be able to find a better equilibrium and may not fall into a multi-year recession.

Clerk Mace asked about his fee increases.

Mr. Cluff stated his fee increase requests are at the bottom of a growing pile, so if we need to do a hearing for the other departments, his can be held at a later date to catch up to everyone else. The fees increased would include short term rentals, subdivisions, plats, class 1 and 2 permits, and building permit fees. The trouble he is having is because we only collect 60% of our costs via fees. We can justify doubling our fees but he isn't sure this is reasonable. He is trying to find a balance.

Miscellaneous

Commissioner Hill made a motion to approve the claims for August 21, 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 minutes from August 14, 2023 as presented. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Dance made a motion to approve the Junior College Applications for the College of Eastern Idaho Fall 2023 academic year for Jennifer Contreras, Yonathan Avendano, and Kiana Rydalch. Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

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

- #11 Timberline Golf
- #12 Henry's Fork Lodge
- #13 Idaho Dunes RV
- #14 Connie's
- #15 Maverik Inc #534
- #16 New Star Bar dba Star Bar
- #17 Neil's and Joe's OK Tire Inc dba RJ's Exxon

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

Clerk Mace discussed the change from LifeMap to US Able Life. Nothing is changing as far as the benefit packet, it is only the company name that has changed, but they needed to have the agreement as soon as possible, so Commissioner Kamachi signed it last week.

Commissioner Dance made a motion to ratify the signing of the group application for US Able Life replacing LifeMap for FY2024. Commissioner Hill seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioners discussed fee increases for the Ambulance and Sewer.

Commissioner Hill made a motion to adopt Resolution No 2023-10 increasing the Fremont County Ambulance District Fees 4.99%, effective October 1, 2023.

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

Commissioner Kamachi made a motion to adopt Resolution No 2023-11 increasing the sewer connection "hook up" fee by an additional 4.99%, effective October 1, 2023.

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

Commissioner Dance made a motion to adopt Resolution No 2023-12 resetting and establishing the annual sewer rate constant annual factor by an additional 4.99%, effective October 1, 2023. Commissioner Kamachi seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Clerk Mace discussed the new personnel policy update, and presented Resolution No 2023-13 for approval. With this update, 5 county detention employees will move from comp time to being paid overtime effective October 1, 2023, and all county employees will be required to do direct deposit instead of paper checks for payroll. Too many of our part time employees aren't cashing or depositing their checks right away so we have money always in suspension we can't do anything with.

Commissioner Hill made a motion to approve Resolution No 2023-13 repealing and replacing the personnel policy adopted in August 2021, effective August 21, 2023. Commissioner Dance seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Hill made a motion to adjourn the meeting at 11:36 a.m. 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