

FREMONT COUNTY SPECIAL COMMISSIONER MEETING

September 29, 2008

Present for the meeting were: Commissioners Paul Romrell, Don Trupp, and Skip Hurt

Also present were: Prosecuting Attorney Karl Lewies, Commissioner Elect Lee Roy Miller, Clerk Abbie Mace, and Deputy Clerk Jody Flores was present to take minutes.

Commissioner Paul Romrell declared the meeting open.

COMPREHENSIVE PLAN REVIEW – Planning & Zoning Administrator Kirt Hibbert

Each of the Commissioners has taken a great deal of time to review the plan individually. Commissioner Romrell stated concerns with the map, especially with the wetlands area. He asked if development is possible within this area. Mr. Hibbert stated that it is possible with certain restrictions. Commissioner Romrell stated that he feels that the map needs revision as the wetlands indicated on the map are too large an area. Mr. Hibbert explained to the Commissioners that this information was provided by the Idaho Fish & Game, and that this is not a regulatory map – we can draw our own lines.

Commissioner Romrell also expressed concerns with the wildlife closure area surrounding the Sand Hills area. He would like this resolved before moving forward. We still need to protect the elk herd that winters in the area, but not limit personal property rights. Mr. Hibbert stated that the closure area is just an overlay. If the Commission chooses to make a change to the ordinance, it can be removed from the map. It is not a land use designation. Commissioner Hurt stated that it still needs to be identified because of the ordinance, but that a meeting with the property owners within the closure area is needed. Mr. Hibbert stated that the ordinance is vague and is not clear on the intent. He also stated that we could use more up to date information from the Bureau of Land Management and landowners – also stating that this could begin with the Commissioners directing staff to start this process.

Commissioner Romrell read from the Wildlife Road Closure Ordinance 97-06 – stating that there are several areas that are closed. Commissioners held discussion that this would not affect private property access. Commissioner Romrell also stated that there is development that has occurred in the closed areas, and that we need to either revise the ordinance, or do away with it.

Commissioner Hurt stated that there are more issues with this area than just this issue, and questioned how the staff will deal with proposed development in the area. Mr. Hibbert stated that they will not use the overlay, and that the inference was not to limit growth in that area, and that this was not the intent of the ordinance. He agrees that it needs to be revisited by the board, and they put it on for reference only – it does not have regulatory policy. It was included because it is there – the Commissioners could remove it. Commissioner Romrell stated it will need to be addressed in the Development Code. Mr. Hibbert agreed that it will need to be addressed with Planning & Zoning, if there are going to be additional restrictions that need to be identified.

Commissioner Trupp questioned what we can do to make it work together and what will force this into an ordinance. Mr. Hibbert stated that direction from the Commissioners on how they want to address this needs to be done first. He also stated that if the Board is concerned with it on the map, they can lift it from the map and it can be addressed in the future. Commissioner Romrell stated that this ordinance was a compromise with the Bureau of Land Management to keep the Egin-Hamer road open during the winter. Commissioners reviewed the ordinance again and stated that the Red Road will remain open through the winter – this also included snowmobile usage. Commissioner Romrell also read from the ordinance that you can get on private property in order to feed livestock. Commissioner Hurt feels that if we leave it in the Comprehensive Plan, it tends to be assumed as regulation. He would like to see this addressed before we adopt the proposed plan.

Commissioner Romrell stated that we should set up a meeting with the BLM, and possibly Fish & Game to address the wildlife closure area. He also stated that we need to address this now and establish what the rules will be in the area.

Commissioner Trupp stated that we need to have one map that addresses how this area will be regulated, or at least have it addressed in the legend of the map. Mr. Hibbert stated that the ordinance does not historically regulate land use in the area.

Commissioners discussed the closure area in Clark and Jefferson Counties. Clark County did not pass an ordinance establishing the closure area. Mr. Hibbert recommended addressing the closure area, and that it not have any regulatory authority, then address the area with the BLM and Fish and Game before putting anything into the Development Code. Commissioner Hurt stated that he agreed, but also stated that until this issue is resolved, the Commissioners will not adopt a Development Code.

Commissioner Hurt referred to page eight of the proposed Comprehensive Plan – stating concerns with the wording. Commissioner Romrell questioned if Public Works Director Marla Vik has reviewed this proposal. Commissioner Hurt questioned if there needs to be a distinction between private and public roads. Mr. Hibbert stated that this is defined in the Transportation Plan. Commissioner Romrell stated that we need a statement that says we protect our roads in their current location. He feels it also may need to be in the Transportation Plan. Mr. Hibbert stated he will include it in Policy 6 of the proposed Comprehensive Plan.

Commissioner Hurt questioned Policy 7, page 9 – Does this put us into compliance with floodplains? Mr. Hibbert stated yes, but we need to change the regulatory document.

Commissioner Hurt questioned Policy 8 on noxious weeds. He feels it needs to be included. Mr. Hibbert stated it is possibly in Policy 17 that addresses farming operations. He stated Policy 14 is a place to include it. He will put it in as #3 to enforce the ordinances of the county.

Commissioner Hurt reviewed Policy 14 and questioned if the language should be changed to “will, or must comply”. Mr. Hibbert stated that it can be changed to “must”.

Commissioner Hurt addressed on Page 10, #2 the same issue on flood control to “must”, and strike #3 “enormous”. He had concerns with water rights that it needs to be covered to allow wells for development. Mr. Hibbert agreed that it needs to be removed and to end the section at water supply. Commissioner Hurt stated to take existing water right out of the section. Mr. Hibbert will reword that section to exclude the water rights.

Commissioner Hurt expressed concerns with Page 10, #4. He would like to see some other word than “checklist”. Mr. Hibbert stated that it could be changed to “county approved checklist”. Commissioner Hurt does not want this to become a regulatory checklist. Mr. Hibbert stated that we do need checklists that are not regulatory, and that we need coordination between state and federal agencies, but not to give them regulatory power. He stated the checklists will all be in the Development Code – that it will not give the agencies regulatory authority. He can put more information for what the checklist is and that it is the county’s.

Commissioner Hurt reviewed Page 11 stating that water rights are already addressed. Mr. Hibbert will check on it.

Commissioner Hurt reviewed Policy 11, paragraph 1. He stated that he feels this will give Fish & Game more authority than they have now. He is concerned with the checklist reference. Paragraph 3 stated they should review the proposed developments and make recommendations, but not

regulate. He wants to review the maps before they are referred to in Paragraph #4. Mr. Hibbert stated the map will be part of the Development Code. Commissioner Romrell asked if the Fish & Game map is included in the Comprehensive Plan. Mr. Hibbert stated that he does not see it in the proposed plan. He also stated that it will need to be addressed in the Development Code. We will need to have updated maps with more site specific data. Commissioner Hurt does not want to make the federal agencies regulatory. Mr. Hibbert stated they can strike this from Policy 11. Planning & Zoning Board member John Nedrow stated that they discussed this at length and the P&Z Board would like more information from the Fish & Game. He feels that the state will not let the Fish & Game give comment at the public hearing – only through written statements approved by their legal departments. Mr. Hibbert recommended a change in the wording to remove the word “map” also. Commissioner Hurt is concerned with Page #11 at the bottom. Mr. Hibbert stated that we need to know that the developer has received input from the federal agencies. It states they “should” review, it does state that we “must”. The musts will be addressed in the Development Code. Commissioner Romrell stated that with the Stephens Ranch, we were still receiving new information from the agencies. He would like to have this return to the Planning & Zoning Department instead of having a Denovo Hearing. Mr. Hibbert agreed that an appeal would no longer be a Denovo Hearing. This will be addressed in the Development Code.

Commissioner Hurt reviewed Policy 14-2, page 14. He agreed with it, but 12-1 – Is there any move to develop a TRD Plan. Mr. Hibbert stated “no”.

Commissioner Hurt reviewed Policy 14-2 on page 14. He stated it encourages transfer of development rights for a plan that is not even addressed. He feels there needs to be more detail. He is concerned with Policy 17-1 on page 15. It asks for the advice of irrigation districts. He is concerned with the density on 17-3 on page 16, because we are encouraging TDR's with no plan in place. Mr. Hibbert stated it is encouraged, but there will be no regulation unless it is in the Development Code. Commissioner Romrell stated that the Comprehensive Plan can be changed at any time. Until we have a TDR in place, we should not have it in the Comprehensive Plan until we are ready with a plan. Commissioner Hurt stated that these references should be removed until we have a TDR in place. He referred to Policy 12, page 12, paragraph 1 that needs to be changed to state that we will develop that program. He wants to strike what is in Policy 14-2, page 14 – Policy 14-2 should come out completely. Mr. Hibbert will do that.

Commissioner Hurt addressed Policy 17-3 on page 16 – to take out #3 all together. Mr. Hibbert stated that the LESA would only be used for zoning areas. He will have zoning areas addressed already on what is allowed. There will be two zones – rural living and rural conservation.

Commissioner Romrell gave an example of just south of Ashton where there are a lot of rock piles in farm area. Would it be designated differently than those without rock piles? He has a hard time with how to make this designation. How will this protect the productive agricultural lands? Mr. Hibbert stated that this is left over from the old plan. He stated the key is all land will have development rights to some extent. The role of farmland has been over used. Commissioner Hurt referred to the prime farm land map. Mr. Hibbert stated that #3 will be addressed in the Development Code. He feels the policy is good.

Commissioner Hurt reviewed Policy 14 to have it removed. Mr. Hibbert agreed to remove it from policies.

Commissioner Hurt stated Policy 17 in the introduction also needs to be removed. Policy 17-3 needs to be removed; also he would like the whole paragraph to be removed. They reviewed the map on page #58 again. They looked at Policy 17-2 also – it does not need to be there.

Commissioner Romrell questioned if we need any of Policy 17. Mr. Hibbert stated we still want to protect productive lands or agricultural lands. Commissioner Romrell stated the Wilford area is an area where the land is not as productive as the Parker area. How do you determine what areas we need to protect? Commissioner Hurt also expressed concerns with the Chester area. Mr. Hibbert would like something there, even if it is very general. Mr. Nedrow stated it could be combined with Policy 14. Mr. Hibbert will combine Policy 17 with Policy 14.

Commissioner Hurt reviewed Policy 13, page 12. With the bold statement of environmental impacts, do we need a definition of that statement? Mr. Hibbert is okay as it is stated. Commissioner Hurt farther down in Policy 13 on page 12 paragraph 2 would like to change “values” to “rights”. He is also concerned with Policy 13-1 with reference to West Yellowstone. This will be eliminated or changed to “protection of the boundary of the Park for drilling of wells”. Mr. Hibbert will remove that reference.

Commissioner Hurt reviewed page 13 top paragraph referring to home occupations needs to be removed. Mr. Hibbert agreed - that will be addressed in the Development Code.

Commissioner Hurt Policy 14-1, page 14 – he is concerned with this being based on land use not central utilities facilities. Mr. Hibbert stated that we need to address density and encourage clustering. This was to encourage the use of central utilities. This will be removed. Mr. Nedrow stated there will be two issues on Policy 14. Mr. Hibbert stated yes. Commissioner Romrell questioned if after the board makes changes, will it need to be reviewed by P&Z? Attorney Lewies stated he will look that up.

Commissioner Hurt reviewed Policy 15-6 and questioned if the word “legal” needs to be included. Commissioner Romrell questioned if this is the area where we put in protecting our roads in their existing location. Mr. Hibbert stated he will include this in Policy 15.

Commissioner Hurt reviewed Policy 16 in the header and the first paragraph on large scale development required having affordable housing for this impact. He has a concern with this. Mr. Hibbert stated this is concept of where we should go, but not to be specific. Commissioner Hurt is concerned that this is included because we do not have a plan. Mr. Hibbert stated that this is an issue. He recommends changing #2 to say that “Fremont County will develop an affordable housing plan”. Mr. Hibbert will remove #2. Commissioner Romrell stated he is concerned with not requiring large development to accommodate these. Commissioner Hurt stated that he is okay with the reference in the heading, but to strike #2. All agreed to strike #2.

Commissioner Hurt referred to Policy 18, page 16 at the bottom referring to recreation. He questioned on how that is defined. Mr. Hibbert stated that in the Recreation Plan, it will reference where there are pathways or trails. They will incorporate that into the plan, when we get it in place. Commissioner Hurt wants this to be more clearly stated. Mr. Hibbert stated that this is just a vision document. It states when it is adopted, we need to coordinate. He will rework that. Mr. Nedrow stated the P&Z board was looking more to snowmobile trails to access their trails than to public trails. Mr. Hibbert stated that if there are substantial changes to the plan, that it should be reviewed by the P&Z Board again. If there are clarification changes, it would not require it.

Attorney Lewies questioned if the P&Z has made a recommendation to the Commissioners. Mr. Hibbert stated yes. He feels that the P&Z needs to take this back for review. He will present that back to their board. Commissioner Romrell questioned if they need to have another public hearing. Attorney Lewies does not see any need for P&Z to review this. He feels the Board of Commissioners can now have a public hearing and move forward with the adoption. Mr. Hibbert stated they can go either way. He would like to at least ask the P&Z Chairman if they want to review this again, or if they are okay with it. They would like to make additional recommendation of the changes. Commissioner Romrell would like to have their hearing. Attorney Lewies feels that if the commissioners review the document and have a public hearing, then after the public hearing, they can make changes after the hearing and hold a new hearing. Mr. Hibbert does not see any problems with sending it back to the P&Z Board. Mr. Nedrow feels that he personally does not have a problem with it not coming back to the P&Z, but there are others on the board that may want to review the changes. Commissioner Romrell stated he feels we can take the time to do it right the first time. He doesn't want to create

problems. Commissioner Elect Lee Roy Miller stated he feels that the P&Z should have an opportunity to review the Commissioners recommendations.

Commissioner Hurt has two map references on page 65 of the South Fremont Preferred Land Use Map. The wetlands are very broad. On this map, he still sees Chester as a rural infill because there are seven subdivisions existing in the area also. He would like it put back in as a rural infill as is the Wilford area. Mr. Hibbert stated he would like to see both areas removed. Commissioner Hurt stated Twin Groves is already an infill area. He either wants them all out, or include Chester. Mr. Hibbert stated that we either include both Chester and Wilford, or remove both of them.

Commissioner Hurt referred to the Preferred Land Use Map. He would like to have Ard's Landfill removed from the map. Mr. Hibbert will look at that. Commissioner Hurt questioned have we looked at enough commercial areas. Should there be commercial around the Sand Hills? Mr. Hibbert stated that it will grow over time.

Commissioners again reviewed the Wildlife Closure Area around the Sand Hills. They would like some better definition of the closed area. They asked Attorney Lewies to give them a recommendation as to where they go from here.

Mr. Hibbert presented a proposed Annex Meeting Room Rental Agreement with rules and guidelines for the rental of the room. Commissioner Hurt made the motion to adopt the rental agreement form. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

BUILDING INSPECTOR AGREEMENT WITH CITY OF ST. ANTHONY

Commissioners reviewed the Building Inspector Agreement with the City of St. Anthony. Mr. Hibbert is concerned with the agreement as written. He will work on the language of this agreement. Building Official Jon Laux and Mr. Hibbert will work with Attorney Karl Lewies on rewriting this agreement and present it to the Commissioners.

Mr. Hibbert informed the board that he received a phone call from Engineer John Mellor who is working on a wastewater treatment facility with Walters Produce. This proposed facility will be built in Madison County.

ORDINANCE TO INCREASE TEMPORARY NON MEDICAL ASSISTANCE FOR INDIGENT CLAIMS – Social Services Director Debbie Adams

Debbie Adams presented a proposed increase in the Temporary Non-Medical Assistance Ordinance. Commissioner Trupp made a motion to approve Ordinance #2008-05. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

LIQUOR LICENSE APPLICATIONS

Commissioners reviewed the following liquor license applications:

- H.H.S.R. LLC dba Lazy Trout Lodge
- W.R. Enget dba Meadow Creek Lodge

Commissioner Trupp made a motion to approve the above stated liquor licenses. Commissioner Hurt seconded the motion. A full voice vote was heard with all commissioners voting in favor.

VEHICLE BIDS – Assessor Kathy Thompson

Assessor Kathy Thompson presented the following bids for used vehicle purchases for the Assessors' office:

- St. Anthony Motors for a 2006 Chevrolet Trailblazer LT for \$16,200.00
- Taylor Chevrolet for a 2005 Chevrolet Trailblazer EXT for \$17,400.00
- Rigby Chevrolet for a 2007 Chevrolet Trailblazer LS for \$17,900.00
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Commissioner Hurt made a motion to approve the purchase from St. Anthony Motors for \$16, 200.00 from the FY2009 budget. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

LANDFILL FEES - Public Works Director Marla Vik and Treasurer Patricia McCoy

Public Works Director Marla Vik and Treasurer Patricia McCoy met with the Commissioners to discuss the way we are assessing the landfill fees in the county. She showed the Commission a spreadsheet with the current costs. They discussed how to eliminate having so many different types of charges, how they are being assessed, and how to group them together and combine the fees. Marla and Pat will work on this for next years budgets.

Ms. Vik updated that she has put out for bid crushing. There is an individual who does not want to submit a bid bond or letter of credit. The board wants them to have a bond in order to bid the crushing.

The board has not addressed the charges for the landfill to the City of St. Anthony. Ms. Vik will look into the properties owned by the city and come up with a recommendation.

Ms. Vik reviewed the letter we need to send into the Governor on Road and Bridge funding.

BUDGET REQUESTS – Sheriff Ralph Davis

Sheriff Ralph Davis presented budget requests for several items that he would like to purchase for his department. In addition to the items he requested last week, he would like to also have software for recovering stolen property in the amount of \$2100.

Below are the requested items listed in order of priority:

1. Leads Online with a cost of \$2,148
2. Camera / Recorder with a cost of approximately \$16,000
3. Tasers with a total cost of \$9,744 for 12 - \$812 each
4. Snowmobile Trailer with a cost of \$8,400

Commissioner Hurt stated that he would go for the Leads Online software in the amount of \$2,148, the recorder in the amount of \$7,930, and 6 Tasers in the amount of \$4,872 - for a total of \$14,950. The recorder must be compatible with the system.

Sheriff Davis proposed taking the costs of these items as follows:

- The recorder to be taken from the Capital line in the Jail Budget.
- The tasers will be taken from Capital other line in the Sheriffs Budget.
- The Leads on Line software from Professional SVC Computer line in the Sheriffs Budget.

Commissioner Hurt made a motion to approve the above stated expenditures from the FY2008 Budget. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

MISCELLANEOUS

Attorney Lewies presented an amended Findings of Fact and Conclusion of Law on the Rivers Edge Subdivision Appeal. Commissioner Romrell signed the Findings of Fact and Conclusion of Law on the Rivers Edge Subdivision Appeal.

Commissioner Romrell made a motion to apply for a \$2500 grant for restoration on the courthouse. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Trupp made a motion to sign the Junior College applications. Commissioner Romrell 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 4:09 p.m.. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Trupp voting I, Commissioner Hurt voting I, and Commissioner Romrell voting I. Commissioner Romrell declared the meeting open at 4:24 p.m.

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 4:29 p.m.. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Trupp voting I, Commissioner Hurt voting I, and Commissioner Romrell voting I. Commissioner Romrell declared the meeting open at 4:48 p.m.

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

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk