

**COMMISSIONER MEETING OF August 8, 2016**

The Caribou County Commissioners met in regular session on August 8, 2016 at 9:00 a.m. Those in attendance for the first hour were Earl Somsen, Commission Chair, Phil Christensen, and Mark Mathews, Commissioners. Also in attendance were Caribou County Clerk Denise Horsley, Caribou County Attorney Doug Wood, Road and Bridge Supervisor Kim Spencer, Leadman Brett Barfuss, Caribou County Sheriff Michael Haderlie, Landfill Supervisor Jayson Lower, Weed Supervisor Dwight Lloyd, Caribou County Treasurer Angie Mendenhall, IT Supervisor Terri Stephens, Building Inspector Ralph Hopkins, Cheryl Rasmussen, Leslie Talbot, Jesse Arglesy, Louis Berg, Terrisa Berg, Kel Crane Scott Johnson, Tami Cole and Karen Crane.

The meeting opened with the pledge of allegiance and prayer.

**Kim Spencer/Brett Barfuss, Road and Bridge:**

- Crack sealing will be done at the end of this week
- Graveling Hamp Rd today
- 2 miles of Government Dam Rd is done
- Kim showed the Commissioners the signs that are currently on Village Rd and 8 Mile Road as he heard that some homeowners are concerned about the lack of signs.
- Commissioner Christensen advised that Kim needs to make sure that signs are posted with an adequate amount of time allowed for motorists to slow down due to road work. Commissioner Christensen was approached about this by a concerned citizen.
- Contract for Blackfoot River Rd has not been turned in by Agrium yet. Kim will follow up on that. Kim said the road is in pretty good shape, a few soft spots, but nothing major.
- Commissioner Christensen also let Kim know that there are some pot holes on Rocky Ford Rd that need fixed. Kim thought the crew had been there twice, he will follow up.
- Kim will follow up with Agrium regarding the road repairs that need done to Lanes Creek Rd. Commissioner Somsen feels that that should play a large role in the repairs as they violated the agreement which caused the damage to Lanes Creek Rd.
- Doug Wood will be writing up an ordinance stating that a high increase in road activity that causes damage would require the individual(s) to make repairs and not the County. A public hearing will need to be setup to present the ordinance.

**Randy Stephens, Courthouse Maintenance:**

- Randy has some funds left in his budget and wanted to possibly purchase some newer tables for the courtroom.

- Randy is planning on contacting Myers Anderson and some other contractors to get some bids on the courtroom. Commissioner Somsen asked that Randy contact Myers Anderson first as we are the most familiar with them.
- The locks aren't working correctly on some of the doors at the courthouse. The elevator door is now being manually locked in the evening and opened in the morning with a key. The front main door also has some issues with the locking mechanism.
- Randy received a bid from Scott's Lock and Key for \$8,000 to get things fixed.
- Commissioner Somsen suggested that rather than the voltage on the locks being changed, that Randy look into locks with batteries as it may be less expensive.
- Randy has \$30,000 left in his budget, he is hoping to gets some bids to update the break room and/or jury room if he has any funds left over after the locks are fixed.
- The electrical in the courthouse is also a concern. Randy thinks an outlet downstairs is causing problems with our video security system.
- Randy was given a verbal estimate by Bear River Electric of \$50,000 to \$60,000 to get our electrical system updated.
- Randy would like to get the parking lot at the courthouse swept. He asked Road and Bridge and they can't do it. Commissioner Somsen suggested that Randy look into renting a sweeper.
- Randy also wanted to know if he can order a snow plow for the truck for the coming winter. He said it may take a couple months to get it here.
- Commissioner Somsen asked if a skid steer with a bucket on it would be a better route. Commissioner Christensen requested that Randy get some quotes on a skid steer.

**Stacie Watkins, Senior Citizens Center:**

- Stacey said they have applied for a grant for \$150,000 that is strictly for doing renovations on Senior Citizen's buildings. She won't know until May or June of next year if they get the grant or not.
- She had Ralph Hopkins and the city inspector do an inspection of the building and they determined that the most crucial areas are the roof, the basement needs a pump by the water heaters in case of a flood, and some of the flooring needs updated. She is also hoping to have funds to get the stairs fixed going to the basement.
- Stacey explained if you are given the grant it is all or none. You can't accept a portion of the funds.
- Commissioner Mathews made the motion to sign the grant application for CDBG funding. Commissioner Christensen seconded the motion. Motion carried.

**Jayson Lower, Landfill:**

- Dodge transfer case was \$440.00 over budget. Total was \$1579.00
- Needs to replace tires on grader, Jayson has gotten two bids so far. Soda Springs Tire Factory was lower than other competitor. The Commissioners all agreed that Jayson can proceed with purchasing tires from Soda Springs Tire Factory.

- Commissioner Somsen noticed that in the solid waste budget, Landfill Development has been decreased by \$5,000 and asked why the change. Jayson explained that in previous years, well testing has been taken off this budget item and Jayson requested that well testing be separate starting this fiscal year. A line item in the budget has been created for well testing for \$5,000.

**Dwight Lloyd, Weed Department:**

- Commissioner Mathews moved to convene to executive session at 10:11 a.m. pursuant to I.C. 74-206(a). Commissioner Christensen seconded the motion. Motion carried. Commissioner Mathews moved to reconvene to regular session at 10:27 a.m. Commissioner Christensen seconded the motion. Motion carried.

**Michael Haderlie, Caribou County Sheriff:**

- Commissioner Mathews moved to convene to executive session at 10:37 a.m. pursuant to I.C. 74-206(a). Commissioner Christensen seconded the motion. Motion carried. Commissioner Mathews moved to reconvene to regular session at 10:55 a.m. Commissioner Christensen seconded the motion. Motion carried.

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**Denise Horsley, Indigent:**

- Commissioner Christensen made the motion to deny Indigent Case 2016-19, because the applicant is not medically indigent, and deny Indigent Case 2016-21, because medical records and medical claims were not provided within 10 days. Commissioner Mathews seconded the motion. Motion carried.

**Kathy Thompson:**

- Sheri was unable to attend meeting. Her neighbor, Kathy Thompson spoke instead.
- Kathy explained that there seems to be a lot of speeding on Village and Eight Mile Roads and she is concerned. She doesn't feel there is enough signs showing the speed limit. She also feels that the speed limit should be lowered due to the small children in the area.
- Commissioner Somsen provided Kathy the pictures that were given to him by the Road and Bridge Supervisor showing the signs.
- She says the road needs to be chip sealed. It is currently red gravel which, in her opinion, is unsafe at the speed that people are driving on it.
- She also said that the red gravel stains everything and she can't utilize her garage in the winter because of the gravel.
- She would like to see the speed limit changed to 25 with ample amount of signs indicating that. She was told that a public hearing would need to be set up for a speed limit change.

- Kathy also mentioned that there isn't a speed limit sign at all on Eight Mile Rd off of Highway 30. Commissioner Somsen said they will take her concerns under advisement.

### **Budget Review:**

- The Commissioners reviewed the budget with Terri Stephens and the Clerk.
- Commissioner Somsen asked why the budget for equipment repair is at 195% for 2016. Denise explained it was for the new voting equipment.
- Commissioner Somsen also asked why the drug court fund is now up to \$20,000 from \$10,000. It should actually be \$15,000 which covers \$10,000 for District Court and \$5,000 for misdemeanors. A correction will be made to fix \$20,000 to \$15,000.
- The Annex budget has gone up as well due to taking the salaries including PERSI and placing it under a cleaning contract now that we use a contractor rather than an employee doing the cleaning.
- Spillman Support also went up due to the Police Dept. dropping Spillman which leaves us responsible for the costs.
- Commissioner Mathews asked about the negative beginning balance for the Weed Dept. on the revenue side. Teri and Denise explained that there was not enough budgeted that year since Scott retired and had to be bought out and Dwight has been doing some extra maintenance to his equipment. Teri explained that we are trying to get that account built up again so the budget shows \$75,000 more for property tax. The operation in funds shows \$42,000 left and just payroll for the next couple of months will take over \$20,000 of that.
- Commissioner Mathews says that he becomes concerned when it looks like a big jump to the tax payers. Teri explained that we took \$75,000 out of other funds to make the increase for this fund. Denise said an example of would be Road and Bridge for last year was \$910,000 levied and this year we are at \$759,000 on property tax. Teri explained that per \$100,000 the raise will be \$7.34.
- Teri explained that District Court is also in the hole. This fund needs a boost, they are simply not catching up. They had 4 jury trials and the Dunlap case drained a lot of money from this fund. Maria's salary was also adjusted from working a 35-hour week to a 40-hour week and Bear Lake and Franklin counties were asked to help out with this. It was mentioned to Denise that they didn't realize that this change was on a permanent basis. They took it as a onetime thing. The Judge is looking into this problem.
- Denise would like to take \$250,000 from PILT to put in the District Court fund. PILT has over \$2 million in it.
- Teri said that the Justice fund and current expense are doing great and they have been a problem in the past.
- Property value went up \$44 million, but Denise mentioned that operation of mines went down \$20 million.
- Commissioner Mathews asked if we could keep the tax levy rate the same as it was last year. Teri explained that if we don't take the 3% now that we will have a foregone amount and it can take up to

7 years to get back to where we would be right now. Teri said the only thing that could be cut out is the 3% salary increase.

- Denise explained that healthcare is going up 4% for employees so the 3% being cut out for employees is a problem too.
- Teri said the budget went up \$184,865 and it is now just the 3% for the salary increase that caused the increase.
- Angie mentioned that the taxes did in fact go down in 2014-2015 for most people.
- Commissioner Christensen made the motion to move \$250,000 from PILT to District Court. Commissioner Mathews seconded the motion. Motion carried.
- Teri said we haven't had to move money to district court for a while. Denise explained that the two most unpredictable ones are the jail and the district court budgets.
- Teri said the adjustment will be made on the Drug Court fund to correct the \$5,000 error so that we can publish and balance.
- A public hearing will be done on the 22<sup>nd</sup> since we will have to open the budget.

#### **South East Idaho Public Health Department:**

- Leslie presented the quarterly report for the third quarter of FY2016.
- Jessie said that Idaho implemented the new cottage food rules on 07/01/16 and if we get any questions to direct the individuals to him.
- Cheryl said some remodeling needs done at their building. They are hoping to get new carpet and have a dividing wall installed sometime next fiscal year.
- They have had no major issues with the new cleaning services.

#### **Louis Berg, Conditional use Permit:**

- Louis concerned that it was brought up in a Planning and Zoning meeting that he was not in compliance with Idaho Code 42-1102. He wanted the Commissioners to know that he feels that he is in compliance as it doesn't state anything about public access in Idaho Code 42-1102.
- Doug Wood asked that he look at the paragraph stating that no persons or entity shall cause or permit any encroachments on to the right of way including public or private roads. Doug explained that a foot bridge would be identified as an encroachment.
- Mr. Berg feels that the Idaho Code 42-1102 was more geared towards future encroachments not existing encroachments.
- Mr. Berg met with two individuals from the canal company last week and they verbally told him that they have no problems with his plans or the existing encroachments. They also did state they would like to remain neutral, neither for or against Berg's proposal. Mr. Berg understands their hesitant to provide something in writing due to liability.

- Commissioner Mathews asked if the canal company has provided any documentation in writing to him. Berg replied with no and explained that he has not been able to obtain anything in writing from them for the 5 years that has been trying.
- Doug Wood explained to Mr. Berg that there is a legal document that Berg could have drawn up that would clearly state to the canal company that Berg would be responsible for any liability issues and that he could not come back on them for any reason. Wood suggested that Berg look into this.
- Berg obtained a copy of the original easement for the canal company. He explained that it is a non-exclusive easement and other easements can go thru the canal companies' easement. Berg filed a non-exclusive easement in the Clerk's office last week. Commissioner Somsen explained to him that you can file any document, but the document may or may not be legitimate.
- Commissioner Mathews told Berg that the county is unable to approve anything for him until he has something in writing from the canal company stating that they have no problems with the existing encroachments.
- Ralph Hopkins agreed that something in writing from the canal company is needed.
- Doug Wood pointed out that an inspection from Fish and Game would need to be done as well before county approval.

**Ralph Hopkins, Building inspector:**

- Commissioner Mathews made the motion to add Ralph Hopkins to the agenda. Commissioner Christensen seconded the motion. Motion carried.
- Commissioner Mathews told Ralph that he has received a phone call from Gate City Builders. Ralph says he is trying to get him to meet code and do what he is told to do. He told Commissioner Mathews that he is trying to get his certificate of occupancy.
- Ralph has an affidavit from the subcontractor that is signed and notarized that poured the concrete saying that he will be solely responsible if something happens with the foundation. Ralph wants to attach this to the certificate of occupancy. This should relieve the county of any liability.
- Ralph said they are no seismic straps and they will need to be epoxied in. Gate City is aware of the affidavit; Ralph doesn't know if they are aware that he is planning on attaching it to his certificate of occupancy.
- Doug Wood asked if the home buyer will be notified of the problem. Ralph said they will need to ask for a copy of the building permit, inspections and certificate of occupancy. Ralph said sometimes new buyers don't think of all these things.
- Ralph informed the contractor at the Dale Mason project that Ralph will be charging for return visits. He has been out there 3 times to do a footing inspection. He made sure that this is not violating any codes.

## **Karen Crane, BPA:**

- Commissioner Mathews moved to convene to executive session at 1:45 p.m. pursuant to I.C. 74-206(a). Commissioner Christensen seconded the motion. Motion carries. Commissioner Mathews moved to reconvene to regular session at 1:49 p.m. Commissioner Christensen seconded the motion. Motion carried.
- Karen feels that BPA has not adequately coordinated with the local government. She is under the impression that they are required to do this.
- Karen said that she is here today to stand up for her constitutional rights. Karen said that they are not against BPA putting up their power line, but they strongly believe there is an alternate route. Karen said that she talked with John with BPA and asked why they did not use the Haul Road. Karen was told that there were two areas that did not have a 100 foot right of way. When she asked where the areas were John evaded the questions. She thinks that they should use the Monsanto Haul Road.
- Karen has spoken with Trent Clark from Monsanto and he said Monsanto is willing to coordinate with BPA for them to utilize the haul road. He says they have never been approached by BPA with a proposal to use the haul road.
- Tami Cole informed the Commissioners that there was a fire caused by a power line during a recent storm, and this has been the second known fire caused by a power line on their property. Tami also stated that she will fight this power line going through her land.
- Karen feels that plowing around power lines is dangerous. Also, if power poles are placed on their land the adverse weather could pose a risk to the crops and the individuals working in the field.
- Karen was hoping Sheriff Haderlie would be able to help in their efforts to enforce that Bonneville Power coordinate with the local government. Haderlie informed her that as long as no laws (trespassing, damage to personal property) are being broken that he has no say in what they are allowed to do.
- Commissioner Mathews asked if BPA has proposed going the South quarter of her property and aligning with Blackfoot River Rd. She said they discussed it at one time, but they told her they would do a ground evaluation and let her know and she doesn't know if the evaluation ever took place or not.
- Commissioner Somsen told Karen that she would have a lot of support from conservation groups about this issue. He feels that this would gain exposure to such a sensitive matter.
- Karen sent a letter to Congressman Simpson, his office has forwarded the letter to BPA and they are still waiting for a response. Commissioner Somsen said to make sure Congressman Simpson is aware that BPA has been offered alternative routes and they do not seem interested.
- Doug Wood informed Karen that he tried to contact BPA about the 2 right of way restraints on the haul road and he also is waiting for a response.
- Mr. Crane spoke briefly and asked that the Commissioners realize that we are the last voice and we need to firmly stand our ground. He believes BPA could also find another route to go.

**Other:**

- Commissioner Christensen moved to pay the claims in the amount of \$477,263.72, and payroll claims in the amount of \$287,858.39, and to approve the minutes of July 25, 2016, as presented. Commissioner Mathews seconded the motion. Motion carried
- Commissioner Mathews made the motion to sign the Special Use Permit Letter to the Forest Service for the Caribou Loop Trial. Commissioner Christensen seconded the motion. Motion carried.
- Commissioner Christensen made the motion to sign the letter of support to Caribou SCD for Upper Portneuf River, Northern Middle Bear River, and Eighteen-Mile Projects. Commissioner Mathews seconded the motion. Motion carried.
- The meeting adjourned at 02:29 p.m. The Caribou County Board of Commissioners will meet August 22, 2016, at 9:00 a.m. for regular meeting.

Signed: Earl Somsen, Commissioner Chairman

Attested: Denise Horsley

Earl Somsen

Denise Horsley

Approved Payment of Bills

	8-Aug-16	Payroll
Current Expense	\$ 36,980.74	
Indigent	\$ 1,139.56	
Road & Bridge	\$ 24,073.28	
Special Highway	\$ 170,438.55	
Justice	\$ 176,075.74	
Consolidated Election		
Weed Control	\$ 3,739.72	
Solid Waste	\$ 7,651.41	
Reappraisal	\$ 7,376.16	
Health	\$ 1,066.35	
Hospital M&O		
Ambulance	\$ 2,997.65	
Parks & Recreation	\$ 105.56	
Tort		
County Fair		
County Court Facility		
District Court	\$ 2,692.74	
Court Services		
Juvenile Justice	\$ 829.40	
Veteran's Memorial	\$ 3,500.00	
Mineral Leasing	\$ 26,073.95	
PILT	\$ 9,860.50	
City of Soda Springs		
City of Bancroft		
City of Grace		
Bancroft Cemetery		
Central Cemetery		
Fairview Cemetery		
Freedom Cemetery		
Grace Cemetery		
Lago Cemetery		
Lava Cemetery		
Lund Cemetery		
Thatcher Cemetery		
Turner Cemetery		
School District #148		
School District #149		
School District #150		
School District #21		
Grace Free Library		
Waterways	\$ 15.99	
Tax Deed Excess Funds		
TV Translator		
Bailey Creek Fire District		
Freedom Fire District		
Auditor's Trust	\$ 40.00	
Adult Probation Fee		
Diversion Education Trust		
Juvenile Housing Trust		
Range Improvement Trust		
Court Trust		
Centennial Trust		
College Trust		
Treasurer's Trust	\$ 424.00	
ID Trust		
Concealed Weapon's Trust		
Motor Vehicle Trust		
911 Trust	\$ 1,776.14	
Public Safety Trust	\$ 406.28	
Weed Control Trust		
Drug Court Trust		
Youth Court Trust		
Vessel Account		
<b>Grand Total</b>	<b>\$ 477,263.72</b>	<b>\$ 287,858.39</b>