

Teton County Idaho Commissioners' Meeting Agenda
Monday February 27, 2017 9:00 am
150 Courthouse Drive, Driggs, ID – 1st Floor Meeting Room

9:00 MEETING CALL TO ORDER – Chair
Amendments to Agenda

CONSENT AGENDA

1. Use of Sick Leave by Building Department Manager

PUBLIC WORKS – Darryl Johnson

1. Solid Waste
 - a. Landfill Cap Update
 - b. RAD Quarterly Meeting Update
2. Road & Bridge
 - a. Variable Message Boards
3. Engineering
 - a. Cedron Road Shoulder Improvement Project
 - b. SH33 Gravel Pit Reclamation
 - c. Bates Road Boat Ramp Update
 - d. Packsaddle Road Vacation Continued Public Hearing Tuesday February 28th at 9:00 am
4. Public Works
 - a. Edgewood Estates
 - b. Portable Toilets for 2017 Eclipse
5. Noxious Weeds
 - a. Department Summary

9:30 OPEN MIC *(if no speakers, go to next agenda items)*

PLANNING – Joshua Chase

1. Department Update
2. Update on Planning Administrator Position
 - a. Executive Session per IC74-206(a) Personnel Matters

11:00 FY 2016 FINANCIAL STATEMENTS & AUDITOR'S REPORT – Brad Reed, Rudd & Company

LUNCH BREAK WITH BRAD REED, THE BOCC, CLERK AND TREASURER

2:00 COMMISSIONERS

1. Discussion of Proposed Changes to Dog Ordinance
2. March 13th Town Hall Meeting Speakers and Format

2:30 ECLIPSE PLANNING – Alan Allred

1. Eclipse Update
2. Approval of Intergovernmental Agreement for Coordinated Review of Mass Gathering Events During the 2017 Eclipse

CLERK – Mary Lou Hansen

1. Beer & Wine licenses, if any
2. Claims for Payment of County Bills

EXECUTIVE ASSISTANT – Holly Wolgamott

1. Report

4:00 SOLID WASTE FEE CASE

1. Executive Session per IC74-2061(f) Legal Matters, as needed

ADMINISTRATIVE BUSINESS *(as time permits)*

4. Approve Available Minutes
 - a. January 9 Regular BoCC Meeting
 - b. January 13 Special BoCC Meeting
 - c. January 18 Special BoCC Meeting
 - d. January 20 Special BoCC Meeting
 - e. January 23 Regular BoCC Meeting
 - f. February 13 Regular BoCC Meeting
 - g. February 16 Special BoCC Meeting
5. Other Business
 - a. Committee Reports

ADJOURNMENT

Upcoming Meetings

February 27 9:00 am Regular BoCC Meeting

March 13 9:00 am Regular BoCC Meeting

April 10 9:00 am Regular BoCC Meeting

February 28 9:00 Packsaddle Road Public Hearing Continuation

March 13 6:00 pm Town Hall Meeting – Government Effects on Local Business

April 10 6:00 pm Town Hall Meeting – Road Summit

April 17 12:30 pm Justice Meeting



FROM: Wendy Danielson, Building Manager
TO: Board of County Commissioners
RE: Building Department Update
MEETING DATE: February 27, 2017

The following items are for your review and discussion.

Building Permit Reports: I will have a report and update for the first 2 months of 2017 at your first meeting in March.

Use of LTI by Wendy: I would like to request your approval to take time off in March. I'd like to take the 6th through the 10th off to travel to California again. As before, I'll be available by phone and/or email. I've spoken with Tom and he has no plans for time off that week.



WK: 208-354-0245
djohnson@co.teton.id.us

Public Works Department
MEMORANDUM

150 Courthouse Drive
Driggs, ID 83422

February 21, 2017

TO: Board of County Commissioners
FROM: Teton County Public Works Director – Darryl Johnson, PE, PLS
SUBJECT: Public Works Update

The following items are for your review and discussion at the February 27, 2017 BoCC Meeting.

SOLID WASTE

Landfill Cap Update – Teton County entered into a contract with selected consultant, Forsgren Associates in March of 2013 to assist with the design and construction of the Teton County Landfill Cap Rehabilitation Project. The cap design that was selected is known as an Evapotranspiration (ET) landfill cap. Construction was done during the summer of 2015 and a Post Closure Plan was submitted to the Department of Environmental Quality (DEQ) for approval in August of 2016. After multiple revisions, I'm happy to report that the DEQ has approved the Post Closure Plan submitted and the cap is officially considered complete. See attached letter from DEQ.

RAD Quarterly Meeting – Teton County met with RAD on 2/16 to review their 4th quarter report. We are currently reviewing their diversion rate calculations and will share their report when diversion numbers are confirmed. The 2016 Q-4 County participation is down 16% from the 3rd quarter. 625.57 tons of household waste was received at the Transfer Station by RAD in the 2016 4th quarter. The agreed County Franchise Fee calculation is simply \$10 per ton of unincorporated HHW received by RAD. The 2016 4th quarter franchise fee due is \$6,255.

ROAD & BRIDGE

Variable Message Boards – At a previous BoCC meeting we discussed the rental of variable message boards (VMB) for Ski Hill Road when winter road conditions warrant. The County, in conjunction with the City of Driggs, looked into possibly borrowing some VMB's from ITD. At the time, ITD did not have any available and suggested we look into renting. Needless to say, the VMB's were never borrowed or rented during the cold spell we experienced around the Holidays. Teton County would like to pursue the purchase of one or two VMB's through next year's LHTAC Local Highway Safety Improvement Program. I will present that request to the BoCC in the fall of 2017. Purchase cost is approximately \$18,000 per VMB.

ENGINEERING

Cedron Road Shoulder Improvement Project – The County and consultant are working to identify ways to minimize costs for this improvement project. On 2/14, the County potholed various locations throughout the corridor to identify the existing road section. Potholes were dug to depths of 15"-18". All the material encountered was structural import. Because there is nothing gained by taking out structural fill to replace with structural fill, I am working with the consultant to refine the section and reduce costs.

Project Consultant, Horrocks Engineers, has set a deadline of 3/24 for the final design meeting.

Additional cost for chips seal maintenance for the added road with is broken down in the attached memo. Estimated maintenance cost to chip seal an additional 6' of pavement width is \$21,600.

SH33 Gravel Pit Reclamation – Cannon Builders would like to begin hauling material out of the state pit again. They hope to start back up the week of 2/20. We are going begin hauling material to the County Felt Pit instead of the 8 mile haul to E6000S. Hauling it to the Felt pit will ensure the County gets the majority of the available material. In the event that the material is not needed at the 6000S pit, it will be used to reclaim the Felt site that was stripped and mined for landfill cap material. The down side to this plan is the material will still need hauled to 6000S if the County decides to move forward with the pit reclamation.

Bates Road Boat Ramp Update – IDFG is continuing with the site design. They are also moving forward with the required waterway permitting. Teton County is working with Intermountain Aquatics on wetland permitting.

Packsaddle Road Vacation – This public hearing was continued to 2/28 at 9:00 a.m. No additional information has been received to date from the applicant. However, conversations with the Felgers about the access road have occurred. The Felgers are inquiring about whether or not the County would be interested in providing rock material for the construction of the proposed driveway. Attached is a memorandum summarizing that request. The memo includes an estimated cost for material.

PUBLIC WORKS

Edgewood Estates – This subdivision is located on Old Jackson Highway south of Victor and abuts BLM lands. Attached is information that was provided to the BoCC at the 12-22-2014 regular meeting. Also attached are BoCC meeting minutes from 2007 with a motion to limit public access on Edgewood Lane to non-motorized use. In 2015, commissioners committed funds towards the development of a trail along a 30' wide strip of land that was granted to the public for public land access when subdivided. A grant application was submitted in 2015 to help fund the development of a non-motorized trail.

The Public Works Department was prepared to move forward with the development of a non-motorized trail providing access to Public Lands. However, the attached email from the BLM halted these efforts indefinitely. Until a future travel and transportation plan is completed and adopted by the BLM, no new trails will be supported by them.

Eclipse – At a previous BoCC meeting the commissioners expressed an interest in renting 5 to 10 portable toilets and placing them at river or UFSF trail head access points. The County has an opportunity to reserve some portable toilets in conjunction with a local resident planning to host a campground. Is the County interested in reserving portable toilets and if so, how many?

WEEDS

Weed Department Summary – See the attached memorandum submitted by Weed Superintendent Amanda Williams. Amanda will introduce herself to the BoCC on 2/27/2017, discuss 2017 goals with you and address any questions that BoCC has about our County Weeds Program.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

900 North Skyline Drive, Suite B • Idaho Falls, ID 83402 • (208) 528-2650

C. L. "Butch" Otter, Governor
John H. Tippetts, Director

February 6, 2017

Darryl Johnson, PE, PLS
Teton County Public Works Director
150 Courthouse Drive
Driggs, ID 83422

RE: February 2017 Teton County Municipal Solid Waste Landfill Post Closure Plan Approval

Dear Mr. Johnson

The Idaho Department of Environmental Quality (DEQ) has received and reviewed the February 2017 Teton County Municipal Solid Waste Landfill Post Closure Plan. The revised plan has addressed the comments from the December 16, 2016 Letter from our agency and is therefore approved.

If you have any comments or questions feel free to contact me at 208-528-2650.

Sincerely,

A handwritten signature in blue ink that reads "Christy Swenson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christy Swenson

c: Rensay Owen, Idaho Falls Regional Office
Nathan Taylor, Eastern Idaho Public Health
Mollie Mangerich, DEQ State Office

2017BABI70



WK: 208-354-0245
djohnson@co.teton.id.us

**Public Works Department
MEMORANDUM**

150 Courthouse Drive
Driggs, ID 83422

DATE: February 15, 2017

TO: Board of County Commissioners

FROM: Teton County Public Works Director – Darryl Johnson, PE, PLS

SUBJECT: **Additional Chip Seal Cost for Cedron Shoulder Improvement Project**

The purpose of this memorandum is to identify and quantify the additional chip seal maintenance efforts that will result from the completion of the Cedron Road Shoulder Improvement Project. Project parameters and cost estimate assumptions are as follows:

Road Length = 5.5 miles
Additional Road Width = 6 feet
Total Additional Area = 19,360 Square Yards (SY)
Unit Cost for CRS2 oil = \$432/ton
Unit Cost for Crushing Chips = \$0.18/SY
Oil Application Rate = 0.45 Gal/SY
Chip Application Rate = 26#/SY
Chip Hauling = 1 hour round trip @ \$80/hour

Additional costs do not include labor or equipment for spreading oil or chips as no additional labor would be required to pave the added 3 feet per pass with either the oil truck or the chip spreader.

Based on the assumptions and rates shown above, the additional cost per chip seal application for the added 3' of paved shoulder each side of Cedron Road for the 5.5 mile project corridor is \$21,600. This includes the cost of trucking crushed chips.

The total FY2017 budget for crushing and oil is as follows;

02-00-646 Asphalt for Patching	\$55,000
02-00689 Aggregate (Crushing)	\$200,000
33-00-521 Chip Seal	\$300,000
33-00-811 Gravel Overlays – Crushing	\$50,000
Total	\$605,000

Note: Some of the line item budgets shown above are not 100% reserved for chip seal efforts.

Using the \$605,000 budget shown above, the added chip seal maintenance cost for the extra 3 feet of asphalt on each side of Cedron Road along the 5.5 mile corridor amounts to 3.6% of the FY2017 budget associated with ALL gravel crushing and oil costs.



WK: 208-881-4048
jmillin@co.teton.id.us

Public Works Department
MEMORANDUM

150 Courthouse Drive
Driggs, ID 83422

DATE: February 21, 2017

TO: Board of County Commissioners

FROM: Teton County Public Works Director – Darryl Johnson

SUBJECT: **Estimated Gravel Cost for Assante/Felger/Bainbridge Driveway**

A request for Teton County to contribute gravel material necessary for the construction of the Assante/Felger/Bainbridge access road has been made as part of the agreed conditions for the acceptance of the Packsaddle Road Offering. This memo summarizes estimated costs associated with the County providing material for the construction of the access road/driveway.

Teton County Design and Construction Standards state that *a roadway that serves three or more parcels shall be deemed a local road, and adheres to local road standards*. This means that in order for the access road to meet county standards, it must be built to the Local Road Standards which consists of the same cross section as the Packsaddle Road; 9-foot travel lanes in each direction with 2-foot shoulders for a total width of 22 feet. Once past the Assante property, this access would meet the definition of a driveway and could be constructed per that cross section which consists of one 12-foot travel lane with 2-foot shoulders for a total width of 16 feet. A pullout would be required every 400 feet.

Assumptions made for this cost estimate are as follows;

- Driveway will be constructed per Local Road Standards through the Assante property and then per Driveway Standards with pullouts every 400 feet across the Bainbridge and Felger properties.
- Structural section will be slightly less than the Packsaddle Road section but still include a pit run section substantial enough to provide stable travel for anticipated traffic volume and type during spring months; 4 inches of ¾" crushed wearing surface on top of 8 inches of pit run.
- Cost for Hauling is not included in this estimate, material will need to be picked up at the source. There has been suggestions made that the County should trade material with MD so that the gravel pit on N8000W could be used and haul distance minimized. No communication regarding this matter has occurred between the County and MD.
- Estimated driveway length is 1200 lineal feet

Access/Driveway Cost Analysis Spreadsheet:

Materials

Gravel Area	21960	Square feet		
3/4" Gravel Depth	4	Inches		
Pit Run Depth	8	Inches		
Item	Quantity	Unit	Cost/Unit	Total Cost
3/4" Crushed Wearing Surface	271	Cubic Yards	\$ 15	\$ 4,067
Pit Run	542	Cubic Yards	\$ 10	\$ 5,422
			Material Cost=	\$ 9,489

Total estimated cost for providing gravel material to construct a new driveway as described above is \$9,489. This does not include the cost for hauling or placing of the material.

Edgewood Estates Public Access

Background:

- 22 Lot Subdivision Recorded in 1981
- 30' Path Easement Connecting Edgewood Lane to adjacent BLM lands along north property line of Lot 11 Block 3
- 2007 – Court Settlement Agreement
 - Edgewood Lane is a Public Right-of-Way
 - Public Access across Edgewood Estates restricted to non-motorized use
 - Motorized access allowed on Edgewood Estates to lot owners and personal invited guests
 - Cistern Road has a recorded easement for *water system use and maintenance*. Easement ends at the water source and does not extend to public lands. It is not a public right-of-way.
 - 30' Path Easement shown on original plat is a platted easement that has been dedicated to the public

Public Access Interpretation:

Motorized use on Edgewood Lane is **allowed only by lot owners and/or personally invited guests**. Currently, the public is accessing public lands to the east by Cistern Road. Cistern Road is not a public right-of-way. The only existing legal access to BLM lands adjacent to the Edgewood Subdivision is through the 30' path easement that runs along the north property line of Lot 11, Block 3 of Edgewood Estates as shown in the original subdivision plat map. This path easement is currently unimproved.

Public Access Options Considered

1. Utilize the existing 30' path easement – This option would not require any public hearings, additional dedications or vacations. It would require clearing of vegetation along the easement and establishment of a trail from Edgewood Lane to adjoining BLM lands (approximately 930'). The trail would then need to connect from the edge of the subdivision to existing Cistern Road trail approximately 500' north. Estimated cost for this option is \$4,500 without fencing and \$11,000 with.
2. Dedicate Cistern Road as a public right-of-way. This would require the cooperation of Lots 4, 5 & 6, Block 2 owners to dedicate Cistern Road as a public right-of-way. No attempt to contact the landowners has been made at this time. Although this would not require a public hearing, it would require the consent of lot owners and the cost to have documents prepared and recorded. If this option were pursued, it would likely be accompanied by the effort to vacate the current public easement. That vacation would require at least one public hearing.
3. Relocate the existing path easement to the south property line of Lot 11, Block 3. Based on contours from the County GIS web site, the current path easement calculates to be a 13% slope. If the easement were relocated, the slope would reduce slightly, perhaps to 10% and distance across private property reduced to approximately 570'. An existing

home on Lot 10, Block 3 appears to lie within 50' of their north property line so the path would be much more intrusive to existing improvements within the subdivision. In addition, this option significantly increases the distance required to re-connect with the current Cistern Road continuing on BLM lands. This option would require the consent of lot owner and the cost to have documents prepared and recorded. It would require at least one public hearing to vacate the existing public easement. It would also require clearing of vegetation along the easement and establishment of a trail from Edgewood Lane to the adjoining BLM lands.

4. Relocate the path easement to the west side of Lot 6, Block 2. The re-alignment could connect with the existing Cistern Road or continue to travel along the property boundary to BLM lands. This option would require consent of the lot owner and the cost to have documents prepared and recorded. It would require at least one public hearing to vacate the existing public easement. It would also require clearing of vegetation along the easement and establishment of a trail from Edgewood Lane to Cistern Road or adjoining BLM lands.

Disclaimer: Effected landowners of Edgewood Estates were not contacted as a part of this research effort.

Option 4

Option 1

Option 3

Cistern Road
Option 2

RP000220020050
WOODARD, BRUCE R

RP000220020060
GEORGES, THOMAS N

RP000220020040
GOTTRON, WALTER & LARK

RP000220030100
MOSKOWITZ, ANDREI

Edgewood Estates

18

RP000220020030
ALLEN, WILLIAM V

RP000220030080
ROSEN, MONTE

RP000220020020
GARDNER, AARON M

RP000220030070
EWALD, KATHERINE

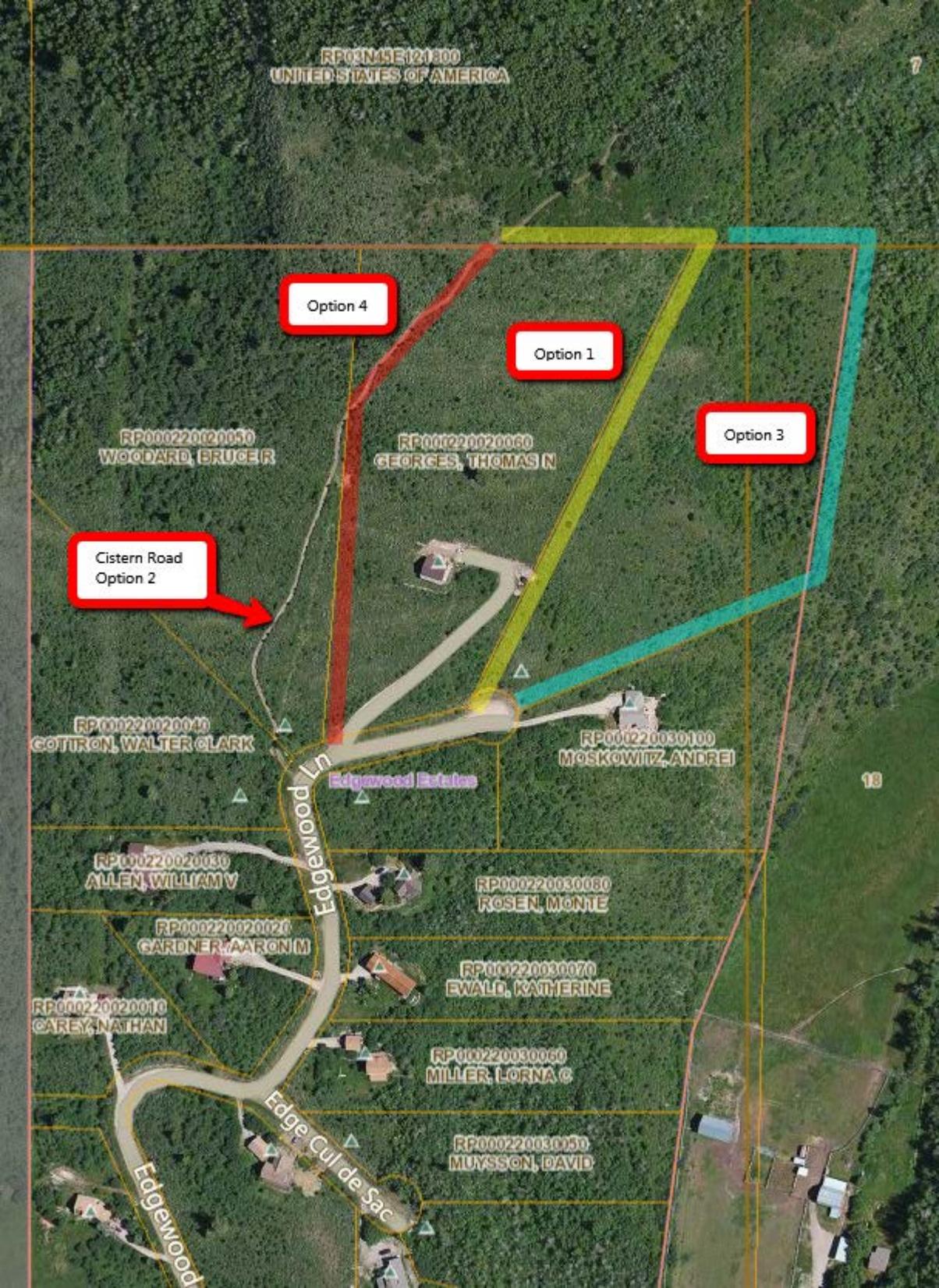
RP000220020010
CAREY, NATHAN

RP000220030060
MILLER, LORNA C

RP000220030050
MUYSSON, DAVID

Edgewood Ln
Edge Cul de Sac

Edgewood



MINUTES OF THE TETON COUNTY COMMISSIONERS

July 12, 2007

Commissioners' Meeting Room in the American Legion Hall, Driggs, Idaho
and Teton County Courthouse Courtroom, Driggs, Idaho

COMMISSIONERS PRESENT: Larry Young, Alice Stevenson, Mark Trupp

Chairman Young called the meeting to order at 1 pm and led the Pledge of Allegiance.

EXECUTIVE SESSION

Chairman Young said the first agenda item was a court-ordered mediation pertaining to Edgewood Lane Homeowners, LTD Case CV-07-009.

PRESENT FOR MEDIATION: Mediator Marv Smith, Plaintiff's Attorney Gordon Thatcher, Plaintiffs Charlene Milligan, Tom Milligan and Van Allen; County Prosecutor Bart Birch.

● **MOTION.** At 1:10 pm, Commissioner Trupp made a motion to go into Executive Session to discuss pending litigation pursuant to Idaho Code 67-2345(1)(f). Motion seconded by Commissioner Stevenson. A roll call vote showed all in favor.

The Executive Session ended at 3:30 pm.

● **MOTION.** Commissioner Stevenson moved that:

1. The Cistern Road portion of the road known as D21 shall be removed from the County Roads and Rights-of-Way Map; and Edgewood Lane will be a privately maintained public right-of-way.
2. There shall be no public access on road D21 from its point of origin on the Old Jackson Highway except for non-motorized uses.
3. All users of the Cistern Road shall be non-motorized, applying to Edgewood owners and the general public.
4. Cattle trailing rights will be maintained.
5. Edgewood Lane Subdivision agrees to all of the above and each side will pay their own attorney fees and costs and not hold the County liable.

Commissioner Trupp seconded the motion, which passed unanimously.

Commissioners Young, Stevenson and Trupp then joined the Addressing Grid Work Session which Clerk Mary Lou Hansen had called to order at 3:20 pm as noted below.

COUNTY ADDRESSING GRID WORK SESSION

The Executive Session was still underway at 3:00 pm when City representatives arrived for the scheduled work session concerning the county addressing grid. In the absence of the County Commissioners, Clerk Hansen called the Work Session to order at 3:20 pm and asked GIS Manager Eric Smith to begin his presentation.

OFFICIALS PRESENT FOR ADDRESSING WORK SESSION: Driggs Mayor Louis Christensen and Planning Administrator Doug Self; Victor Mayor Don Thompson and Council Members David Kearsley and Grant Thompson; Tetonia Mayor Rolly Anderson and Council Member Orville Armstrong; Sheriff Kim Cooke, Emergency Management Coordinator Greg Adams and former Coordinator Bob Dalton, Dispatch Supervisor Valee Wells, Fire Chief Mike Hoyle, Planning Administrator Kurt Hibbert, GIS Manager Eric Smith and Assessor Bonnie Beard.

Previous to this meeting, Mr. Smith had made a presentation to each city council and the county commission (on May 29, 2007), during which he explained addressing systems in general and the county's current imperfect addressing system--which includes four different grids--in particular. The current addressing system will not

From: [Lazdauskas, Rebecca](#)
To: [Darryl Johnson](#)
Cc: [Monica Zimmerman](#); [Jeremy Casterson](#)
Subject: Fwd: Teton County Development Review Committee (DRC) meeting
Date: Thursday, December 18, 2014 4:22:16 PM

Hi Darryl-

I received your voicemail and spoke to Jeremy Casterson (Upper Snake Field Manager) and Monica Zimmerman (our Outdoor Rec Planner) regarding your message and email to Jeremy. The email below explains the current management situation of the BLM-managed lands adjacent to the Edgewood Subdivision. It will likely be 2 to 3 years, possibly a bit longer, before we begin travel management planning for this area. We will definitely contact the County and we look forward to working with you during the process. Please contact Monica if you have further questions regarding travel management, her number is 524-7543.

Thank you,
Becky Lazdauskas
Realty Specialist
208-524-7521

----- Forwarded message -----

From: **Zimmerman, Monica** <mzimmerman@blm.gov>
Date: Fri, Apr 11, 2014 at 3:52 PM
Subject: Teton County Development Review Committee (DRC) meeting
To: jboal@co.teton.id.us
Cc: Rebecca Lazdauskas <rlazdauskas@blm.gov>

Jason,

This email is to document Becky and my phone conversation with you regarding the application for the 2 lot Taylor Shadows Subdivision. The proposed subdivision is adjacent to BLM managed public lands outside the city of Victor.

Thank you contacting the BLM regarding the application for the subdivision. The public lands adjacent to the proposed subdivision do not have any designated trails. The BLM will not allow construction of new routes and motorized cross country travel is discouraged in this area. The Upper Snake Field Office, BLM has been working with local groups in Teton Valley regarding future travel and transportation planning for public lands in Teton Valley (including the parcel adjacent to the subdivision). BLM policy directs the field offices to comprehensively manage travel and transportation on public lands through the development of comprehensive travel networks. Travel and transportation planning will address motorized or off-highway vehicle (OHV) activities, non-motorized travel and recreation needs, as well as resource issues. During travel and transportation planning the BLM will consider a full range of possibilities for types and modes of travel; identified roads and trails; time and season of use; and certain types of vehicles (e.g., OHVs, motorcycles, all-terrain vehicles, and high clearance vehicles) for the public lands adjacent to the proposed Taylor Shadows Subdivision.

Please let me know if you have any further questions or concerns.

Thank You, Monica

--

Monica Zimmerman
Outdoor Recreation Planner
Upper Snake Field Office
1405 Hollipark Drive
Idaho Falls, ID 83401
208-524-7543
208-709-2371 (cell)
208-524-7505 (fax)



Teton County Weeds Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 821-0984 | Fax: (208) 354-8410
www.tetoncountyidaho.gov/weeds

MEMORANDUM

To: The Board of County Commissioners

From: Amanda Williams- Weeds Superintendent

Date: 14 Feb 2017

Subject: Weeds department history and preview of 2017 season.

2016 vs Previous Seasons

State statute dictates that designated noxious weeds must be controlled at least to the level described by the state. The combined law and related rules set forth a clear structure for the County's responsibility to meet this requirement, including my job title, enforcement rules, etc.

The County decided to bring on a full time Weeds Superintendent in 2015- I started December of 2015. Prior to that, the County relied on the extension agent, Ben Eborn, and funded 10 hours per week for him to dedicate to weeds. Additionally, at least some seasons, we had a full time seasonal weed inspector. The front desk at the extension office also dedicated a lot of time to weeds. Ben left in June of 2015- so before the 2015 weed season.

In the past, the County contracted out spraying County rights-of-way, properties, and any enforcement action. The contract was budgeted about \$30,000, the enforcement action about \$10,000 (\$7,000 in 2015), and chemical about \$19,000. (The County provided chemical at no cost to the contractor.) In return, the contractor spot-sprayed sections of the County roads- as identified by Ben and the contractor- and billed the County. Ben identified properties to be "enforced on" and they were sprayed by the contractor. In a few cases, property owners paid the contractor to treat their property, then the County enforced on the same property, had it sprayed by the same person, and paid the contractor/billed the landowner. The exact scope of work, especially road sections sprayed, was not documented by the contractor or Ben. What is certain is that only some sections of County roads were treated; and we had to pay every time roads and properties needed attention.

In 2016, we took a portion of the money allotted for the contract and enforcement and purchased a UTV and outfitted it with spray equipment. We rented a roadside spray truck from Madison County- one of our Henry's Fork Cooperative Weed Management Area partners. With those, we treated every mile of County road, all County properties, and most of the two-tracks/ROWS at least once; we were able to retreat some of these, but not all. We also distributed herbicide at cost to County residents and had six spray units- backpacks and a UTV mounted tank- for rent for County residents. County properties include the Transfer Station, Landfill Cap, all gravel pit sites, Courthouse, LEC building, Armory, and the Fairgrounds. Remaining within the chemical budget that covered only sections of County roads in previous



Teton County Weeds Department
150 Courthouse Drive, Room 107 | Driggs, ID 83422
Phone (208) 821-0984 | Fax: (208) 354-8410
www.tetoncountyidaho.gov/weeds

seasons, we completed treatments on all roads and properties, and distributed about \$7,500 worth of chemical.

2017 Weed Season

A seasonal “Noxious Weed Technician” was approved for FY2017. With the purchase of our new truck, the tech will work up to 40 hours per week primarily on roadsides (weather and workload dependent). Hopefully this will provide better coverage on County roads as this is our top priority. The seasonal technician should also allow me more time to work with landowners on their noxious weed problems- including rentals, herbicide sales, treatment consultations, responding to landowner complaints, and timely enforcement action. I intend the specific dates for the seasonal hire to be flexible to accommodate a student’s school schedule; I will reach out to the local universities to recruit.

We applied for cost share funding from the State of Idaho to subsidize the cost of herbicide to landowners, but don’t yet know if we’ve been approved. (The State has refused to fund herbicide handouts like we had in the olden days, and there was no one employed to apply for funding of any type for last spray season.) Included in the request to the state is funding- at the behest of and in partnership with the USFS- for a spray day in Packsaddle. I will need to work more on this if it is approved.

The spring noxious weed workshop- held with TSCD and the University Extension- is scheduled for March 11th. I will work with the City of Driggs to hold a weed pull at the disc golf course by the City building as part of the spring cleanup/earth day event- tentatively scheduled for May 20. I plan to attend the Teton Co fair with the CWMA education trailer in August. I am also working with ISDA, IDFG, the Land Trust, and Friends of the Teton to plan a day to survey the Teton River for aquatic invasive weeds- hopefully with public participation.



Solid Waste & Recycling

02/17/2017

To whom it may concern,

The solid waste department has approximately 100 acres between the transfer station and the landfill properties that need adequate weed control (See attached Map).

In the past it was a constant battle in communicating/working with the private contractors which lead to poorly managed weed control. Contractors would spray in the evenings when solid waste staff were not onsite which made it hard to communicate with the contractor or verify the thoroughness of the spraying completed. Solid Waste staff would inspect the transfer station and landfill properties to monitor the results of the weed spraying which at times were hardly noticeable at best; I would contact the contractor requesting that they meet with solid waste staff so that we could show them the areas of concern that needed additional attention to no avail. Throughout the years we might have met with the contractor/owner twice. When we did manage to meet onsite with the contractor, the individual that was spraying was never present for these meetings onsite and the areas spoken about with the contractor would only continue to get worse.

Noxious Weed control on solid waste property was continually getting worse over time to the point the public started addressing their concerns to the Board of Commissioners and asking if Teton County was actually doing their part in managing the noxious weeds on their own properties seems how Teton County was adamant about notifying private landowners about their noxious weed issues. I was asked by previous County Commissioner Kelly Parks if the solid waste department was taking care of noxious weeds in a BOCC meeting. I responded that the contractor was directed to spray twice a year and to come back and spray additional times as needed to get the weeds under control. However, there was never any way to verify the amount of times the contractor was onsite spraying. (See attached)

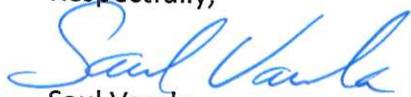
The noxious weeds were increasing every year so much that Robert A. McKittrick of parcel RP05N45E258400 would come on to Teton County Property and pull thistles in order to keep them from spreading to their property located just west of the Driggs Darby Cemetery and the old landfill (740 Cemetery Road, Driggs, Idaho 83422).

Teton County Solid Waste Supervisor – svarela@co.teton.id.us
Phone: (208)354-3442 • 150 Courthouse Drive, Driggs, Idaho 83442
www.tetoncountyidaho.gov

Last year is the first time the solid waste department noticed a real difference from previous years in control of the noxious weeds onsite. Amanda Williams (Teton County Weed Supervisor) was onsite multiple times spraying weeds and also showing us the less known noxious weeds that should have been sprayed in the past which now were multiplying at a fast rate. By Fall it was hard to find any real sign of untreated thistle or other noxious weeds.

The landfill cap did not have full growth of vegetation yet due to the remediation project; I am expecting for the landfill property to require extra attention this upcoming season. I am pretty confident that the noxious weeds problem will be best managed by Amanda Williams and Teton County Weed department.

Respectfully,



Saul Varela

Solid Waste Supervisor

Office: (208) 354-3442

Cell: (208) 534-8710

Email: svarela@co.teton.id.us

Bocc Meeting 8/12/13

West Nile virus has been found in the Gros Ventre area of Teton County, Wyoming but there have been no signs of the virus in Teton County, Idaho.

PUBLIC WORKS

SOLID WASTE. Supervisor Saul Varela reviewed his report (Attachment #4). Since May 2012, there has been an approximate 10% increase in the amount of material received at the transfer station. Weeds are sprayed at the transfer station and former landfill twice per year.

ROAD & BRIDGE. Mr. Mazalewski reviewed his bi-monthly report (Attachment #5). Item #3 The Otta Seal patching method to be utilized on N500W was recommended by Road Supervisor Clay Smith and will save about \$35,000 versus patching the road with a traditional treatment of 1" of hot mix asphalt. Item #4 Two bids were received for the crack sealing of the Victor-Driggs Pathway: Imperial Asphalt bid \$51,860 and Pavement Systems bid \$75,000. Mr. Mazalewski said Imperial Asphalt applied crack seal on county roads two years ago and performed well.

● **MOTION.** Commissioner Rinaldi made a motion to approve a contract with Imperial Asphalt not to exceed \$52,000 for pathways repair. Motion seconded by Chairman Park and discussion followed.

Commissioner Kunz asked whether the road levy ballot said anything about a portion of the money being spent on pathways. Mr. Mazalewski said there was no specific wording, but that the pathway is part of the county's infrastructure and requires maintenance. Commissioner Kunz said many people might not have voted for the levy if they knew it would be spent on pathways. He said roads should have a higher priority than a bike path and questioned why funds are being spent on the path when people are asking for gravel instead of mud on their roads. Commissioner Rinaldi said the county became obligated to maintain the pathway when the title was transferred to the county from the state. Mr. Mazalewski said this final phase of maintenance would take care of major pathway needs for the next 5-10 years.

VOTE. Chairman Park called for a vote and the motion carried unanimously.

Commissioner Kunz said he would like to re-visit the county's 3-year plan for road priorities.

● **MOTION.** Commissioner Rinaldi made a motion to approve the full design for a bridge at Darby Creek/S2000E and a topographic survey/stream assessment of Fox Creek at S500W. Motion seconded by Commissioner Kunz and carried unanimously. (Attachment #6)

Item #7 Owen Construction ran out of material to make hot asphalt while they were set up and crushing in the county's Driggs pit. They asked to trade/purchase some of the county's reject material in order to crush and make their asphalt aggregate. After consulting with Prosecutor Spitzer, Mr. Mazalewski determined the trade would be legal and in the best interests of the county and approved it without consulting the Board. However, Commissioners Park and Kunz received calls from several local contractors concerned about the transaction. Mr. Mazalewski said he has learned from the mistake and will be sure to bring any similar proposals before the Board.

Item #9 This item was not discussed as the R&B employee is not relocating to this location..

PUBLIC WORKS TASK LIST. The Board briefly reviewed Mazalewski's task list and scheduled an Aug. 15 work session for an in-depth discussion of his priorities. Mr. Mazalewski said he delegates everything possible.

PLANNING, BUILDING, GIS

DECISIONS REQUIRED DUE TO THE LACK OF A FULL TIME PLANNING ADMINISTRATOR.

The Board discussed the best method of approving building permits without delay until a new Planning Administrator can be hired.



WK: 208-354-3443
CELL: 208-534-8710
svarela@co.teton.id.us

Aug 12, 2013

TO: Board of County Commissioners

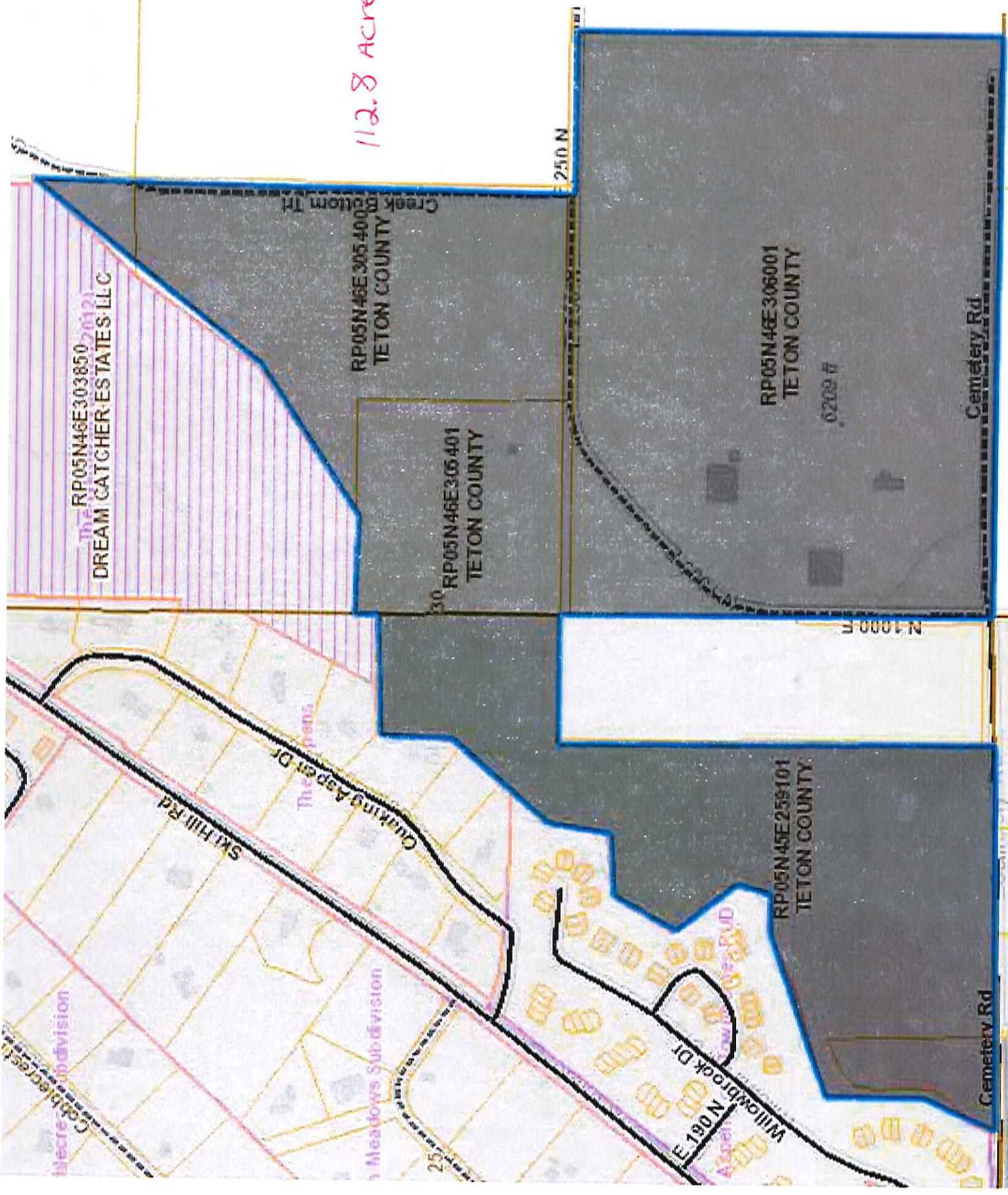
**Teton County
Solid Waste & Recycling
Memo**

Scale House: 1088 Cemetery Rd.
150 Courthouse Dr.
Driggs, ID 83422

Subject: Solid Waste & Recycling update for your review and discussion at the Aug 12, 2013 meeting.

1. Inspection by Christy Swenson from DEQ – Christy Swenson was visiting the valley on the 20th of July and she conducted an inspection of the Solid Waste facility. She commented that she had no concerns. The only thing she wants to see addressed was the used oil site. The soil around the site is contaminated by oil spilled by the public when they are transferring oils from their containers to our holding tanks. We are in the process of building a secondary containment in a different area for our used oil tanks.
2. Loads of Cardboard – We sent 71 bales of cardboard on July 22nd for a total of 38 tons. The price for these loads was \$100/ton for a total of \$3,798.00.
3. Annual Totals in Received Materials at T.C.S.W. - I have attached the totals of received materials for this year up to the end of July. I've also attached a graph with last year's totals to compare this year's with. This shows about a 10% increase in materials received.
4. Resample of Monitoring Well #5 – We had Rocky Mountain Environmental resample Monitoring Well #5 due to having a positive reading. The second sample came back negative. The result of the first positive reading was a lab error.
5. Results of Landfill Cap from Forsgren - We are expecting the results of what value the landfill cap may have from Forsgren by the beginning of September.
6. Kelly Park concerned with weed control at the northeast of the landfill property. We need to keep close monitor of weed issues on both the transfer station property and the landfill property.

112.8 Acres





Teton County Road and Bridge
70 W North Buxton
Driggs, ID 83422
(208) 354-2932

February 21, 2017

To whom it may concern:

As Teton County's Road and Bridge Supervisor, I find myself driving roads in most areas of the County throughout the summer months. The invasive weed population that exists here is becoming a very real issue.

The result of the multitude of lot splits that occurred several years ago created an abundance of lots and acreage that have had no caretakers to monitor and manage weeds.

I fully support the recent addition of the Teton County's Weed Department. We now have a fulltime presence, enforcement and communication with both resident and non-resident lot owners. In my opinion, this is the best solution in fighting the spread of noxious weeds throughout Teton County.

Our weed department is supplying at cost chemical to residents as well as educating the public on the best methods to fight noxious weeds. They have also been making available to the public spraying equipment for use, such as backpack sprayers.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clay Smith", with a long, sweeping flourish extending to the right.

Clay Smith, Supervisor
Teton County Road & Bridge Dept.



FROM: Joshua Chase, Planning Consultant
TO: Board of County Commissioners
RE: Planning Department Update
MEETING: February 27, 2017

The following items are for your review and discussion.

No action items or permits are being submitted to the Board for decision at the Feb.27th meeting.

The consulting planner has been reviewing permits received by the Planning department including: Three scenic corridor applications, 1 plat amendment, 1 preliminary plat. These items will come before the board in March.

Other items: review of ordinances in relation to Temporary Use Permit/Mass gathering permit. Meeting and discussions with City staff to discuss area of city impact issues.

Numerous meetings with realtors and landowners to discuss policies for determining eligibility for one time only splits and building rights on parcels. Some pre-application meetings.

The Planning and zoning commission will meet to review redline changes to the draft ordinance Tuesday, Feb 28th.

Upcoming for March

Insignificant Plat Amendment. Edgewood Subdivision plat amendment to combine two lots.
Preliminary Plat public hearing for Nelson Subdivision

Planning and Zoning Commission meeting. March 14th, 2017. Two scenic corridor reviews will be discussed as well as a determination of similarity of uses for Longhorn Corral for the sale of firearms. Ongoing review of proposed development code redline changes.

TETON COUNTY, IDAHO
ORDINANCE 2016-1212

Amendment to Title 5, Chapter 1

AN ORDINANCE OF TETON COUNTY, IDAHO AMENDING TITLE 5, CHAPTER 1 OF THE COUNTY CODE; ESTABLISHING DEFINITIONS AND DOG LICENSING REQUIREMENTS; ADOPTING A PROHIBITION ON AT LARGE DOGS AND RESTRICTIONS ON NOISY DOGS; PROVIDING FOR THE IMPOUNDING OF AT LARGE OR SUSPECTED RABID DOGS AND THE ADOPTION OF UNCLAIMED IMPOUNDED DOGS; ESTABLISHING PENALTIES FOR VIOLATIONS; REPEALING ALL ORDINANCES, RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF TETON, STATE OF IDAHO:

SECTION 1. The following text shall replace Title 5, Chapter 1 of the Teton County Code, in its entirety and be enforced as such:

CHAPTER 1

Animal Care and Control

SECTION:

- 5-1- 1: Purpose
- 5-1- 2: Definitions
- 5-1- 3: Licenses
- 5-1- 4: Restricted and Prohibited Acts
- 5-1- 5: Impounding
- 5-1- 6: Rabid Dog
- 5-1- 7: Adoption; Fee
- 5-1- 8: Fines, Fees and Penalties

5-1-1: **PURPOSE:** The County of Teton hereby establishes this ordinance to promote the health, safety, and welfare of the residents, animals, and visitor of the County of Teton; and to protect the properties of such persons by establishing a uniform and humane dog care and control ordinance.

5-1-2: **DEFINITIONS:** When used in this chapter, unless the context otherwise indicates, the following terms and phrases shall have the meanings as herein ascribed:

ANIMAL CARE AND CONTROL OFFICER: The person or persons given authority by the County of Teton, the Teton County Board of Commissioners or the Teton County Sheriff's Office, to enforce this chapter, or any peace officer in this State.

AT LARGE: Off the premises of the owner and not under the control or restraint of the owner, keeper, or custodian of the animal.

CONTROL/VOICE CONTROL: Within the incorporated cities, a dog shall be deemed to be under control if such dog is physically restrained. Within the unincorporated county, a dog may be deemed to be under control by means of voice control. Voice control means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper's verbal command, whistle or hand signal. If an unleashed dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be "at large", unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner that such person consents to the presence of the dog.

COUNTY: Shall include the unincorporated areas within the boundaries of Teton County, Idaho.

DOG: Includes any unaltered or altered male or female canine not in the line of duty for a law enforcement agency.

HUMANE: To provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.

HUMANELY DISPOSE: To euthanize any animal according to the State of Idaho Board of Veterinary Medicine's current euthanasia rules and/or by a qualified veterinarian clinic/hospital, or certified euthanasia technician.

IMPOUNDED: Having been received into the custody of the Teton County Sheriff's Department or shelter master or other designated agent.

INJURY: Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

NUISANCE: Any noisy dog, any dangerous dog, or any dog engaging in behaviors described in section 5-3-4(B) of this chapter.

OWNER: Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.

PREMISES: The real property owned or occupied by the owner of the dog.

RESTRAINT: An animal shall be deemed to be under restraint if it is not At-Large.

SHELTER MASTER: The person or persons responsible for an animal shelter that provides humane care for animals impounded by the Animal Care and Control Officer.

VICIOUS DOG: A dog which, when not provoked, approaches any person who is not trespassing, in a vicious or terrorizing manner; or any dog which, when not provoked, physically attacks, wounds, bites or otherwise injures a person or domestic animal who is not trespassing.

5-1-3: LICENSES

A. Required:

1. License Required; Fee: All owners of dogs over six (6) months of age residing within the County of Teton must pay a license fee as set forth by resolution of the Teton County Board of Commissioners. Any violation of this Chapter, in which the license tag is not attached to the dog, may result in an additional violation.
2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the agent or officer of the county, as designated by the Board of County Commissioners, who shall thereupon give to the person paying it a dated receipt reciting the owner's name and the number of the license, and also a tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt.
3. Duplicate Tag: In the event of loss of license tag, a duplicate, so stamped, shall be provided to the owner by the county, at a reasonable cost for each duplicate tag.

B. When Required; Term; Relicensing:

1. All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into the County of Teton.
2. All licenses shall be issued on the date applied therefor and shall expire one year from that date.

C. Application: The owner shall state at the time application is made for a license and upon a form provided for such purpose, their name and address; the name, breed, color and gender of each dog owned or kept by them, whether such dog has been spayed or neutered; and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that their dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, or for which a licensed veterinarian cannot certify that such dog has been spayed or neutered, shall be considered a not-spayed dog or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered.

D. Certificate of Rabies Immunity: At time of application for a dog license, a current certification of rabies immunity from a licensed veterinarian must be presented.

- E. Conditions of Issuance: Licenses issued in accordance with this chapter are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals.

5-1-4: RESTRICTED AND PROHIBITED ACTS:

Nuisances

1. Noisy Dog: It is a violation of this chapter for any owner of a dog to fail to exercise the reasonably necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in the neighborhood by allowing such dog to continue barking, howling and/or whining, audible beyond the property line of the premises on which the dog is located, for more than thirty (30) minutes. If it is determined that there is a prowler or something taunting the animal, a notice of violation will not be issued.
 2. Dogs at Large: It is a violation of this chapter for any person who owns, harbors or possesses a dog, whether licensed or not, to allow such dog to be at large, as defined by this Chapter, upon the streets or alleys of the County, or in any public place in the County, except for designated off-leash areas, or upon any other premises within the County without the consent of the person in possession of such premises. See Idaho Code § 25-2803 and 25-2804 and any amendments.
 3. Female Dogs in Heat: Each female dog, when in heat, shall be under control or penned or enclosed in such a manner as to preclude at large dogs from contacting such female dog.
 4. Unneutered Dogs at Large: It is a separate violation of this chapter for any owner of any unneutered dog that is found to be at large.
 5. Failure to Remove Waste: It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.
- B. Rabies Suspects: It shall be unlawful for a person to keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has bitten any person causing an abrasion or break in the skin, has a duty to surrender the dog for confinement at the animal shelter, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment in accordance with Section 5-3-6 of this chapter.
- C. Vicious Dogs: It shall be unlawful for the owner of a vicious dog or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure

enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained sufficiently to control the vicious dog. Any person who violates the provisions of this section is guilty of a misdemeanor. For a second or subsequent violation of this subsection, the Animal Care and Control Officer may, in the interest of public safety, impound the dog. The Shelter Master shall have the authority to either retrain the dog and place the animal for adoption or to order the vicious dog destroyed if the shelter is unable to release the animal to a responsible owner. See Idaho Code § 25-2805 and any amendments.

- D. **Possession of Impounded Dogs:** Except as authorized by the Shelter Master, no person shall have in his or her possession, care, custody or control any dog that has been impounded by the Animal Care and Control Officer and has not been properly released by the Shelter Master following payment of all impoundment fees and costs.
- E. **Concealing Animals:** It is a violation of this chapter to conceal any animal for the purpose and with the intent to violate this chapter or to prevent or interfere or hinder the Animal Care and Control Officer's enforcement of any part of this chapter.

5-1-5: IMPOUNDING:

- A. **Power To Impound:** Any dog at large may be impounded by the Animal Care and Control Officer and delivered to an animal shelter and there confined in a humane manner.
- B. **Redemption:** At any time that a dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the Shelter Master the expenses incurred by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter.
- C. **Alternative to Impoundment:** Notwithstanding the provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to its owner and the owner may be cited for a violation of this chapter.

5-1-6: RABID DOG:

- A. **Impoundment of Suspect Animal:** If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person causing laceration or abrasion of the skin, such dog shall be impounded in the animal shelter by the Animal Care and Control Officer or other authorized County Representative.
- B. **Registry:** The Shelter Master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the Shelter Master shall enter the name and address of the owner and the number of the license tag.

- C. Notice to Owner: Not later than three (3) days after the impounding of any such dog, the owner shall be notified by the Shelter Master, if the owner of the dog is known.
- D. Quarantine: The dog is to be quarantined in the animal shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and expense, the dog may be quarantined at a licensed veterinarian.
 - 1. No Symptoms Shown: At the end of the ten (10) day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog after vaccinating the dog for rabies.
 - 2. Symptoms Shown: If the dog shows symptoms of rabies, or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog he may deem necessary, including, but not limited to, destroying the dog for confirmatory testing.
- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog released by the veterinarian may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. Unclaimed Dog: If any dog so impounded is not claimed by the owner thereof at the expiration of twenty (20) days following release by the veterinarian, such dog may be placed for adoption.
- G. Notice To Victim: The shelter master shall provide the veterinarian's rabies determination to the Sheriff's office, which shall attempt to notify the victim of the dog bite.

5-1-7: **ADOPTION; FEE:** The Shelter Master is authorized to place for adoption any animal, which has been impounded for a period of not less than seven (7) days, excluding weekends and holidays. Any person wishing to adopt an animal shall pay to the Shelter Master an adoption fee as established by the animal shelter.

5-1-8: **FINES, FEES AND PENALTIES:**

- A. Any person violating any of the provisions of this Chapter for which a fixed punishment has not been designated shall be deemed to have committed an infraction punishable in accordance with Idaho Code.
- B. The license fees are those fees set forth by resolution of the Teton County Board of Commissioners.

- C. Fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- D. Unless otherwise provided by ordinance, in addition to infraction penalties, the following fees regarding maintenance and impounding of animals are the responsibility of the dog owner:
 - 1. For keeping any dog: the shelter's daily rate.
 - 2. For veterinary expense: the actual cost thereof.
- E. Fines for maintenance and impounding of animals shall be paid to the Shelter Manager.
- F. In the event that any fine is not paid within ten days it may be assessed with interest against any person so charged, or a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the magistrate division of the district court, and, upon conviction, the court may assess costs of collection and/or court costs in addition to the prescribed penalties.

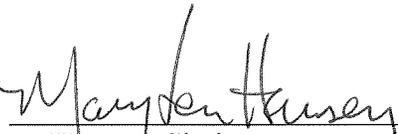
SECTION 2. All ordinances, resolutions or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, IDAHO, this 12th day of Dec., 2016.



Bill Leake, Chair

ATTEST: 

Mary Lou Hansen, Clerk



FROM: County Executive Assistant, Holly Wolgamott
TO: Board of County Commissioners
RE: Executive Assistant Update
MEETING: February 27, 2017

1. Salary Survey

- a. As agreed in your previous meeting the following cities and counties are being analyzed for the County's salary survey: From the Northwest Data Exchange: Counties of Fremont, Kootenai, Twin Falls, Bannock, Bingham and Bonneville; Cities of McCall, Pocatello, Idaho Falls and Salmon; and, the Southern Idaho Solid Waste District
Additional Organizations: Bozeman, MT, Madison County, ID, Teton County, WY, Jackson, WY and Blaine County, ID.

I will report to the Board on the survey outcome as soon as it is complete.

2. ACCELA Software

- a. The ACCELA project continues to progress. There will be a Board training on the new system prior to your regular meeting on March 27th at 8:30 am. The training will last 30 minutes. We plan to go live with the new system at your April 10th meeting.

We budgeted funds to purchase loaner iPads or tablets if needed for the project. If you would rather use your laptop computers that is fine. If you would like an iPad or tablet to use please let me know as soon as possible so I can get them ordered and ready to use before your training on March 27th.

3. Employee Committee

- a. The employee committee met on February 16th. The group was very grateful for the recent changes approved by the Board for the LTI and PTO policies. Thank you again!

The group is now focusing on employee appreciation objectives and is working on planning a summer party at the fairgrounds. The date for the party is Friday July 21st from 4:00 – 8:00 pm. The group is working on a budget and other plans for the event that will be presented to you for approval in March. The committee is also working on planning several trainings and as those develop, we will let you know.

4. ICRMP Training

- a. At the time of this report, I am still waiting to hear back from Jim McNall on the requested Open Meetings Act and Minutes Training. I will likely have an update for you at your meeting on Monday.

5. BoCC Newsletters

- a. Due to an incredibly busy schedule, I have not had time to work on the newsletter and am requesting direction from the Board on whether this is something you would like me to continue. If so, I need to make some adjustments in my workload to be able to put the needed amount of time into it. Please let me know how you would like me to proceed.

Board of Teton County Commissioners

MINUTES: February 13, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

AGENDA

9:00 MEETING CALL TO ORDER – Mark Ricks, Chair
Amendments to Agenda

PUBLIC WORKS – Darryl Johnson

1. Solid Waste
 - a. Arbor Day Coordination
 - b. Household Hazardous Waste Program
2. Road & Bridge
 - a. 2017 Road Summit – 4/10/17
3. Engineering
 - a. Approval of LHSIP State/Local Agreement for the S4500W Shoulder Widening Project
 - b. SH33 Gravel Pit Reclamation
 - c. Bates Road Boat Ramp Update
 - d. Pack Saddle Road Vacation Public Hearing Continued to 2/28/17
4. Public Works
 - a. Approval to Attend Land Surveyors Conference
5. Weeds
 - a. Approval to Purchase Spray Truck from Teton County WY

9:30 OPEN MIC (*if no speakers, go to next agenda items*)

10:00 PLANNING – Holly Wolgamott

1. Approval of Intergovernmental Agreement for Coordinated Review of Mass Gathering Events During the 2017 Eclipse
2. Eclipse Planning – Alan Allred
3. Department Update
4. Scheduling of Planning Administrator Interviews

IT/EMERGENCY MANAGEMENT – Greg Adams

1. Monthly Report
2. Computer Technology and Information Security Policy

11:00 TETON WATER USERS ASSOCIATION – Sarah Lien

1. Approval of Letter of Support for Grant Proposal

12:00 ELECTED OFFICIAL AND DEPARTMENT HEAD MEETING

1:00 TETON VALLEY HEALTH CARE – Keith Gnagey

1. TVHC Calendar
2. 2016 Quarter 4 Report

1:30 BUILDING ELIGIBILITY RIGHTS - Roger Brink

1. Mark C. Stewart and Deborah B. Stewart Trust

TREASURER – Beverly Palm

1. Approval of Tax Cancellation

CLERK – Mary Lou Hansen

1. Beer & Wine licenses, if any
2. Certificates of Residency
3. Executive Session per IC74-206(1)(d) for Indigent
4. Executive Session per IC74-206(1)(i) for a Risk Management Discussion on a Pending Claim
5. Claims
 - a. Executive Session per IC74-206(1)(f) for Legal Matters

EXECUTIVE ASSISTANT – Holly Wolgamott

1. Report
2. Approval of Policy Changes
 - a. Hiring Policy
 - b. LTI and PTO Policy

2:00 SHERIFF – Fred Hale

1. K9 Program Proposal
2. Taser Resale
3. Sheriff's Office Body Camera Deployment/Policy

2:30 COMMISSIONERS

1. Housing Authority Intergovernmental Agreement Work Session Scheduling
2. Discussion of Proposed Changes to Teton County Fee Schedule
 - a. Solid Waste Fee
 - b. Re-roofing Fee
 - c. Demolition Fee
 - d. Other Fees
3. Discussion of Proposed Changes to Sign Ordinance
4. Discussion of Proposed Changes to Dog Ordinance
5. Armory Ownership
6. Plans for March 13th Town Hall Meeting About Effects of Government on Business
7. Status for Legal Counsel on Solid Waste Fee Case
 - a. Executive Session per IC74-206(1)(f) & (a) for Legal Counsel on the Solid Waste Fee Case
8. Committee Reports
9. Approval of Appointments to Fair Board

3:30 UNIVERSITY OF IDAHO EXTENSION – Jen Werlin

Grant Writing Funding Request for Local Farmer's Market Promotion Program (FMPP) – Agricultural Marketing Service

ADMINISTRATIVE BUSINESS (as time permits)

Approval of Available Minutes

- a. January 9 Regular BoCC Meeting
- b. January 13 Special BoCC Meeting
- c. January 18 Special BoCC Meeting
- d. January 20 Special BoCC Meeting
- e. January 23 Regular BoCC Meeting
- f. January 23 Town Hall Meeting

Other Business

ADJOURNMENT

Upcoming Meetings

February 27 9:00 am Regular BoCC Meeting
February 28 9:00 Packsaddle Road Public
Hearing Continuation

March 13 9:00 am Regular BoCC Meeting
March 13 6:00 pm Town Hall Meeting
March 27 9:00 am Regular BoCC Meeting

April 10 9:00 am Regular BoCC Meeting
April 10 6:00 pm Town Hall Meeting – Road
Summit

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Assessor Bonnie Beard, Clerk Mary Lou Hansen, Prosecutor Billie Siddoway

Chairman Ricks called the meeting to order at 9:01 am and led the Pledge of Allegiance.

● **MOTION.** Commissioner Riegel made a motion to amend the Administrative portion of the agenda to include a discussion of the Eastern Idaho Public Health seat for Teton County for the good faith reason that the Board previously appointed Chairman Ricks but just learned at IAC conference that it would be helpful to keep former Commissioner Bill Leake as the County's representative until negotiations are complete or the legislative session ends. Motion seconded by Chairman Ricks and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to amend the agenda to include the following topic: Prosecutor Siddoway's Confidential Memorandum to the Board of County Commissioners dated February 10, 2017 regarding Agenda Items for the February 13, 2017 Regular Meeting for the good faith reason that she received the memo on Saturday, February 11 after the agenda was posted and because there is information in the memo related to decisions the Board of County Commissioners intends to make today. Motion seconded by Commissioner Wilcox and carried unanimously.

PUBLIC WORKS

Director Darryl Johnson reviewed his bi-monthly update (Attachment #1). There have been flooding issues due to last week's warm temperatures. Idaho Fish & Game has finalized the site plan for the new Bates Bridge boat ramp which will not require immediate removal of the cabin on the property. Mr. Johnson estimated the value of the County's in-kind match for this project at \$47,479. The Packsaddle Road public hearing continuation is set for 9 am February 28, but Mr. Johnson has received no additional documentation regarding the access issues. Prosecutor Siddoway will contact the applicant's attorney.

● **MOTION.** Commissioner Riegel made a motion to approve the Public Works Director overnight travel to attend the Idaho Society of Professional Land Surveyors 2017 Annual Conference in Boise March 8-10. Motion seconded by Chairman Ricks and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to approve the purchase of a 2005 Chevrolet 3500 spray truck for \$7,500 from Teton County Wyoming Weed & Pest using \$2,500 from weed budget account 27-00-899 and \$5,000 from remaining cash in the Weed Fund. Motion seconded by Commissioner Wilcox and carried unanimously.

Chairman Ricks asked the Weed Supervisor to provide a future report about her activities and services as compared with those provided by an outside contractor.

OPEN MIC

Alice Stevenson, Sue Berkenfield, Gordon Brown, Marie Tyler, Robert Dupre, Amy Ruff, Tom Arden, Kim Keeley, Marian Ruzicka, Beage Atwater, Tucker Tyler and Felix Zajac spoke about meeting minutes.

Connie Kearsley, Janine Jolly, Robert Dupre, Landon Kaufman and Kent Bagley spoke about the Cedron road shoulder project.

Alice Stevenson, Jannine Fitzgerald, Amy Ruff, Kim Keeley and Beage Atwater spoke about legal counsel for the solid waste fee lawsuit.

Janine Jolley, Gloria Kimball, and Newel Kimball spoke about the eclipse permitting process.

Janine Jolley spoke about the Bates cabin.

PLANNING

Executive Assistant Holly Wolgamott said the interim contract planner started January 31 and is working on tasks as requested by the Board. He will be asked to present future bi-monthly updates.

2017 ECLIPSE PLANNING. Driggs Planning Administrator Ashley Koehler said representatives from the County and three cities want to establish a single, uniform process for eclipse events. She reviewed the proposed Intergovernmental Agreement for Coordinated Review of Mass Gathering Events during the August 2017 Eclipse. A centralized process would allow creation of a single spreadsheet with information about every event taking place during the eclipse that could be shared with emergency responders, service providers and others.

Chairman Ricks said several folks spoke during Open Mic requesting that the permit process be simplified. The Board decided to table the topic until Prosecutor Siddoway was able to review the proposed documents.

County Eclipse Planner Alan Allred provided the Board with a document entitled “Community Eclipse Planning” written by Eclipse Consultant Dr. Kate Russo and said he used her guidelines to prepare an estimated eclipse budget. He asked for Board guidance regarding what he should be doing.

Commissioner Wilcox said he is struggling with the entire eclipse planning effort and believes Mr. Allred needs more direction from the Board. Chairman Ricks said his main objective is to protect lives and limit cost to the County. He said the Board should provide clear guidance and direction to Mr. Allred and other county employees regarding what tasks they should be pursuing in relation to the eclipse. This will be discussed in a future special meeting.

Prosecutor Siddoway said the Board cannot delegate their decision-making responsibilities to an ad hoc committee and that any committee making recommendations to the Board must comply with open meeting laws.

● **MOTION.** Commissioner Riegel made a motion to approve letters to Silver Star Communications, Verizon Wireless and AT&T regarding enhanced cell phone network services during the 2017 Eclipse. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #2)

PLANNING ADMINISTRATOR. Several applications have been received for the vacant Planning Administrator position.

● **MOTION.** Commissioner Wilcox made a motion to amend the agenda to add an Executive Session pursuant to IC 74-206(1)(a) in order to evaluate Planning Administrator applicants for the good faith reason that the item was mistakenly left off the agenda although the Board wanted to expedite the hiring process. Motion seconded by Commissioner Riegel and carried unanimously.

IT/EMERGENCY MANAGEMENT

Director Greg Adams reviewed his monthly report (Attachment #3). All County passwords will be changed beginning February 16.

TETON WATER USERS ASSOCIATION

Amy Verbeeten and Sarah Lien (Friends of the Teton River); Lynn Bagley (Teton Soil Conservation District, Trail Creek Sprinkler Irrigation District, Victor City Council); and Stephen Bagley (Teton County Farm Bureau) were present on behalf of the Teton Water Users Association (TWUA).

They described the group’s diverse membership and four major goals: (1) Stabilize the Teton Valley aquifer, thereby protecting municipal and residential water supply; (2) Insulate farmers against changes in water availability and increase water-supply reliability, particularly during times of drought; (3) Sustain and enhance valuable wetland habitat adjacent to the Teton River and create stream conditions beneficial for trout; and (4) Quantifiably increase base flows in the Teton River, thereby decreasing water supply and demand pressure on the Henrys Fork River and Island Park Reservoir.

Mr. Lynn Bagley described the important role that irrigation canals play in recharging the valley’s aquifer and said subdivision activity has fragmented many canal systems. Other canal systems are under-utilized due to the increased use of sprinkler irrigation. TWUA aims to retain more early season runoff water in the valley by restoring canal flows. This will increase annual aquifer recharge rates and make a measurable difference in base flows in the Teton River.

Ms. Lien said TWUA is seeking a \$100,000 grant from the Bureau of Reclamation, which will be matched by \$100,000 from Friends of the Teton River. These funds will pay for extensive GIS work, website development, prioritization of canal and infrastructure upgrades, the Harrops gage station, and outreach/education activities.

● **MOTION.** Commissioner Riegel moved to approve a letter of support for the Bureau of Reclamation grant request being submitted by TWUA and Friends of the Teton River. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #4)

Commissioner Wilcox pointed out that one of the unintended consequences of regulations such as the County's Nutrient-Pathogen ordinance is to encourage folks to dry up their ground so they don't have to comply with the NP study requirement.

ELECTED OFFICIAL & DEPARTMENT HEAD MEETING

Seven elected officials (Commissioners Ricks, Wilcox and Riegel, Treasurer Beverly Palm, Clerk Mary Lou Hansen, Prosecutor Billie Siddoway and Sheriff Tony Liford) and eight department heads (Jenifer VanMeeteren-Shaum, Holly Wolgamott, Darryl Johnson, Saul Varela, Wendy Danielson, Rob Marin, Rene Leidorf and Greg Adams) discussed issues of mutual concern.

TETON VALEY HEALTH CARE

CEO Keith Gnagey reviewed the quarterly report submitted in compliance with their Lease Agreement with the County (Attachment #5). TVHC had \$11,646,730 in Total Assets on December 31, 2016, which was \$306,862 more than on December 31, 2015.

Regarding plans for the 2017 Eclipse, Mr. Gnagey said all personnel will be on duty, with no vacation time allowed. TVHC is most concerned that anticipated traffic congestion will prevent injured folks from getting to the hospital. They also expect multiple eye injuries related to unprotected viewing of the eclipse.

Mr. Gnagey said fire district and hospital personnel are working well together as relates to ambulance and emergency medical services. He suggested that the Board coordinate a future management-level discussion including himself and the Fire Chief.

BUILDING ELIGIBILITY RIGHTS

Roger Brink reviewed his memo to the Board regarding building eligibility rights for a 79.77-acre parcel owned by Mark C. Stewart Trust and Deborah B. Stewart Trust in the A-20 zone (Attachment #6). Commissioner Wilcox said the County would not want to grant building rights to folks who recorded deeds in an effort to circumvent the planning process. He wondered if some type of document could be recorded to alert buyers that a parcel might not have a building right. Chairman Ricks said the County needs a Planning Administrator to help solve the problem. Commissioner Riegel said it would be good to solve the problem as long as the Board is fair to people who followed the procedures and paid associated costs. Prosecutor Siddoway said it's difficult to pinpoint who's in the best position to solve the problem, but has many thoughts to share with a working group.

TREASURER

Beverly Palm requested approval to cancel taxes on two properties due to County errors.

● **MOTION.** Chairman Ricks made a motion to approve cancellation of \$1,199.30 in taxes on parcel 01-B0027202B470 A and \$541.64 in taxes on parcel OC 05N45E051203 A. Motion seconded by Commissioner Riegel and carried unanimously. (Attachment #7)

SHERIFF

K9 DRUG DOG PROGRAM. Sergeant Fred Hale and Deputy Tyson Gunderson reviewed the Sheriff's request to spend \$17,268 from the Prosecutor's Drug Forfeiture Fund to purchase and equip a drug dog and train a deputy handler. They outlined the drug problems within the County and described the need and benefits of having a Teton County drug dog rather than borrowing K9 teams from other agencies. The anticipated start-up costs will include \$7,500 for the dog, \$2,100 for equipment and training items, \$3,000 for K9-specific vehicle

installation, \$1,600 in first year K9 maintenance expenses, \$2,700 for a 4-week handler training and \$368 in other miscellaneous expenses.

Commissioner Riegel said the previous request made by the Sheriff last year was denied due to concerns about the longevity of the K9 officer along with the department's severe staff shortage. Deputy Gunderson said he has now been with the force for almost a year and is committed for the long term. Sergeant Hale said there are currently two vacant deputy positions but is confident that coverage would not suffer while Deputy Gunderson is in Alabama.

● **MOTION.** Commissioner Wilcox made a motion to approve \$17,268 in expenditures from the Prosecutor's Drug Forfeiture Fund for the Sheriff's K9 program as outlined. Motion seconded by Commissioner Riegel and carried unanimously.

TASERS. Sergeant Hale requested Board approval to sell 12 surplus, out-of-date Tasers for \$300 each to an interested buyer. Prosecutor Siddoway said the Tasers must be sold at auction, per State code, but with limits on who could be a qualified bidder. Due to the limited market for Tasers, no newspaper ad would be required.

● **MOTION.** Commissioner Wilcox made a motion to authorize the Sheriff to dispose of 12 Tasers by auction pursuant to Idaho Code 31-808. Motion seconded by Commissioner Riegel and carried unanimously.

BODY CAMERA DEPLOYMENT POLICY. Mitch Golden, the Sheriff's Administrative Manager of Operations, said the Sheriff's budget included funding for additional body cameras, with the requirement that an approved policy was in place.

● **MOTION.** Commissioner Riegel made a motion to approve the Teton County Administrative Policy for Law Enforcement Patrol Car Recording Systems and Law Enforcement Body Cameras. Motion seconded by Chairman Ricks and carried unanimously. (Attachment #8)

CLERK

● **MOTION.** Commissioner Riegel made a motion to approve a 2016-17 Certificate of Residency for Maria Hernandez-Delgado. Motion seconded by Commissioner Wilcox and carried unanimously.

EXECUTIVE ASSISTANT

Holly Wolgamott distributed the County organizational chart (Attachment #9).

She described the salary survey being conducted by the County's human resource consultants. The Board agreed that the survey should analyze salary data from the following counties: Fremont, Kootenai, Twin Falls, Bannock, Bingham, Bonneville, Madison, Blaine and Teton (WY); plus data from the cities of McCall, Pocatello, Idaho Falls, Salmon, Bozeman (MT) and Jackson (WY); and data from the Southern Idaho Solid Waste District. Ms. Wolgamott said the survey results should be available in March or April.

● **MOTION.** Commissioner Riegel made a motion to approve changes to the County's Hiring Policy as presented. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #10).

● **MOTION.** Commissioner Riegel made a motion to approve changes to the Paid Time Off and Long Term Illness portions of the County's personnel policy as presented. Motion seconded by Commissioner Wilcox and carried unanimously. (Attachment #11).

COMMISSIONERS

HOUSING AUTHORITY. Doug Self, Development Director for the City of Driggs, said no one has yet been appointed to serve on the board of the Housing Authority established by the County December 12, 2016. He said a Housing Authority was needed if local governments want to establish programs to incentivize affordable housing.

Commissioner Riegel said the cities of Driggs and Victor originally intended to establish their own Housing Authority but decided it would best to work collaboratively with the County. She supports the joint housing authority and intergovernmental agreement. Commissioner Ricks said he needed to be convinced that affordable

housing was a proper role for the County. Commissioner Wilcox said he wanted more information about the cost of a housing authority bureaucracy and what it could accomplish. He will arrange a meeting with Mr. Self.

SOLID WASTE FEE. The Board decided to hold a Town Hall meeting on June 12 to gather comments and discuss options for the 2017 solid waste fee.

RE-ROOFING PERMIT & FEE. Commissioner Wilcox said this permit and fee creates liability for the County. Prosecutor Siddoway said she had discussed the fee with Building Official Tom Davis, who feels the permit places him in a difficult situation because he occasionally permits a roof on an old structure that was not previously inspected, and may be giving a stamp of approval to a roof that does not comply with building codes.

● **MOTION.** Commissioner Wilcox made a motion to eliminate the re-roofing inspection and permit fee. Motion seconded by Chairman Ricks and carried unanimously.

DOG ORDINANCE. Commissioner Wilcox said he wants to be sure the Dog Ordinance complies with State statutes regarding guard dogs and wants it to become effective July 1, 2017. The Board agreed to discuss the ordinance on February 27 and to place a newspaper ad inviting the public to attend and participate.

SIGN ORDINANCE. Commissioner Wilcox would like the public and Board to discuss possible changes to the 2013 sign ordinance after receiving recommendations from Prosecutor Siddoway.

UNIVERSITY OF IDAHO EXTENSION

Extension Educator Jen Werlin reviewed her written memo requesting \$1,200 to obtain assistance from High Country RC&D to prepare a \$245,000 USDA Ag Marketing grant request (Attachment #12). The Board discussed the appropriateness of using tax dollars to fund a grant writer. Commissioner Riegel referenced the County's budget and current levels of funding for the Extension/4H department.

● **MOTION.** Chairman Ricks made a motion to approve using \$1,200 in contingency funds to pay for a grant writer as proposed by Ms. Werlin. Motion seconded by Commissioner Riegel and carried unanimously.

EXECUTIVE SESSION

● **MOTION.** At 4:58 pm Commissioner Riegel moved for Executive Session to discuss indigent matters and a pending legal claim pursuant to Idaho Code 704-206(1)(d)&(i). Motion seconded by Commissioner Wilcox and a roll call vote found all in favor. The Executive Session ended at 5:28 pm.

● **MOTION.** Commissioner Riegel moved to deny indigent claims 1T-2017-10004, 1T-2017-10005 and 1T-2017-10006 for lack of cooperation. Motion seconded by Commissioner Wilcox and carried unanimously.

PUBLIC WORKS

CEDRON ROAD SHOULDER WIDENING PROJECT & LHSIP AGREEMENT. Public Works Director Darryl Johnson said a decision was needed whether to accept an LHSIP grant to extend the shoulder width of another two miles of Cedron Road, making that road 30' wide, which is the County standard for a Major Collector. He said the total construction cost of the entire shoulder widening project would be \$550,000 with \$509,630 coming from two separate grants and \$40,370 coming from County matching funds. This money would extend the shoulder along 5.5 miles of road.

Mr. Johnson said the Cedron Road is on the 2017 chip seal schedule, regardless of the widening project.

Commissioner Wilcox said it did not seem appropriate to spend money to create bike lanes on one of the best roads in the County and expressed concern that the improved road would be wider than the three culvert crossings. Mr. Johnson said grant funds must be spent on projects approved by the grantors. He discussed the lowest-cost option to widen the three crossings. Commissioner Riegel said this project was not intended to add bike lanes, but to improve the road to the County's road-width standard for safety purposes. She said this grant-funded project is a good first step for bringing the entire Bates/Cedron corridor up to County standards.

Although Commissioners Wilcox and Ricks questioned the wisdom of fixing the best road in the County, they acknowledged the time and effort already spent on the project and the availability of grants. Chairman Ricks said he was not willing to go backwards so would support the project.

● **MOTION.** Commissioner Riegel moved to approve the LHSIP State/Local Agreement for the S4500W shoulder widening project as presented and submit the \$2,000 deposit. Motion seconded by Chairman Ricks and carried. Commissioner Wilcox abstained. (Attachment #13)

HIGHWAY 33 GRAVEL PIT RECLAMATION. Mr. Johnson said the Idaho Department of Lands wants the County to show progress on this issue by April 3. Prosecutor Siddoway said she is meeting with Josh Thulin this week in order to gain a better understanding of the situation from his perspective.

EXECUTIVE SESSION & LEGAL MATTERS

● **MOTION.** At 6:35 pm Commissioner Wilcox moved for Executive Session to discuss threatened litigation pursuant to Idaho Code 704-206(1)(f). Motion seconded by Chairman Ricks and a roll call vote found all in favor. The Executive Session ended at 6:58 pm.

● **MOTION.** Commissioner Wilcox moved to approve an Addendum to the Agreement with MD Nursery for the S1000E Darby Creek Culvert Replacement Project increasing the total contract amount to \$84,583. Motion seconded by Commissioner Riegel and carried unanimously. (Attachment #14)

● **MOTION.** Commissioner Riegel moved to approve the Agreement for Purchase of Equipment from Altitude Recycling for \$104,400 as presented by Prosecutor Siddoway. Motion seconded by Chairman Ricks and carried unanimously.

COMMISSIONERS

LEGAL COUNSEL FOR SOLID WASTE FEE LAWSUIT. Commissioner Wilcox said he had learned in Boise that Prosecutors with conflicts would typically refer their conflicted case to a neighboring County attorney and believes a Deputy Prosecutor in Bonneville County is willing to handle the case for a reasonable hourly rate. Commissioner Wilcox said he doesn't support hiring either of the two attorneys recommended by Commissioner Riegel, largely due to their cost. He doesn't think the county needs to hire the best attorney money can buy, but simply needs a good, competent attorney. Commissioner Wilcox said charging fees to empty parcels was not correct.

Commissioner Riegel said attorney Chris Meyer estimated a total cost of \$60,000 for a straight forward appeal to the Supreme Court. Commissioner Wilcox said it's easy to get sucked into expensive litigation.

Commissioner Wilcox will arrange another attorney interview to take place during the February 16 special meeting. He understands that the Supreme Court appeal will be thrown out if the County does not have representation by February 17.

ARMORY OWNERSHIP. The County has received an email from the Idaho National Guard stating that the Driggs Armory Building is now under the exclusive control of the Idaho Department of Lands since the National Guard has no future interest in using the building. The County owns half of the property and is very interested in purchasing the other half. Prosecutor Siddoway will research this further and contact the Department of Lands.

COMMITTEE REPORTS. All three commissioners attended the Idaho Association of Counties Legislative Conference in Boise Feb. 7-9. Commissioner Riegel attended a meeting of High Country RC&D during which the organization's 2016 accomplishments were reviewed, along with their 2017 work plan. She also attended a meeting of the Eclipse Committee and a Cloud Seeding Meeting.

FAIR BOARD APPOINTMENTS. ● **MOTION.** Commissioner Wilcox made a motion to appoint Jason Wilcox to complete the term of Patty Petersen, which expires September 2017, and Jessie Murdock to complete

the terms of Elaine Johnson, which expires September 2017. Motion seconded by Commissioner Riegel and carried unanimously.

MARCH 13 TOWN HALL. Commissioner Wilcox said he would like to hear from the public regarding the Effects of Local Government on Business. Chairman Ricks said he hears a lot about the negative effects of regulations. Commissioner Riegel said the public should be made aware of the positive effects of local government projects and initiatives and suggested a speaker be asked to provide that information. The Board prefers to reserve most of the time for public participation and will finalize their plans for this meeting February 27.

EXECUTIVE SESSION

● **MOTION.** At 8:31 pm Commissioner Wilcox moved for Executive Session to review Planning Administrator applications pursuant to Idaho Code 704-206(1)(a). Motion seconded by Commissioner Riegel and a roll call vote found all in favor. The Executive Session ended at 8:58 pm.

Chairman Ricks said the Board identified five applicants to interview during a special meeting February 16.

ADMINISTRATIVE BUSINESS

● **MOTION.** Chairman Ricks made a motion to appoint Bill Leake to represent Teton County on the Eastern Idaho Public Health board until an agreement is reached regarding the disbursement of funds, or until the 2017 legislative session ends. Motion seconded by Commissioner Wilcox and carried unanimously.

LEGAL ADVICE FROM PROSECUTOR. Commissioner Riegel said she had added this item to the agenda as a result of the Confidential Memo provided by the Prosecutor two days prior to the meeting.

During today's EODH meeting, Prosecutor Siddoway explained attorney-client privilege and described her method of providing advice to the Board, other elected officials and department heads. If an item has been placed on the agenda, she will only provide legal advice directly to the Board. If an item is not on an agenda, she will provide legal advice directly to an elected official or department head. Prosecutor Siddoway said she will generally need two weeks to review any contract, but will try to accommodate everyone's needs when possible.

Commissioner Riegel said she understands Prosecutor's Siddoway's perspective as explained during the EODH meeting, but has questions about what information from the Prosecutor's Confidential Memo to the Board could be shared with the public. Commissioner Riegel said she is uncomfortable using information from that Memo to make decisions without the public also having access to the same information. She believes some of the information in the Confidential Memo did not qualify for executive session protection and asked for clarification about what could be shared.

Prosecutor Siddoway said attorney-client privilege applies anytime she provides a legal analysis. However, the factual information within her legal analysis can be shared, whereas information about potential areas of County liability cannot.

APPROVAL OF MINUTES. Prosecutor Siddoway read from Robert's Rules which said minute attachments represented an endorsement of that attachment. She spoke about the legal risk of including detailed conversations in the minutes and stated her belief that the Board would face legal challenges.

● **MOTION.** Chairman Ricks moved to approve the minutes of the January 23 Town Hall meeting. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Wilcox moved to approve the January 9 minutes as red-lined but adding himself as the County's representative on the TREC Board. The motion died for lack of a second.

Ms. Wolgamott spoke about records management and the need for a complete record. She described how County staff members use the information contained in the minutes and related attachments. Clerk Hansen said it would be a mistake to eliminate so much County history.

Commissioner Wilcox said politicized minutes are worse than his red-lined version. Commissioner Riegel said she would not approve the red-lined minutes and has found the attachments very helpful. Chairman Ricks said he would prefer to find a happy medium and wondered if additional training would help.

● **MOTION.** Chairman Ricks made a motion to table the approval of the remaining minutes. Motion seconded by Commissioner Wilcox and carried unanimously.

CLAIMS

● **MOTION.** Commissioner Riegel made a motion to approve the following claims, and to modify the Claims Approval Report to add \$21,845 to MD Nursery for the Darby Bridge project, \$2,000 to LHTAC for engineering for the Cedron Road Shoulder Widening Project, and \$31,320 to Altitude as down payment for the recycling baler and to subtract the \$10,211.50 payment to Givens Pursley, which will be postponed until Commissioners Riegel and Wilcox are able to speak with attorney Chris Meyer:

General	\$43,481.28
Road & Bridge.....	21,785.06
Court & Probation	6,870.63
Court-Restitution	1,195.50
Court-Bonds	1,629.30
Elections-State Funds	774.00
Solid Waste.....	98,680.95
Weeds	1,354.16
Parks & Recreation.....	105.00
Road Levy	23,322.50
E911	3,753.62
Extension & 4H.....	30.00
Mosquito.....	21,288.33
Fairgrounds & Fair	883.54
Grants	41,028.75
Impact Fees.....	17,000.00
Court Fines & Fees.....	15,143.40
TOTAL	\$298,326.02

Motion seconded by Commissioner Wilcox and carried unanimously.

At 10:57 pm Chairman Ricks made a motion to adjourn. Motion seconded by Commissioner Riegel and carried.

Mark R. Ricks, Chairman

ATTEST: _____
County Clerk or Deputy

- Attachments: #1 Public works update, pp 1-3
 #2 Letters to cell phone companies re 2017 Eclipse
 #3 Monthly update from Greg Adams
 #4 Letter of Support for FTR/TWUA Bureau of Reclamation grant request
 #5 Quarterly report from TVHC
 #6 Building Eligibility Rights memo
 #7 Tax cancellations
 #8 Law Enforcement Patrol Car Recording Systems and Law Enforcement Body Cameras policy
 #9 County organizational chart
 #10 Hiring Policy
 #11 Changes to Paid Time Off and Long Term Illness policies within Personnel Policy
 #12 Extension office request for \$1,200 grant writing assistance
 #13 LHSIP Agreement for Cedron Road shoulder widening project
 #14 Addendum to MD Construction contract for S1000E Darby Creek culvert replacement project

Board of Teton County Commissioners

MINUTES: February 16, 2017

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

AGENDA

9:00 MEETING CALL TO ORDER – Chair

Amendments to Agenda

1. Solid Waste Fee Lawsuit
 - a. Executive Session as needed per IC74-206(1)(a)&(f) legal counsel
2. Planning Administrator Interviews
 - a. Executive Session as needed per IC74-206(1)(a) for personnel
3. Mass Gathering Permit for 2017 Eclipse
4. Eclipse Priorities and Job Description for Eclipse Coordinator
5. Start date for new PTO/LTI policy
6. Claims

COMMISSIONERS PRESENT: Mark Ricks, Harley Wilcox, Cindy Riegel

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen, Prosecutor Billie Siddoway, Sheriff Tony Liford

Chairman Ricks called the meeting to order at 9:04 am.

EXECUTIVE SESSION – LEGAL COUNSEL

● **MOTION.** At 9:05 am Commissioner Riegel made a motion for Executive Session to discuss legal counsel for the solid waste fee lawsuit pursuant to IC 74-206(1)(a)&(f). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 11:05. (Chairman Ricks did not participate due to his conflict in this case.)

● **MOTION.** Commissioner Riegel made a motion to hire Weston Davis to review the solid waste fee case for decision-making related to the case and his potential hire, and to pay Mr. Davis for 10 hours at \$170 per hour, with his legal review to be completed by Friday, February 17. Motion seconded by Commissioner Wilcox and carried.

EXECUTIVE SESSION – PERSONNEL

● **MOTION.** At 11:06 am Commissioner Wilcox made a motion for Executive Session to interview Planning Administrator candidates pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Riegel and a roll call vote showed all in favor. The Executive Session ended at 1:58 pm.

ECLIPSE PLANNING

TEMPORARY USE/MASS GATHERING PERMIT. The Board reviewed a draft form created by Prosecutor Siddoway for possible use in conjunction with the County's land use application for a Temporary Use Permit for a mass gathering. Prosecutor Siddoway said the County's ordinance contains no specific standards related to parking, sanitation, etc., which means the Planning Administrator has complete discretion to determine whether the application complies with the ordinance. Prosecutor Siddoway said the proposed Mass Gathering permit process developed by the Cities and County staff would be an informational document, not a land use application.

Prosecutor Siddoway said her research about this permit caused her to realize that the County needs to develop a Special Event permit process for events taking place on County property, including at the courthouse and on county sidewalks and roads.

ECLIPSE PRIORITIES & JOB DESCRIPTION FOR ECLIPSE PLANNER. Sheriff Liford believes the worst traffic problems will occur the morning of August 21. His priority will be to keep a clear path for emergency vehicles along Highway 33. The Board supports Sheriff Liford's intent to request extra manpower and equipment from entities not affected by the eclipse, along with his idea to contract with two tow trucks to be available for towing parked vehicles obstructing traffic. Sheriff Liford will research the personnel and tow truck possibilities in order to prepare a budget request.

Public Works Director Darryl Johnson said the Eclipse Planning Committee had asked him to prepare a traffic control plan, research the availability of portable toilets, create a trash/recycling plan and work with the City of Driggs to develop a mass transit/bus plan.

EXECUTIVE SESSION – PERSONNEL

● **MOTION.** At 2:58 pm Commissioner Wilcox made a motion for Executive Session to interview Planning Administrator candidates pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Riegel and a roll call vote showed all in favor. The Executive Session ended at 3:55 pm.

ECLIPSE PLANNING

Chairman Ricks said the Board needed to decide the appropriate role for the County. Commissioner Riegel referred to a document prepared by Eclipse Planner Alan Allred titled, "Government Functions for Managing the Eclipse Visitor Period" (Attachment #1). She believes it would be appropriate for the County to establish Valley entry stations; provide trash/recycle bins, law enforcement and traffic management; and also process permits and coordinate emergency management.

Sheriff Liford believes the County should enhance its normal public safety activities as much as possible within the County's limited resources. He believes the event will generally be celebratory and does not expect an uptick in crime. He is most concerned with traffic flow and the ability of emergency vehicles to respond as needed. He hopes that Air Idaho's helicopter ambulance will be available.

Commissioner Wilcox asked Mr. Allred to start keeping a more detailed log of his eclipse planning activities and coordination meetings. He asked Mr. Allred to prepare an information/education plan and budget and to contact RAD to learn whether they are willing to donate any bins or services. Commissioner Wilcox believes it might be appropriate for the County to provide several strategically located porta potties.

Mr. Johnson was asked to research traffic control options, especially something suitable for the intersection of Highways 33 and 32. Prosecutor Siddoway will contact the Idaho Department of Transportation to learn what steps the County can take to limit parking on the shoulder of Highway 33.

Emergency Management Coordinator Greg Adams was asked to schedule a future meeting including representatives from the County and all necessary local entities in order that officials can share their agency's plans for the Eclipse event.

Later in the meeting, the Board decided that Emergency Management Technician Ronn Carlentine should join Eclipse Coordinator Alan Allred at the Eclipse Planning meetings in order to alleviate the need for other County staff to attend.

Eclipse Planning will become a standing item on the Board's regular agenda.

OTHER BUSINESS

● **MOTION.** Commissioner Wilcox made a motion to make February 25 the effective date for changes to the County's Paid Time Off and Long Term Illness policies which were approved February 13. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Wilcox made a motion to pay MD Nursery \$9,387.25 for their work on the S1000E Darby culvert replacement project and Givens Pursley \$8,839.50 for their legal counsel regarding the solid waste fee lawsuit. Motion seconded by Commissioner Riegel and carried unanimously.

Court Supervisor Phyllis Hansen reported that District Judge Greg Moeller had just issued a Memorandum of Decision regarding the Motion for Reconsideration of Attorney's Fees in the Teton Springs case. Judge Moeller once again denied Teton Springs request for \$116,000 in attorney fees.

● **MOTION.** At 5:33 pm Chairman Ricks made a motion to recess the meeting until 9 am February 17 when Executive Sessions will be held for legal counsel and personnel. Motion seconded by Commissioner Wilcox and carried unanimously.

Board of County Commissioners: February 17, 2017 Continuation Meeting

Commissioners' Meeting Room, 150 Courthouse Drive, Driggs, Idaho

COMMISSIONERS PRESENT: Mark Ricks, Cindy Riegel, Harley Wilcox

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen

Chairman Ricks reconvened the meeting at 9:00 am.

EXECUTIVE SESSION – PERSONNEL

● **MOTION.** At 9:01 am Commissioner Riegel made a motion for Executive Session to discuss Planning Administrator candidates pursuant to IC 74-206(1)(a). Motion seconded by Commissioner Wilcox and a roll call vote showed all in favor. The Executive Session ended at 9:23 am.

● **MOTION.** Commissioner Wilcox made a motion to approve up to \$1,000 in travel expenses for an in-person interview for the lead Planning Administrator candidate, pending reference checks. Motion seconded by Commissioner Riegel and carried unanimously.

EXECUTIVE SESSION – LEGAL COUNSEL

● **MOTION.** At 9:25 am Commissioner Riegel made a motion for Executive Session pursuant to IC 74-206(1)(a)&(f) to discuss legal counsel for the solid waste fee lawsuit. Motion seconded by Commissioner Wilcox and a roll call vote showed Commissioners Riegel and Wilcox in favor. The Executive Session was recessed at 10:14 am, resumed about 11:25 am and ended about 2:15 pm. (Chairman Ricks did not participate due to his conflict in this case.)

● **MOTION.** Commissioner Riegel moved to hire Chris Meyer of Givens Pursley to represent Teton County in the solid waste fee case on appeal to the Idaho Supreme Court for the following reasons: (1) The Teton County Prosecuting Attorney has stated that her office has a conflict; and (2) The Board interviewed several attorneys and determined that Mr. Meyer was the best attorney to represent the County. Commissioner Wilcox seconded the motion which carried.

Commissioner Riegel agreed to notify Mr. Meyer of the Board's decision so the appropriate documents could be filed with the Supreme Court.

● **MOTION.** At 2:24 pm Commissioner Riegel made a motion to adjourn. Motion seconded by Commissioner Wilcox and carried.

Mark R. Ricks, Chairman

ATTEST: _____
County Clerk or Deputy