



3. The term “weapon” means: (1) any type of firearm, (2) any type of explosive device, or (3) any knife or similar object that has a blade in excess of six (6) inches in length.
4. The term “Teton County Courthouse” means the buildings and premises located at 150 Courthouse Drive.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

---

## PROFESSIONAL PLANNER AGREEMENT

 **DRAFT**

This AGREEMENT (“Agreement”) is effective as of the \_\_\_\_ day of April, 2013, and is entered into by and between Teton County, Idaho (“Client”) and Stephen Loosli (“Contractor”).

### RECITALS

WHEREAS, the Client desires that Contractor render certain services more fully described herein; and

WHEREAS, the Contractor has represented expertise in providing such services, has represented that it has the requisite knowledge, skill, experience and other resources necessary to perform such services and is desirous of providing such services for the Client.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties hereby agree as follows:

**1. Incorporation of Recitals:** The matters recited above are hereby incorporated into and made a part of this Agreement.

**2. No Employee/Employer Relationship:** The parties agree and acknowledge that the Contractor, Stephen Loosli, is an independent contractor and not an employee of Teton County, Idaho. Contractor shall be treated for all purposes as a self-employed individual including, without limitation, Federal, State, and local taxation, unemployment insurance, and worker’s compensation. Contractor expressly understands, acknowledges, and agrees that he, individually, shall be responsible for the payment of all such taxes and expenses. Contractor agrees to fully indemnify, defend, and hold harmless Client from any and all costs, expenses, losses, or liabilities which the Client may incur as a result of the acts or omissions of Contractor in regard to Federal, State, or local taxes, unemployment insurance, worker’s compensation, self-employment taxes, social security taxes, Medicare taxes, and the like. Contractor agrees that Contractor shall not represent himself as an employee of the Client. Contractor shall have no authority, whatsoever, to enter into any agreement, contract, or undertaking on behalf of Teton County, Idaho unless specifically authorized in writing by Teton County, Idaho. Contractor will be responsible for providing his own office space and equipment and will work in cooperation with, but independently from, the Teton County Planning Department. Contractor hereby represents that Contractor’s valid taxpayer identification number as defined by the United States Internal Revenue Code (social security number or federal employer identification number) will be provided upon request prior to payment.

**3. Term:** This Agreement shall remain in force until the end of the 2012/2013 fiscal year. It shall automatically renew for successive one-year terms unless terminated in writing by either party. This Agreement may be terminated by the Client or Contractor at any time and for any reason or for no reason at all by delivering written notice of such termination by hand delivery, express delivery service, e-mail, facsimile, or U. S. Mail.

**4. Scope of Services:** The Client hereby engages Contractor to perform certain land use planning services for the Client. Contractor hereby agrees to perform such services, as an

 **DRAFT**

independent contractor, pursuant to the terms and conditions hereinafter set forth. Throughout the term of this Agreement, Contractor shall perform the services contemplated hereunder, as requested by the Client. Contractor agrees to provide the services set forth in the Scope of Work attached hereto and incorporated herein as Exhibit "A" in accordance with the terms and conditions of this Agreement. The Client may, from time to time, request changes to the Scope of Work. Any such changes, including any increase or decrease in Contractor's fees, shall be documented by an amendment to this Agreement.

**5. Compensation and Payment:** Contractor shall be paid the sum of Twenty-Six Dollars (\$26.00) per hour. Before payment is made to Contractor, detailed time records identifying the nature and extent of work being conducted shall be submitted to, and approved by, the Client on a bi-weekly basis in accordance with the attached Payment Schedule (Exhibit "B"). It is not anticipated that Contractor's time working for Client will exceed twenty (20) hours per week. Compensation for time in excess of twenty (20) hours per week will not be available unless expressly authorized, in writing, by the Client in advance.

**6. Expenses:** All expenses, including, but not limited to, expenses for traveling, education, training, entertainment, clerical, office and equipment maintenance, and general expenses that may be incurred by Contractor in connection with this Agreement will be borne wholly by Contractor. In no case shall the Client be responsible or liable for any such expenses.

**7. Standards of Performance:** Contractor agrees to devote such time, attention, skill, and knowledge as is necessary to perform any services to Client effectively and efficiently. Contractor acknowledges and accepts a relationship of trust and confidence with the Client and agrees to cooperate with the Client to further the best interests of the Client.

**8. Assignment:** Contractor may not assign this Agreement or any obligations imposed hereunder without the prior written consent of Client. Contractor shall not be entitled to any payment or compensation from the Client for any costs or expenses incurred in conjunction with subcontracting, assigning or delegating work or assignments to anyone else.

**9. Ownership:** Any deliverables or work product developed by Contractor shall be considered works for hire and shall be the sole property of the Client.

**10. Representations and Warranties of Contractor:** Contractor represents and warrants that the following shall be true and correct as of the effective date of this Agreement and shall continue to be true and correct during the term of this Agreement.

10.1 Contractor is and shall remain in compliance with all local, State and Federal laws relating to this Agreement and the performance of services. Further, Contractor is and shall remain in compliance with all Client policies and rules.

10.2 Contractor is not in default and has not been deemed to be in default under any other Agreement during the five (5) year period immediately preceding the effective date of this Agreement.

 **DRAFT**

10.3 There is no action, suit, proceeding, or investigation at law or in equity, before or by any court or governmental entity, pending or threatened against Contractor, or otherwise affecting Contractor.

10.4 Contractor is not aware of any conflicts of interest that would affect his performance of this Agreement. If any conflicts arise in relation to the work required of Contractor, Contractor shall immediately disclose the conflict to all parties and remove himself from participation in the matter affected.

10.5 Contractor has the expertise and professional and technical capability to perform all of its obligations under this Agreement.

**11. Indemnification:** In the event that any act or omission in the course of providing any services for the Client, or in conjunction with any act with which Contractor is involved, gives rise to or results in a claim against Teton County, Contractor agrees that he will fully and completely cooperate with Teton County, Idaho and its agents, and/or insurers or attorneys, in helping to resolve such claim or, if necessary, litigate it. Contractor further agrees that it will indemnify and hold harmless Teton County, Idaho from any and all liabilities, costs and expenses incurred in connection with or arising out of Contractor's acts or omissions in the course of performing its duties and obligations under this Agreement or the failure of Contractor to observe and perform the duties and obligations pursuant to the legal and ethical standards established by any local, State or Federal jurisdiction or professional association. The indemnities set forth herein are specifically intended to survive termination of the affiliation between Teton County, Idaho and Contractor pursuant to this Agreement or otherwise.

**12. Insurance:** At all times during the term of the contract, the Contractor shall maintain, at his sole expense, an insurance policy providing errors and omissions coverage for Contractor's acts. Contractor agrees to provide Employer with certificates evidencing the required coverage before Contractor begins work hereunder.

**13. Entire Agreement and Amendment:** This Agreement, including all exhibits and referenced documents, constitutes the entire agreement of the parties with respect to the matters contained herein. All attached exhibits are incorporated into and made a part of this agreement. No modification of or amendment to this Agreement shall be effective unless such modification or amendment is in writing and signed by both parties hereto. Any prior agreements or representations, either written or oral, relating to the subject matter of this Agreement are of no force or effect. Headings are for convenience only, and shall not be deemed to create or waive any substantive rights.

**14. Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Idaho without regard to any conflict of law or choice of law principles.

 **DRAFT**

 **DRAFT**

15. **Waiver:** No delay or omission by Teton County, Idaho to exercise any right hereunder shall be construed as a waiver of any such right and Teton County, Idaho reserves the right to exercise any such right from time to time as often and as may be deemed expedient.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

CLIENT	CONTRACTOR
By: _____ Kelly Park, Chairman	BY: _____ Stephen Loosli

Attest:

\_\_\_\_\_  
Mary Lou Hansen, County Clerk

 **DRAFT**

# Exhibit A

## Scope of Work

---

 **DRAFT**

### Tasks

The Contractor is responsible for the following tasks:

- As requested, attend Board of County Commissioner meetings, provide professional planning expertise, advice and recommendations, provide findings of fact documentation on land use proposals.
- Respond to Board of County Commissioner queries in a timely and responsive manner.
- Provide biweekly reports to the Board of County Commissioner explaining individual project progress, problems, and solutions.
- Facilitate long-range planning activities, with a focus on the County's Comprehensive Plan and its updates and code amendments.
- Attend meetings and hearings with pertinent agencies, applicants and departments relevant to assigned projects.
- Maintain a collaborative, professional relationship with the Planning and Zoning Administrator.
- Coordinate with the Planning Department to provide adequate notice and documentation for all relevant Commission and Board meetings.
- Respond to general citizens questions and comments regarding specific projects and assignments that Contractor is working on in a courteous and timely manner. This may include general public outreach and education.
- Pertaining to relevant projects and assignments, prepare documents for website publication, press releases, and coordination of public meetings/hearings.
- Maintain detailed and accurate computerized and hard copy files of all work.
- Coordinate with applicant representatives and agencies on all projects in which Contractor is involved.

### Deliverables

1. Recent changes to the Local Land Use Planning Act (LLUPA), specifically Idaho Code 67-6535, require approval standards and criteria for permit applicants to be set forth in express terms in land use ordinances. Contractor shall define appropriate uses in County zones so that there is decreased reliance on the Conditional Use Permitting process and more predictability in land use decisions. For those permits that are conditional, contractor will draft explicit criteria for approval that meets the requirements of the new LLUPA legislation.

 **DRAFT**

2. Teton County has many approved subdivisions that are in distress. Contractor shall develop planning tools that address entitlements and development assurances and work with subdivisions that are in breach of contract with the County, and subdivisions that would like to utilize re-plat, and/or plat amendment opportunities.

3. In reaction to public feedback regarding protection of property rights and values, Teton County is in need of more effective zoning and viable options for large landowners. To that end, Contractor shall work on updates to the subdivision ordinance for family lot splits and large lot subdivision incentives.

4. The Board of County Commissioners recognizes the importance of supporting local business and aiding economic development. Contractor shall work to implement a buy local program and, if it is awarded, Contractor shall be the point of contact for Teton County with the Teton Valley Business Development Center and the Rural Idaho Economic Development Professional Program Grant. Contractor shall also spearhead a branding effort to market Teton Valley's high quality of life, area history and recreational amenities to prospective employers and the tourism industry.

5. Contractor shall work with federal and state land agencies to develop a plan for a transportation network within Teton Valley and regionally that is appropriate for a rural community. A Trail Plan that improves access to public lands and identifies potential new access locations shall also be developed.

### **Timeframes for Materials and Notices**

- All materials to be presented at Monday Board of County Commissioners meetings must be delivered to the Commissioner's assistant by noon the Wednesday prior to the meeting for placement on the agenda and inclusion in Commissioner packets.
- All materials to be presented at a public hearing must be delivered to the planning department four (4) weeks prior to the anticipated public hearing so information can be posted in the newspaper, online and available for public review.
- All agency notices must be sent to relevant Federal, State and local agencies sixty (60) days prior to any public hearing.



Contractor Name: Exhibit "B"

Invoice Period Ending: \_\_\_\_\_

Fund: 01-21-402 Rate: \$26.00 / Hour

 **DRAFT**

Date:	SATURDAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			4 Hrs - Reviewed Zoning & Subdivision Code. EXAMPLE	4 Hrs - Read and made notes on Comp Plan 2030 EXAMPLE			
Put daily hours worked in boxes below Plus brief project/tasks you are working on. If more room is needed, use large box below for additional detail.							

**Week 1**

# of Hours Worked =  
Hrs. x \$26/Hr. = \$

Date:	SATURDAY	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
				3 Hrs - PZC Hearing			
Put daily hours worked in boxes below Plus brief project/tasks you are working on. If more room is needed, use large box below for additional detail.							

**WEEK 2**

# of Hours Worked =  
Hrs. x \$26/Hr. = \$

Hours will be approved by a Commissioner and this form turned into the Auditor no later than noon the Thursday prior to claims being approved.  
\*Denotes a 3 week pay period or up to 60 hours.

FY 2013	Time Sheet Due	Pay Day
May	9 & 23	14 & 29
June	6 & 13	11 & 25
July	3 & 18	9 & 23
August	8 & 22	13* & 25
September	5 & 19	10 & 24

**This is an accurate report of work completed for this invoice.**

Total Hours Worked: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

Contractor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Commissioner's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Use space below for additional details of work accomplished.

 **DRAFT**

IN THE SENATE

SENATE BILL NO. 1138

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6511, IDAHO CODE,  
2 TO PROVIDE THAT OVERLAY ZONING DISTRICTS HAVE SPECIFIC STANDARDS, TO  
3 PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION;  
4 AMENDING SECTION 67-6522, IDAHO CODE, TO PROVIDE THAT IN NO EVENT SHALL  
5 THE GOVERNING BOARD BY LOCAL ORDINANCE ENACT PROVISIONS THAT ABRO-  
6 GATE THE STATUTORY AUTHORITY OF A PUBLIC HEALTH DISTRICT, STATE AND/OR  
7 FEDERAL AGENCY; AMENDING SECTION 67-6535, IDAHO CODE, TO ENUMERATE EX-  
8 PRESS STANDARDS REGARDING THE LOCAL PLANNING ACT, TO PROVIDE PROCEDURES  
9 FOR RECONSIDERATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING  
10 SECTIONS 31-1425 AND 31-3908A, IDAHO CODE, TO PROVIDE CORRECT CODE REF-  
11 ERENCES.  
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 67-6511, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordi-  
17 nance adopted, amended, or repealed in accordance with the notice and hear-  
18 ing procedures provided under section 67-6509, Idaho Code, establish within  
19 its jurisdiction one (1) or more zones or zoning districts where appropri-  
20 ate. The zoning districts shall be in accordance with the policies set forth  
21 in the adopted comprehensive plan.

22 (a) Within a zoning district, the governing board shall where appro-  
23 priate, establish standards to regulate and restrict the height, number  
24 of stories, size, construction, reconstruction, alteration, repair or  
25 use of buildings and structures; percentage of lot occupancy, size of  
26 courts, yards, and open spaces; density of population; and the location  
27 and use of buildings and structures. All standards shall be uniform for  
28 each class or kind of buildings throughout each district, but the stan-  
29 dards in one (1) district may differ from those in another district.

30 (b) Within an overlay zoning district, the governing board shall es-  
31 tablish clear and objective standards for the overlay zoning district  
32 while ensuring that application of such standards does not constitute a  
33 regulatory taking pursuant to Idaho or federal law.

34 (2) Ordinances establishing zoning districts shall be amended as fol-  
35 lows:

36 (a) Requests for an amendment to the zoning ordinance shall be submit-  
37 ted to the zoning or planning and zoning commission which shall evalu-  
38 ate the request to determine the extent and nature of the amendment re-  
39 quested. Particular consideration shall be given to the effects of any  
40 proposed zone change upon the delivery of services by any political sub-  
41 division providing public services, including school districts, within  
42 the planning jurisdiction. An amendment of a zoning ordinance appli-

1 cable to an owner's lands or approval of conditional rezoning or denial  
2 of a request for rezoning may be subject to the regulatory taking analy-  
3 sis provided for by section 67-8003, Idaho Code, consistent with the re-  
4 quirements established thereby.

5 (b) After considering the comprehensive plan and other evidence gath-  
6 ered through the public hearing process, the zoning or planning and  
7 zoning commission may recommend and the governing board may adopt or  
8 reject an ordinance amendment pursuant to the notice and hearing pro-  
9 cedures provided in section 67-6509, Idaho Code, provided that in the  
10 case of a zoning district boundary change, and notwithstanding jurisd-  
11 ictional boundaries, additional notice shall be provided by mail to  
12 property owners or purchasers of record within the land being consid-  
13 ered, and within three hundred (300) feet of the external boundaries  
14 of the land being considered, and any additional area that may be im-  
15 pacted by the proposed change as determined by the commission. Notice  
16 shall also be posted on the premises not less than one (1) week prior  
17 to the hearing. When notice is required to two hundred (200) or more  
18 property owners or purchasers of record, alternate forms of procedures  
19 which would provide adequate notice may be provided by local ordinance  
20 in lieu of posted or mailed notice. In the absence of a locally adopted  
21 alternative notice procedure, sufficient notice shall be deemed to have  
22 been provided if the city or county provides notice through a display  
23 advertisement at least four (4) inches by two (2) columns in size in  
24 the official newspaper of the city or county at least fifteen (15) days  
25 prior to the hearing date, in addition to site posting on all external  
26 boundaries of the site. Any property owner entitled to specific notice  
27 pursuant to the provisions of this subsection shall have a right to par-  
28 ticipate in public hearings before a planning commission, planning and  
29 zoning commission or governing board subject to applicable procedures.

30 (c) The governing board shall analyze proposed changes to zoning or-  
31 dinances to ensure that they are not in conflict with the policies of  
32 the adopted comprehensive plan. If the request is found by the govern-  
33 ing board to be in conflict with the adopted plan, or would result in  
34 demonstrable adverse impacts upon the delivery of services by any po-  
35 litical subdivision providing public services, including school dist-  
36 ricts, within the planning jurisdiction, the governing board may re-  
37 quire the request to be submitted to the planning or planning and zoning  
38 commission or, in absence of a commission, the governing board may con-  
39 sider an amendment to the comprehensive plan pursuant to the notice and  
40 hearing procedures provided in section 67-6509, Idaho Code. After the  
41 plan has been amended, the zoning ordinance may then be considered for  
42 amendment pursuant to ~~section 67-6511~~ paragraph (b), Idaho Code of this  
43 subsection.

44 (d) If a governing board adopts a zoning classification pursuant to a  
45 request by a property owner based upon a valid, existing comprehensive  
46 plan and zoning ordinance, the governing board shall not subsequently  
47 reverse its action or otherwise change the zoning classification of  
48 said property without the consent in writing of the current property  
49 owner for a period of four (4) years from the date the governing board  
50 adopted said individual property owner's request for a zoning clas-

1           sification change. If the governing body does reverse its action or  
2 otherwise change the zoning classification of said property during the  
3 above four (4) year period without the current property owner's consent  
4 in writing, the current property owner shall have standing in a court of  
5 competent jurisdiction to enforce the provisions of this section.

6           SECTION 2. That Section 67-6522, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8           67-6522. COMBINING OF PERMITS -- PERMITS TO ASSESSOR. Where practi-  
9 cal, the governing board or zoning or planning and zoning commission may com-  
10 bine related permits for the convenience of applicants. State and federal  
11 agencies should make every effort to combine or coordinate related permits  
12 with the local governing board or commission. In no event shall the govern-  
13 ing board by local ordinance enact provisions that abrogate the statutory  
14 authority of a public health district, state and/or federal agency. Appro-  
15 priate permits as defined by local ordinance shall be forwarded to the county  
16 assessor.

17           SECTION 3. That Section 67-6535, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19           67-6535. APPROVAL OR DENIAL OF ANY APPLICATION TO BE BASED UPON  
20 EXPRESS STANDARDS AND TO BE IN WRITING. (1) The approval or denial of any  
21 application required or authorized pursuant to this chapter shall be based  
22 upon standards and criteria which shall be set forth in the comprehensive  
23 plan, zoning ordinance or other appropriate ordinance or regulation of the  
24 city or county. Such approval standards and criteria shall be set forth in  
25 express terms in land use ordinances in order that permit applicants, in-  
26 terested residents and decision makers alike may know the express standards  
27 that must be met in order to obtain a requested permit or approval. When-  
28 ever the nature of any decision standard or criterion allows, the decision  
29 makers shall identify aspects of compliance or noncompliance with specific  
30 approval standards and criteria in the written decision.

31           (2) The approval or denial of any application required or authorized  
32 pursuant to this chapter shall be in writing and accompanied by a reasoned  
33 statement that explains the criteria and standards considered relevant,  
34 states the relevant contested facts relied upon, and explains the rationale  
35 for the decision based on the applicable provisions of the comprehensive  
36 plan, relevant ordinance and statutory provisions, pertinent constitu-  
37 tional principles and factual information contained in the record.

38           (a) Failure to identify the nature of compliance or noncompliance with  
39 expressed approval standards or failure to explain compliance or non-  
40 compliance with relevant decision criteria shall be grounds for invali-  
41 datation of an approved permit or site-specific authorization, or denial  
42 of same, on appeal.

43           (b) Any applicant or affected person seeking judicial review of com-  
44 pliance with the provisions of this section must first seek reconsid-  
45 eration of the final decision within fourteen (14) days. Such written  
46 request must identify specific deficiencies in the decision for which  
47 reconsideration is sought. Upon reconsideration, the decision may be

1 affirmed, reversed or modified after compliance with applicable proce-  
 2 dural standards. A written response shall be provided to the applicant  
 3 or affected person within sixty (60) days of receipt of the request for  
 4 reconsideration. A decision shall not be deemed final for purposes of  
 5 judicial review unless the process required in this subsection has been  
 6 followed. The twenty-eight (28) day time frame for seeking judicial re-  
 7 view is tolled until the date of the written decision regarding recon-  
 8 sideration.

9 (3) It is the intent of the legislature that decisions made pursuant to  
 10 this chapter should be founded upon sound reason and practical application  
 11 of recognized principles of law. In reviewing such decisions, the courts of  
 12 the state are directed to consider the proceedings as a whole and to evaluate  
 13 the adequacy of procedures and resultant decisions in light of practical  
 14 considerations with an emphasis on fundamental fairness and the essentials  
 15 of reasoned ~~decision-making~~ decision making. Only those whose challenge  
 16 to a decision demonstrates actual harm or violation of fundamental rights,  
 17 not the mere possibility thereof, shall be entitled to a remedy or reversal  
 18 of a decision. Every final decision rendered concerning a site-specific  
 19 land use request shall provide or be accompanied by notice to the applicant  
 20 regarding the applicant's right to request a regulatory taking analysis  
 21 pursuant to section 67-8003, Idaho Code. An applicant denied an application  
 22 or aggrieved by a final decision concerning matters identified in section  
 23 67-6521(1)(a), Idaho Code, may, within twenty-eight (28) days after all  
 24 remedies have been exhausted under local ordinance, seek judicial review  
 25 under the procedures provided by chapter 52, title 67, Idaho Code.

26 SECTION 4. That Section 31-1425, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 31-1425. EXEMPTIONS. (1) All public utilities, as defined in sec-  
 29 tion 61-129, Idaho Code, shall be exempt from taxation under the provisions  
 30 of this chapter and shall not be entitled to the privileges or protection  
 31 hereby provided without their consent in writing filed with the clerk of the  
 32 board of county commissioners. Provided however, the board of fire protec-  
 33 tion commissioners, may enter into an agreement with a public utility for  
 34 the purpose of affording the privileges or protection provided by the fire  
 35 protection district to all, or such portion, of the property of the public  
 36 utility as may be agreed upon between the parties and upon such terms and con-  
 37 ditions as may be mutually agreed upon between the parties to the agreement.

38 (2) The board of county commissioners, upon application and recommen-  
 39 dation of the board of fire protection commissioners, may, by an ordinance  
 40 enacted by not later than the second Monday of July, exempt all or a portion  
 41 of the unimproved real property within the district from taxation, and may  
 42 exempt all or a portion of the taxable personal property within the district  
 43 from taxation. Any ordinance of the board of county commissioners granting  
 44 an exemption from taxation under the provisions of this section must provide  
 45 that each category of property is treated uniformly. Notice of intent to  
 46 adopt an ordinance which exempts unimproved real property shall be provided  
 47 to property owners of record in substantially the same manner as required in  
 48 section 67-6511(2)(b), Idaho Code, as if the ordinance were making a zoning  
 49 district boundary change.

1           SECTION 5. That Section 31-3908A, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3           31-3908A. EXEMPTIONS FROM TAXATION. The board of county commis-  
4 sioners, upon application, may, by an ordinance enacted by not later than  
5 the second Monday of July, exempt all or a portion of the unimproved real  
6 property within the district from taxation, and may exempt all or a por-  
7 tion of the taxable personal property within the district from taxation.  
8 Any ordinance of the board of county commissioners granting an exemption  
9 from taxation under the provisions of this section must provide that each  
10 category of property is treated uniformly. Notice of intent to adopt an or-  
11 dinance which exempts unimproved real property shall be provided to property  
12 owners of record in substantially the same manner as required in section  
13 67-6511(2)(b), Idaho Code, as if the ordinance were making a zoning district  
14 boundary change.



# LEGISLATURE

[Printer Friendly Version](#)

## SENATE BILL 1138

[Full Bill Information](#)

### Individual Links:

[Bill Text](#)

[Amendment](#)

[Engrossment 1](#) - This is known as the engrossed bill that incorporates adopted amendments. The highest numbered engrossment is the final version that was considered for adoption.

[Statement of Purpose / Fiscal Note](#)

S1138aa.....by STATE AFFAIRS COMMITTEE

LOCAL PLANNING ACT - Amends existing law relating to the Local Planning Act to provide that overlay zoning districts have specific standards; to provide that in no event shall the governing board by local ordinance enact provisions that abrogate the statutory authority of a public health district, state and/or federal agency; to enumerate express standards regarding the Local Planning Act, to provide procedures for reconsideration and to provide standards for appeal.

03/04Introduced; read first time; referred to JR for Printing

Reported Printed; referred to Local Government & Taxation

03/07Reported out of committee; to 14th Order for amendment

03/11Placed in the Committee of the Whole

Reported out without recommendation, as amended

Amendments ordered printed; referred for engrossment

03/12Amendments reported printed

Reported engrossed, filed for first reading, as amended

Read first time as amended, filed for Second Reading

03/13Read second time as amended, filed for Third reading

03/14Read third time in full as amended - **PASSED - 34-0-1**

**AYES** -- Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Durst, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Vick, Werk, Winder

**NAYS** -- None

**Absent and excused** -- McKenzie

**Floor Sponsor - Tippetts**

Title apvd - to House

03/15Received from the Senate, Filed for First Reading

Read First Time, Referred to State Affairs

03/21Reported out of Committee with Do Pass Recommendation,

Filed for Second Reading

03/22Read second time; Filed for Third Reading

03/25Read Third Time in Full - **PASSED - 65-0-5**

**AYES** -- Agidius, Anderson(31), Anderst, Andrus, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancev, Harris, Hartoan, Henderson, Hixon, Holtzclaw, Horman.

Kauffman, King, Kloc, Loertscher, Luker, Malek, McMillan, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Patterson, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Ward-Engelking, Wills, Wood(27), Woodings, Youngblood, Mr. Speaker

**NAYS** -- None

**Absent and excused** -- Anderson(01), Barbieri, Meline, Palmer, Wood(35)

**Floor Sponsor - Gibbs**

Title apvd - to Senate

Returned From House Passed; referred to enrolling

03/26Reported enrolled; signed by President; to House for signature of Speaker

03/27Received from Senate; Signed by Speaker; Returned to Senate

Reported signed by the Speaker & ordered delivered to Governor

03/28Reported delivered to Governor on 03/27/13

04/01Signed by Governor on 04/01/13

Session Law Chapter 216

Effective: 07/01/13

---

Legislative Services Office • P.O. Box 83720 • Boise, ID • 83720-0054  
208/334-2475 • FAX 208/334-2125  
Maintained by lsoweb@iso.idaho.gov  
Site Disclaimer: <http://legislature.idaho.gov/disclaimer.htm>  
©2013 Idaho Legislature

**From:** Geri Rackow [GRackow@phd7.idaho.gov]

**Sent:** Tuesday, April 02, 2013 2:04 PM

**To:** 'cowdoc75@hotmail.com'; 'lstaker@co.bonneville.id.us'; 'shentonwd31@mudlake.net'; 'linhintze@gmail.com'; 'lmiller@co.fremont.id.us'; 'bfarnsworth@co.jefferson.id.us'; 'dkricks@juno.com'; Kathy Rinaldi; 'bjnmd@aol.com'

**Cc:** Lorraine Hiltbrand

**Subject:** EIPHD Board of Health Meetings

Good afternoon.

I wanted to thank those of you who came to Richard's retirement luncheon on Friday. It was a nice event and I know he appreciated it.

Our next Board of Health meeting was scheduled for Thursday, April 18. However, I wanted to let you know that I learned on Friday that several of our Board Members have a conflict with a welfare meeting that is being held up north. After consulting with Cope, we decided to cancel the April 18 meeting. We already have a meeting scheduled for Thursday, May 16, which will be an important meeting as we will be presenting our FY14 budget to you for approval. At this point in time, I do not have any idea what our budget is looking like, but we are working to pull all the pieces together. As soon as I get a better sense of how it is shaping up, I will give you an update.

I do suspect I will need to ask the Board for an increase in County Contributions. Last year, we settled on a 2% increase from the counties, which was very much appreciated. Over the next couple weeks, will you please be thinking about, and even discuss with your fellow commissioners, what percentage increase, if any, could be supported by your County. As the numbers are firmed up, I will present you with options as to what a 1%, 2%, or 3% increase would look like and ask for your direction so that we can present a finalized budget to you in May.

If you will NOT be able to attend the Board meeting on May 16, please let me know right away.

Thanks. Have a great day.

Geri Rackow

Director, Eastern Idaho Public Health District

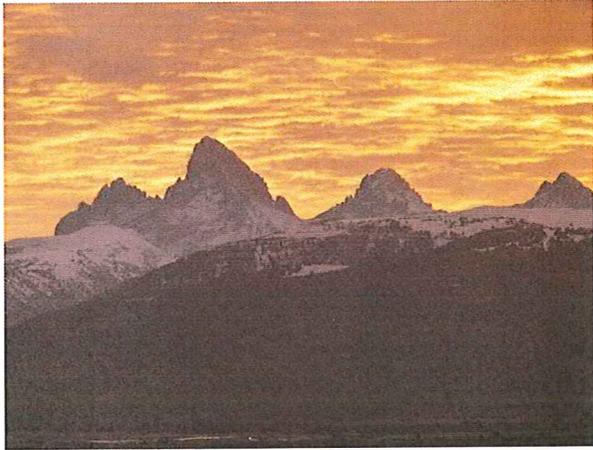
1250 Hollipark Drive

Idaho Falls, ID 83401

Office: (208) 533-3163

[grackow@phd7.idaho.gov](mailto:grackow@phd7.idaho.gov)

[www.phd7.idaho.gov](http://www.phd7.idaho.gov)



PROPOSAL TO TETON COUNTY  
COMMISSIONERS –

Rural Idaho Economic Development Professional  
Program Grant

---

**ECONOMIC RECOVERY, GROWTH, AND STABILITY: TETON  
VALLEY BUSINESS DEVELOPMENT CENTER**

---

Date  
April 22, 2013

Teton Valley Business Development Center  
47 South Main Street  
Driggs, Idaho 83422

April 18, 2013

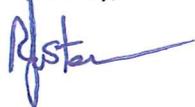
Dawn Felchle  
Assistant to the County Commission  
Risk Manger  
Teton County Idaho

Dear Dawn,

I am the chairman of the Teton Valley Business Development Center. I am requesting a time slot on the April 22 Board of County Commissioner's agenda to present the 2013-2014 Idaho Department of Commerce Request for Proposal for the Rural Idaho Economic Development Professional Program. The purpose of this presentation is to explain the details of the grant application and determine whether or not Teton County:

- (1) Is interested in being a partner to this grant;
- (2) Wishes to act as the Program Sponsor for the Rural Idaho Economic Development Professional Program;
- (3) If Teton County wishes to be the Program Sponsor, is the County agreeable to designating the Teton Valley Business Development Center as Fiscal Agent (see page 2, Section 2B) that will be responsible for "employing the ED Professional, requesting funds, tracking and reporting revenues and expenses and ensuring compliance with all program requirements";
- (4) Will pledge the \$10,000 already allocated for economic development in the FY 2013 budget to the grant as local cash match;
- (5) Will consider allocating remaining dollars from the HUD house sale or other sources for potential cash match if the grant is renewed for an additional two years after the initial 2013-2014 period.

Sincerely,



Bob Foster, Chairman  
Teton Valley Business Development Center

# Rural Idaho Economic Development Professional Program Grant

ECONOMIC RECOVERY, GROWTH, AND STABILITY: TETON VALLEY  
BUSINESS DEVELOPMENT CENTER

**PURPOSE OR INTENT:** The intent of the Rural Idaho Economic Development Professional Program is to build economic development capacity in rural Idaho. To accomplish this, state funds are appropriated to help rural areas employ full-time Economic Development Professionals, who with a board of directors, manage locally directed economic development programs.

**PARTNERS:** Teton County – County Government; City of Driggs; City of Victor; Teton Valley Chamber of Commerce; Silver Star Communications; Chambers Ranch Realty, Ken Chambers; Alliance Title; Wayne Manness, Nancy McCullough-McCoy; Roger Brink; and Lynda Skujins, Mountain Design.

**SHORT TERM BENEFIT TO TETON COUNTY:** The ED Professional will perform tasks directly related to economic development projects throughout the program area.

**PERIOD:** July 1, 2013 – June 30, 2014 with 2 year option to renew

**FUNDING SOURCE/FUNDING AMOUNT:** Grant Funding up to \$35,000 per year

**LOCAL CASH MATCH:** \$12,000 per year

## **REQUEST TO TETON COUNTY:**

\$10,000 match (already budgeted in 2013)

The Board shall meet six times per year and develop a specific plan of work for the ED Professional along with a plan for oversight and evaluation.

**ROLE:** ● Applicant must be an Idaho County or a group of Idaho Counties and Cities joining together to submit a single application;

- Act as Program Sponsor
- Designate the Teton Valley Business Development Center as fiscal agent and designated entity employing the Economic Development Professional. They will be responsible for requesting funding, tracking and reporting revenues and expenses and assuring compliance with all Program requirements.

**REQUEST FOR PROPOSALS  
FOR THE RURAL IDAHO ECONOMIC DEVELOPMENT  
PROFESSIONAL PROGRAM  
2013**

**I. General Information**

A. Purpose or Intent: The intent of the Rural Idaho Economic Development Professional Program is to build economic development capacity in rural Idaho. To accomplish this, state funds are appropriated to help rural areas employ full-time Economic Development Professionals, who with a board of directors, manage locally directed economic development programs. This Request for Proposals (RFP) is to solicit competitive proposals from rural areas seeking such funds. Funding up to \$35,000 per year may be requested for a one (1) year period from July 1, 2013 to June 30, 2016 with the option to renew by the department for two (2) additional years based on availability of funds. Subsequent renewals are subject to annual review by the Idaho Department of Commerce. The Idaho Department of Commerce reserves the right to determine final award amounts.

Increased local cash participation is needed to maximize the effectiveness of state funds and to develop a financially self-sustainable program. In the long term, as economic gain is achieved it is anticipated that local funds will replace state funds. Consequently, in order to qualify for state funding, Program Sponsors must enter into a signed Memorandum of Understanding (MOU) with the Department committing to a locally funded cash match in the amount of at least \$12,000.

Local matching funds will provide for the remainder of the ED Professional's salary and benefit package, training and professional development, office space, telephone, computer, internet access, necessary office equipment, clerical support, travel for marketing opportunities, and for the development of marketing materials.

The ED Professional will work on business attraction, retention, expansion and diversification projects in partnership with the Department to achieve the economic development goals of both the rural area and the Department. The Department recognizes that a minimum wage and benefit package in the range of \$45,000 to \$50,000 is necessary to hire and retain qualified ED professionals.

B. Definitions: For this Program, the terms below shall have the following meanings:

*Department*—The Idaho Department of Commerce

*Fiscal Agent*—The city, county, or their designated entity employing the ED Professional and responsible for requesting funds, tracking and reporting revenues and expenses and assuring compliance with all Program requirements.

*Program*—The Rural Idaho Economic Development Professional Program

*Program Sponsor*—The city, county or counties responsible for the overall management of the program.

*ED Professional or Professional*— The economic development professional will be subservient to the applicant's program and will be hired with Program funds (see the attached Job Description).

*Economic Development Project*—Any project that develops new or expands existing businesses, creates new jobs, saves existing jobs, adds value to the state and local tax base, or positions a community to create any of the above.

### C. Eligible Applicants:

To be eligible, applicants must meet all of the following criteria:

- Applicants must be an Idaho county or a group of Idaho counties and cities joining together to submit a single application;
- Each county's population must be less than 50,000; and
- Each applicant must commit to a locally funded cash match of at least \$12,000.

Idaho counties with populations in excess of 50,000 may apply provided that the population of the area being served by Program funds does not exceed 50,000, the area is not contiguous to an urban community, and the matching fund requirement is satisfied. Eligible counties and cities may apply in partnership with economic development corporations, Indian Tribes, regional planning districts, RC&D districts, educational institutions, governmental or profit and non-profit entities. Preference will be given to applicants who organize creative collaborations for funding that cross jurisdictional boundaries and involve private sector partners.

**In no case shall Program funds be used to replace locally funded economic development efforts.**

D. Due Date: Proposals must be postmarked by Friday, May, 17, 2013 and be addressed to Randy Shroll, Department of Commerce, 700 West State Street, P.O. Box 83720, Boise, ID 83720-0093. Proposals can also be faxed to 208-334-2631 or emailed to [randy.shroll@commerce.idaho.gov](mailto:randy.shroll@commerce.idaho.gov).

Proposals postmarked after May 17, 2013, or received by facsimile or email after 11:59 P.M. (midnight) Mountain Daylight Savings Time on May 17, 2013, will not be considered for funding.

## II. Program Specifications Program Specifications

### A. Scope or Description of Work:

The Program Sponsor along with a local board of directors with representation from all partnering counties, cities and organizations must jointly agree to manage the program. A representative from the Department shall be invited to attend all board meetings and shall be invited to participate in the hiring and performance evaluations of the ED Professional. One-third of the composition of the board must include private sector representatives as voting members of the board. For the purpose of this RFP a private sector representative is a person who does not hold elective office but owns, manages or is employed by a business that is not under the direct

day to day supervision of a government or quasi governmental entity. The board shall meet at least six (6) times per year and develop a specific plan of work for the ED Professional along with a plan for oversight and evaluation.

Under the direction of the Program Sponsor and board of directors, the ED Professional will perform tasks directly related to economic development projects throughout the program area. The ED Professional will assist the board in developing a yearly work plan and budget. The ED Professional will assess and document business development assets, develop marketing materials to promote business opportunities, assist existing businesses with expansion plans, assist existing businesses to deal with issues that threaten job loss, provide entrepreneurial training and support, pursue leads to recruit new businesses, actively help in listing available sites into Gem State Prospector, develop projects that will lead to business development such as incubators, business and industrial parks, organize community response teams to respond to business development inquiries and build collaborative networks to ensure maximum use of existing resources. The ED Professional will provide monthly reports to the Department through an internet portal. The Department requires the board to develop a three year strategic plan. To accomplish this task, representatives from the Department will, upon request and at no cost, provide assistance with the strategic planning.

The Department requires the board to conduct an annual capital fund campaign over and above the required \$12,000 match in anticipation that local funds will replace the need for state funds.

#### **B. Project Management:**

An MOU will be executed between the Department and the Program Sponsor outlining the responsibilities and commitments of parties regarding this Program. It is expected that continual contact with the Department will be maintained during work on economic development projects. The Department will designate a primary Department contact person for each program although the ED Professional is expected to use all Department resources depending on the project. At the end of each program year, the ED Professional and the board will conduct a review to assess progress and to initiate the next year's plan of work.

#### **C. Program Monitoring:**

Each ED Professional will complete and submit monthly reports to their board and complete the Department's internet reporting form. This reporting includes business recruitment, business expansion, business start-ups, business retention, as well as activities pertaining, but not limited to: Workforce Development, Gem State Prospector, Foreign Direct Investments (FDI), grants, infrastructure, scenic byways, tourism, training, and other collaboration efforts.

#### **D. Program Oversight:**

Each Program receiving state funds must comply with the following: Idaho's Open Meeting Law, including the procedures for convening an executive session pursuant to Idaho Code § 67-2345 when confidential private business information is being discussed; Bribery and Corrupt Influences Act; Prohibition Against Contracts with Officers; Ethics in Government Act; and

Public Records Law, including provisions for the protection of confidential private business records in Idaho Code § 9-340(D)(6). As a rule of thumb, Program work should allow for maximum public review without breaching the confidential information of private business clients.

**E. Support, Training and Maintenance:**

The Department will provide appropriate training sessions for the ED Professional and board and will provide ongoing assistance as necessary.

**F. Method of Payment:**

The method and schedule of Program payments will be outlined in the MOU.

**G. Contract Term:**

The MOU between the Department and the Program Sponsor will be for one (1) year with the option to renew two (2) additional years by the department.

## Grant Application Proposal

Please complete and return this form to the Commissioner's office.

Department or Board applying for Grant: Teton County, Idaho \_\_\_\_\_

Contact Person: Angie Rutherford (or BOCC designee) Intended Project Manager: Bob Foster \_\_\_\_\_

Grant Title: Rural Idaho Economic Development Professional Program Grant \_\_\_\_\_

Granting Agency: Idaho Department of Commerce \_\_\_\_\_

Date of Award Decision: Application Due May 17, 2013 \_\_\_\_\_

Grant Timeline: July 1, 2013 to June 30, 2014, with potential for two additional one-year extensions \_\_\_\_\_

Dollar Amount of Grant Request: \$135,000 (or \$142,300) per year for three years \_\_\_\_\_

Teton County obligations if grant is awarded (*match, continuing maintenance, reporting schedule*):

\$10,000 per year for three years; staff time as Point of Contact (coordination between the Business Development Center, the Economic Development Professional and the Dept. of Commerce) \_\_\_\_\_

Other contingencies of grant: Teton Valley Business Development Center will be the "Fiscal Agent" for the \_\_\_\_\_ grant. \_\_\_\_\_

Other agencies involved in the grant and their obligations: Cities of Tetonía (\$500/year for three years), \_\_\_\_\_ Cities of Driggs and Victor (\$5,000/year each for three years), TVBDC, TVCC, Idaho Community Foundation (\$2,100), Ken Chambers (\$7,200/year in-kind for three years) \_\_\_\_\_

Brief written overview of grant: The grant would fund a full-time Economic Development Professional that would work with and under the direction of the Board of Directors of the Teton Valley Business Development Center. The professional, and an administrative assistant would work on behalf of the entire County to implement the Economic Development Plan. \_\_\_\_\_

Benefit of grant to citizens Teton County: Bring economic development, diversification and prosperity to \_\_\_\_\_ Teton County. \_\_\_\_\_

Signed: \_\_\_\_\_  
(Contact Person Listed Above)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
(Responsible Elected Official or Department Head)

Date: \_\_\_\_\_

Board of Commissioners Decision:  Approved (Applicant may prepare a grant application on behalf of Teton County. The completed application must be submitted to the Board for review and signature.)  
 Denied

Signed: \_\_\_\_\_  
(Commissioner)

Date: \_\_\_\_\_

# Mountain Lawn and Tree, LLC

PO Box 149  
Driggs, Idaho 83422  
Phone (208) 351-6036

March 30, 2013

Roadside and custom spraying bid for Teton County, Idaho.

This bid is for one application of chemical provided by Teton County on the designated roadways. Spraying the landfill, fairgrounds, and county owned gravel pits to be done on an hourly basis with chemical provided by Teton County.

Custom Spraying per hour	\$45.00
Roadside Spraying per Mile	\$27.00

Mountain Lawn and Tree, LLC  
Owen Moulton



## Eborn, Benjamin

---

**From:** Erik Hoff <erik.hoff@icloud.com>  
**Sent:** Monday, April 08, 2013 10:00 AM  
**To:** Eborn, Benjamin  
**Subject:** Teton county Idaho weed control bid

Roadside treatment per mile \$150

Other property per hour \$85

Thanks

Erik Hoff  
Hole Weed Control  
[erik@holeweedcontrol.com](mailto:erik@holeweedcontrol.com)  
307-699-2111

# Board of Teton County Commissioners

## MINUTES: April 8, 2013

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

### AGENDA

9:00 AM

**Meeting Called to Order** – Chairman Park  
Pledge of Allegiance & amendments to agenda if any.

**“Morning Mic”** – Public Q & A  
*Please See Reverse Side for Speaking Rules & Etiquette*

9:30

**Law Enforcement Center Update** – Tom Davis

10:00

Wade Kaufman  
1. District 33 Grooming & Snow Bike Usage  
2. Blanchard Ridge Trail Access

10:30

#### DEPARTMENT BUSINESS

- Board of Equalization – Missed Property Roll (if needed)
- Emergency Management – Greg Adams, Coordinator
  1. Update
  2. 2012 HSGP Grant
- Mosquito Abatement District – Dan Burr
- Planning & Building – Angie Rutherford, Planning Administrator
  1. Department Update
- GIS – Rob Marin
  1. Parcel Edit Project Update
- Clerk/Auditor – Mary Lou Hansen
  1. FY 2014 Budget

#### BREAK

1:00

**Public Works** – Jay Mazalewski, Engineer

1. Landfill & CAP Update – Christy Swenson, DEQ
2. Solid Waste
3. Road & Bridge
  - a. Resolution 2013-0408 *Road & Street Guidelines for Design & Construction in Teton County*

**Administrative Business** *will be dealt with as time permits*

- Approve Available Minutes
- Discuss Correspondence & Sign Documents
  - Eastern Idaho Community Action Partnership
  - Ambulance Services Letter of Support – EMS III Grant
  - Search & Rescue Letter of Support – EMS III Grant
- Other Business
  - Request to Upgrade & Repair Courthouse Security System
  - Selection Process & Timeline for Planner Contract
- Committee Reports
- Claims

## Adjourn

**COMMISSIONERS PRESENT:** Kelly Park, Sid Kunz, Kathy Rinaldi

**OTHER ELECTED OFFICIALS PRESENT:** Clerk Mary Lou Hansen, Prosecutor Kathy Spitzer, Assessor Bonnie Beard

Chairman Park called the meeting to order at 9:00 am and led the Pledge of Allegiance.

## MORNING MIC

Travis Moulton asked if the county had an extra gravel pit that could be used as a rifle range. He said many people shoot in the canyons and a rifle range would be better.

Kitchener Head said the Board has been doing a good job despite the negative letters to the editor in the newspapers. He said the “leftist” bunch in the valley is following Agenda 21, which begins with taking your land and property rights and continues by taking your house and your money.

## TOWN HALL MEETING

The Board discussed the format for the first Town Hall meeting to be held tonight. Commissioners Rinaldi and Kunz said they had envisioned the town hall format to include back and forth conversations with members of the public. Prosecutor Spitzer said the Board cannot talk about any pending applications, or any specific individual piece of property or project. Otherwise, the Board is free to discuss any topic they desire.

## LAW ENFORCEMENT CENTER

Building Official Tom Davis said Construction Manager Arden Smith has been negotiating with various subcontractors regarding possible savings. Site work will begin this week and may uncover unknown items. Mr. Davis estimates that he is spending at least half his time on the LEC. Once the project is underway he will be on site daily to inspect progress and take photographs to document the progress. The City of Driggs will handle the bid for installation of a new water line; the cost will be shared by the city and county. The second round of bids will be opened April 17 and Mr. Smith will have his recommendations ready for the April 22 meeting.

Later in the day, after the Board’s Executive Session, Clerk Hansen reported that she had just met with LEC architect Paul Jensen. He wanted her to know that he plans to request a renegotiation of his fee as provided for in his contract. Without a renegotiation, he said all his firm’s staff time would have been reimbursed at the rate of about \$10 per hour. Mr. Jensen will submit a written request for consideration by the Board in May.

## DISTRICT 33 GROOMING & SNOW BIKE FEES

Wade Kaufman is president of the Skyliners Motor Club and a paid groomer for the District 33 Grooming District, which maintains trails in Madison, Teton, Jefferson and Bonneville Counties (99% of the trails are in Madison and Teton). Mr. Kaufman said District 33 would like a more formal agreement regarding registration of fat bikes using the groomed trails. He asked the Board to adopt and enforce an ordinance requiring fat bikes to register and obtain a sticker from the County before using trails groomed by District 33. He recommended a \$32.50 registration fee, which is the same amount paid to register a snowmobile.

Mr. Kaufman said he appreciated the willingness of the fat bike community to pay their fair share for the grooming, as evidenced by the informal Memorandum of Understanding executed in Dec. 2011 between the Fat Bike Community, represented by Scott Fitzgerald, and the District 33 Grooming Board. However, since snowmobile registration is mandatory, District 33 board members believe fat bike registration should also be mandatory. State laws requiring snowmobile registration do not apply to fat bikes and updating state statutes is a low priority for the Idaho Department of Parks and Recreation since there are so few fat bikers.

Mr. Kaufman believes Teton County's has changed from agriculture to recreation and said trail systems are vital to the economy. Since many types of recreationists use the groomed trails, he said the snowmobile community should not be expected to fully fund the grooming. He agreed with Commissioner Rinaldi that a recreation district might be in the valley's future. The District 33 grooming budget has declined in recent years due to a decreased number of snowmobile registrations. Offices from the USFS and US Fish & Wildlife Service enforce registration requirements and issue citations. Mr. Kaufman said the Teton County Sheriff has traditionally declined to enforce snowmobile registration due to a lack of funding.

Randy Horman, chairman of the District 33 grooming board, said the district's annual budget totals about \$40,000. When a snowmobile is registered, the owner designates the county they wish to benefit from the fee. Grooming districts receive about 85% of the revenue from the \$32.50 registration fee, plus a percentage of revenue from gas sold for snowmobiles. Mr. Horman said maintaining a recognized trail system is an important benefit of the grooming district and helps maintain public access to the Forest. He said Teton County snowmobilers are less compliant with their registrations than Madison County snowmobilers and estimated that 70% of Teton riders are not registered. He suggested that a law enforcement presence at a trailhead for a few hours on a Saturday morning would catch 90% of the violators.

Travis Moulton, owner of Teton Valley Adventures, a Driggs firm offering snowmobile tours, agreed that Teton County has a reputation for not enforcing snowmobile registrations. He said the groomed trails provide a wonderful experience and that someone could ride from Teton County to Rexburg for lunch or all the way to West Yellowstone. He estimates that 70-80% of groomed trail usage comes from tourists.

Scott Fitzgerald, owner of Fitzgerald's Bicycles in Victor, said fat bikers want to pay their share. For several years they purchased snowmobile registrations but then were told to stop because the law did not allow for registration of non-snowmobiles. That prompted conversations with Mr. Kaufman and District 33 which resulted in the Dec. 2011 MOU. During the winter of 2011-12 snow bikers paid a total of \$900 in sticker fees with \$500 collected this year. Mr. Fitzgerald believes the decline in revenue this year may be due to the \$50 fee and also to fewer rental bikes being registered because renters were directed to trails on the east side of the county. He said snow bikers would be happy to have a mandatory sticker process. He estimates there are about 25 citizen fat bikes and 25 rental fat bikes in the valley.

Mr. Fitzgerald said Fremont County chose not to regulate fat bikes, but requested a donation. A fat bike event held in Fremont County this winter netted \$1,200 for grooming because a \$32.50 donation was added to the entry fee for each cyclist. In Wyoming, fat bikers purchase a registration sticker and rental snowmobiles pay a registration fee for every day they are used. This compares to Idaho where rental snowmobiles pay an annual registration fee of \$65. Mr. Fitzgerald said fat bikers use a small percentage of the mileage of groomed trails, with the Packsaddle to Horseshoe trail the most frequently used by Teton County bikers.

Members of the audience provided additional comment, including:

- non-motorized users would be willing to contribute
- bicyclists do not pay their fair share
- the Rails-to-Trail system should allow motorized users
- snowmobile community should use peer pressure to encourage compliance with registration laws
- this has been an enlightening conversation, very interesting to hear that Mr. Kaufman understands that the economy is shifting from ag to recreation
- non-residents make heavy use of local trails
- need to maintain Forest access
- why write a new law to deal with 25-50 fat bikes when the real issue is funding and enforcement

Commissioner Rinaldi noted that the fat bike community wants to contribute, that enforcement is expensive and that there would be merit in discussing a recreation district. Commissioner Kunz said he has a problem requiring hikers, skiers and snowshoers to pay a fee to use the Forest, but is okay with requiring payment from folks who use the groomed trails. The Board agreed the Sheriff should be asked to provide more enforcement.

Mr. Kaufman asked the Board to make a decision regarding his request that the county adopt an ordinance to regulate fat bikers. Commissioner Kunz said he would support moving forward with such an ordinance but Chairman Park said the county should look at enforcement first.

Mr. Fitzgerald repeated that fat bikers want to contribute. He is in favor of a non-motorized permit, but said it might be politically difficult to regulate a single type of user. District Ranger Jay Pence said the USFS allows groomed snowmobile trails to facilitate smoother rides and better access. He pointed out that there is a difference between the various types of non-motorized winter trail users in that some require a groomed surface (fat bikes, skate skiers) while others do not.

Mike Robinson from the Idaho State Department of Parks & Recreation said the grooming program originated 30-40 years ago when the snowmobile community asked the state to tax them in order to provide groomed trails. He explained that his department cannot register vehicles that do not meet the statutory definition of a snowmobile. On a state level, Teton is the only county with a fat bike community saying they want to contribute to the cost of trail grooming.

## **BLANCHARD RIDGE TRAIL**

During their March 25 meeting, the Board discussed the status of the Blanchard Ridge Trail with Mr. Kaufman and Mr. Pence. Since that discussion, Mr. Kaufman said the Skyliners Motor Club had decided it would be best to postpone any further talk of the Blanchard Ridge Trail until a comprehensive trail proposal is submitted later this year.

## **EMERGENCY MANAGEMENT**

Emergency Management Coordinator Greg Adams reviewed his monthly report (Attachment #1).

● **MOTION.** Commissioner Rinaldi made a motion to authorize Greg Adams to approve cost-neutral change orders, acting in his role as the county's Point of Contact for the Teton Creek FEMA project. Motion seconded by Chairman Park and carried unanimously.

Commissioner Kunz stressed all money currently budgeted for construction to repair the creek should be used for that purpose.

● **MOTION.** Chairman Park made a motion to appoint the following officers of the Local Emergency Planning Committee: (1) Mitch Golden, Chairperson; (2) Robert Heuseveldt, Vice Chairperson; and (3) Earle Giles III, Secretary. Motion seconded by Commissioner Rinaldi and carried unanimously. (Attachment #2)

The Board reviewed and approved the 2012 State Homeland Security Grant which will provide an award of \$20,564.24 (Attachment #3). The funds will be used as followed: \$1,506.05 for costs shared with the State; \$1,028.21 for grant maintenance and administration; \$6,029.98 for law enforcement center communications tower; \$2,000 for training & exercises; and \$10,000 to develop a Threat and Hazard Risk Assessment, conduct a gap analysis, create facility disaster plans and prepare public awareness material.

## **MOSQUITO ABATEMENT DISTRICT**

Director Greg Adams said the Mosquito Abatement District meets with the Board semi-annually: in the spring to review their plan of work and proposed budget and in the fall to evaluate the summer season. MAD board member Sean Moulton was present for the discussion. Tim Bennett, from Vector Disease Control International (the firm under contract to provide mosquito control), reviewed their 2013 Pesticide Discharge Management Plan for Teton County. VDCI maintains a \$5 million insurance policy, but Mr. Bennett is not certain what it covers. Since the MAD was created, there have been no cases of West Nile Virus detected in Teton County mosquitoes or residents.

The MAD is proposing a status quo budget for FY 2014. Clerk Hansen said the MAD tax would probably decrease next year due to decreasing property values. Mr. Moulton said there are cost-saving options within the proposed budget.

## PLANNING, BUILDING & GIS

Planning Administrator Angie Rutherford reviewed her bi-monthly update (Attachment #4). Code Studios will be available to meet with the Board on Friday, April 19 and a special meeting will be held at 8 am.

● **MOTION.** Chairman Park made a motion to approve Ms. Rutherford's request to attend the Regards to Rural Conference June 21-22 in Oregon. Motion seconded by Commissioner Rinaldi and carried unanimously.

**GIS.** Analyst Rob Marin reviewed his update and request to use \$8,000 from the GIS budget to contract with Greenwood Consulting to continue the parcel editing project (Attachment #5).

● **MOTION.** Commissioner Rinaldi made a motion to approve expenditure of \$8,000 from the GIS "intern" and "consultant" budgets for parcel editing. Motion seconded by Commissioner Kunz and carried unanimously.

## FY 2014 BUDGET

The Board reviewed Clerk Hansen's memo regarding the start of the FY 2014 budgeting process (Attachment #6). They decided to continue the practice of scheduling appointments and said no changes were needed to the non-profit forms or process followed last year.

They would like to meet with BDPA consultants and are willing to schedule a special meeting if necessary. The Board foresees no changes to the county's employee benefit program but would like to know how Teton County's paid time off policy compares to other counties. This information will be available within a few weeks via the Idaho Association Counties annual salary survey. They said raises will be discussed separately from the rest of the budget and asked Clerk Hansen to insert a 2% placeholder into the first draft budget.

If special projects are needed (such as the GIS parcel editing project) the Board would like department heads to include the full price of such projects in their budget request.

Regarding budget priorities for FY 2014, Commissioner Kunz said he would like to find more funding to improve county roads and Chairman Park wants to take a close look at personnel and staffing needs. Commissioner Rinaldi said she would like more time to contemplate her priorities. The Board agreed to continue discussing budget priorities in future meetings.

Budget worksheets will be distributed April 11 and are due back in the Auditor's office by May 20. The first draft budget will be available about June 5.

The meeting was recessed from 12:45-1 pm.

## PUBLIC WORKS

**LANDFILL.** Several officials were present from the Idaho Department of Environmental Quality, including Remediation Scientist Christy Swenson, Idaho Falls Regional Administrator Erick Neher, Hydrogeologist Mark Jefferson and Dean Eller.

Ms. Swenson said the county has signed three different consent orders with DEQ: the first was in 2002 for leachate; the second was in 2006 regarding closure of the landfill; and the third was in 2010 regarding the landfill leachate. She said DEQ enjoys an excellent working relationship with Public Works Director Jay Mazalewski, Solid Waste Supervisor Saul Varela and the county staff. DEQ's goal is to help the county properly close the landfill in a way that will protect the environment and minimize future county liability.

Mr. Jefferson said DEQ recently requested construction of three additional monitoring wells but is willing to reduce that number if the information needed can be collected with fewer wells. He stressed that early detection of any problems would be in the best long-term interest of the county.

Mr. Eller said the standard landfill cap used nation-wide involves 2' of compacted clay, then a synthetic plastic liner, then 6" of soil. However, the standard cap does not work in semi-arid Western regions because the clay dries out and cracks, providing a path for water to infiltrate the landfill. An evapo-transpiration (ET) cap has been developed for use in climates such as ours. This type of cap acts like a sponge to hold water over the fall, winter and spring and the water either evaporates or is used by plants growing on the cap during the summer. Mr. Eller said ET cap designs are based on modeling and the type of available soils. The Driggs landfill cap has failed for several reasons: some of the material used to build the cap did not meet the specifications used in the modeling, some areas of the cap did not receive the minimum 3' cover, the specified slopes were not maintained uniformly across the cap and the county experienced a very wet year.

In January, the Board selected Forsgren Engineering to provide Landfill Cap Engineering Services in order to identify the best solution to repair or replace the landfill cap. Since that time, Mr. Mazalewski and DEQ have been working with Forsgren to create a Scope of Work acceptable to DEQ. This has been a slow process because Forsgren initially wanted to duplicate much of the work that had already been done, while DEQ wants a solution to be identified and implemented as soon as possible. Also because Forsgren has never before designed an ET cap so has no experience with the task. Furthermore, said Mr. Eller, it can be stressful for one engineer to base their work off studies done by another firm. The county's situation is further complicated by the desire to use the existing cap as much as possible in order to minimize costs. Mr. Mazalewski and DEQ believe Forsgren is close to having an acceptable scope of work, which will include a checklist of possible tasks. Mr. Eller said DEQ cannot discuss the scope of work with Forsgren without including the county in the discussion.

Ms. Swenson said there are some concerns regarding use of ET caps in areas with heavy snowloads and freeze/thaw cycles. She said DEQ will be looking at very conservative, worst-case scenarios when evaluating the design of a new or repaired ET cap. Several landfills in southeast Idaho have been successfully closed with ET caps, including Lemhi and Franklin Counties.

**TRANSFER STATION.** Supervisor Saul Varela reviewed his monthly report (Attachment #7).

Ms. Swenson said DEQ receives regular complaints about illegal burning in Teton County. Despite the widespread practice of having a burn barrel, she said burning of solid waste is illegal, except for very specific types of waste (such as tree limbs). She said accepting burn barrels at the transfer station can be dangerous and suggested the county consider an educational campaign to phase out burn barrels. Mr. Varela said there have been two instances when still-smoldering burn barrels were deposited at the transfer station.

Ms. Swenson also encouraged the county to implement a household hazardous waste program. Mr. Mazalewski and Mr. Varela have been investigating such a program. Currently county residents can deliver their hazardous waste to Teton County Wyoming and be reimbursed by Idaho.

**ROADS.** Mr. Mazalewski reviewed his bi-monthly update (Attachment #8).

Item #1. The Highway & Street Guidelines for Design and Construction were last updated in 2005. Mr. Mazalewski researched every possible engineering reference work to write this new update. A major change is the inclusion of multiple road widths and cross sections based on the anticipated number of vehicle trips per day, to replace the current single standard of 30' width. The "driveway" chapter simply incorporates standards adopted by the Fire District. The Board requested several minor revisions to the draft document and will formally adopt the new standards on April 11.

Item #2. Commissioner Kunz said the District 33 grooming board asked the County to delay plowing open the Packsaddle Road west of Kay's Dairy until after April 1 each year because that segment provides snowmobile connectivity. Road & Bridge Supervisor Clay Smith said the road must be plowed open while the surface is still firm, otherwise his crew will be pushing mud and damage the surface. He said the snowmobile trail should be located within the county right-of-way on the right side of the road, where there is plenty of room.

● **MOTION.** Commissioner Rinaldi made a motion to approve purchase of a new set of picks for \$2,500 to be paid out of R&B account 02-00-491. Motion seconded by Commissioner Kunz and carried unanimously.

● **MOTION.** Commissioner Rinaldi made a motion to approve the MOU with Jefferson County regarding duraptacher oil. Motion seconded by Commissioner Kunz and carried unanimously. (Attachment #9)

Item #6. Owen PC provided the low bid of \$162,640 for crushing. Since the budget includes \$183,000 for crushing, the county will purchase additional ¾" gravel. Mr. Mazalewski was asked to investigate the cost of a gravel crusher.

● **MOTION.** Commissioner Rinaldi made a motion to award the bid and contract for gravel crushing to Owen PC for an amount not to exceed \$183,000. Motion seconded by Chairman Park and carried unanimously.

● **MOTION.** Commissioner Rinaldi made a motion to award the bid and contract for dust abatement to Mountain Valley Construction for 65 cents per gallon not to exceed \$79,150. Motion seconded by Commissioner Kunz and carried unanimously.

● **MOTION.** Chairman Park made a motion to contract with AA Striping to re-stripe Ski Hill Road for a cost not to exceed \$8,500. Motion seconded by Commissioner Rinaldi and carried unanimously.

**PUBLIC WORKS.** The County provides handi-accessible portable toilets at the three Teton River boat ramps (Teton Creek, Bates, Cache Bridge) from April through November. Vessel funds are used to pay the rental fee. Mr. Mazalewski requested bids from three vendors to identify the most cost-effective source.

● **MOTION.** Commissioner Kunz made a motion to contract with BS Portable to provide three portable toilets at a cost of \$240 per month. Motion seconded by Chairman Park and carried unanimously.

## **ADMINISTRATIVE**

● **MOTION.** Commissioner Rinaldi made a motion to approve the minutes of March 25 as presented. Motion seconded by Commissioner Kunz and carried unanimously.

Chairman Park volunteered to serve on the Eastern Idaho Community Action Partnership Board, which is the umbrella organization for many programs including the local Head Start and Senior Citizen programs. The Idaho Association of Counties District VI leadership will appoint a new board member after learning which commissioners in the district are willing to serve.

**IDAHO EMS GRANTS.** Both Teton Valley Ambulance and Teton County Search & Rescue are seeking EMS dedicated grant funds and have requested letters of support from the Board. Commissioner Rinaldi said she supports the grant requests, but thinks the SAR request should be more specific. She stressed that agencies should only request needed items and that ongoing maintenance costs must be considered even though a grant pays for the initial purchase. Commissioner Kunz agreed.

● **MOTION.** Commissioner Kunz made a motion to approve letters of support for Teton Valley Ambulance and Teton County Search & Rescue as requested. Motion seconded by Chairman Park and carried unanimously. (Attachment #10)

**SECURITY SYSTEM.** Facilities Manager/IT Facilitator Dawn Felchle reviewed her memo regarding the upgrade and maintenance of the Bosch security system in the new courthouse (Attachment #11). The improvements will cost no more than \$6,305 and will result in immediate annual cost savings of \$580 with the possibility of another \$2,620 in annual savings. The improvements will enable complete control of the courthouse door and alarm systems, provide 24 remote panic buttons, and allow the dispatch center to monitor all security cameras and alarms. The new Law Enforcement Center will be able to also utilize the Bosch hardware for a considerable savings over the price bid for a new system. Commissioner Rinaldi asked if some of the Homeland Security grant money could be use for these types of capital security needs.

● **MOTION.** Chairman Park made a motion to approve expenditure of up to \$6,305 out of expense budget account #1-14-804 for the upgrade and repair of the courthouse security system. Motion seconded by Commissioner Rinaldi and carried unanimously.

**COMMITTEE REPORTS.** Chairman Park attended the annual Justice Meeting on March 27 during which the judges requested that the county add hardware/software to permit video conferencing and arraignments. Ms. Felchle said the county currently has the ability to connect two entities and is obtaining estimates for an upgrade to enable four-way connectivity. Chairman Park also attended part of the March Source Water Protection Committee meeting being facilitated by Friends of the Teton River.

**NEW PLANNER.** Eleven resumes have been received. The Board will review them before Thursday's meeting. On Thursday, they will identify those to interview and will select a date for the interviews.

● **MOTION.** Commissioner Rinaldi made a motion to approve the claims as presented with the exception of the Sheriff's office claim of \$253.95 for gifts to dispatchers. Motion seconded by Chairman Park and carried unanimously.

General.....	\$26,744.82
Road & Bridge .....	5,398.97
Court & Probation .....	3,801.44
Elections.....	800.61
Indigent .....	106.55
Revaluation .....	9,600.00
Solid Waste.....	24,042.19
Weeds .....	740.00
Road Levy.....	2,920.00
Building .....	497.40
E911 .....	8,799.40
Ambulance .....	37,748.85
Mosquito .....	20,833.33
Hospital.....	75.67
Fair Board .....	509.53
Grants.....	761.40
Auditor's Trust.....	2.50
Court-Restitution .....	3,041.50
Court-Fines & Fees.....	24,097.32
TOTAL .....	170,521.48

## **EXECUTIVE SESSION**

● **MOTION.** At 3:07 pm Chairman Park made a motion for Executive Session to discuss indigent and personnel matters pursuant to IC 67-2345(1) (b) & (f). Motion seconded by Commissioner Kunz and a roll call vote showed all in favor. The Executive Session ended at 3:47 pm.

● **MOTION.** Commissioner Rinaldi made a motion to: (1) deny indigent case 1T 2013-10029 due to a lack of cooperation and information; (2) deny indigent case 1T 2013-10024 because the county is not the last resource; (3) deny indigent case 1T 2013-10028b because it was not an emergency; and (4) approve indigent case 1T 2013-10028a. Motion seconded by Commissioner Kunz and carried unanimously.

● **MOTION.** At 3:55 pm Commissioner Rinaldi made a motion to adjourn. Motion seconded by Chairman Park and carried.

\_\_\_\_\_  
Kelly Park, Chairman

ATTEST

\_\_\_\_\_  
Mary Lou Hansen, Clerk

Attachments: #1 Monthly update from Emergency Management Coordinator  
#2 Letter re appointment of officers of Local Emergency Planning Committee  
#3 2012 State Homeland Security Grant  
#4 Bi-monthly planning & building update  
#5 GIS update and request  
#6 Clerk's FY 2014 Budget Memo  
#7 Monthly solid waste update  
#8 Bi-monthly public works update  
#9 MOU between Jefferson and Teton County  
#10 Letters of support for Ambulance and SAR grant requests  
#11 Memo re Bosch security system upgrade

# Board of Teton County Commissioners

## MINUTES: April 11, 2013

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

### AGENDA

- 1:00 PM **Meeting Called to Order** – Chairman Park  
Amendments to the agenda
- BOE – Property Exemption Hearing**
- Clerk/Auditor** – Mary Lou Hansen
1. FY 2013 Quarterly Report
  2. Contingency fund expenditures
  3. Resolution 2013-0411 Budget Transfers for 2<sup>nd</sup> Qtr FY 2013
  4. FY 2012 Audit Report
- 1:30 **Public Works** – Jay Mazalewski
1. Road Maintenance Checklist & Review
  2. Resolution 2013-0411 *Road & Street Guidelines for Design & Construction in Teton County*
- 4:00 **Hartshorn Oil** - Roy Moulton
- Administrative Business** *will be dealt with as time permits*
1. Professional Planner Selection & Contract
- Executive Session** per IC § 67-2345(1)(a) Personnel

### ADJOURN

---

**COMMISSIONERS PRESENT:** Kelly Park, Sid Kunz, Kathy Rinaldi

**OTHER ELECTED OFFICIALS PRESENT:** Clerk Mary Lou Hansen, Prosecutor Kathy Spitzer

Chairman Park called the meeting to order at 1:03 pm.

● **MOTION.** At 1:04 pm Chairman Park made a motion to recess the Board of County Commissioners meeting and convene as the Board of Equalization. Motion seconded by Commissioner Rinaldi and carried.

**BOARD OF EQUALIZATION.** Commissioners Assistant Dawn Felchle said 11 of the 12 non-profit organizations requesting property tax exemptions have been previously exempted. They submitted the short form this year. The 12<sup>th</sup> organization, Calvary Chapel, recently purchased property and submitted the long form as required. All 12 non-profits qualify for the exemption.

● **MOTION.** Based upon information provided by the property owner, and having met the criteria per Idaho Code 63-602, Chairman Park made a motion to approve the following applications for property tax exemption for the following parcels:

American Legion	RPA0014026002BA
BYU - Idaho	RP06N45E102400A & RP06N45E034800A
Calvary Chapel Fellowship	RPA5N45B234600
ECIPDA- Development Company	RP05N45E234801A
Family Safety Network	RPA0014016005BA & RPA0014022006NA
LDS Church	A0014014001A, A0014017001A, A0201000001OA, A02010000020A, B0086007001A & C0083026001A
National Outdoor Leadership School	RPF0013004001A
Roman Catholic Diocese	RP04N45E117802A
Teton Arts Council	RP00260010120
Teton Valley Bible Church	RPA00140130030A & RPA00140130020A

Motion seconded by Commissioner Rinaldi and carried unanimously. (Attachment #1)

Regarding the personal property tax exemption for Teton Valley Health Care, Inc., Ms. Felchle explained that the county has always owned the real property occupied by the Hospital, but must approve an exemption for the personal property owned by the Hospital.

● **MOTION.** Based upon information provided by the property owner, and having met the criteria per Idaho Code 63-205, 302, 306, 311 & 141, Chairman Park made a motion to approve the personal property tax exemption for Teton Valley Health Care, Inc., located at 120 E. Howard Street, Driggs, Idaho, and its auxiliary locations. Motion seconded by Commissioner Kunz and carried unanimously.

● **MOTION.** At 1:10 pm Chairman Park made a motion to adjourn the Board of Equalization meeting and reconvene the Board of County Commissioners. Motion seconded by Commissioner Rinaldi and carried.

## CLERK

**FY 2013 QUARTERLY REPORT.** Clerk Hansen reviewed her quarterly revenue and expense reports for the second quarter of FY 2014 (Attachment #2). With 50% of the fiscal year complete, she said revenues are coming in as projected and expenditures are being made within budget. This year's property tax collection rate seems to be somewhat higher this year than last. About \$80,000 remains in the contingency fund.

● **MOTION.** Chairman Park made a motion to approve Resolution 2013-0411A transferring budgets for the second quarter of FY 2013.

Rudd & Co. has completed the FY 2012 audit and copies were distributed. Incorporation of the hospital's financial information is the only major change since the draft audit was presented to the Board in January.

## ROADS

Public Works Director Jay Mazalewski reviewed his comprehensive memo regarding road maintenance and projects to be completed with special road levy funds this summer (Attachment #4).

**GRAVEL STABILIZATION (Dust Control).** Mr. Mazalewski said gravel stabilization is the major benefit of treating roads with magnesium chloride. A treated road loses 1.5 tons of material per year per vehicle trip while an un-treated road loses 2.6 tons. If a road receives fewer than 130-140 vehicle trips per day, it is less expensive to replace the gravel than to apply magnesium chloride. Once a road is treated, the magnesium chloride should be re-applied annually, but at a reduced rate. Mr. Mazalewski is recommending the treatment of 3.5 miles of new roads this year, plus re-treating 23.25 miles. He said relatively low traffic counts will make it difficult to justify treating additional roads in the future based on gravel savings. The Board approved treatment of the roads as recommended.

Commissioner Kunz asked whether the county could cost-share with private citizens and/or cities to help improve their roads. Road Supervisor Clay Smith explained that the cities receive 100% of the road levy taxes paid for property within their city limits. Mr. Mazalewski said the county does assist private citizens who want to apply dust control. If a citizen obtains a maintenance in a county road permit, the county will prep the road and get it into perfect shape before the citizen's private contractor applies the magnesium chloride. The one-mile road segment treated in Felt at 10,000N. receives about 96 vehicle trips per day but is treated for safety reasons.

**PAVEMENT MAINTENANCE (Crack Seal, Chip Seal & Fog Seal).** Mr. Mazalewski said it doesn't make sense to chip seal a road that is falling apart due to the lack of a good base. In the future, he believes the county should spend more on rebuilding gravel roads and less on chip sealing. He described the "zipper" piece of equipment that grinds up asphalt and mixes it 12" deep into the road base in order to create a very durable patch. Jefferson County has a machine that they may be willing to sell. The Board authorized Mr. Mazalewski to

negotiate with Jefferson County regarding its purchase. Funds for the purchase may come from delaying reconstruction of 5000S or delaying purchase of a Victor gravel pit.

Mr. Mazalewski described his plan to crack seal and chip seal the entire 7-mile pathway between Driggs and Victor and repair the connection with the Driggs bridge. The Board asked him to initiate the design process in order to replace the Fox Creek culverts under the bike path and the frontage road during 2014.

**ROAD RECONSTRUCTION.** The Board approved Mr. Mazalewski's recommendation that 1.5 miles of Rammell Mountain Road be completely rebuilt this year, based on the poor current condition and traffic counts, and the fact that it is a dead end road and would present a significant safety hazard if it became impassable.

● **MOTION.** Commissioner Rinaldi made a motion to approve Resolution 2013-0411B adopting highway and street guidelines for design and construction in Teton County. Motion seconded by Chairman Park and carried unanimously. (Attachment #5)

## **ADMINISTRATIVE**

**JPO EVALUATION.** The Board told Clerk Hansen that they have added several comments to the personnel evaluation for Chief Juvenile Probation Officer Brittany Campbell. They do not want to be included in the review session between Judge Luke and Ms. Campbell.

**MAGISTRATE COMMISSION.** Clerk Hansen said she had talked with Trial Court Administrator Burt Butler and learned that the Chairman, or the Chairman's designee, typically represents the county on the Magistrate Commission. She forwarded Mr. Butler a copy of the Board's Jan. 28 minutes during which Chairman Park appointed Commissioner Rinaldi to the Commission. Mr. Butler said the minutes provided the documentation necessary.

Commissioner Kunz said he was very new at that time and would like to reconsider the appointment. Chairman Park said he would like to know who else sits on the Commission. If Teton is the only county not represented by the Chairman he would like to change the appointment. Clerk Hansen said Commissioner Rinaldi has served on the Magistrate Commission for 4 years, beginning before she was chairman. Since Commissioner Rinaldi has participated in several magistrate judge selections, Clerk Hansen said she thought the Board's Jan. 28 decision was appropriate. The Board will discuss the appointment May 13.

## **CONTRACT PLANNER**

● **MOTION.** At 3:10 pm Chairman Park made a motion for Executive Session to consider hiring an agent pursuant to IC 67-2345(1) (a). Motion seconded by Commissioner Kunz and a roll call vote showed all in favor. The Executive Session ended at 3:45 pm.

● **MOTION.** Chairman Park made a motion to negotiate a contract with Stephen Loosli to serve as a professional planner for the county. Motion seconded by Commissioner Kunz and discussion followed.

Commissioner Rinaldi explained that she was going to vote in favor of the motion to support Commissioner Park and Kunz's efforts but that Mr. Loosli was not the most qualified candidate for the position.

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

Clerk Hansen asked who would conduct the contract negotiations and who would notify Mr. Loosli. Commissioner Kunz said he would like Mr. Loosli to participate in the April 19 meeting with Code Studios. Prosecutor Spitzer agreed to prepare a draft contract. Since the current scope of work is quite vague, she said the contract should specify the hours, time and rate of pay. The scope of work and contract will be finalized April 22. Chairman Park will notify Mr. Loosli of his selection and tell him that no contract or scope of work will be available until April 22. Mr. Loosli will be invited to attend the April 19 meeting with Code Studios.

## HARTSHORN OIL

Attorney Roy Moulton and his client Jim Hartshorn were present to discuss the county's claim that fuel delivered by Hartshorn Oil in the fall of 2012 was found to contain water in January of 2013. Mr. Moulton reviewed the history of the situation and questioned the validity of the testing. He showed a video of a homemade experiment during which three different types of fuel were cooled to -30 degrees using dry ice and a styrofoam cooler. The video documented how each fuel reacted to the ever-colder temperatures.

Mr. Moulton provided information about the chemistry of diesel fuel. He explained that the relative gravity of various components within a barrel of oil is used to separate different types of petroleum products. Wax is a component of diesel fuel; it comes out of solution and solidifies at cold temperatures. When wax is seen floating in the fuel, folks erroneously say the fuel has "frozen."

Mr. Moulton said his client believes the county mistakenly claimed there was water in the diesel fuel and that this mistake has caused his client great harm. He said the county could cure this harm by taking several steps, including:

- Apologize publicly and admit there was no water in the tank and that the problem could have been wax in the oil
- Keep Hartshorn on the county's preferred bidder list for fuel
- Follow public bidding laws when purchasing fuel
- Notify the attorney general that the county has violated bidding laws and hindered the gathering and testing of fuel samples and ask for an investigation

● **MOTION.** At 5:18 pm Chairman Park made a motion for Executive Session to obtain legal counsel pursuant to IC 67-2345(1) (f). Motion seconded by Commissioner Rinaldi and a roll call vote showed all in favor. The Executive Session ended at 5:31 pm.

● **MOTION.** At 5:32 pm Commissioner Rinaldi made a motion to adjourn. Motion seconded by Chairman Park and carried.

\_\_\_\_\_  
Kelly Park, Chairman

ATTEST

\_\_\_\_\_  
Mary Lou Hansen, Clerk

Attachments: #1 List of property owned by non-profit entities exempted from property taxes for 2013  
#2 Quarterly financial reports for 2<sup>nd</sup> quarter of FY 2013  
#3 Resolution 2013-0411A transferring budgets for the second quarter of FY 2013  
#4 Memo regarding road maintenance and 2013 road levy projects  
#5 Resolution 2013-0411B adopting highway and street guidelines for design and construction

# Public Hearing Meeting Minutes & Agenda Board of County Commissioners

April 11, 2013

LOCATION: 150 Courthouse Dr., Driggs, ID - Commissioners' Chamber

---

**CALL TO ORDER** – Kelly Park, Chairman

**5:30 pm PUBLIC HEARING: Amendments Proposed to the Teton County Zoning Ordinance Title 8, Chapters 4, 6, & 12:** The Planning Staff is proposing amendments to the text of Title 8, Zoning Ordinance, that would add definitions for storage yard, junk, and junkyards. In addition to adding the definitions, these terms would become subject to the regulations and designations to be placed into four sections of the code; 1) Table 1 of Section 8-4-1, Zoning Restrictions and Land Use Table; 2) Section 8-4-2, Land Use Schedule Definitions; 3) Section 8-6-2, Uses Permitted with Conditions- Restrictions; and 4) Section 8-12-1, Screening Standards.

**5:50 pm PUBLIC HEARING: Amendments Proposed to the Teton County Subdivision Ordinance Title 9, Chapter 7, Section 1-B-4-c:** The Planning Staff is proposing amendments to the text of Title 9, Subdivision Ordinance that would change the expedited process for changes to recorded documents that decrease the impacts to the County. The changes would be in compliance with Idaho State Statute 67-6509.

**ADJOURN**

---

**Elected Officials and staff present:** Commissioners Kathy Rinaldi, Sid Kunz and Kelly Park, Prosecutor Kathy Spitzer, Planning Administrator Angie Rutherford and Assistant Dawn Felchle.

5:30 pm Chairman Park called the hearing to order.

**PUBLIC HEARING: Amendments Proposed to the Teton County Zoning Ordinance Title 8, Chapters 4, 6, & 12:** The Planning Staff is proposing amendments to the text of Title 8, Zoning Ordinance, that would add definitions for storage yard, junk, and junkyards. In addition to adding the definitions, these terms would become subject to the regulations and designations to be placed into four sections of the code; 1) Table 1 of Section 8-4-1, Zoning Restrictions and Land Use Table; 2) Section 8-4-2, Land Use Schedule Definitions; 3) Section 8-6-2, Uses Permitted with Conditions- Restrictions; and 4) Section 8-12-1, Screening Standards.

**Applicant** – Teton County is the applicant and Angie Rutherford (PA) presented the proposed amendments to the Board. In summary the suggested changes are a result of public complaints, as well as the lack of clarity in the ordinance language to provide staff the guidance to adequately respond to neighbor complaints and take necessary enforcement action when there are clear violations of the code or situations which may affect the health, safety and welfare of the community. The code currently is very restrictive due to a lack of definitions and is difficult to enforce. The staff is placed in a position of making judgment calls, and this leads to inconsistencies and ambiguity for the public. The proposed changes allow for greater permissions and clear language for enforcement. All new and revised definitions would apply county-wide; the specific land uses restrictions for each use, in each zoning district, are shown in the Land Use Matrix.

**#1 Requested Amendment:** Remove both of the duplicate definitions “Storage Yard” from Section 8-2-1, General Definitions.

**#2 Requested Amendment:** Add a definition for “Storage Yard” to Section 8-4-2 Land Use Schedule Definitions. The following definition is proposed:

*STORAGE YARD. The long-term outside storage of certain materials or equipment in the same location for a time period of longer than nine months. Items used in a bona fide agricultural operation are excluded from this definition. Materials stored in a storage yard often include, but are not limited to, the following: 1) useable and/or inoperable equipment or material that is not directly associated with the upkeep of the property or residence; or 2) merchandise; or 3) three or more unlicensed highway vehicles; or 4) any combination of two or more inoperable off-road or over snow vehicles.*

**#3 Requested Amendment:** In Section 8-2-1, replace the existing definition of “junk” with the revised definition, which now includes “uninhabitable mobile homes”.

*Old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or uninhabitable mobile home or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.*

**#4 Requested Amendment:** Add two new definitions for junkyards into Section 8-4-2.

*JUNKYARD-COMMERCIAL: Includes salvage yards or vehicle graveyards, and any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal-processing facility. It does not mean a repair garage or impound yard where wrecked, ticketed, abandoned, or disabled motor vehicles are stored for less than 90 days. The term does not include a regulated private garbage dump or a sanitary landfill that is in compliance with any applicable state regulation.*

*JUNKYARD-NON-CONFORMING: Any place of outdoor storage or deposit which presently is, or has been previously developed as a location used for the storing or keeping of junk. These locations are on properties not zoned for commercial or manufacturing uses and no County land use permit has ever been issued in connection with the junk storage. The junk materials may or may not have been the subject of commercial activity. In addition to miscellaneous junk materials, a small scale, non-conforming junkyard may have storage of four or more junk motor vehicles that are visible from any portion of a public highway, private subdivision road, or abutting residential structure.*

**#5 Requested Amendment:** In Section 8-4-1, three new land use terms, “Storage Yard”, “Commercial Junkyard,” and “Non-conforming Junkyard” would be added into Table 1, Land Use Matrix. The zoning district classification and permit-designations for each of the added land use terms would also be added:

- Storage yards in A-20, C-1, C-2, C-3, M-1 = Permitted with Conditions
- Storage Yard in R-1, R-2 = Not Permitted
- Storage yard in A-2.5 = Conditional Use
- Junkyard -Non-Conforming in All Zones = Not Permitted
- Junkyard-Commercial in A-20 = Conditional Use Permit

**#6 Requested Amendment:** Add “Storage Yard” to Table 8-6-2, Standard PC Conditions; take note of the “x” marks for buffer, screening, and outside storage conditions.

**#7 Requested Amendment:** Add a new section about storage yards in Section 8-6-2-B, Permitted with Conditions-Storage Yard.

Commissioner Rinaldi asked for clarification on the definition of a non-conforming junkyard regarding zoning and permitted. The recommendation of the PZC is to not allow a permitted use for this category of junkyard. Ms. Rutherford confirmed that at the present time there are no existing non-conforming junkyards on A-20 sites. The intent of the code is to have clear definitions so that “we will know it when we see it”. Staff sees their role as helping these individuals get their non-conforming use to an approved use (e.g. commercial) with a permit, or it becomes a storage yard.

The Planning Administrator recommends having a storage yard permitted with conditions. This would allow the PA to approve based upon pre-defined conditions. The application can be approved without the 2-step public hearing process required for a Conditional Use Permit application, where the Board ultimately sets the conditions of use based upon the unique characteristics of the property. This is more streamlined for staff and public.

Commissioner Rinaldi asked if environmental impacts should not be addressed in this section through a condition (e.g. leachate into groundwater). The Prosecutor stated that the County’s code should not be more restrictive than any state, federal or public health district allows. Prosecutor Spitzer recommends adding the following language to the Land Use Matrix (Table 1 Title 8, Section 4-1):

*In accordance with State and Federal law, Teton County cannot abrogate the authority of a public health district, state and/or Federal agency; thus, all permits required by a public health district, state and/or Federal agency must be received prior to Teton County’s grant of any permit regulated by these agencies.*

Commissioner Park asked if these changes would affect businesses which store automobiles, ATVs or snow-machines. Ms. Rutherford commented that there are many definitions of outdoor storage in the County code, including ones that mention inoperable vehicles. Typically an individual is allowed to store multiple vehicles for 180 days, after which time they would need to come into conformity with a defined use in the code and the proper permitting.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The proposed amendment supports the goals, purposes and intent of the Teton County Comprehensive Plan.
2. The proposed amendment supports the goals, purposes and intent of Teton County Title 8, Zoning Ordinance.
3. The proposed amendment is in compliance with Idaho State Statute.
4. The proposed amendment has been noticed according to Idaho State Statute 67-6509.

**PUBLIC COMMENT 5:47 PM**

Chairman Park opened the public comment portion of the hearing.

In Favor - Sara Ewing of Tetonia stated she felt these changes were beneficial and very straight forward. This is a good addition to the code.

Anna Trentadue, representing Valley Advocates for Responsible Development (VARD), said that it is easier to address a problem if you have code written which gives the County the authority to take action. She also recommends the Board adopt the suggested language from the Prosecutor to avoid mixed messages between agencies.

Neutral – none

Opposed – none

5:50 pm Chairman Park closed the public comment portion of the hearing.

**Board Deliberation** – Commissioner Park stated that these changes are the right steps to help the community. He admitted that he finds himself at fault sometimes and these rules will help him to be a better steward of his property.

Commissioner Kunz said that in theory it is a great idea. Everyone wants clean property and it would be nice if everyone could abide by the rules. But how do we pay for the enforcement of the ordinance? It appears this oversight and regulation will add to the staff's responsibilities. He feels a large percentage of the public who will be in violation of these ordinances will be lower income individuals who will be unable to pay a fine or pay to have someone clean-up their property. Commissioner Kunz knows several people who have junk or abandoned trailer homes on their property. It will cost more to dispose of the trailer than what it is worth. If the county puts a lien on their home, it puts them further into poverty.

Prosecutor Spitzer stated that there are companies that will come and pick-up junk (specifically metal) for salvage at no cost. Enforcement should pay for itself after it gets a kick-start from the County. With time the public will get educated and realize there is enforcement and will ultimately police themselves. The County will not actively go looking for violators. This is mostly complaint driven.

Commissioner Kunz stated the main responsibility of government is to insure the general health, safety and welfare of the public and it should not make more laws to accomplish this. Lower income families will get hit and they are barely making it now. Fines & liens will put them under. Prosecutor Spitzer stated that the County would not put a lien on someone's property. Violations could be misdemeanor infractions, but again, she has never gone after a public person through the court system. It would not be time or cost effective. Having the administrative ordinance coupled with an established fine is often enough incentive for individuals to come into compliance upon receipt of a written notice/warning.

Commissioner Kunz added that it is not the government's role to define someone's possessions. Many farmers in the area have old equipment lying around. They can't afford to clean it up and haul it away. One man's junk is another's treasure.

Commissioner Rinaldi said that this ordinance will encourage these individuals to salvage their property all the sooner.

Prosecutor Spitzer reminded the Board that the current code does not discern between good or bad junk. It is all defined as junk and there is no way of dealing with it. The proposed language allows for discretion and action. Old machinery, refrigerators and batteries lying around all pose a health and safety threat to children and wildlife.

Commissioner Kunz stated that parents should watch their children and not allow them to trespass on other people's property.

Commissioner Rinaldi said the proposed changes are addressing the health, safety and welfare of the community, so in that regard, this is the County's responsibility.

Commissioner Kunz said he needed more answers as to how enforcement would get paid for and what increase in workload it would mean for the staff.

Prosecutor Spitzer stated the revisions are actually less regulation and more defined. The current code is too broad and ambiguous. The new code is narrow and less restrictive. Most responses are complaint driven and enforcement is not necessary.

Commissioner Rinaldi said enforcement doesn't have to be court action or fines. Having the enforcement officer showing the individual how to get into conformity with the code is educational and pro-active.

Commissioner Kunz stated that people should take personal responsibility for maintaining their property. The County should look for positive ways to encourage people vs. writing more code and regulations. It is a fine line between respecting an individual's rights and

telling them what they can and cannot have on their private property. Commissioner Kunz thinks this regulation is out of the government's jurisdiction. This proposal is teetering on over-regulation. Commissioner Kunz would like to see it go back to the Planning Commission and get answers to how much it will cost to enforce and what will be the consequences of violations (cost to public).

Commissioner Rinaldi respectfully countered Commissioner Kunz by stating that this regulation absolutely falls into the health safety and welfare of the community. Who knows what is leaking into the ground water from old abandoned cars? Children forever have found vacant lots, empty buildings and junkyards enticing. These are not safe play areas. Regarding economic growth, outside investors are not going to come in and invest next door to a junkyard. Likewise, existing property values suffer when neighbors do not take care of their property. The proposed code is clear and philosophically points the public in a direction whereby they will know what they are getting. It also provides direction for staff. The only question is the permitted with conditions of a junkyard. Commissioner Rinaldi is ok with the language as it stands if in fact the Department of Environmental Quality provides the actual permitting and enforcement of a junkyard. She agrees the proposed language from the Prosecutor..

Commissioner Park does not see this as an over-burden of staff. He feels this will get the community working together, helping each other clean up. This is a teaching opportunity for everyone.

Commissioner Kunz asked if there was not another, more positive way, to encourage people to clean up their property.

Commissioner Rinaldi stated that if you pay them that might be incentive enough. There has to be consequences for their actions. If they can't afford a fine, they can get rid of their junk.

Commissioner Park asked if the ordinance would make it more costly to the public. Ms. Rutherford stated that the current code, if enforced, would be more costly than the proposed changes. The proposed amendments allows for the staff to work with the public and get them into conformity.

- **MOTION.** 6:11pm Commissioner Rinaldi stated that having made findings of fact regarding the proposed text amendments to Title 8 and having found that the proposed amendments are in compliance with State Statute, support the Comprehensive Plan, support the existing Teton County Ordinances, correct a mistake in the code and also supply further refinements and clarifications about outdoor storage land uses, and having found that public hearings have been noticed and conducted in accordance with Idaho State Statute, Commissioner Rinaldi moved to approve the seven separate amendments to Title 8, the Teton County Zoning Ordinance (Attachment #1), and to insert the following language into the Land Use Matrix (Table 1 Title 8, Section 4-1):

*In accordance with State and Federal law, Teton County cannot abrogate the authority of a public health district, state and/or Federal agency; thus, all permits required by a public health district, state and/or Federal agency must be received prior to Teton County's grant of any permit regulated by these agencies.*

Motion seconded by Commissioner Park. There was no further discussion. Motion passed 2-1, with Commissioner Kunz voting against the amendments.

---

#### **6:12 pm PUBLIC HEARING: Amendments Proposed to the Teton County Subdivision**

**Ordinance Title 9, Chapter 7, Section 1-B-4-c:** The Planning Staff is proposing amendments to the text of Title 9, Subdivision Ordinance that would change the expedited process for changes to recorded documents that decrease the impacts to the County. The changes would be in compliance with Idaho State Statute 67-6509.

**Applicant** – Teton County is the applicant and Angie Rutherford (PA) presented the proposed amendment for an expedited procedure for replat applications to the Board. At present, concept is reviewed by the Planning Staff and then a final application goes straight to the Board of County Commissioners for approval (i.e. skip the preliminary step and skip a public hearing with the Planning & Zoning Commission). Idaho State Code 67-6509 requires a public hearing with the Planning and Zoning Commission, but does not require a hearing with the Board. *Teton County is not in compliance under the current process of concept approval by the planning administrator and a final approval by the Board, skipping the Commission.* Staff is proposing one public hearing with the Commission and a final approval with the Board at a public meeting (not a public hearing). This will greatly shorten the approval time by eliminating the need to wait for PZC approved minutes, legal notifications and the public hearing process. The applicant could see a turn-around of as little as two weeks from the meeting of the PZC to the next regularly scheduled meeting of the Board. This amendment also brings the County into compliance with State Code. The recommended amendment, while remaining an expedited process, is in compliance with state statute. It includes:

- Concept Review with Planning Administrator
- Preliminary/Final with Planning & Zoning at a Public *Hearing*
- Final Approval with Board of County Commissioners at a Public *Meeting*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The proposed amendment supports the goals, purposes and intent of the Teton County Comprehensive Plan. An expedited process for a replatted project that will decrease the impacts to the County in an incentive to create such a project.
2. The proposed amendment supports the goals, purposes and intent of Teton County Title 9, Subdivision Ordinance. This proposed amendment is not in conflict with any other part of local ordinances.
3. The proposed amendment is in compliance with Idaho State Statute. The proposed amendment brings the local ordinance into compliance with State statute.

**PUBLIC COMMENT** – 6:16pm Chairman Park opened the meeting to public comment. There was no public comment and the Chair closed the public comment portion.

**Board Deliberation** – None

- **MOTION.** 6:17pm – Commissioner Rinaldi moved that having found that the proposed amendment to Title 9-7-1-B-4-c is in compliance with state statute and supports the comprehensive plan and other Teton County ordinances, and that a public hearing was legally noticed and conducted, Commissioner Rinaldi moved to approve the amendment as presented. Motion seconded by Commissioner Park and passed unanimously. (Attachment 2)

**MOTION.** 6:18 pm Commissioner Park moved to adjourn. Motion seconded by Commissioner Kunz and passed unanimously.

\_\_\_\_\_  
Kelly Park, Chairman

Attest: \_\_\_\_\_  
Dawn Felchle, Deputy Clerk

Attachments:

- #1 – Title 8, Sections 4-1, 4-2, 6-2, 12-1
- #2 – Title 9-7-1-B-4-c