

**COMMISSIONER MEETING OF November 9, 2015**

The Caribou County Commissioners met in regular session on November 9, 2015 at 9:00 a.m. Those in attendance for the first hour were Earl Somsen, Commission Chairman, Phil Christensen, and Mark Mathews, Commissioners. Also in attendance were Caribou County Clerk Denise Horsley, Prosecuting Attorney Doug Wood, Caribou County Road and Bridge Supervisor Kim Spencer, Leadman Brett Barfuss, Indigent Director Wendy Rasmussen, Building Maintenance Supervisor Randy Stephens, Landfill Supervisor Jayson Lower, EMS Director Eric Hobson, Ambulance Director Larry Weaver, Bruce Olenick, Jon Smith, Jeff Godfrey, John Godfrey, John Williams, Alan Skinner, Rod Drewien, Shannon Gram, Joe Cottrell, Erich Orth, Tami Cole, Karen Crane, Irene Torgesen, Kelly Crane, Scott Brown, Jerry Nichols, Jerry Brown, George Kimball, Dillon Liechty, Jim Smith.

The meeting opened with the pledge of allegiance and prayer.

Commissioner Christensen made the motion to add Dwight Lloyd, Weed Supervisor to the agenda. Commissioner Mathews seconded the motion. The vote was Somsen-yes, Christensen-yes, and Mathews-yes.

**Kim Spencer, Road and Bridge:**

- Kim informed the Commissioners that Agrium will be re-routing the Lanes Creek Road from Angus Creek around to the Reef. Commissioner Somsen has had a report that the Lanes Creek Road has been damaged with the big trucks that Agrium is using. Kim will get with Dan White who works for Agrium and have him check into the trucks using the road. He will also have Brett go out and check the road for Commissioner Somsen and have him report back to Commissioner Somsen on the condition of the road.
- Kim gave the Commissioners an update on the Penstock Bridge. About a ¼ of the block on the east side of the bridge is done and they will start blocking the West side of the bridge today. A week from Monday on the 16<sup>th</sup> of November the contractor will start setting the stringers. Once this is done the County Road and Bridge will set the wing walls. Then after the wing walls are done, about December 3<sup>rd</sup> the bridge will be open to traffic.
- Commissioner Mathews wanted to know if the crew has started their winter hours. Kim informed him they started today.
- Commissioner Christensen wanted to know why the County purchased a truck from the City of Grace. Kim told him that when he goes to State auctions both the County and the City will put in a bid for a piece of equipment that one of them would like to purchase. If the City gets the bid the County will buy it from them and the same will be done if the County gets a bid on a piece of equipment that the City would like to purchase.
- Brett asked the Commissioners if they would help the Road and Bridge with a Christmas Party this year. He said they will be having it at the Bowling Alley. The Commissioners agreed with his request.

**Randy Stephens, Courthouse Maintenance:**

- Randy wanted to talk to the Commissioners about paying Harris Construction for the work completed. Ben with Meyers and Anderson wants to have the County pay the first two payments. Randy thinks that the County should pay the first payment, because the County has been waiting on getting the work done timely. The Commissioners agreed with Randy and told him to make only the first payment. Commissioner Somsen told Randy that Commissioner

Christensen wants to know about the green window seals on the upper level of the Courthouse. Randy told the Commissioner that the painters asked about the window sills and the decision was made not to paint them white because no other window sills are white. When Highlanders start back up on the bricks they will stain the seal to match the bricks. Highlanders has shut work down because of the weather.

- When the windows come in they would like to do a lot of the work on Saturdays.
- Randy talked to the Commissioners about the LG Air Conditioner in the server room that is not working. He told them the Reed's Plumbing has been working on the AC with the help of an LG representative. They have replaced the board on top of the AC, put in new wire, a new motor and replaced the board down stairs. All of this has been covered by warranty. The Air Conditioner still is not working. Randy would like to contact a company in Salt Lake that works on LG Air Conditioners. Randy also wanted to know about adding a new line from the air conditioner system that we have in place, and go with the best value. The Commissioners told Randy to do what needs to be done to get the AC fixed.
- Randy informed the Commissioners that the side walk in front of the Annex Building is done. The lowest bid was Summit Construction for \$5,675. Randy authorized an additional \$1115 on the construction because they ran into a problem when they were tearing up the old sidewalk. There was additional cement under the sidewalk that had to be removed. The Commissioners said that they did not have a problem with the additional cost.

#### **Dwight Lloyd, Weed Supervisor:**

- Dwight let the Commissioners know that the new truck should be in about the first of December.
- All of the Weed equipment has been winterized. He still has one backpack still out. He is working on getting it back.
- All four Cloud Seeding Generators are out and ready to go. The three Counties that will be participating this year in the Cloud Seeding Program had a meeting and each county will be paying about \$3,500.
- Dwight will be attending the Fifth District Weed Meeting in Idaho Falls on November 12<sup>th</sup>. He will also be attending a Highlands Meeting on December 2<sup>nd</sup> in Garden City.
- Dwight let the Commissioners know that he has started to snow plow in the Wayan area. He asked if he need to separate time cards. The decision was made for Dwight to keep just one time card.

#### **Jayson Lower, Landfill Supervisor:**

- Jayson wanted to inform Commissioners that Tronox the old Kerr-McGee site has started cleaning up the site. Jason said that the Landfill will not be taking any hazardous waste, but that there is about 1000 ton of material that they are working on right now. Jayson will be attending a public meeting tonight at 5:30 at the City Hall in Soda Springs to discuss this issue.
- Jayson wanted to thank the Commissioners for putting things at the Landfill in to place because they had a busy year. In 2014 they had 4,100 chemical balls come in to the landfill and in 2015 they had 10,475 to be ground up and shipped back out. They have also had 519 addition scale crossings, and 3000 plus tons of waste come in this year. Revenue is up. Jason does feel that if the landfill keeps growing they will need to have the regional landfill. Commissioner Somsen wanted to know if Simplot has addressed any of the County's concerns about moving the pit site. Jason told the Commissioners that as of now they have not contacted him but he is still working on this issues and will keep the Commissioners informed if any decisions are made.

- The Peterbilt Dump Truck extended warranty is coming up and Jayson would like to get approval from the Commissioners to purchase this warranty at a cost of \$3,100 for 5 year 200,000 warranty. Commissioner Christensen made the motion to purchase the extended warranty. Commissioner Mathews seconded the motion. The vote Somsen-yes, Christensen-yes, and Mathews-yes.
- Jayson would like to purchase two 2-way radios for the equipment at the landfill. Commissioner Mathews told Jayson to get with Eric.

#### **Bonneville Power Administration:**

- John Williams, the BPA representative with the State of Idaho wanted to give the Commissioners an update on the Hooper Springs Transmission Project. The first issue is with the Fish & Game and their wild life management. Fish and Game requested BPA to have a survey done on the wild life management in the areas of the power line. BPA said that they are working very closely with the Fish and Game on this issue. Second John brought several BPA employees that have been working on the project and they will give updates on the progress of the project. And third BPA will present the offer to the County for the easement on their property for them to consider. Erich Orth, the BPA project manager for the Hooper Springs Transmission Project stated BPA has been working with the landowners on moving some of the line to help with their farming. They have redesigned about 4 miles of the original line. So now BPA is ready to present the new easement to the landowners. BPA is working with Fish & Game to provide a Habit Equivalent analyst. BPA is hopeful that they will be able to meet with the Fish & Game in January to present the easement for them to sign. BPA will meet with about 6 contractors in June 2016 to start getting bids on the project. Construction should start in May of 2017 and be completed in 2018. Erich informed the Commissioners that they have a few easements signed by landowners. They are continuing to work with several landowners on getting the easements signed.
- Mr. Crane asked if the names of the landowners are public record. Joe with BPA said that until the easement is recorded and money has been paid it is not public record. Doug Wood Caribou County Attorney said that Mr. Crane could request a public records check. Joe said that he could request a FOIA public records. Commissioner Somsen wanted to know if that would have to be done on each easement or just for the project. Joe said that he would have to check with his council, but he thought that one would work for the project. Caribou County's Attorney Doug Wood agreed.
- Irene Torgesen has several concerns with the Power Line. She feels that the offer that was made in no way compensates them for their land. The Torgesens also requested that they put the power line along the property line not in the field. She also has a concern about if the power line is damaged the property owner would be responsible for the repairs. Irene does not want the power line, but if they have to have the line please work with the landowners so they can farm their land. The majority of the landowners want it to run along Monsanto Haul Road. She asked why the State would approve the BPA power line route because it will take away from the scenic byway.
- Rod Drewien is retired from U of I where he worked in the Wild Life Research Department. Mr. Drewien feels that one of the biggest issues is bird migrations. He has done a lot of studies of the Sandhill Cranes and other Migrating Birds, and the Power Lines are one of the biggest causes of fatality with these birds. He also feels that the BPA did not get permission to go onto landowners property to do there surveys, and removed trees from private property. Rod contacted the Fish and Wild Life Service out of Colorado and was told that they were not contacted by BPA. The Fish and Wild Life Services out of Colorado does a lot of research with the migrating bird populations and provides a map with the Cranes concentration and flight route. This route is in line with the proposed power line. He feels that if BPA

puts the line underground that it would solve a lot of the issues and would be better for the farmers to farm their land. Rod feels that a lot of the actions done by BPA should not be accepted by the County Commissioners. Commissioner Somsen told Rod that the Commissioners were unaware of these issues.

- Erich, with BPA said he would like to address the issues and concerns that were presented. To Irene your concern about the liability of having a pole on your property and that you as the property owner would have to pay for damages, and do maintenance on the 50 foot easement around the pole. BPA is responsible for the maintenance around the poles, and they will spray for weeds. Irene said that it is not 50 feet but 100 feet in diameter. Erich told her that was correct. She said that the value that was given to their property was less than some of land that was sold. Joe, with BPA told her that the evaluations were done by a firm out of Boise and they used sales from Caribou County as comparable. He told Irene that the property cannot be valued as mining property if it is farm land. Irene asked if they have the property appraised if the BPA would use this value. Joe told her that they would look at the new value and would take it under advisement. Shannon Graham, with HDR Engineering said that they are having some issues with the landowners, and getting them to meet with HDR Engineering. HDR is the firm that the landowners need to meet with about their concerns and they will take the concerns back to Joe with BPA. Erich wanted to let the landowners know that it is typical if a pole is damaged by a landowner BPA would come out and evaluate the damage. If BPA feels that the damage was not deliberate they would not charge the landowner. Irene stated that this year one of the landowners damaged a pole on his property, and he had to turn it in to his insurance at a cost of \$10,000. John, with BPA wanted to know if the pole that was damaged was a Bonneville pole. Scott Brown informed him that the pole was a Rocky Mountain Power pole. Scott wanted to know if they would be putting in a hold harmless clause in the easement. Joe, with BPA told them that they have not put a hold harmless clause in the past. Irene also stated that the power line will not benefit the citizens of Caribou County and that the power will be going to Jackson WY. John wanted to address the claim that this does not benefit Caribou County. He said that the power line is needed to address a voltage problem. BPA is the utility company that is responsible for the voltage in this area, and BPA is in violation but will not get dinged, because they are working on the power line. He said that because of this power line would benefit Caribou County along with Jackson WY.
- Karen Crane wants to know about the damage to the farmer's equipment if they run into one of the poles. No one seems to care about them and the problems this would cause them.
- Erich would like to address two other issues. First the underground power line, the cost is one of the major factors, but also it is not common to put an 115,000 kilovolt cable underground, because of the environmental impact. The size of the trench that would need to be done would be about 50 feet wide. The next issue is the Migratory Birds. BPA changed the route that the power line was going to use from the North to the Southern route because this will have less of an impact on the migratory birds. Erich said that they have worked with the Wild Life Services out of Pocatello, and the Idaho Department of Fish and Game, and not with the organization in Colorado. BPA worked with the organization that covers Southeastern Idaho. BPA will have a number of bird diverters on the power line. The landowners wanted to know why they cannot put the line underground for 4 miles to protect the birds and the scenic byway. BPA did state that Jackson will be using the majority of the power. Joe wanted the landowners to know that BPA has complied with all the State agencies. They have had meetings with the County Commissioners, the State Legislators, the Idaho Department of Fish & Game, and the Governor. He wanted the landowners to know that this is not the BPA and the US Government forcing its way upon the State of Idaho and Soda Springs. This is the BPA in conjunction with all the agencies in the State. Joe told the landowners if there is areas that you feel you are not getting representation you need to contact the Commissioners and your local State Legislators. The issue with BPA

trespassing on people's property Joe said that there has only been one. BPA had the right to get on the property with a permission and property land agreement. BPA took care of this issue and paid for the tree that was cut down. The landowners feel that BPA has not addressed these issues and concerns.

- Commissioner Mathews wanted the landowners know that BPA did not use the route that the Commissioners would have liked them to use. The Commissioners felt that the Monsanto Haul Road would have been in the best interest of all concerned. Commissioner Somsen told the landowners that BPA did not coordinate with the County Commissioners. Commissioner Somsen said that the Commissioners felt that BPA ignored and neglected what was suggested to them, because it did not happen, and they are required by Federal law to comply. The Commissioners brought this up several times and they were told the BPA was immune, but the County and some other attorneys disagree. The Commissioners applauded BPA for moving the original route from the North to the Southern Blackfoot River route. The Commissioners just wish they would consider moving the route down the Monsanto Haul Road. Commissioner Somsen told the landowners that the Commissioners have been working in their best interest, and that it has never been the Commissioners intention to stop the power line but to do the right thing for Caribou County and have the line located along the Monsanto haul road. Caribou County Attorney Doug Wood wanted the BPA to know the Commissioners contacted him to help them establishing a local use corridor. This is in I.C. 67-6502 this is what the Commissioners are mandated to take in consideration. He hopes this will help BPA understand the Commissioners position.
- Tami Cole, feels like everyone else that they are getting mowed over, and also has concerns about what will happen from generation to generation. She feels that this is their livelihood. Let the farmers do their work.

**Bruce Olenick:**

- Bruce wanted the Commissioners know that the plans for the Regional Landfill on the Simplot site in Conda are still on the table. The EPA will have the final decision on this issue. Commissioner Somsen said that the County is glad that things are moving forward.
- Bruce told the Commissioners that things at the County Landfill are going great. He feels that Jayson is doing a great job at the Landfill Bruce is super impressed with his ideas and the way he is running the Landfill for the County and it is smartly done.
- Bruce stated Tronox has a trust fund for the cleanup at the old site. The City and the old site will have more of an interplay. The County's role in the cleanup would be handling the 680 tons of solid material that needs to be disposed of or proposed to be brought to the County Landfill.

**Jon Smith, CMH CEO/Dillon Liechty & George Kimball Hospital Board Chairman:**

- Leadership changes over the last 7 months since Mr. Hoopes retirement.
- Focused on staff development, engagement, and culture changes.
- Replaced 2 board members Rulon Wistisen was replaced by Chris Knox. Jerry Brown will be retiring in November and Doug Mazza name was brought to the Commissioners. He will be appointed in November. The hospital board members have representatives from all three cities in the county.
- The hospital is trying to engage more with the community. They are major sponsors in all three high schools with athletics and help with other actives; donating for the free matinee on Saturday; we have started a bump and bruise clinic for kids of all ages, and other community events.

- The hospital is starting to update key clinical equipment at the hospital and the clinics.
- There has been an increased volume in the ER, physician clinics, surgery, and outpatient services. They continue to subsidize some services-Living Center at a cost of \$500k per year, because the hospital, and board members feel that the Living Center is a big benefit to the County.
- Moving forward with development of the campus master plan to meet the growing health care needs in Caribou County-new services, construction.
- The Commissioners wanted to know what help the Hospital could do with keeping our volunteers EMS. Jon told the Commissioners that they are on board with helping in any way to keep this service going for Caribou County.
- George talked about the changes that have been made over the past thirteen years since he has been a board member. He commended Mr. Hoopes and the new administration for all the work they have done, and all the changes that have been added to CMH to help the community.

**Jeff Godfrey:**

- Jeff asked the Commissioners for a utility easement across their property. Commissioner Mathews made the motion to grant the utility easement to the Godfrey's. Commissioner Christensen seconded the motion. The vote was Somsen-yes, Christensen-yes, and Mathews-yes. Silver Star will draw up the easement for the Commissioners to sign. The Commissioners told Jeff that he will have to inform Ralph Hopkins the County Building Inspector of the easement for his records.
- He also wanted to talk to the Commissioners about putting in a road way on the County property so they would not be have to come out on to the highway. The County Attorney will check into this matter and get back to the Commissioners and Mr. Godfrey.

**Eric Hobson EMS Director/ Larry Weaver EMT Director:**

- Eric and Larry provided the City of Soda and the County Commissioners with a list of all the firefighters and EMT's and their employers. Commissioner Somsen and Mayor Smith would like to contact the employers to see if an agreement can be made about letting the firefighters and EMT's respond to calls during working hours. The City and the County feels this is a problem that is going on and would like to see if any changes could be made to help the community. Mayor Smith wanted to know if there is any records that will show that the volunteers were working. Larry told them that if it is a day call the majority of the volunteers work days. Larry said one of the problems is that the volunteers have abused this benefit. Eric and Larry told the City and Commissioners that they do have a MOU with Monsanto and Agrium that if there is a big enough accident or if they are on another call Monsanto will respond. Mayor Smith said that they have been having an issue with Spring Creek/ Edgewood. They will call at night to have the City PD to come over and help get someone that has fallen back into bed because they only have one aid on the night shift. Mayor Smith said they are having the City Attorney check into this issue and what can be done. Eric and Larry said that the ambulance is different because they have to respond if they are called out. Commissioner Somsen asked about how many have signed up for the EMT class. They have about a total of 11 for all three cities. Eric and Larry wanted the City and the Commissioners to know that this is not just in Caribou County it is all over the state and nation. Commissioner Mathews wanted to know about getting the Road & Bridge to help. He wondered if any Road & Bridge employees would volunteer and asked how many hours the EMT course takes. Eric said it would be 180 hour and the course would run from January to June. Commissioner Mathews will check with Kim and Jayson, and the Clerk will ask the Courthouse employees. Commissioner Mathews asked Eric if the

fire station had any place to store some equipment for the TV Translator. Eric will contact Cord and make agreements to have the equipment stored. The other issue that was brought up was the firefighters not responding to the fires. The city of Grace wanted to know if they could pay for the firefighters for the City that are responding to the fire. Eric feels that this would cause a lot of problems. He feels that a meeting needs to be held with the Fire Departments, Cities and County. Mayor Smith said that the City of Soda is having the same problems that the City of Grace is having and he feels that the County needs to have a solution to this problem. Commissioner Somsen said that he agrees but he still feels that the main issues is that the employers are not letting the volunteers respond, and we cannot force people to be volunteers.

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**Jim Smith/Alan Skinner City of Soda Springs:**


- Alan Skinner with City of Soda presented the County with plans for the Geyser Park and the vision the City has on developing the park. The City is asking if the County would deed the property to the City. Commissioner Mathews made the motion to deed the property to the City of Soda pending the survey. Commissioner Christensen seconded the motion. The vote was Somsen-yes, Christensen-yes, and Mathews-yes.

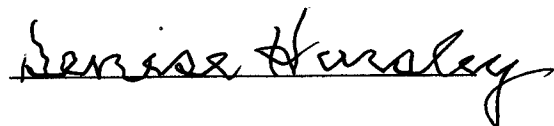
**Other:**

- Signed Liens for Indigent #2016-02.
- The Commissioners Canvassed the votes for the November 3, 2015 elections and found no discrepancies after the canvassing the votes.
- Commissioner Christensen moved to pay the claims in the amount of \$377,815.60 and payroll claims in the amount of \$182,891.53 and to approve the minutes of October 26, 2015, as amended. Commissioner Mathews seconded the motion. The vote was Somsen-yes, Christensen-yes and Mathews-yes.
- BPA presented the Commissioners with the offer of the easement for the transmission line and the access roads for their review. The Commissioners will have the County Attorney Doug Wood review the documents and get back with the Commissioners so a decision can be made. Commissioner Somsen wanted to know about the dirt that is piled up at the old race track that is on the land that is in question. Commissioner Somsen told the BPA that this dirt will be used for the County Landfill to cover it up upon the closing of the landfill, but the landfill does not need the dirt now. The BPA said that there should not be any problem with the County getting the dirt out.
- Certificate of Residency/Affidavit were presented to the Commissioners for Approval. The following student is taking on line course through Idaho Jr. Colleges. Junior: Andrew Anderson. Commissioner Christensen made the motion to approve the Certificate of Residency/Affidavit. Commissioner Mathews seconded the motion. The vote was Somsen-yes, Christensen-yes, and Mathews-yes.
- The meeting adjourned at 03:00 p.m. The Caribou County Board of Commissioners will meet November 23, 2015, at 9:00 a.m. for regular meeting.

Signed: Earl Somsen, Commissioner Chairman

Attested: Denise Horsley

  
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Approved Payment of Bills

	9-Nov-15	Payroll
Current Expense	\$ 220,254.14	
Indigent	\$ 6,087.95	
Road & Bridge	\$ 66,657.55	
Special Highway		
Justice	\$ 5,545.09	
Consolidated Election	\$ 1,949.88	
Weed Control	\$ 403.48	
Solid Waste	\$ 2,033.36	
Reappraisal	\$ 9,490.00	
Health	\$ 287.30	
Hospital M&O	\$ 6,385.74	
Ambulance		
Parks & Recreation	\$ 2,631.06	
Tort		
County Fair		
County Court Facility		
District Court	\$ 8,195.35	
Court Services		
Juvenile Justice	\$ 27.72	
Veteran's Memorial		
Mineral Leasing		
PILT	\$ 221.18	
City of Soda Springs		
City of Bancroft		
City of Grace		
Bancroft Cemetery		
Central Cemetery		
Fairview Cemetery		
Freedom Cemetery		
Grace Cemetery		
Lago Cemetery		
Lava Cemetery		
Lund Cemetery		
Thatcher Cemetery		
Turner Cemetery		
School District #148		
School District #149		
School District #150		
School District #21		
Grace Free Library		
Waterways	\$ 168.26	
Tax Deed Excess Funds		
Farmers Land & Irrigation LID		
Bailey Creek Fire District		
Freedom Fire District		
Auditor's Trust		
Adult Probation Fee	\$ 61.00	
Diversion Education Trust		
Juvenile Housing Trust		
Water District		
Court Trust		
Centennial Trust		
College Trust		
Treasurer's Trust		
ID Trust		
Concealed Weapon's Trust		
Motor Vehicle Trust	\$ 33,857.17	
911 Trust	\$ 12,753.47	
Public Safety Trust	\$ 305.90	
Weed Control Trust	\$ 500.00	
Drug Court Trust		
Youth Court Trust		
Vessel Account		
<b>Grand Total</b>	<b>\$ 377,815.60</b>	<b>\$ 182,891.53</b>