



TETON COUNTY
BOARD OF COUNTY COMMISSIONERS
MINUTES • JANUARY 28, 2019

Regular Meeting

1st Floor Meeting Room

9:00 AM

150 Courthouse Dr, Driggs, ID 83422

1. MEETING CALL TO ORDER - PLEDGE OF ALLEGIANCE

Commissioners Present:

Cindy Riegel
Harley Wilcox
Bob Heneage

Other Elected Officials and Department Heads Present:

Kim Keeley, Clerk
Darryl Johnson, Public Works Director
Holly Wolgamott, County Operations Manager
Gary Armstrong, Planning Administrator
Beverly Palm, Treasurer
Bonnie Beard, Assessor
Joshua Chase,

2. MOTION: Approve Agenda

RESULT: ADOPTED [Unanimous]

2. ACTION ITEMS: CONSENT AGENDA

MOTION: Pull the 1/14/19 minutes from Consent Agenda and approve the Consent Agenda.

RESULT: ADOPTED [Unanimous]
MOVER: Harley Wilcox SECONDER: Cindy Riegel
AYES: Cindy Riegel, Harley Wilcox, Bob Heneage

- 1. ACTION ITEM: Approval of Letter to Jon Fenn Regarding W14500N Access**
- 2. ACTION ITEM: Approve Certificates of Residency**
- 3. ACTION ITEM: Claims Report**
- 4. Board of County Commissioners - Regular Meeting - Jan 14, 2019 9:00 AM**

3. OPEN MIC

No one present.

4. PUBLIC WORKS**1. Public Works Report**

Public Works Director Darryl Johnson reported.

Landowner on W14500N has been out of state, Mr. Johnson received a voice mail from Mr. Fenn but has not yet spoken to him.

Engineering - R&B Hearing this afternoon. Darryl will present as the applicant.

W6000S request for additional compensation - Commissioner Heneage and Mr. Johnson will meet with Eagle Rock Timber on Feb 1st.

5. PUBLIC APPEARANCES**1. Eastern Idaho Public Health Report, Bill Leake**

District 7 Eastern Idaho Public Health Board Bill Leake gave the report.

Mr. Leake will be attending the Public Health Trustees meeting in Boise next week.

Last year, the Legislature assigned the Public Health Districts to take over the citizen review panels for Child Protective Services cases that are opened more than 120 days in an effort to improve the process.

District 7 is fully staffed.

Mr. Leake introduced Therese Balkenbush, the new Environmental Health Specialist. The Board recommended that Ms. Balkenbush get together with Wendy Danielson regarding following up on past septic violations.

6. PUBLIC APPEARANCES**1. Fiscal Year 2018 Audit Report**

Brad Reed with Rudd & Co. presented the FY2018 Audit.

7. PLANNING AND ZONING**1. Planning Department Update**

Planning Administrator Gary Armstrong gave the report.

Upon finishing the review of the Comprehensive Plan, the Planning Dept. identified the greatest need to be addressed is the continuity of policy within the areas of impact. The Cities of Victor and Driggs have both recently updated their zoning. Mr. Armstrong recommended updating the Area of Impact Agreements. He will formalize that plan and present it at the work session on Wednesday. The Board also requested Mr. Armstrong bring the annual report for the public to the Wednesday work meeting. The Board wishes to discuss the small footprint housing issue on Wednesday.

2. ACTION ITEM: Huntsman Springs PUD Amendment Jurisdiction Determination

Mr. Armstrong recommends that the City of Driggs review the proposed Huntsman Spring Master Plan because the Huntsman development is scheduled to be annexed to the City in 2019. Mr. Armstrong also recommends annexing prior to completing the application. The City of Driggs agrees with this approach.

MOTION: Approve the recommendations from Driggs and County Planning Administrators for the City of Driggs to process and review the proposed Huntsman Springs PUD Master Plan amendment using the most current adopted version of the Driggs Land Development Code and Driggs Comprehensive Plan.

RESULT:	APPROVED [Unanimous]
MOVER:	Bob Heneage
SECONDER:	Harley Wilcox
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

3. Floodplain Adoption Update

The USGS has reworked their analysis of the hydrology in the valley which has created a significant change to the projected floodplain for several streams. Mr. Armstrong also pointed out that the LIDAR data was flawed because it was done in the spring during flood irrigation. New LIDAR data will be available this fall. Mr. Armstrong recommends waiting for the additional data in order to get the most accurate map. This will likely extend the finish product until 2021.

The Board asked the staff to prepare a letter to FEMA to stop the appeal process and use the new data to get the most accurate map and have the cities sign the letter as well.

4. ACTION ITEM: Driggs Centre Phase 1 Subdivision-Insignificant Change-Development Agreement

Commissioner Wilcox recused himself from the discussion because the applicant is his client.

Planning Administrator Gary Armstrong presented the red lined version of the Developer Agreement.

- Deleted Sections 8, 9, and 13.
- Clarify Section 6 - additional language clarifying the responsibility of landscaping, ground cover vegetation, and screening.
- Mr. Armstrong recommends striking Section 40 & 41 as redundant. Already enumerated in Section 5. All parties agree.
- Strike Section 42 for same reason as 40 & 41. All parties agree.
- Add Section regarding County use of the emergency water regarding who pays. Add to Section 4 subsection 2. Driggs Centre will provide the County water for Fire Suppression for the Transfer Station.
- Regarding the responsibility of which party pays for the original construction of the Fire Suppression system - the County put a lien on the property to recoup money for the building of the water system but then let the lien expire. No change.
- The developer agrees to accept transfer of the utility bill to cover the cost of operating the water system.

Mr. Armstrong provided an updated red lined copy for approval.

MOTION: Enter into a development agreement with Driggs Industrial Centre, LLC, which outlines the terms and conditions for completion of the Driggs Centre Phase 1 Subdivision, as revised, January 28, 2019.

RESULT:	APPROVED [Unanimous]
MOVER:	Bob Heneage SECONDER: Cindy Riegel
AYES:	Cindy Riegel, Bob Heneage
ABSTAIN:	Harley Wilcox

8. TREASURER

1. ACTION ITEM: Homeowner's Recovery 2019-multiple years

Treasurer Beverly Palm presented a letter to be sent to the 35 homeowner's that wrongly claimed the Homeowner's Exemption. Included in the letter is a stipulation that interest will be forgiven if payment is made by March 30th, 2019.

Assessor Bonnie Beard clarified the rules for qualifying for the Homeowner Exemption.

Commissioner Wilcox voted nay and stated for the record that he believes it sets bad precedent to forgive the interest.

MOTION: *Accept the Treasurer's letter and waive interest if paid by March 30, 2019. After March 30, 2019, all interest will be applicable in the manner described in IC 63-710.*

RESULT:	APPROVED [2 to 1]
MOVER:	Bob Heneage SECONDER: Cindy Riegel
AYES:	Cindy Riegel, Bob Heneage
NAYS:	Harley Wilcox

2. ACTION ITEM: Homeowner's Tax Cancellations from 4th Quarter 2018 and Those Over \$500.00

MOTION: *Approve list of homeowner's tax cancellations for 4th quarter of 2018 and those requested in Jan. 2019 that were over \$500.00.*

RESULT:	APPROVED [Unanimous]
MOVER:	Harley Wilcox SECONDER: Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

9. PUBLIC HEARING

1. ACTION ITEM: Road & Bridge Facility Conditional Use Permit

Teton County Planner Joshua Chase summarized the Conditional Use Permit (CUP). Because the potential R&B Facility falls within the Driggs area of impact the application was forwarded to the City of Driggs. They required that seven studies be done, the County declined to do three of those studies (the wildlife impact study, the hazardous materials analysis, and the property value impact study). The Driggs P&Z Commission recommended denying the application due to not complying with the Comprehensive Plan and/or zoning based on the information given. Their concerns were detailed in their Final CUP Staff Report.

Applicant Report:

The Board of County Commissioners was represented by Public Works Director Darryl Johnson.

Mr. Johnson gave a brief history of why the County pursued this particular site. In 2017 Mr. Johnson recommended the Armory be considered for the new R&B Facility. The Mayor of Driggs preferred the facility not be at the Armory and suggested a land swap for a parcel near this site citing it as more appropriate for this type facility. This inspired the County to look at this site which has been owned by the County since 1971. The County had operated the northern part of the site as a landfill until 2007. Mr. Johnson pointed out that in the Driggs 12-18 Staff report the CUP was in compliance with zoning regulations (p.6) and pointed out that the Future Land Use Map identifies this area as primarily intended for Public Facilities. Mr. Johnson addressed the issues brought up by the Driggs P&Z . Regarding hazardous materials storage mitigation, the County currently does and will continue to adhere to state and Federal guidelines. Based on traffic counts done by the County, Mr. Johnson does not believe the proposed R&B Facility would significantly impact traffic on cemetery Road.

Public Comment

In Favor: None

Neutral: None

Opposed:

Nan Crowson, neighbor in Aspen Pointe, was concerned about the longevity of the facility, the economic impact of the facility, the impact on wildlife, and the increase in noise.

Diane O'Leary, neighbor in Aspen Pointe, was concerned about the lack of a wildlife study and a hazardous material storage study.

Shawn Hill, Valley Advocates for Responsible Development ED, pointed out that not completing requested studies can increase the probability of future legal actions. Mr. Hill spoke about the proposed sites proximity to the Teton Creek Corridor Project, a 14 million dollar restoration project and the importance of this area to wildlife habitat. Mr. Hill strongly urged the Board to seek a different site for this facility.

Rebuttal from the applicant:

Mr. Johnson addressed the concerns with hazardous waste storage. In terms of longevity, this site is the largest site being considered and has the best options for expansion. The County is constrained by fire water requirements for a facility of that size.

The public hearing was closed at 1:43 pm.

The Board discussion:

- The Board discussed the fact the site needs to go somewhere and this site is in close proximity to the old landfill, multiple gravel pits, and the Transfer Station.
- Commissioner Heneage pointed out that this site would hem in the Cemetery on three sides, a road to the east and south and the new proposed R&B Facility.
- The Board would like a cost and impact analysis of the three potential sites before making a decision.

MOTION: *Having reviewed the application materials, the Teton County Road and Bridge Facility, as well as the additional material provided by planning staff, other agencies, and the public; I hereby move to continue the public hearing to Feb. 25th at 1:00 pm to consider additional information requested from the applicant.*

RESULT:	APPROVED [Unanimous]
MOVER:	Harley Wilcox SECONDER: Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

10. CLERK

1. Executive Session per IC 740206(1) (d) Indigent
2. ACTION ITEM: Designation of Polling Places for 2019

MOTION: *Designate the following polling places for use during all 2019 elections:*

Precinct #1: *Gymnasium at LDS Church, 6181 S. Main St., Teton*

Precinct #2: *Commissioners Meeting Room at Courthouse, 150 Courthouse Drive, Driggs*

Precinct #3: *Driggs City Center, 60 S. Main St., Driggs*

Precinct #4: *Driggs City Center, 60 S. Main St., Driggs*

Precinct #5: *Commissioners Meeting Room at Courthouse, 150 Courthouse Drive, Driggs*

Precinct #6: *Gymnasium at LDS Church, 87 E. Center St., Victor*

Precinct #7: *Gymnasium at LDS Church, 87 E. Center St., Victor*

Precinct #8 (Absentee): *Clerk's Office at Courthouse, 150 Courthouse Drive, Driggs*

RESULT:	APPROVED [Unanimous]
MOVER:	Harley Wilcox SECONDER: Bob Heneage
AYES:	Cindy Riegel, Harley Wilcox, Bob Heneage

11. OPERATIONS MANAGER

Add Idaho State Flag to the Commissioner's room.

Add County Seal to the wall behind the dais.

Add a work session to set priorities of the current Board.

1. Operations Manager Report

County Operation Mngr. Holly Wolgamott presented the report.

An executive session was added to the Wednesday special meeting agenda per the Prosecutor's request.

2. ACTION ITEM: Approval of Conflict Public Defender Contract with Spitzer Law Firm, PLLC

MOTION: *Approve contract for conflict public defense work between Teton County and Spitzer Law, PLLC as presented.*

RESULT: APPROVED [Unanimous]
MOVER: Bob Heneage **SECONDER:** Harley Wilcox
AYES: Cindy Riegel, Harley Wilcox, Bob Heneage

3. Process for Public Defender Contracts Discussion

Discussion on how the County determines who to offer Public Defender contracts. Tabled to a future meeting.

12. COMMISSIONERS

1. Committee Reports

Bob Heneage attended a TREC meeting.

No other committee reports.

13. ADJOURNMENT

MOTION: *Motion to Adjourn at*

RESULT: ADOPTED [Unanimous]
MOVER: Harley Wilcox **SECONDER:** Cindy Riegel
AYES: Cindy Riegel, Harley Wilcox, Bob Heneage


Cindy Riegel, Chairperson

ATTEST: _____
County Clerk or Deputy