

Custer County  
Commissioner Proceedings  
August 28, 2019

The meeting was called to order at 8:02 AM by Vice Chairman Steve Smith, with Commissioner Corgatelli, Clerk Lura Baker and Deputy Clerk Tina Hawkins in attendance. Melvin Lanier/Road & Bridge, Chad Workman/Coroner, Matt Montelius/Weeds, Christy Foster/Indigent, and Harriet Henderson/NRAC also attended. Commissioner Butts arrived at 8:08 and assumed the chairmanship of the meeting.

**Weeds:** Matt reported that the leafy spurge on the Philips property has been sprayed with about 80 gallons of mixed Tordon and 24D. The Board urged Matt to keep an eye on the weeds, as next year they will need another treatment. Matt has done spray work for Rosa Anderson in Mackay, and has also done the Mackay Solid Waste transfer site. He still has work to finish for District 6 Highway Dept. and is also working up Highway 75. He went to Gary Kimble's at Peach Cr. and sprayed the knapweed. They made plans to have a full crew spray there in 2020. He found a few Rush Skeleton weeds along highway 93 near Dickey, so is watching closely now. The eyewash stations have been ordered for both spray trucks. Commissioner Smith asked about his accounts receivable.

**Road & Bridge:** Melvin reported that the Challis Cr. road work is in progress. The French drain is complete, they broke a tooth off the John Deer excavator but the work is progressing well. The staking is all done and they will be hauling the rocks needed for the barbs. They had the Mac water truck working, but the PTO system has caused problems again. The excavator is back in service also. The Garden Cr. Road bridge is progressing, and they plan to pour the bridge deck today. It will take 7 days to cure, then the road surface will be applied. The Road & Bridge is advertising for a crushing bid, and they will get the necessary information to Clerk Lura Baker. Melvin has been in touch with the SNRA and the payments will soon be coming for work done on the East Fork Bridge and the straw wattle that was used on the Challis Cr. Road. The Morgan Cr. Road work payment is still up in the air. The land owners in Iron Cr. near Stanley have formed a homeowner's association, and are gathering funds for road repairs. The SNRA, County R&B, and the homeowners plan to work together on road maintenance. Melvin has heard from the Stanley area that they want more Road & Bridge presence in the area. All agreed that the new Transportation Plan is the place to work on a future plan for the Stanley area. Commissioner Smith asked if they were blading in upper Pahsimeroi? Mel reported they are currently in the East Fork and working on Road Cr. The Challis Rod & Gun Club has received grant funds to expand, and have asked if the Road & Bridge could help them with the dirt work. The Board agreed, and Melvin will do the needed dirt work after hours with the County equipment.

A motion to go into executive session for Personnel under Idaho Code 74-206(1)(b) was made by Commissioner Corgatelli at 8:31, the motion was 2<sup>nd</sup> by Commissioner Smith and the roll call yes vote was unanimous. No decisions were made during this session. The board returned to regular session at 8:39 AM.

**NRAC:** Harriet Henderson attended to help the Board with the Wild & Scenic Rivers comment process. After discussion the Board decided to send a letter asking for an extension of the comment period by 45 days, as the Forest Service is producing a new eligibility report for Wild & Scenic Rivers. A draft of the response letter to Dave Rosenkrance has been received and was reviewed. Commissioner Corgatelli made a motion the Board accept, sign and send the letter to Dave Rosenkrance with CC's to Nora Rasue and Chris French. Commissioner Butts seconded the motion and it carried. Harriet then requested copies of the comment extension letter to Chuck Mark, also be sent to Chris French, Nora Rasue, and Dave Rosenkrance.

A motion to go into executive session for Indigent Review under Idaho Code 74-206(1)(d) was made by Commissioner Corgatelli, the motion was 2<sup>nd</sup> by Commissioner Smith and the roll call yes vote was unanimous. No decisions were made during this session. Upon return to regular session Commissioner Smith moved that #19-11 be denied. Commissioner Corgatelli seconded the motion and it passed with unanimous "ayes" roll call vote

**P & Z:** Christy Foster attended and presented one flood plain application. The application was approved as presented. She has received a complaint from Caren Morgan about "shanties" being built in the Fish Hatchery

Road area above Mackay reservoir. Photos were reviewed and discussion was held on how to proceed. It was decided to look into adjoining county land use planning rules before making changes. Christy will contact them for copies of their land use plans.

**FEMA:** Christy then handed out the Draft Discovery Reports to the board for review and correction. Changes can be made until Sept. 13th, with the final report coming out some time this fall.

Clerk Lura Baker informed the board of calls she has received on the small piece of property south of Mackay that is eligible for sale. There has been no recent survey to verify ownership. The rules of law were discussed and the first step was to verify clear title to the property in question. Custer County Title Co. will be contacted to do the job.

The meeting was recessed at 9:18 AM for travel to Stanley.

The meeting was re-convened at 10:50 in the Stanley Community Center, due to road construction delays. Those present were Commissioner Butts, Commissioner Smith, Commissioner Corgatelli, Deputy Clerk Tina Hawkins, Stanley Mayor Steve Botti, and Greg Wallace.

Mayor Botti brought the Board of Commissioners up to date on the needed housing for workers. The property exchange between the US Forest Service and the City of Stanley is still not complete. It has been one excuse or delay after another for two years. Commissioner Butts made a call to Mike Simpson's office to check into the matter. Mr. Simpson's aid, Lindsey responded that their office thought the exchange was complete, so their office will be contacting the SNRA and USFS to get an explanation.

Commissioner Corgatelli made a motion to approve the minutes of the August 2nd Budget meeting, as well as the August 12th Public Hearing minutes as written. Commissioner Smith seconded and the motion passed. Commissioner Corgatelli then made a motion that an effective date of September 5th, 2019 be set to begin charging for cardboard at the Custer County Solid Waste Sites. Commissioner Smith seconded and the motion carried.

Mayor Steve Botti returned and went over the City's annex plans for the new property. A problem they have run into is that the land is not contiguous to the current Stanley city limits. The city would like to annex the intervening FS property also, but the SNRA is reluctant. A rough map was drawn of the area involved for board clarification. Conversation turned to the "shanty" problem beginning in the Mackay area, and Commissioner Smith asked if Stanley had an ordinance or policy pertaining to such housing, or tiny houses that are so popular now. Mayor Botti replied that they do have such an ordinance, and their debate was over "is it a RV, or a tiny house". The Stanley policy states that the wheels and axles need to be removed and it must be put on a foundation to qualify as a "tiny house". Discussion then turned back to workforce housing for the Stanley area. The City is exploring dormitories and looking into all financing and building options. The land exchange agreement states that the property must be used for "workforce housing". Stanley is looking at building in phases, and researching winter use as well as trying to cover the summer demand. Currently the Forest Service is evicting "camping workers" that live in campgrounds around Stanley. This essentially makes these working people homeless, as there is no affordable housing available. The City of Stanley is taking the project one step at a time, with Step (1) being "water". The old water system was connected to a well up on top of the hill on USFS ground. The SNRA is not opposed to them using the same type of system with a special use permit. They will have to test the quality and quantity of water once the well is drilled. Step (2) could be "road access". Commissioner Butts mentioned the current access road is still in the Custer County road system, and that the County is working on updating their Travel Plan. Stanley will be included in the planning process, and will be asked for volunteers on the Travel Committee when it is re-formed. The possibility of a "test season" doing snow plowing was talked about to get actual costs involved.

Commissioner Butts brought the board up to date on what he has done toward assisting the Sheriff with the privacy slats around the jail exercise yard. He got a price of \$703.50 for 150' of coverage from Lowe's, and passed it on to the Sheriff's office. He also measured the current Sheriff's office trailer and asked for bids from Smart Mods, and Hathaway. Both returned verbal quotes of approximately \$70,000 for a 14' x 56' trailer with 3 rooms,

5 windows and 2 doors. All agreed the price was very high and "frame up bid's" need to be asked for from the local contractors. The need for a public works license was discussed and will be verified with Clerk Lura Baker. Chairman Butts has signed the papers on the property purchase in Challis for the court annex project. He has talked to the adjoining property owner about fencing and what he would prefer. Lisa Powell attended the meeting, and thanked the Board for coming to Stanley. After review, Commissioner Smith made a motion to approve the bid received from Robinson Electric for maintenance of the courthouse/sheriff generator. Commissioner Corgatelli seconded and the motion passed. Commissioner Smith then made a motion to approve the August 12th Commissioners Meeting minutes as written, Commissioner Corgatelli seconded and the motion carried. Commissioner Smith moved that the letter of support to the Challis Area Health Center be signed and sent. Commissioner Corgatelli seconded and the motion passed. The claims were then reviewed by the board. Commissioner Butts abstained from the Road & Bridge claim decisions. The meeting was recessed for lunch at 12:10.

The meeting reconvened at 1:30 with Commissioner Butts, Commissioner Smith, Commissioner Corgatelli, and Deputy Clerk Tina Hawkins attending. The board gave Chairman Butts the OK to get the derelict trailer located on the newly purchased property inspected by the Health Department, and get a copy of the clearance to Clerk Baker. Possible parking configurations were discussed as well as fence options on the new property. Commissioner Smith made a motion to allow up to \$1,500.00 to be paid to the Health Dept. for an Inspection for the derelict trailer. Commissioner Corgatelli seconded and the motion passed.

**Claims:** Commissioner Smith made a motion to approve the claims as presented with one addition of \$2,500.00 for American Stewards of Liberty, Commissioner Corgatelli seconded and the motion was approved.

Current Expense	76,191.71
Road & Bridge	7,419.55
Battleground Mosquito	649.11
Election Fund	293.27
District Court	2,186.93
Rodeo Grounds	425.53
Waterways	20.99
PILT	24,453.51
Emergency Communication	300.00
S Custer Ambulance	<u>1,467.13</u>
TOTAL	113,407.73

A liquor license application received from the Family Dollar Store was reviewed. Commissioner Corgatelli moved that it be approved, Commissioner Smith seconded and the motion passed. The board then reviewed the FY2020 Indigent Defense Agreement. Commissioner Smith moved the agreement be approved and signed, Commissioner Corgatelli seconded and the motion carried. The Junior College residency affidavits were looked over by the board. Commissioner Corgatelli moved that Dmochowski and Lambson applications be approved and signed. Commissioner Smith seconded and the motion carried. Commissioner Smith then made a motion that the August 19th Government to Government minutes be approved as written. Commissioner Corgatelli seconded and the motion passed. Commissioner Butts relayed a message from Steve Rembelski, that the Challis Area Health Center is in need of a backup generator. The other board members were surprised that they didn't have power backup. The meeting was recessed for travel back to Challis.

The meeting reconvened at the courthouse in Challis at 3:45 PM. Vice Chairman Smith called the meeting to order. Those present were Commissioner Corgatelli, Commissioner Smith, Clerk Lura Baker, and Deputy Clerk Tina Hawkins. Denton Wild-Regional Manager and Ben Winder-Sales with Western States Equipment also attended. Apologies were offered for our late arrival from Stanley. Commissioner Smith inquired about the service issues that have arisen for the County Road & Bridge Dept. Denton explained the internal Western States personnel transitions that caused the difficulties. Commissioner Smith then asked about the recall problems we encountered with the motor grader. Denton talked about all the computer components in new machinery, and how Western States is willing to trade out machines if needed to keep the Road & Bridge operational. Commissioner Corgatelli

interjected how keeping the same make of equipment within the department has been beneficial in the past. The Western States representatives stated that they hope to remain our supplier into the future. One problem is that they no longer have a resident field service representative here in Challis since the Cypress Thompson Cr. Mine has closed down. Commissioner Smith asked what the new service districts are currently. The service personnel will be dispatched out of Pocatello or Idaho Falls, whichever is closer. Commissioner Butts arrived at the meeting at 4:00. The lease payments that are due next are February for the Motor Grader, and March for the Loader. Ben offered his apologies for dropping the ball, and assured the board it wouldn't happen again.

The phone conference scheduled at 4:30 PM was then arranged. Attending in person were Byron Pehrson, Mark Roberts, Max Bingham, and Lucas Yockey-Water Master with the Lost River Water Dist., Mike Graham-Custer County Civil Defense and K. J. Babcock-Butte Co. Civil Defense. Also attending via telephone were John Rivera-INL Director of State & Regional Affairs, and Karen Wallen-FEMA, IOEM Grants Branch Chief checked in at 4:43. Chairman Butts laid out the purpose of the tele-conference meeting and asked for an up-date on the Mackay dam situation. Byron Pehrson gave the history of the Mackay Dam that was built in 1934-1935. There has been no major repair work done to the dam since that time. Lucas Yockey then updated everyone on the present condition of the dam. One head gate is inoperable, two gates need assistance to get them to operate (ie: drain reservoir), two gates work as anticipated. They are 4 foot by 8 foot in size with three top gates and two bottom gates. They have the old-style brass sealing system, that was last replaced in the 1970's. The spillway is deteriorating and cracked, with chunks of the cement falling off when used. The pressure on the gates is such that once they are opened the bottom gates cannot be re-closed without assistance. The head house is a round structure and the gates are around it. There is considerable leakage around the stem of 4 or 5 CFS, that is constantly monitored to see if it increases. Byron interjected that Lost River Irrigation did repair a crack in the spillway this spring with concrete. It is holding for now. Commissioner Butts asked about the work that was done about 5 years ago. Byron remembered that the stem in the head house was bent. A tree got lodged in the gates, as the 1970 era deflection posts didn't catch it. When the reservoir was empty, the tree was removed and the bent control stem was replaced. Commissioner Corgatelli asked how many irrigators are affected by this water source? Lucas Yockey responded that the water contained is used on 31,000 irrigated acres, but the actual people involved varies from year to year with leased ground. Byron explained that each irrigator has an allotted share of the storage water. When the reservoir fills, they all get their share, but if not, it is by priority date. Mike Graham was then explained his grant application. During the winter of 2017 we had record snow levels and spring flooding had the IDWR, and Army Corp. of Engineers very concerned. They suggested that we drain the dam. The Lost River Irrigation District was also worried and did drain the dam totally. Within 28 days with all the head gates wide open the reservoir was full and the overflow was flowing. After finding out the condition of the head gates and spillway, Mike began looking for grants. His first attempt was not successful, but after INL engineers estimated damages could be at 1 or 2 billion if the Mackay Dam broke, he moved to the top of the list. Working with FEMA's Susan Cleaverly it was suggested they do the grant application process in phases. Phase I is for \$156,223.00 and has been awarded and is awaiting signature. Once signed it obligates the county for 25% (\$39,056.00 of in-kind funding). Mike understands the agreement between the Irrigation District and the Custer County Board of Commissioners. The FEMA grant pays for a "Facilitator @\$18,844.80", an "Organizer @ \$12,115.20", a meeting room @ \$175.00, and a "note taker @ \$259.00". These jobs add up to \$31,394.00 and Mike has offered to do the jobs and turn the funds over as the in-kind payment. The Custer County Board of Commissioners doesn't have that amount of funding available at this time. Karen Wallen-FEMA spoke up and explained that it is not legal for Mr. Graham to do such. You cannot legally "volunteer" if you are currently on the County payroll. This type of exchange cannot be accepted, as federal monies cannot be used as in-kind for a federal grant. The 31,000.00 cannot be turned back to the irrigation district as in-kind either. Mike Graham then asked if he could give the \$31,000? Clerk Lura Baker asked Karen, "If this funding is not accepted, could the Grant be rejected?" Karen replied, "Yes, it throws up red flags for the auditors". Clerk Baker then asked "If Custer County signs for the grant, then would they be required to pay back any miss used funds?" Karen answered "Yes you must manage everything appropriately." Mike Graham stated "At this point everything is above board, and all suggestions are known by everyone involved." Karen-FEMA "The labor laws must be followed." Mike then asked, "What if I'm not an employee, say I quit?" Karen-FEMA responded, "It will affect ALL your other grants! The Irrigation District could hire a contractor." Max Bingham-Irrigation Dist. asked "Is it a problem for part time employees to work as a sub-contractor?" Commissioner Butts asked "Would it be possible to hire via a contractor." Karen responded "The Irrigation District could sign a MOU with Mike Graham

to do the jobs, and be paid by the Irrigation District through the County for the extra work load if he was not employed by Custer County. Byron Pehrson responded that there is currently not enough money in the budget, and it will be February before their budget can be adjusted. Commissioner Corgatelli asked if the INL could be asked to help with funding. Karen responded with a reminder that Federal funds cannot be used as in-kind match funds for a Federal grant. Commissioner Smith asked if there was anything else available. John-INL responded with an offer to see what he could find in his arena. Clerk Lura Baker asked "If Mike did work for the Irrigation Dist. and quit the County, and the County was able to hire another Disaster Coordinator, could the Grant application be maintained?" Karen responded, "Yes the County can hire another Disaster Coordinator that could assume Mike Graham's duties".

Commissioner Butts reminded all that this struggle to locate funds will only cover the in-kind match required for Phase I. What about Phase II and Phase III in-kind matches?" Byron asked, "Signature on this application will only apply to Phase I? When we move into Phase II, the All Hazard Mitigation Plan will include the Lost River Irrigation District and they will be involved in the match funding needed. Phase II is estimated to be valued at \$1.5 to \$1.7 million, with a match of \$400,000.00 needed. Phase III will be between 7 & 8 Million with a 25% match required. Clerk Lura Baker stated that the H & H (hazards) Study needs to be done by a certified engineer, and is contracted at \$50,328.00. Karen stated that the \$31,000 will be used to hold public meetings, and you can reduce your costs and claim soft-match \$ from non-federal employee hours and mileage costs, if you have published agendas and a sign in sheet at the door of each meeting. Mike replied that he has the required forms from the state. (IOEM employees are not eligible) He will keep his time and has the iWORK program time card. The Irrigation Dist. already has Mike Graham on their meeting agenda.

K.J. Babcock-Butte Co. spoke up that he has used a similar process for his AHMP. They were able to generate the soft match funds with public meetings, and the "Mackay Dam" topic could generate large turnouts. Karen responded that \$31,000.00 would be difficult, but possibly \$10,000 or \$12,000 could be generated, and every dollar will count. It was asked of the Board of Commissioners if they were aware of the required matching funds when the application was made. Commissioner Smith responded that they became very aware of it within the last few months. Chairman Butts stated that the board knows there is a huge need for this project, and we will do whatever we can to make it move forward. We feel the County portion in this, was locating and applying for the grant for the Irrigation District. The County budget cannot absorb the matching fund requirements. We still need a well written MOU with Rules and Responsibilities laid out for all. The next concern is the time limit within which signature is required. Karen responded that she would check into the obligation of the award and get a better figure, and there is a three (3) year limit to competition. Commissioner Smith was under the impression that close out documentation is required within 90 days. Karen responded that the performance period is listed until August 31st, 2021, and you can take up to 60 days for signature. Clerk Lura Baker asked if the officers for Facilitator and Organizer need to be listed, and was told yes by Karen, but you can also submit a change order if necessary. Commissioner Butts stated that Custer County doesn't want to make snap decisions, OR miss out on such an opportunity. Karen then offered to come to Challis with Susan to help make the grant application successful. John offered again to look at non-federal funding options, as he works with two other contractors, and will include the congressional staff. The next scheduled meeting for the Irrigation District is September 3rd, the 1st Tuesday of every month. Mike Graham asked if Butte County would participate in the "in-kind" funding? Clerk Lura Baker reminded everyone that the grant is listed under Custer County and the Lost River Irrigation District. Mike reminded all that the AHMP will be finished the end of September. Commissioner Butts requested a meeting for September. Monday the 16th, at 2:00 in Mackay at 101 Main Street in the Irrigation District Office was chosen. Byron has an Idaho State Representative that is interested in helping, and will get his name to Commissioner Smith. Commissioner Butts will contact the Federal Representatives, Simpson, Crapo and Rish and invite them to the meeting on Sept. 16th. KJ Babcock feels that Butte County is a stakeholder, and knows their interest in the project. The next Butte Co. Commissioners meeting is Sept. 11th, and Byron Pehrson is planning to attend. Commissioner Corgatelli will attend from Custer County also. Mike Graham asked if he should also attend, and the board of commissioners will review the travel budget and let him know. Byron then expressed his appreciation to Mike for getting the grant this far and making it available to Custer County.

Mike Graham has heard from Road and Bridge Supervisor Melvin Lanier that they really like the new test radios and would like to have more. They have tested a base radio and 3 mobile units. Mike still has \$10,000 to use for communications before the fiscal year ends.

With no further business before the board, the meeting was adjourned at 5:55 P.M.

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Wayne F. Butts, Chairman  
Custer County Commissioner

Attest:

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Lura H. Baker, Clerk