

Bear Lake County Commissioners' Meeting
June 12, 2023
Commissioners' Chambers – Paris, Idaho

The Board of the Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, June 12, 2023, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting was available via Zoom. Members present were Commission Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Board Clerk Amy Bishop. Also in attendance were Attorney Adam McKenzie, Assessor Jannelle Jensen, Treasurer Tricia Poulsen, Sheriff Bart Heslington, County Superintendent Todd Boehme, County Building Inspector Wayne Davidson, Deputy Clerk Paul Christiansen and various members of the public.

APPROVE AGENDA – ACTION ITEM

Commissioner Jensen asked for approval from the Board to begin attending meetings of the Bear Lake County Snowmobile Committee and the Bear Lake County Sheriff's Office for the purpose of gathering information that could be important for the Board to know going forward. He said he would add these to his other committee assignments, pending approval by the Board.

MOTION: Commissioner Olsen made a motion to approve the meeting agenda and approve Commissioner Jensen to attend future meetings of the Sheriff's Office and Bear Lake County Snowmobile Committee for the purpose of gathering information that may be pertinent to the County. The motion was seconded by Commissioner Payne. The motion carried.

ELECTED OFFICIALS UPDATES

Treasurer Tricia Poulsen said no properties were being taken to tax deed sale this year. The two properties she had been concerned about were both redeemed before the June 1, 2023, deadline.

Poulsen said interest rates with the Idaho State Pool are up to 4.68 percent. Additionally, she said, the county just received \$12,000 of interest money that will significantly help county causes.

Tax payments have steadily been coming in to the Treasurer's Office, and the total already paid this year is well ahead of what had been paid at this point last year, Poulsen said.

County Assessor Jannelle Jensen reported the Motor Vehicle Department in May collected \$151,907.99 through Idaho Transportation Department transactions; \$7,418.50 in Idaho Parks & Recreation transactions; and \$138.96 through transactions performed through QR Code exchanges and mail renewals.

Bear Lake County assessment notices were sent out to property owners on June 1, and Jensen reported no appeals have been filed yet. Still, the Assessor's Office is continuing to take lots of calls and answer many questions, she said.

Kevin Franck – the commercial appraiser who since 2022 has served Bear Lake County and in that time

has reviewed all commercial properties in the area – is coming to the office two days a week to consult with commercial property owners who might have questions about their assessment notices. In the meantime, the Assessor's Office staff members are taking messages and making appointments for those commercial property owners to meet with Franck.

Commissioner Payne asked if property values this year had fallen overall. Jensen said where property values stand has been dependent on where those properties are located. While assessment notices will reflect values in much of the county have fallen in 2023, the values of lake-adjacent properties have actually risen because those properties are in high demand now, she said. Additionally, those areas of the county had been too lowly valued in previous years, she said, so those values have risen in 2023 to align more accurately.

Commercial appraisals as a whole saw a rise because these had not been assessed correctly in several years, Jensen said.

Sheriff Bart Heslington reported a new phone system had been installed the previous week at the Bear Lake County Courthouse. Despite some minor aspects that had to be tailored to work with Bear Lake County's personal needs, everything appeared to be working well thus far, he said. Customer service from the new system provider, RyTel Hosted, was proving to be a positive change for the county. RyTel has been quick to respond to any issues posed to them through emails or phone calls and has handily addressed these concerns.

While the public still can call the courthouse's different departments on the numbers associated with the previous phone system, Heslington said those numbers will eventually be phased out after the public has had a chance to be supplied with the new courthouse contact information. The general number the public should be dialing in order to connect to the courthouse auto attendant phone tree line is 208-945-2155, he said. Through this system, callers can be routed to any of the offices within the courthouse and will have the option to dial direct extensions.

Treasurer Tricia Poulsen made the observation that the corrected phone number should be posted to the county's website for dissemination to the public.

Concerning the ongoing radio communications project, Heslington said he has been overseeing a lot of consolidation efforts and identifying where the county's radios are in an attempt to ensure all records are correct. He said he had received notice that some of the project materials had been delivered to the project vendor, and he told the Board he expects to be contacted in the coming days by a project manager and supplied with an update for when construction work will begin.

Concerning the delivery of new vehicles for the Sheriff's Office fleet, Heslington said possession of the final contracted vehicle had been taken and the application of the agency graphics had been completed.

Heslington said in the week before the Board's June 12 meeting, the Bear Lake County Sheriff's Office and other county first-response agencies had participated in a joint water rescue training exercise with Rich County's emergency services. The training scenarios had involved stranded vessels, capsized vessels and other situations for which Bear Lake County's emergency services have responded to on Bear Lake. He said the goal of this training was to not only have participants put in the time and effort with the

exercises but also to identify the different areas that need improvement. Overall, Heslington said, the training went very well and he had heard good response from all the Rich County and Bear Lake County agencies.

Heslington said he has been in discussions with the mayors from a number of the county's incorporated cities to address concerns of ordinance enforcement. All of the incorporated cities have a highway running through their centers, and, in the past, this has led the Sheriff's Office to provide some extra enforcement within those areas. However, that is no longer a feasible option, and ongoing discussions are being had to determine the best resolution. On the west side of the county, several townships are enacting ordinances to try to make their own local laws publicly recognized; however, Heslington said, it has become difficult to effectively implement these ordinances without the proper enforcement to support the effort. These discussions will continue and the sheriff hopes to get all the city administrators together in order to find proper solutions to these ongoing issues.

Board Clerk Amy Bishop said she had attended the Idaho Association of County Commissioners and Clerks annual conference, held June 5-9, in Moscow. She said the meetings had been filled with good information and that there had been a big push from the Idaho Secretary of State for clerks to feel a partnership with that office.

With the Idaho Legislature's elimination of the March election date, the Presidential Preference Election (PPE) date will be affected. The state is evaluating when the PPE will occur, Bishop said, and the Idaho Republican Party now is considering moving to a caucus format. Bishop said she would keep the Board informed on any decisions made going forward.

Bishop said the state's clerks are still combatting a lot of ongoing technology issues, and many clerks have been unsatisfied with the responsiveness of the state's technology team. There has been some significant concern with the technology systems and their efficacy when it comes to court clerks' ability to conduct their work.

The clerks throughout the state are working to revise the Recording Procedures manual in order to make it more conducive to avoiding situations of fraud. Bishop said there have been a lot of requests throughout the state over the past few months from individuals declaring themselves as sovereign citizens. These people have tried to submit documents for recording as a means to declare their independence from the United States, its government and its laws. This is one situation the clerks are trying to mitigate by implementing standardized guidelines for how best to address these types of requests, she said.

The annual budgetary time is upon the county, Bishop said, and all the county's departments have submitted their budget requests to the Clerk's Office. Bishop and Chief Deputy Clerk Mindy Williamson are working to compile information from those submissions for the upcoming Bear Lake County budget workshops, which are scheduled for June 19, 2023. Additionally, Bishop said, the Board of Equalization is tentatively scheduled for June 26 but – dependent on the number of submissions – that hearing date might be moved to a July meeting.

COMMITTEE ASSIGNMENTS

Since the Board's last meeting, Commissioner Olsen said he had attended a meeting of the District VI Juvenile Detention Center Board. So far in 2023, the county has been charged for 41 juvenile detention days at a cost of \$157 per day. Commissioner Olsen said he had been impressed with the center's administrators and the quality of the program offered.

Commissioner Payne said he had served as signatory on a letter and application submitted by the Bear Lake County Ambulance Service for a grant funding request that, if received, will aid the agency in procuring a new ambulance. Additionally, he said he is working closely with County Attorney Adam McKenzie to address some issues encountered by the Bear Lake Historical Society. McKenzie is currently reviewing the society's bylaws and agreements with the Daughters of Utah Pioneers group and any affidavits that pertain to the materials that have been loaned to the historical society in order to ensure the appropriate return of those items when the time comes.

The historical society is in the early stages of planning future years' fundraising events that will take place annually around July 24. These plans will be discussed further at the society's next meeting on Thursday, June 15, Commissioner Payne said.

The historical society also is looking to invest in a document reader. The need for this machine became apparent when it was discovered the group had no filing index for any of their documents, with most documents kept in boxes with little organization, Commissioner Payne said. When the historical society's rented space in the basement of the National Oregon/California Trail Center in Montpelier flooded this spring, no organization or document scanning system was in place.

Clerk Amy Bishop said she had previously spoken to a historical society board member about a scanner that is no longer being used by the Clerk's Office. This equipment could possibly be donated by the county, she said.

Commissioner Payne said the pathway for proper law and county ordinance enforcement on the lake and within the Bear Lake State Park currently is being examined by the governor's office. Once this step is complete, a local committee will determine the best course of action and best plan to then be brought before the Board of County Commissioners for final approval. This may involve the adoption of new county ordinances or through policy changes that lead to better, stricter enforcement of the existing ordinances, he said. Idaho State Parks will be consulted and will work in tandem with this effort.

There has been some conflicting information and debate surrounding where the high-water mark around Bear Lake is, Commissioner Payne said, and McKenzie is working to reconcile the information in order to provide a definitive answer for the county going forward.

McKenzie said the Idaho Department of Lands views the high-water mark as a set mark and does not recognize it as a meandering line, but how this will be addressed by the county going forward is unknown. Whereas the Department of Lands follows the demarcation and does not follow a meandering line, and Rocky Mountain Power seems to have its own designated mark, a judge likely will have to make the final decision, he said.

Commissioner Payne said the United States Forest Service and the Idaho Transportation Department have come to an agreement for fencing along North Highway 89 in Montpelier Canyon. Commissioner Payne reported Paul Nelson will be applying for range improvement funding for Fiscal Year 2024 as a means of mitigating the livestock issues that have been ongoing in the lower part of Montpelier Canyon.

The groundbreaking for the Montpelier Temple of the Church of Jesus Christ of Latter-Day Saints will be held Saturday, June 17, and the Bear Lake County Commissioners have been invited, Commissioner Payne said. Although no county business will be discussed or conducted at this event, McKenzie suggested notice be posted to inform the public the commissioners may be in attendance. This will serve as a means of quelling any public concern that anything was being done underhandedly.

Commissioner Jensen said he had attended a few meetings with residents of the subdivisions located on the east side of Bear Lake, and the main concern voiced in those meetings is future improvements and alterations to East Shore Road. Commissioner Jensen said those residents have lots of questions about the best course of action to take to improve that road and what grant funding might be available to make it a reality. In the event that steps are taken to move forward with a project, public hearings will be held, he said.

GENERAL BUSINESS/ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims before the Board. The motion was seconded by Commissioner Olsen. The motion carried.

APPROVE MINUTES

MOTION: Commissioner Olsen made a motion to approve the minutes from the May 8, 2023, Commissioners Regular Meeting. The motion received a second from Commissioner Payne. The motion carried.

GOLF BOARD MEMBER APPOINTMENTS

Board Clerk Amy Bishop said Jill Kunz had chosen to step down from the Golf Board. To take her place, Jill Nelson had been chosen for and accepted the appointment.

Commissioner Olsen said that, due to the effects of an illness that would take quite a bit of recovery time, Kerry Haddock would be temporarily stepping back from his duties with the Golf Board. In his place, Dorian Grunig had been chosen to serve as acting board member in the interim.

MOTION: Commissioner Olsen made a motion to accept the resignation of Jill Kunz from the Golf Board; to appoint Jill Nelson to fill the Golf Board vacancy; and to accept Dorian Grunig to serve as acting Golf Board member in Kerry Haddock's absence. The motion received a second from Commissioner Payne. The motion carried.

FAIR BOARD MEMBER APPOINTMENTS

Commissioner Olsen said Kevin Matthews had requested to be released from the Bear Lake County Fair Board. Brenden Argyle had been approached and had agreed to fill that vacancy, pending approval by the commissioners. Argyle's wife, Sara Argyle, also had been asked to serve as an ex officio member and will be in charge of the fair's social media endeavors, Commissioner Olsen said.

MOTION: Commissioner Olsen made a motion to accept the resignation of Kevin Matthews from the Bear Lake County Fair Board; to approve Brenden Argyle as a member of the Fair Board; and to approve Sara Argyle to serve as an ex officio member of the Fair Board. Commissioner Payne seconded the motion. The motion carried.

RATIFY MOU FOR COMMUNITY BASED ALTERNATIVE SERVICES AND SUBSTANCE USE DISORDER SERVICES PROGRAMS

Board Clerk Amy Bishop said that, due to its time-sensitive nature, this particular memorandum of understanding already had been signed a few weeks ago by the Board. It was before the Board now for ratification.

MOTION: Commissioner Payne made a motion to ratify the Memorandum of Understanding for Community-Based Alternative Services and Substance Use Disorder Services Programs. The motion received a second from Commissioner Olsen. The motion carried.

PARKS AND REC CONTRIBUTION

At the April 10 regular meeting of the Board of County Commissioners, Montpelier City Councilmembers Shane Johnson and Quin Pope had appeared to request the county jointly fund the Montpelier Parks and Recreation program because it benefits children who live throughout the entire county. Clerk Amy Bishop said Johnson had sent her an email to be shared with the Board, and it contained information about Montpelier's current spending on the program.

Per Johnson's email, Montpelier City currently pays a part-time Parks and Recreation director \$18,000 per year. This position manages all the recreation leagues – including basketball, baseball, softball, T-ball, coach pitch, flag football and soccer programs. These teams are not limited to a certain skill level – all children welcomed – but between 65 percent and 70 percent of the participants live outside of Montpelier.

Johnson wrote the program has been able to fund itself most years through registration fees. Unfortunately, with the rising cost of uniforms and equipment, that is no longer possible. Registration fees have increased multiple times in the past few years, and this is affecting Montpelier City's goal to keep fees affordable for participants' families. Additionally, he wrote, programs are in need of new equipment that is essential for children's safety and the effectiveness of the leagues.

Bishop said that Montpelier City was requesting assistance from Bear Lake County in the amount of \$9,000 per year. This money, if granted, will be used to help fund the Parks and Recreation director's salary and help to free up Montpelier city funds to be used for equipment purchases. Per Johnson's data, the annual revenue brought in from the recreation league is between \$10,000 and \$12,000.

Commissioner Payne suggested further thought and discussion be had on this issue before a decision is made. He also wanted to check if other county townships or cities have active recreation leagues. If these other leagues exist, he said, it is imperative the county's contributions are made to each without any perception of favoritism being shown toward one specific entity.

The Board chose to table this issue and discuss it further during the county's upcoming budget workshop. If more information is needed at that time, the Board may request Montpelier City officials come before them again during the July 2023 meeting.

BUILDING USE AGREEMENT

Some community groups have shown interest in using the Commissioners' Chambers for gatherings and meetings. Notably, these inquiries have come from local political parties and – most recently – from the City of Paris. In light of any potential liability issues in the future, Clerk Amy Bishop said a policy should be put in place to establish proper building-use designations and to address liability issues that could be present.

Bishop said she had reached out to some other counties in Southeast Idaho and had found two examples to bring before the Board. One example, gathered from Twin Falls County, is simple and limits use by non-county entities to only those political parties that are registered with the State of Idaho and nonprofit organizations registered with the State of Idaho. While it is important for any policy to instill the correct protections for the county, Bishop said she does not believe it is necessary to make the process of using the Commissioners' Chambers too difficult.

A policy example also had been gathered from Franklin County, and that particular policy had proven to be more open with its considerations and steps, she said. Franklin County allows for any use but does charge the requesting user a fee to use their room.

Whatever direction the Board should choose to move in, it is important to allow access for groups such as taxing districts and state committees, Bishop said. County Attorney Adam McKenzie suggested some soft of liability waiver and indemnity language be included within any drafted use policy. When it comes to the issue of insurance coverage, McKenzie said, state and governmental entities will most likely be covered under the Idaho Counties Risk Management Program (ICRMP). Nonprofit groups should still have and be able to provide a certificate to prove they have some sort of insurance policy in place, thus ensuring both the county and the user are aware who has been designated as the liable party.

The Board assigned McKenzie and Bishop to work together on a policy draft that will then be brought before the Board at its next regular meeting on July 10.

WAGE STUDY PROPOSAL

Boost HR & Recruiting came before the Board during its April 10, 2023, meeting to discuss services their organization can offer to Bear Lake County. In the time since that presentation, County Clerk Amy Bishop and Chief Deputy County Clerk Mindy Williamson had followed up with Boost HR & Recruiting and had determined professional advisement could be very advantageous when it comes to the county's

issue of wages. The current county policy provides that all employees begin at the same base wage, regardless of the level of experience they bring to the job. Bishop said this has been a longstanding concern within each of the county's departments.

She said she would like Boost HR & Recruiting to work with the county during its budgeting process for Fiscal Year 2024. The company's service can help outline tools that address the appropriate levels and procedures of compensation based on employees' experience, knowledge, certifications and other important factors that have not been fully taken into account in the past. Boost also will help address employee performance criteria, Bishop said.

These areas will be evaluated by Boost HR & Recruiting at a cost of no more than \$3,450 and will serve as a study to help Bear Lake County address its concerns related to its wage scale and longevity pay. Alternatively, Bishop said, the county could form some sort of committee comprised of participants from its different departments. However, the worry with that process is that each department might show an internal loyalty to its own employees and believe its workers deserve to receive the most compensation.

The use of Boost HR & Recruiting's services will provide a non-biased, fair market evaluation of the county's situation, she said.

MOTION: Commissioner Olsen made a motion to hire Boost HR & Recruiting for the completion of a wage study for Bear Lake County. The motion received a second from Commissioner Payne. The motion carried.

PUBLIC HEARING – ASSESSOR FEES

MOTION: Commissioner Payne made a motion to enter the public hearing for discussion on and consideration of the proposal to adjust Assessor Office administrative fees. Commissioner Olsen seconded the motion.

Roll Call Vote. Commissioner Payne, Aye. Commissioner Jensen, Aye. Commissioner Olsen, Aye.

The public hearing opened at 10:22 a.m.

County Assessor Jannelle Jensen said each of Assessor's Offices located through Idaho's 44 counties has been allowed by the state to add an administrative fee to each of their titling service transactions. The money brought in through this additional administrative fee will be returned directly to the corresponding counties to aid in paying their Motor Vehicle Department costs.

Additionally, no administrative fee will be received by the county for any motor vehicle transactions conducted online or by mail. To combat this loss, Jensen said she was proposing the addition of a \$6 administrative fee for title transactions, which falls below the state average of \$6.84 per transaction. Some nearby counties – namely Franklin and Oneida Counties – are adding this fee, while Caribou County has chosen to make no addition to its administrative fees, she said.

In addition to the addition of a \$6 administrative fee on titling transactions, Jensen proposed raising the

existing administrative fee on registration transactions from \$3.86 to \$4 – resulting in a total of \$10 brought into the Assessor’s Office through these admin fees.

No members of the public chose to offer comment during the public hearing.

Commissioner Payne said it is Bear Lake County’s responsibility to stay in line with the counties that surround it, and as it stands the admin fees received currently do not cover the cost of doing business. While the additions of the proposed new admin fees will not cover the cost of doing business either, the margin will be narrowed, he said.

The public hearing closed at 10:31 a.m.

The Board took no action, as the agenda item had not been publicized as an action item. Further discussion was tabled, and the proposal will be voted on during the Board’s special budget meeting, scheduled for Monday, June 19, Commissioner Jensen said.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Contractor work in Bear Lake County has picked up once again with the spring conditions finally beginning to show, Building Inspector Wayne Davidson said. Still, the amount of work being done in the county is less than a year ago, and that likely can be attributed to the long winter season and the inclement weather that has been seen this spring.

Initially, the expectation had been that summer 2023 would be a far slower construction season compared to the past few years, but Davidson said signs are showing conditions will not be far behind. He is contacted by contractors daily who have plans to begin new projects.

The Board took a brief recess at 10:34 a.m.

It reconvened its regular meeting at 10:38 a.m.

LISA TRANSTRUM, KEVIN WELLS, BRENDEN ARGYLE – FAIR BOARD – FAIR GROUND BUILDINGS – ACTION ITEMS

Lisa Transtrum, Kevin Wells and Brenden Argyle of the Bear Lake County Fair Board appeared before the Board of County Commissioners to speak about the replacement of the fair dairy barn that collapsed this winter as a consequence of snow buildup. Transtrum said the county Road and Bridge Department had assisted with the dismantling of the collapsed building debris to ensure there would not be a safety issue once the summer baseball tournaments begin in the area.

The fair board has received a few bids from four different contracting companies and wants to get the construction on a new building started as soon as possible, Transtrum said. The bids come from TH Builders, Turner Carpentry Service, Roper Buildings and Cleary Building Corp., with the initial plan to construct the new dairy barn over the old building’s existing footprint.

Wells said he had worked with the county building inspector to determine the snow load amount, as well as the wind and earthquake resistance, needed for the new building. That information was sent to the contractors before they returned their bids.

Clerk Amy Bishop said any project that has a cost over \$10,000 will require the contractor to have a public works license. Any project with a cost between \$50,000 and \$200,000 requires three written bids be received and does not require the county to advertise for bid.

Bishop said she is hesitant to move forward with approving any bid without a set figure of monetary compensation for the downed building being first provided by the county's insurer, ICRMP. Commissioner Payne said as soon as the insurance adjustor's data has been received by the county, a special meeting can be scheduled so the Board can take action to evaluate the bids.

Transtrum said the fair board has worked with the dairy entry contributors in order to make them aware there may not be housing for the dairy animals on the fairgrounds during the 2023 Bear Lake County Fair. Individuals who choose to participate will do so with the understanding they will bring their animals to the fairgrounds to be judged and will then take them home without displaying them for the length of the fair, she said.

The Board of County Commissioners tabled this issue until they receive firm information from ICRMP.

Additionally, Transtrum said she had emailed the Board a packet containing attached photos and layouts concerning the conversion of a fair grounds commercial vendor building into a new pig barn. If this process is completed, the existing pig barn will be used for the display of small animals.

However, Transtrum said, the fair board now is considering a proposal for a new multiuse building – measuring 80 feet by 123 feet – that can be used as an additional show ring during the fair, will allow participants to invite more family members and will allow more buyers to attend. The space could allow for adequate seating provisions for interested parties to take part in those fair showings, she said, with an approved capacity goal of about 600 occupants.

However, a multifunction building could be used by not only fair attendees during that one week a year but groups throughout the entire community throughout the year, Argyle said. The building could incorporate heating, bathroom facilities, showers and movable bleachers. It could even be utilized by the Montpelier Parks and Recreation Program's sports leagues if some sort of agreement between Montpelier City and Bear Lake County was forged.

Commissioner Payne said in the past he has been approached by several different groups who had voiced interest in the construction of a similar multiuse building that could see an emphasis placed upon its use by the community during the long winter months.

If ever a building of this impact was approved and built, Sheriff Heslington said, location consideration and accommodations for emergency responders need to be taken into consideration to ensure these personnel can access the different parts of the building in a timely manner during an emergency.

Any planning on this project is in the very early conceptual stages, Transtrum said. At this time, no

valuation estimate has been appropriated. Wells said that while a multiuse building would be of great benefit to the community, the fair board's main goal is to address the pig barn issue.

More discussion will be had on these ideas in the future, Commissioner Jensen said.

GENERAL BUSINESS/ACTION ITEMS (CONTINUED)

HISTORICAL SOCIETY CARPET CLEANING BILL

Clerk Amy Bishop said this winter, when a waterline broke outside the National Oregon/California Trail Center, the building's basement space rented by the Bear Lake Historical Society was impacted by flooding. The society had provided the carpet in that part of the center, but the society's insurance company stated that damage should have fallen under the National Oregon/California Trail Center's insurance plan and thus should have been covered under Montpelier City's insurance.

Because at the time of the payment – \$2,500 paid out of the Bear Lake Historical Society's small budget – there had been some confusion as to who was responsible for the damages, Commissioner Payne proposed the county pay the bill on the society's behalf and reimburse that group for the cost.

MOTION: Commissioner Payne made a motion to reimburse the Bear Lake Historical Society in the amount of \$2,500, paid out of the Bear Lake County Commissioners' Contingency Fund. The motion was seconded by Commissioner Olsen. The motion carried.

GOLF CONTRACT

Regarding the issue of the golf cart building collapse at the Montpelier Golf Course – another unfortunate incident of property damage that occurred this past winter – County Attorney Adam McKenzie said he plans to begin drafting a contract that reflects needed changes and evaluates who is responsible for maintaining that building and whose responsibility it is to pay the costs. Revising that contract and making clear who is in charge of conducting maintenance on the golf cart building – and, at large, other buildings throughout the county that are subject to similar agreements – will result in the county not being held responsible for something that should have been dealt with by another party, McKenzie said.

Concerning all future contracts, proposed language needs to be added to properly indicate liability and the responsibilities of those overseeing the space and those who utilize it, he said. These designations need to be made independently of one another.

BRET KUNZ – INSURANCE ADVISORS – POLICY RENEWAL ESTIMATE – ACTION ITEM

Bret Kunz, who serves as the county insurance agent through ICRMP, presented the full documentation of the values of all property insured within the Bear Lake County government. He said that any of the county's departments that wish to go over the items specific to them may contact him and he will be happy to go over the details.

Commissioner Jensen said the policy renewal traditionally has been addressed during the county's

budget sessions. The policy renewal will receive more discussion at that time.

GRACE ARNELL AND MICHAEL NATE – DINGLE ROAD TRAFFIC – ACTION ITEM

Two citizens from Dingle – Grace Arnell and Michael Nate – came before the Board to raise concerns of what they called major traffic problems along Dingle Road, and the pair submitted a list of other citizens from the area who were in solidarity. Arnell said she had personally spoken to a few Bear Lake County Sheriff's deputies about issues of extreme speeding violations and reckless driving within the town's boundaries, and she said the culprits include out-of-staters, tourists and locals alike.

Arnell also said the issue is not only present during the summer months, and she is worried for small children during the hours when they are boarding and departing school buses.

Nate echoed Arnell's words and added the busy roadway also sees a lot of heavy truck traffic and very few law enforcement patrols seem to be conducted in that part of the county, despite the road being a highly traveled route to Bear Lake.

Sheriff Bart Heslington said he fields requests from all of the county's communities during the summer and would supply more manpower if it was feasible. Unfortunately, he said, it is a matter of his department not having enough resources to contend with the number of issues. To subsidize what patrols are available, mobile radar signs are used to collect data that can be analyzed and evaluated so peak times of traffic – and, in turn, times when the most violations on average occur – can then be addressed by his department.

One of these mobile radar signs is stationed in the north section of Dingle, and Nate suggested another be posted on the south end of the town as a way to alert drivers who are traveling northbound from Bear Lake.

Heslington said he will speak to County Superintendent Todd Boehme about the issue and try to procure a variable radar sign to be posted at the south end of Dingle. He also said he is working to expand his department's capabilities by getting reserve officers fully certified so more patrols can be conducted on county roads.

PAUL CHRISTIANSEN – DEPUTY CLERK – COUNTY MUTUAL AID AGREEMENT / MOU WITH ITD / EMERGENCY SERVICE BRANCHES

Deputy Clerk Paul Christiansen appeared before the Board to provide an update on some items the commissioners requested he look into.

After conferring with the Board and County Attorney Adam McKenzie, Christiansen said it had been determined the Four-County Agreement – a signed pledge of mutual aid and assistance during emergency situations that was made between Bear Lake, Franklin, Caribou and Oneida Counties – had been last signed by then-Board Chairman Vaughn Rasmussen on April 21, 2021.

McKenzie said unclear language in the agreement concerning its renewal procedures left some doubt as to if it was still in effect. Because of this, he said it would be in the best interest of the counties involved to discuss it during the next Four-County Meeting. The Board directed him to begin drafting an updated agreement with clarifying verbiage inserted.

Additionally, Christiansen said he had an in-depth conversation with Sheriff Bart Heslington and found the Bear Lake County Sheriff's Office has its own mutual aid agreement with the state's other law enforcement agencies through the Tri-County Sheriff's Association.

Christiansen said that during the planning sessions for the recent active shooter training – held May 13 for the county's emergency response agencies – local Idaho Transportation Department DeLoy Romrell had helped to secure a guarantee of assistance from the state agency and offered to Bear Lake County during any potential active shooter disaster events.

Christiansen said he was uncomfortable going into the details of that aid agreement during the public session, but advised this could be fully discussed during the Board's executive session. He said section (d) of Idaho Code 74-206 ensures these matters can be discussed during executive session as "records exempt from disclosure," provided in chapter 1, title 74-15 of Idaho Code, which includes "law enforcement records, investigatory records of agencies, evacuation and emergency response plans."

It was decided this issue would be tabled and discussed between the county attorney and the Board at a later time.

Lastly, Christiansen reminded the Board that Commissioner Jensen had questioned why no member of the Board served as a liaison to the Bear Lake County Sheriff's Office or the Bear Lake County Fire Department. Commissioner Jensen had previously said this seemed strange, as a commissioner – in the current case, Commissioner Payne – serves with the Bear Lake County Ambulance Service.

Christiansen said the Bear Lake County Sheriff's Office and its staff serve directly under an elected official – in this case, Heslington. As there is no Board liaison to any of the other departments helmed by elected officials (e.g., Clerk's Office, Assessor's Office, etc.) no commissioner is assigned to preside over that department.

In the case of Bear Lake County Fire, Christiansen said, the agency constitutes its own governmental entity – the Bear Lake Fire District – as a separate designated taxing district. Because of this, the county does not appoint a Board liaison to preside over it. This follows the examples of other groups, such as the Bear Lake County Library or Bear Lake School District #33.

The Board can choose to appoint a commissioner to coordinate with these two emergency service agencies if it deems it necessary; however, this may be a duty better designated to the Emergency Management Coordinator as these responsibilities and communications already fall within that purview, Christiansen said.

TODD BOEHME – COUNTY SUPERINTENDENT

County Superintendent Todd Boehme provided an update for the Paris Park Bridge project and said just

less than \$150,000 had been received to be used for the project. All funding has been slated to be disbursed, with construction set to begin in fall 2024.

The Jericho Loop Bridge is near completion but had been delayed due to inclement weather. The last steps – the introduction of new fencing and the installation of signage – will be completed quickly once the crew is able to access the area, Boehme said.

Springtime road maintenance and flooding continues to be an issue for the Bear Lake County Road and Bridge Department, he said. A significant amount of water in the middle of the Stauffer Canyon roadway has created a soft spot which department crews are trying to alleviate through the placement of multiple loads of rock. Unfortunately, that has been a challenge.

Skyline Road, which lies in the Raymond area of the county, currently is breached. These conditions are making it difficult to fully shore up, but crews are continuing efforts, Boehme said.

MILL FARM ROAD PROPOSAL – ACTION ITEM

Boehme said an improvement agreement for the Mill Farm Road/Mill Canyon Road – which colloquially is known by both names – between the county and a private entity is being examined and evaluated. The improvements proposed will bring the roadway up to a level of standard. However, what the county's involvement and responsibility in the project will be is being determined.

The roadway will continue to serve as a major United States Forest Service access road, Boehme said, and because of this a lot of stakeholders are involved.

Liberty Rock, LLC – a stakeholder who uses the roadway to access an existing gravel pit for the removal of rock – proposes Bear Lake County supply a 48-inch culvert to be installed by Liberty Rock, using its own equipment and labor. Liberty Rock also proposes to donate 2,200 cubic yards of 3-inch minus granular subbase rock and 1,000 cubic yards of 1-inch minus road base.

In exchange, Liberty Rock asks Bear Lake County to truck, spread, shape and compact the material – which has been calculated to build 14 inches of base rock, measuring 24 inches wide by 2000 linear feet, and capped with 6 inches of road base rock measuring 24 inches wide by 2000 linear feet.

Liberty Rock also proposes to supply Bear Lake County with any rock needed in the future for that section of roadway for as long as the LLC uses the gravel pit in its endeavors. That entity has said it knows these improvements will not only benefit its work but also will improve the safety of public access and parking along the roadway, Boehme said.

While the definition of “standard” might not be the same between the stakeholders and Bear Lake County, Commissioner Payne said the county should be consistent and urge this roadway be brought up to the county's idea of standardization. Commissioner Jensen added that it is imperative to determine exactly what that level of standard is before the county can make any demands.

Commissioner Olsen said he would suggest the Board table the issue until feedback can be received from the Planning & Zoning Board. The issue was tabled for future discussion at a later date.

Boehme said the Direct Communications East Shore Road Trunk Expansion project is nearing approval. Commissioner Jensen asked if there was any sort of memorandum of understanding – between Bear Lake County and the companies that provide repair services – that has been put in place to hold those entities liable as participating partners in the maintenance in those areas.

This information was not readily available but will be looked into by Boehme and County Attorney Adam McKenzie.

EMERGENCY DECLARATION RENEWAL

Because of the large amount of moisture still present throughout the county, Boehme said he would advise the Board renew and extend the inclement weather emergency declaration – first adopted at the Board’s April 10, 2023, meeting and renewed in its regular subsequent monthly meetings since – until its July meeting. At that time, it can re-evaluate the situation and choose to terminate or renew the declaration, he said.

Commissioner Payne said he had received an email notifying him of possible emergency funding related to flood conditions. He advised he would forward that information to Boehme for assessment.

MOTION: Commissioner Payne made a motion to extend the Bear Lake County Inclement Weather Disaster Declaration until the Board’s July 10, 2023, regular meeting, at which time it will be reevaluated. The motion received a second from Commissioner Olsen. The motion carried.

TODD BOEHME – EMERGENCY MANAGEMENT COORDINATOR

Bear Lake County Emergency Management Coordinator Todd Boehme said he had attended an FBI-conducted tabletop training that covered the topic of active shooter scenarios. This had been held just a few days after Bear Lake County’s own emergency services active shooter exercise – held on May 13, 2023. Both exercises provided Boehme with a lot of information and areas to focus on to improve the county’s preparation, he said.

Boehme said he has been actively working with the State Communications office through the formation of a mutual agreement concerning the Bern Hill communications project, which will provide for the county’s radio services. There has been some in-county debate for when the Bern Hill tower property lease will need to be renewed. Boehme said if the county is going to update the lease, the state would like to have a copy of that contract for its own records.

PUBLIC COMMENT

Zana Jokic, the owner of property located at 250 Lakeside Drive, came before the Board to voice concern over longstanding flooding conditions that affect her home each year. For the past three years there have been no proper drainage conditions in the area, and the culvert under the roadway does not provide for this need. These problems have resulted in \$10,000 of property damage being incurred due to flooding issues, she said.

Jokic said that, as an immigrant to both the area and the United States, she wondered if her family was being discriminated against. Commissioner Jensen assured her that was not the case and said the county does not divert storm drainage pathways. As it stands, he said, Bear Lake County has limited say over the handling of landscaping in the Bear Lake West area, although it is aware there have been ongoing issues for a number of years.

County Superintendent Todd Boehme said the existing culvert that Jokic referred to is known to be in disrepair but has not been addressed purposefully as a means to avoid causing additional issues for this particular property owner and others living in that area of the county.

County Attorney Adam McKenzie said that, because this item had been listed for action on the agenda, further discussion should be tabled for the future.

The Board tabled the item but will discuss it further at an upcoming meeting.

EXECUTIVE SESSION – IDAHO CODE 74-206(1)

MOTION: Commissioner Payne made a motion to go into executive session according to IDAHO CODE 74-601(1) (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

The motion was seconded by Commissioner Olsen.

Roll Call Vote. Commissioner Payne, Aye. Commissioner Jensen, Aye. Commissioner Olsen, Aye.

The Board entered executive session at 12:56 p.m. and left executive session at 1:35 p.m.

From 12:59 p.m. to 1:21 p.m. the Board discussed records exempt from public disclosure.

From 1:22 p.m. to 1:33 p.m. the Board communicated with legal counsel to discuss pending legal matters.

The Board reconvened its public session at 1:35 p.m.

APPLY FOR EASEMENT FOR COUNTY ROAD OVER STATE LANDS – ACTION ITEM

The county's application for an easement of a county roadway over state lands was tabled, with further discussion and pending action to be taken in the future.

CHRISTINA CULVER – IMAGINE IDAHO BROADBAND EXPANSION PRESENTATION

Due to the meeting running behind schedule, Christina Culver with Imagine Idaho Broadband was forced to cancel her presentation to the Board. She asked to be scheduled to appear before the Board via Zoom

at a future meeting, Deputy County Clerk Paul Christiansen said.

LETTER OF SUPPORT USDA RURAL DEVELOPMENT – ACTION ITEM

Christiansen said that, due to its time-sensitive nature, he had been asked by Culver to present a letter of support to the Board for approval and signing. The letter declared Bear Lake County’s support for Imagine Idaho and its petition to the USDA Rural Development Rural Utilities Service project – which, through grant opportunities, helps to fund broadband internet connection endeavors throughout Idaho’s underserved and altogether unserved rural communities.

MOTION: Commissioner Payne made a motion to approve and sign the letter of support, in favor of Imagine Idaho and for delivery to the USDA Rural Development Rural Utilities Service. The motion received a second from Commissioner Olsen. The motion carried.

INDIGENT CASE ACTION ITEMS

No action or discussion was had regarding indigent cases in Bear Lake County, and this item was tabled for further proceedings at a future meeting.

MOTION: Commissioner Payne made a motion to adjourn the meeting. The motion was seconded by Commissioner Olsen. The motion carried.

The meeting adjourned at 1:45 p.m.



Bradley D. Jensen, Chairman

7/10/23

Date Approved

ATTEST: 

Amy Bishop, Clerk



