

## **BEAR LAKE COUNTY COMMISSIONERS' MEETING**

**OCTOBER 13, 2020**

### **COMMISSIONERS' CHAMBERS-PARIS, IDAHO**

The Board of Bear Lake County Commissioners met in their regular meeting on Tuesday, October 13, 2020 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others present were Sheriff Bart Heslington, Building Inspector Wayne Davidson, County Superintendent Scott Esquibel, citizens' Jean Alleman, Robin Owsley and Kathi Izatt, Reporter for The News-Examiner.

#### **APPROVE AGENDA**

**Commissioner Jensen made a motion to approve the agenda, with the addition of action item for the Assessor Fee Resolution, for October 13, 2020, seconded by Commissioner Payne, motion carried.**

#### **ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS**

Commissioner Rasmussen gave update on the Coronavirus, cases in the courthouse, best defense is social distancing and encouraged masks to control the spread. Will have a meeting with Board of Health and Bear Lake County is at the Yellow status and will probably stay. Assessor office is shut down at this point.

Sheriff Bart Heslington gave his monthly report, everything has remained pretty active, a lot of visitors are staying in the area. Working on wrapping up the budget year, getting the uninterrupted power supply. Working on preparation of future critical incidents at the lake, amount of time on the water, do not have the capability to have divers on the water, looking into a program and grant help with the money end. Deputies will be certified divers, prior it was volunteer, but having an employee certified is easier to hold to the standards required. Sheriff Heslington met with ITD (Idaho Transportation Department) and Bear Lake West HOA regarding the congestion, parking and foot traffic at the Bear Lake West HOA beach access and trying to work on a solution. ITD will put in flexible delineator posts, Bear Lake West HOA has identified other parking area. They are doing a speed study to look at parking and crossing on foot to the beach area, basically eliminating parking there by the highway to avoid the congestion and hazard in that area. Sheriff Heslington met with newly appointed Caribou County Sheriff Maybe, as Sheriff Wells resigned, so is in transition but anxious to continue the good relationship with them and the jail.

Clerk Garner informed the Commission of an Ambulance grant, FY2021 EMS Dedicated Grant, awarding them \$25,000.00 for a Power Gurney and Load System Kit and \$135,000.00 for a Type I Ambulance. There were a few other housekeeping items.

#### **APPROVE MINUTES**

**MOTION: Commissioner Jensen made a motion to approve the minutes for July 27, 2020, August 17, 2020, September 14 and 21, 2020, seconded by Commissioner Payne, motion carried.**

### **RESOLUTION #2021-01 (Liquor License)**

Clerk Garner read Resolution #2021-01 regarding licenses to sell beer, wine or liquor during the 2021 calendar year.

**MOTION: Commissioner Payne made a motion to accept Resolution #2021-01 regarding licenses to sell beer, wine or liquor in the 2021 calendar year, seconded by Commissioner Jensen, motion carried.**

### **SET DATE – PUBLIC HEARING on ROADS**

Commissioners discussed the need for a public hearing and updating the County Road Map per the five (5) year mandate. Superintendent Esquibel informed the commission he and employee Todd Transtrum have reviewed the map and would be ready. An evening meeting will be held to accommodate more citizens wishing to attend. Commissioners set the evening meeting for Thursday, November 19, 2020 at 6:00 p.m. in the Commissioners' Chambers at the Courthouse in Paris, based upon no Covid outbreaks or other pending issues.

### **COMPUTER ARTS SOFTWARE & SUPPORT LICENSE**

Clerk Garner presented the Computer Arts (CAI) Software & Support License and the Sheriff confirmed they will no longer use their services as they have changed vendors, so that amount would be deducted in Addendum 'D' as they are with a different software program going forward.

**MOTION: Commissioner Jensen made a motion to approve the Computer Arts (CAI) Software and Support License, minus Addendum 'D' for FY2021, seconded by Commissioner Payne, motion carried.**

### **AMEND POLLING PLACE – GEORGETOWN**

Clerk Garner informed the Commission that Georgetown City Hall was not large enough for the social distance needed, so the Georgetown Precinct is moved to the Georgetown LDS Recreation Center for voting on November 3, 2020.

**MOTION: Commissioner Payne made a motion to amend the polling places to move the Georgetown Precinct to the Georgetown LDS Recreation Center for the purpose of social distancing, seconded by Commissioner Jensen, motion carried.**

### **APPROVE GENERATORS/SERVICE AGREEMENT**

Sheriff Heslington presented the service agreement with Western States for the generators to be utilized by the county, some being under the direction of EOC with Alan Eborn. It will be about \$1,500.00 more a year, however, the level of service, the load testing and maintenance agreement is substantially better. There will be a notification if service goes down and can be taken care of. They would combine road trips and looking at contracting, servicing the hospital as well and would be less expensive coming from Pocatello rather than Boise. The total cost per year without a load test would be as follows: Courthouse - \$996.52, 'M' Hill - \$989.69, Mobile Unit - \$511.54. There would be an additional cost with the two (2) hour load test every third (3<sup>rd</sup>) year. They will be staggered to help with cost on load testing and maintenance each year. Sheriff Heslington did not have the numbers for the E.O.C., Eborn does have it and it would be similar fees.

**MOTION: Commissioner Jensen made a motion to approve the county generators service agreement with Western States, upon review of the county attorney, seconded by Commissioner Payne, motion carried.**

#### **HOSPITAL BOARD RECOMMENDATION – PROPERTY PURCHASE**

Commissioner Rasmussen informed the commission the hospital would like to purchase a property with a building for students to be closer to the hospital. As it is a county hospital, we go through the county bidding process, the county owns the buildings.

**MOTION: Commissioner Payne made a motion to approve the hospital purchase of the property and building for the purpose of having students closer to the hospital, seconded by Commissioner Jensen, motion carried.**

#### **BEAR LAKE FIRE LANDFILL BILL**

Commissioner Jensen mentioned a landfill bill being charged to the Bear Lake County Fire District after a cleanup around their building and requested the county voiding that bill. There was discussion and other taxing districts are not charged. Commissioners felt where it is a county entity, should not charge.

**MOTION: Commissioner Jensen made a motion to waive this one-time bill for the Bear Lake County Fire District as they are a taxing district, seconded by Commissioner Payne, motion carried.**

#### **ITD LETTER – NORTH BEACH STRIPING**

Sheriff Heslington expressed appreciation to ITD (Idaho Transportation Department) for their prompt help in putting down the double yellow striping on North Beach Road and it did make a difference. Sheriff Heslington worked with ITD local representative, DeLoy Romrell and with the high level of traffic, the no passing zone will help eliminate extreme traffic congestion. Sheriff Heslington will draft a letter of support and would ask the Commissioners to sign to express the County's gratitude for their cooperation on this matter.

**MOTION: Commissioner Payne made a motion to sign the letter of support written by the Sheriff to ITD to express gratitude for their cooperation in putting down the double yellow striping on North Beach Road to help with traffic congestion, seconded by Commissioner Jensen, motion carried.**

#### **SURPLUS EQUIPMENT**

Offices have been extremely busy and will get the surplus equipment list ready for the November meeting.

#### **BRUCE OLENICK – DEQ (Department of Environmental Quality)**

Bruce Olenick with DEQ requested being moved to the November meeting.

Commissioner Payne gave an update on the airport, two (2) phases, the repaving is complete, the airport is open after the FAA gives okay. They are working on the official survey. In reviewing the property, there is a mile of drains that was put in by the army, about fifty years old, concrete, did replace those running under the runway. The Senior Center received an additional \$50,000.00 which brings their project up to \$200,000.00. The Fair is working on the restrooms and Superintendent

Esquibel mentioned they had approval to widen the road. Kevin Matthews and Wynn Olson need to be re-appointed in the November meeting. On the new courthouse, LeGrand Johnson Construction did groove a couple of places to help with drainage. The swinging doors will be changed out. Building Inspector, Wayne Davidson, is working on getting bids for the automatic door openers.

Commissioner Jensen mentioned Idaho and Utah funded both what they agreed to for the Regional Commission. Everything with the landfill is moving forward.

Commissioner Rasmussen meets with the Board of Health every other week, recommendation is to stay Yellow and based on cases, will stay. There have been eight (8) cases in the courthouse. Rasmussen will be in a zoom meeting all day Friday, helping select a magistrate judge in Pocatello. The Gem Plan is good, added two (2) new counties and rates are staying good, Rasmussen chairs that committee. Met with the hospital board, they are doing well, being very careful with Covid. Franklin and Caribou Counties have more cases and having an impact on the hospitals. Bingham County is to capacity in their hospital.

#### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT**

Wayne Davidson, Building Inspector, presented his report with it being extra busy, particularly in Bern, Montpelier, Georgetown and a lot of interest around the lake. Lumber prices continue to go up, supply and demand issues may slow building, but not seeing it yet. Helping Montpelier City with ordinances. It's hard to find rentable homes, not a lot of affordable housing in the area. Hard to find builders as they are all very busy. Davidson & Mitch Poulsen, Planning & Zoning Administrator, are getting calls weekly regarding metal boxes, tent cities, etc. Tiny houses, code does handle those. Working with Commissioner Payne on a couple of items for the courthouse, some patches on the cement, working on the swinging doors and are getting bids on the auto open door. Working on the sound panels.

#### **RESOLUTION #2021-03 INCREASE ASSESSOR'S ADMINISTRATION FEE**

Commissioner Rasmussen urged waiting until Assessor Dunford could be in attendance and have more information.

#### **TONI BURNELL- MAINTENANCE on SMITH HILL ROAD**

Toni Burnell, along with the Calls, appeared to discuss maintenance on Smith Hill Road, as they have a lot of problems with so much traffic and dust. The Bear Lake West portion of the road is narrow and steep, so Smith Hill Road is the desired mode of travel. Contractors, trucks, along with constant 4-wheeler traffic is as much as the highway, everyone is covered in dust. Commissioners have received some calls. Burnell & Calls would like a solution, need speed signs, there are three (3) homes at this point, more being build. Commissioner Jensen mentioned getting signs now, a road count, possible dust retardant next year. Winter and no maintenance, Commissioner Jensen and Superintendent Esquibel will put a plan together for winter maintenance and dust abatement. Esquibel reminded the Commission there are a lot of the canyons with additional homes and they want maintenance.

#### **PUBLIC COMMENTS**

David Cottle would like to see the Commissioners do a zoom meeting rather than in person. Attended the Five (5) County Transportation Coalition meeting, they are still looking at turn lanes, money is still available. Need to have the county come up with a priority list for ITD (Idaho Transportation

Department). Cottle mentioned revenue from short term rentals, Commissioner Rasmussen would support legislation to help, need to get a united workforce for I.C. #67-6539 as that legislation needs to change.

#### **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Scott Esquibel presented his monthly reports, met again on the Jericho Loop Bridge project, continue to remove beaver dams and clean culverts. Met with the 5-County Coalition, they are working on different projects for 2021, can apply every two (2) years, so we can apply again next year. Leases go over to the Regional Landfill District, we pay what is due, then IDAWY will pick up, need to have on agenda as an action item so will do a special meeting. Will work on getting a surveyor for the property around the landfill and have them meet with Esquibel.

#### **EXECUTIVE SESSION – IDAHO CODE #74-206 (1)**

**(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’.**

**MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1)**

**(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’, seconded by Commissioner Jensen.**

**Roll call vote: Commissioner Jensen – ‘Yes’, Commissioner Payne – ‘Yes’, Commissioner Rasmussen – ‘Yes’, voting unanimous in the affirmative.**

Sheriff Heslington, Prosecutor McKenzie and Clerk Garner were also in attendance.

Board went into executive at 12:02 p.m. and board left executive at 1:05 p.m. and back to the regular meeting.

During executive session, they had a discussion on a couple of letters, one concerning drainage on a road with possible litigation and second, letter regarding signs in the County Right of Way sent by an attorney.

#### **RYAN PARKER – MOUNTAIN WAY – EASEMENT CHANGE**

Ryan Parker did not appear.

#### **CORONAVIRUS SPENDING AUTHORITY – Action Item**

Deputy Clerk, Amy Bishop, discussed with the Commission the Coronavirus spending authority of the \$151,000, about \$20,000 for the airport, \$5,000 for the ambulance. State has given an amount, there is also specific election money and HAVA money about \$40,000. There have been some expenses with addition cleaning supplies, sneeze guards, some laptops for remote work. Sheriff Heslington would like some message boards for direction to the public. Clerk’s office would like to get recorded documents

online, and there has been some overtime expense for janitorial and other overtime to cover for employees that were out. Commissioner Jensen inquired about wages, Bishop indicated if on Covid leave, it will cover. There are questions regarding the money, who oversees, does it have to be paid back and will they tax a different pool of money than the other that had to be paid back. Commissioner Rasmussen mentioned the big question is the unknown, whether have to pay back. Commissioner Rasmussen will help go over the spending. Bishop will send out to commissioners to view. The money needs to be allocated by December 31, 2020. It will work similar to the FEMA money, get the money after the bills are submitted.

**MOTION: Commissioner Payne made a motion for Commissioner Rasmussen to work with Clerk's office in the spending of the Covid money, seconded by Commissioner Jensen, motion carried.**

Superintendent Esquibel inquired on the lease with Summit Bank, the attorney will review and as it was not on the agenda, they will have a special meeting on October 19, 2020 at 9:00 a.m.

Commissioners expressed appreciation to the Sheriff for putting a plan into action for his office and dispatch with the current Covid cases in the courthouse, also the Clerk and others taking action to protect the public as well as the other employees.

#### **MIKE DUNCAN – U.S. FOREST SERVICE – JOINT ROAD PROJECT – Action Item**

Mike Duncan, Bear Lake Representative for the U.S. Forest Service, along with Blake Dory, Forest Road Superintendent and Wes Stumbo, Forest Engineer on joint road project. The stimulus package will help the County get roads up to speed. Stumbo mentioned efficiency that allows County and Forest Service to work together. The County can blade so far, then the BLM would go over what had already been done, working together would make more sense. More valuable for the County and making the money go farther. Maintenance on each end, can get the money obligated more quickly. The National office is obligated to help with money, but it was a quick turnaround for \$200,000 could not get it through this year. Schedule 'A' program has a lot of flexibility and can spend on access to the national forest. Have a lot of recreation in the area and need to use this tool to help. The Great American Outdoors Act will bring in more money. More opportunities to help and put in a better proposal for best use. Does not have to be on forest service land, but has to have a tie to it. Esquibel has a list of Schedule 'A' roads. Revisit the list of about three (3) years ago, Stumbo mentioned it belongs to the locals and want to work with them to make it better. Can do work to help public get to the forest. Use is up about one-third (1/3) and try to create a little more opportunity for the public to use. Mike Duncan, local manager will work together with Esquibel and Commissioners. Commissioner Rasmussen inquired about a snowmobile parking lot at Georgetown Canyon, to which Duncan remarked they were working on it this year and groomers wondered if it would be plowed all the way to Summit Campground, but Duncan said not yet.

#### **AWARD PUBLIC DEFENDER CONTRACT and DISCUSSION of TRANSACTION PLAN – Action Item**

Commissioner Payne mentioned they had good interview with the two (2) candidates that applied, S. Criss James, Caribou County and Jared Coburn, Franklin County attorneys.

**MOTION: Commissioner Payne made a motion to appoint Attorney S. Criss James as the new Public Defender, seconded by Commissioner Jensen, motion carried.**

**MOTION: Commissioner Payne made a motion to extend the current Public Defender contract with Attorney Joe Hayes to November 1, 2020 for a smoother transition, Attorney S. Criss James beginning on November 1, 2020 as Public Defender and Attorney Joe Hayes will work with current Prosecutor Adam McKenzie prior to Hayes becoming the new Prosecutor in January, seconded by Commissioner Jensen, motion carried.**

#### **PUBLIC COMMENT**

Jean Alleman, Senior Center board member, expressed appreciation to the Commission for having one of the board members at their meetings. County is donating to the maintenance of the building. Appreciate good working relationships with the County, Montpelier City and Seniors.

Attorney Joe Hayes inquired about the overlapping month to help take care of current cases.

**MOTION: Commissioner Payne made a motion to amend the earlier motion to overlap the contract to November 30, 2020 to give a chance to finish current cases and have James begin on November 1, 2020.**

#### **PUBLIC HEARING - AMENDMENT to ORDINANCE #78-01 – Prohibit Unauthorized Maintenance of County Roads**

**MOTION: Commissioner Jensen made a motion to leave the regular meeting and go into a public hearing for the Amendment to Ordinance #78-01, Prohibit Unauthorized Maintenance of County Roads, seconded by Commissioner Payne, motion carried.**

Commissioner Rasmussen explained the public hearing protocol, first reading the published notice. An emailed letter from Randy and Eve Jones was read and could be used for the public hearing on county roads also. Commissioner Rasmussen read the changes in the ordinance. There were no other public comments.

**MOTION: Commissioner Payne made a motion to leave the public hearing and return to the regular meeting, seconded by Commissioner Jensen, motion carried.**

Superintendent Esquibel mentioned needing to have a permit and to get with him and they will know how the maintenance is happening.

#### **ORDINANCE #78-01 - Action Item**

**MOTION: Commissioner Payne made a motion to accept Ordinance #2021-02 to amend Ordinance #78-01 on Prohibiting Unauthorized Maintenance of County Roads, seconded by Commissioner Jensen, motion carried.**

#### **DAVID AMOTT w/PRESERVATION UTAH – HISTORIC COURTHOUSE RESOURCES**

David Amott, with Preservation Utah, expressed his desire to see the historic courthouse with its valuable architecture and history, stay standing. Amott presented pictures and showed documentation from a newspaper with local family ties. Amott mentioned the history of the architect Truman Angel, Sr. and his son, Truman O. Angel, Jr. in the building of the old courthouse. Would like to see organizations help find a use for it.

#### **JULIA OXARANGO-INGRAM w/PRESERVATION IDAHO – HISTORIC COURTHOUSE RESOURCES**

Julia Oxarango-Ingram, Preservation Idaho board member read a plea to save the historic Bear Lake County Courthouse. Mentioned 91 historic buildings in the valley, including the courthouse and felt it should be saved rather than torn down. There was much discussion, Oxarango-Ingram various non-profit agencies could use, or the County could lease to them, wanted more time to save the building. Commissioners reminded all there, they had held meetings at least five (5) years prior and ask for a plan and viable money. The decision was not made overnight, in the public hearings, 90% of the time the public stated they wanted it torn down.

**BID LANGUAGE for REMOVAL of OLD COURTHOUSE – Action Item**

Commissioner Rasmussen requested that Attorney McKenzie put together the bid language for removal of the old courthouse, looking for plans and bids for demolition and/or removal of the old courthouse. They would need a public works contract, liability insurance and the Commission has a right to reject or accept any or all bids.

**MOTION: Commissioner Payne made a motion to approve to have Attorney Adam McKenzie put together the bid language for demolition or removal of the old courthouse, seconded by Commissioner Jensen, motion carried.**

**MOTION: Commissioner Payne made a motion to adjourn the meeting, seconded by Commissioner Jensen, motion carried.**

Meeting adjourned at 2:50 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

**ATTEST:** \_\_\_\_\_  
**CINDY GARNER, Clerk**