

BEAR LAKE COUNTY COMMISSIONERS' MEETING

DECEMBER 14, 2020

COMMISSIONERS' CHAMBERS - PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, December 14, 2020 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. The meeting was also able to be accessed by Zoom. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others present were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Building Inspector Wayne Davidson, County Superintendent Scott Esquibel and Kathi Izatt, Reporter for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the agenda for December 14, 2020, with the addition of a land trade with the City of Montpelier and a Rich Building offer for information only, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen presented some tax cancellations, one homeowner exemption taken off by the Assessor's office by mistake, the other being garbage matters on several parcels.

MOTION: Commissioner Jensen made a motion to approve the tax cancellation, seconded by Commissioner Rasmussen as he stepped down as chairman, motion carried. Commissioner Payne abstained from voting as one of the corrections was on his property.

Treasurer Poulsen relayed some good news as a previously landlocked property that went up for tax deed and no one acted upon it, Dillon Ludwig has purchased all of Lynn Hill's property around it and would like that property and would have access. Ludwig would request to waive the penalty and interest and offer the amount of the all the past due taxes at \$1,034.20. Commissioners felt it was in the best interest for the County to clear up the landlocked property.

MOTION: Commissioner Jensen made a motion to sell the tax deeded property for the taxes due at \$1,034.20, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Jensen made a motion to waive the penalty and interest of the tax deeded property, seconded by Commissioner Payne, motion carried.

Treasurer Poulsen mentioned the tax drive is going well, the drop box is being used. The online payments are working very well.

Sheriff Heslington presented his monthly report, working on juggling court, prisoners and whether the jail is accepting them, but they are doing a good job and working with them. The battery backup project is going forward, possibly meeting this afternoon, getting all parties together to get all the wiring and installation completed for the switch over. He and Superintendent Esquibel had a discussion from Bear Lake West HOA, addressing parking issues. Sheriff Department had a dispatcher leave, so they have an opening for a dispatcher position, accepting applications through the end of the year, hope to hire in the

new year. Snowmobile program is going well, the biggest issue is finding vendors to be a source for the public to purchase the needed tags. Each county is sending a representative to the vendors to encourage selling tags. It is vital to the program to have those funds. Commissioner Rasmussen tried to go online but the State system was down. Sheriff Heslington informed the Commission, along with that program, there is a scheduled meeting with ITD regarding groomers and trailers to be sure they have the correct permitting to move equipment back and forth.

Assessor Dunford mentioned they have been working on the Occupancy Roll, the new homes that were not on the roll from the first of the year. There will be a BOE (Board of Equalization) meeting coming up in the January Commissioners meeting. There have been a lot of deeds recorded, will work with the State Tax Commission on the valuation program. The employees have been very busy with the new program. Lots of other counties do not take on the Parks and Recreation, especially with the new program, but Bear Lake is doing it as they are the only vendor in the county.

GENERAL BUSINESS ITEMS

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Jensen, excusing himself from any relating to him, motion carried.

APPROVE MINUTES

MOTION: Commissioner Jensen made a motion to approve the November 9, 2020 minutes, seconded by Commissioner Payne, motion carried.

DINGLE EAST SHORE/NORTH BEACH ROAD PROJECT – SUPPLEMENTAL AGREEMENT

Superintendent Scott Esquibel informed the Commission on the original contract of the Dingle East Shore to North Beach Road Project, the environmental study has been paid for, but the Federal Highway Department disagreed and wanted it for the whole project. The second half of the project will need to be done, but the advantage will be when the second half is done, will not need to do environmental study.

MOTION: Commissioner Payne made a motion to have pay the County cost of \$26,293.00, of the \$375,000 project, seconded by Commissioner Jensen, motion carried.

EMS GRANT CONTRACTS

MOTION: Commissioner Payne made a motion to approve the grant monies for EMS, based upon attorney review, for a Power Gurney and Load System Kit and a new ambulance, seconded by Commissioner Jensen, motion carried.

2021 HOLIDAY LIST

MOTION: Commissioner Payne made a motion to approve the 2021 County Holiday List, seconded by Commissioner Jensen, motion carried.

Commissioners expressed appreciation of the employees this past year and all that they have done during a difficult year.

APPOINTMENT OF CONFLICT PROSECUTING ATTORNEY

Discussion regarding need to appoint a conflict prosecuting attorney as Joseph Hayes as the Public Defender or private council would not be able to prosecute going forward after the first of the year. It was suggested to appoint one conflict attorney rather than on a case by case basis and have to approve each time.

MOTION: Commissioner Payne made a motion to appoint Adam McKenzie as Conflict Prosecuting Attorney for those cases Attorney Hayes has been involved in as public defender or as private council, seconded by Commissioner Jensen, motion carried.

2020 EMPG (Emergency Management Performance Grant) – RATIFY

MOTION: Commissioner Payne made a motion to ratify the 2020 EMPG (Emergency Management Performance Grant) for \$12,172.86, seconded by Commissioner Jensen, motion carried.

INDIGENT DEFENSE FINANCIAL ASSISTANCE

MOTION: Commissioner Payne made a motion to sign the Indigent Defense Financial Assistance Expense Report, seconded by Commissioner Jensen, motion carried.

CONTRACTING with COUNTY for BUILDING INSPECTIONS

MOTION: Commissioner Payne made a motion to approve Building Inspector, Wayne Davidson, to contract with the City of Paris and receive reimbursement to the County for the building permit fees, seconded by Commissioner Jensen, motion carried.

CONTRACT – SKID STEER – SNOW REMOVAL, ETC.

Sheriff Heslington discussed with the Commission the snow removal for the courthouse and sidewalks and is in the process of looking at leasing a Gehl skid steer with attached bucket and 10 (ten) foot blade. Last year's contracting was \$3,500. The annual lease with Bancorp would be \$5,375 and the equipment could be used on the sidewalks and would be available throughout the year. Would be operated by either the janitor or building inspector. It would be used around the equipment building also. Commissioner Payne reminded them that Big D did do part of the plowing last year as well, so that cost would be added to last year's amount. The Commission mentioned having a special meeting on December 21st to look at the lease after the attorney's review.

MOTION: Commissioner Payne made a motion to have Sheriff Heslington, Commissioner Payne along with Prosecutor McKenzie look at the lease and bring back a recommendation on the 21st in the special meeting, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen informed the Commission the City of Montpelier would like to exchange a piece of land between the fairgrounds and the Golf Course, approximately the same size. They would like to trade land for land. The former Behavior Health building is the area the City is interested in, the City needs parking and would like to tear down the building. The other item is the Rich Building that went up for auction previously, there were no bidders but do have some offers, would meet in the special meeting on the 21st to discuss the money amount and size of property. Would like authority to work with the City of Montpelier on the building and trade.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector presented his monthly report, keeping busy, contractors are lining up work for spring. Davidson mentioned bringing in more revenue this year and would hope to earmark a newer vehicle. Davidson has left a contract with the City of Paris to do building permits, it works out well. The State has the new 2018 Edition of the International Building Code so will need to adopt an ordinance by January with addition of Appendix Q on tiny houses. The Commission would put that on the December 21st special meeting also. Commissioners informed Davidson they approved the request to contract with the City of Paris on their building permits.

DeLOY ROMRELL – ROAD IMPROVEMENT to REPEATER SITE

DeLoy Romrell was not in attendance. Commissioner Payne mentioned the concern about maintenance on the road to the repeater to work on the equipment. North side is Forest Service, south side is County, concerned about the slope. Wondered about having it maintained for that purpose, will need to talk with the State.

Commissioner Jensen informed the Commission that IDAWY is moving along well and will go forward on January 1st. Jason and the group met with the employees and had them fill out paperwork, discussed health insurance and benefits with them. Regional Commission meeting was cancelled, there was a snowmobile grooming meeting, concerned when public licenses vehicles, about the benefit going to our County.

Commissioner Payne mentioned Becky with the Oregon Trail Center appreciated the annual donation to the Rails and Trails Museum. Airport will have to start with the survey next spring, meeting was cancelled for January, but will meet in February. The Fair Board will meet in January.

Commissioner Rasmussen informed the Commission of his meeting with the District Health Department and Bear Lake County, as well as the other counties in the district, are at the orange level. State of Idaho is number one (#1) for positive Covid cases right now. Vaccines coming out about 975 for the district, requires two (2) shots, still recommending wearing masks even if they have had it. Met with the Ambulance Board on budget, rates, etc. Dr. Crane is a big help as the medical advisor, new president is reviewing and doing a good job. Gem Plan will have a refund to counties, the Board will give back to the County. Damage Prevention Board had monthly meeting, but nothing new there, most are Zoom meetings.

PUBLIC HEARING – RESOLUTION -BUDGET APPROPRIATIONS

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into the Budget Hearing for the appropriation of County funds, seconded by Commissioner Jensen, motion carried.

Deputy Clerk Amy Bishop presented the Commission with the departments having adjustments during the year, Current Expense fund \$113,001, a department move from Revaluation to Assessor, Sheriff Department had three (3) grants, CBD Senior Center, Road and Bridge was taken care of last year, two grants for the Ambulance Fund, the Cares Act and a heart monitor grants, totaling \$13,400, Parks and Recreation received a large donation of \$8,515 that was spent during the fiscal year. Airport grants, more difficult as sometimes used during different fiscal years, \$268,892. Range Improvement fund to spend earlier, \$6,825, just officially added to budget. None of these adjustments will result in an

increase in property taxes. Chairman Rasmussen inquired if there were any public comments, or questions, there were not.

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

Chairman Rasmussen read Resolution #2021-02 in full. A copy can be obtained at the Clerk's office.

MOTION: Commissioner Payne made a motion to accept Resolution #2021-02 Increasing the Budget for Fiscal Year 2019-2020, seconded by Commissioner Jensen, motion carried.

RESOLUTION GOVERNING USE of COUNTY EQUIPMENT

Commission Rasmussen read Resolution #2020-5, Governing Use of County Equipment in full. There was some discussion regarding any party or entity could apply to the Commission for an exemption and be excluded from paragraphs 1-3 of the resolution. A copy may be obtained from the Clerk's office.

MOTION: Commissioner Payne made a motion to accept Resolution #2020-05 with the addition of paragraph 4, seconded by Commissioner Jensen, motion carried.

PUBLIC COMMENTS

There were no public comments.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Scott Esquibel, County Superintendent, presented his monthly report on the Landfill, has the survey results back from A.A. Hudson, separating County property from the Rifle Range. They had another site review and all went well, Jayson, with IDAWY was there also. Road and Bridge crew have been busy and this is the last month for the radar signs. Commissioners agreed to buy two (2) more signs for next year and decide where they can be placed. While weather was better, continued putting up snow fences, working on Mountain Way Road, three (3) inches standard before plowing.

Treasurer Poulsen reminded the Commission about the house sold to the hospital by the Hennings to house students and the need for the taxes to be paid as nine (9) months were not exempt. The amount of \$1,382.00 needs to be paid, it would be exempt from October on. Commissioners agreed and Poulsen will notify the buyer they got the benefit at closing and would need to reimburse the County.

Clerk Cindy Garner informed the Commission of a few housekeeping items, Commissioner Rasmussen will continue to be on the ICRMP board. Commissioner Rasmussen informed the Commission with everything happening, cost on insurance for cyber security is up. Gem Plan Board appointed Mark Bair.

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

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

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public-school student.

(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',

seconded by Commissioner Jensen.

Roll Call Vote: Commissioner Jensen – 'I', Commissioner Payne – 'I', Commissioner Rasmussen – 'I', voting was unanimous in the affirmative.

Let the records show that Prosecutor Adam McKenzie, Sheriff Heslington and Clerk Garner were in attendance.

Executive session began at 11:57 a.m. and the board left the executive session at 1:00 p.m.

Coming out of executive, items were personnel matters working with an evaluation plan, issues up Paris Canyon on the road with attorneys working their way through and Medical Lien Releases.

MOTION: Commissioner Jensen made a motion to sign the lien releases for Medical Claims #2012-21, 2005-51, 2019-01, 2007-34, 2008-02, seconded by Commissioner Payne, motion carried.

JIM SHELTON – HARDSHIP APPLICATION

Jim Shelton came before the Commission to present a hardship application for cancellation of property tax penalty & interest for the Sidekick Sporting Goods property located at 410 N. 4th, Montpelier. Tax has been paid for current year, looking at 2017 so it would not go to tax deed, relayed by Treasurer Poulsen. Commission inquired if he had applied for the Cares Act money for small businesses, but Shelton indicated he did not know.

MOTION: Commissioner Payne made a motion to waive the penalty and interest of \$754.50 for 2017, if paid by the end of the year, seconded by Commissioner Jensen, motion carried.

RON HARPER – PROBATION OFFICER – YEARLY REPORT

Ron Harper, Probation Officer, presented his yearly report to the Commissioners. With court being more shut down from Covid, less action is being taken. New office space is working out well.

JUVENILE JUSTICE ANNUAL FINANCIAL REPORT – RATIFY

MOTION: Commissioner Payne made a motion to ratify the Juvenile Justice Annual Financial Report, seconded by Commissioner Jensen, motion carried.

DAVE GARSIDE – GENEVA CEMETERY ROAD PLOWING

Dave Garside came before the Commission to inquire about the road being plowed by Geneva Cemetery which has two (2) entrances. Garside informed the Commission they do plow the Lower Loop Road, his place is about a half mile from the main road and has a thirty-two foot turn a round, the upper road is hard when it drifts as it is on a sidehill on the north slope. Commissioner Jensen mentioned when

building the house, Planning and Zoning informs landowner they do their own road and it has no maintenance. They will look for the Planning and Zoning agreement and Commissioner Jensen will notify Garside.

MITCH POULSEN – P & Z ADMIN. -RECOMMENDATION from P & Z – KITTY LOUDEN REZONE- RECREATION TO COMMERCIAL with DEVELOPMENT AGREEMENT

Mitch Poulsen, Planning and Zoning Administrator, gave the recommendation from the board on the Kitty Louden Rezone request for commercial, which is located just north of the Bear Lake West entrance, looked at opposing traffic, safety hazards, etc. Poulsen informed the Commission they held three (3) separate hearings, each time for more information. They would sign a development agreement, sales for garden sheds, number capped at thirty with conditions. Need a privacy fence six (6) feet tall. Louden clarified her address is also her real estate office. The State Highway Department did review and requested a permit and Louden had to hire an independent engineer on the approach.

MOTION: Commissioner Jensen made a motion to take the recommendation from the Planning and Zoning board for approval of the Louden rezone, including the development agreement, seconded by Commissioner Payne, motion carried.

BID OPENING -OLD COURTHOUSE

There were three (3) bids submitted for the demolition or removal of the old courthouse. Bids were as follows: Adam Johnson - \$232,650.00, Bear Lake Construction - \$342,187.00 and LeGrand Johnson - \$189,455.00. Commissioners will review closely and will put together a time period on starting and ending the project.

MOTION: Commissioner Jensen made a motion to accept the low bid of \$189,455.00 from LeGrand Johnson, based upon approval of the attorney and getting a timeframe set, seconded by Commissioner Payne, motion carried.

BEAR LAKE SENIOR CITIZENS CENTER FUNDING UPDATE – PUBLIC HEARING

MOTION: Commissioner Payne made a motion to leave the regular meeting and go to a public hearing on the Senior Center, seconded by Commissioner Jensen, motion carried.

Charity Staggs, Administrative Assistant from SICOG spoke about the Senior Center project, construction complete, they remodeled back of the building to make a bakery area, finishing compliance part, installed sanitary stainless steel equipment, new oven, new hood, painted remodeled area, installed new flooring, replaced light fixtures in several areas, and added tables. The costs are \$15,674.82 on design, \$11,750.00 on administrative, \$110,428.30 on construction, some of those yet to be dispersed, \$77,146.88 remains.

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

BID OPENING – SURPLUS PROPERTY

Commissioners opened all the bids for the surplus property and read aloud, will take a thorough look and decide on the high bids. Any items not bid on, they may do another list and put out for bids.

MOTION: Commissioner Jensen made a motion for Commissioner Payne and Clerk Garner to go over the bids and award to the highest bidder, seconded by Commissioner Payne, motion carried.

DAVID COTTLE – SUPPORT IDAHO/UTAH WATER APPLICATION

David Cottle encouraged the Commission to look for a letter of support to protect the water in Bear Lake. In March of 2018, Idaho and Utah jointly filed on 400,000 acre feet of Bear Lake water, have developed a model that corresponds with historic data. The Bear River Water Users and Bear Lake Watch have encouraged the Idaho Water Resource Board to move ahead with the application. Proposed use is recreation storage, aesthetic storage, irrigation from storage, municipal from storage and mitigation from storage. Discussion on reaching out to the legislators and after the Bear River Adjudication will there be more. Cottle felt like this matter will be on the January Water Resource Board meeting and will try to get the letter to the Commission before that.

Commissioner Payne needed to be excused from the meeting at this time.

MITCH POULSEN – PLANNING and ZONING ADMINISTRATOR – ORDINANCE CLARIFICATION

Mitch Poulsen, Planning and Zoning Administrator inquired of the Commissioners a clarification of the ordinance that requires all improvements be installed before a subdivision can be approved. Poulsen mentioned a will-serve letter that Keller could sign off on, the Prosecutor mentioned that the ordinance is clear and it would create issues if not completed. If improvements not put in up front, what happens years down the road, then the funding could be gone. Discussion ensued, Prosecutor encouraged to wait till spring when they could lay the fiber, Commissioner Rasmussen mentioned putting a restriction on building permits until infrastructure is in. Poulsen reminded once building lots are sold, County loses leverage unless a bond is in place. Ordinance does provide for a bond, still following the ordinance and allows them to move forward. Moved to January meeting to review bond.

DEVIN SKINNER – PRAIRIE DREAMS SUBDIVISION APPROVAL – ACTION ITEM

Suggestion was to move it to the January meeting to review the performance bond before taking action, if that is the route Mr. Skinner decides.

LAURIE RICH – FRIENDS UNITED FOR BEAR LAKE – FOLLOW UP – OLD COURTHOUSE

Laurie Rich, Friends United for Bear Lake, requested that Travis Douglas represent the group and read some main points they are asking about the old courthouse. Douglas inquired if there were any other options for the building, like using as an emergency bunker, for emergency only situation. Douglas reminded the Commission of past ideas of possible funding, close proximity of parking, a signed petition, contemplated beneficial uses, restoration and other methods to preserve the building in comparison to costs of demolition, removal of asbestos, insurance costs and negative results of demolition. Commissioners thanked them for their time and effort.

SHERMAN GRANDY – FOLLOW UP – OLD COURTHOUSE

Sherman Grandy applauded the Commission for listening for several meetings and reminded them Laurie Rich made a proposal to repurpose the old courthouse about three (3) years ago and others have joined in. Grandy read letters from Kathy Webb and Weldon Sleight which requested possible new alternatives as relocating a business or beginning a new business in the old courthouse, to consider

mothballing it for a while to look at resources available to help. Commissioners thanked Grandy for his time and effort.

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

Meeting adjourned at 3:41 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____
CINDY GARNER, Clerk