

BEAR LAKE COUNTY COMMISSIONERS' SPECIAL MEETING

DECEMBER 27, 2021

COMMISSIONERS' CHAMBERS, PARIS, IDAHO

The Board of Bear Lake County Commissioners met in a special meeting on Monday, December 27, 2021 beginning at 9:00 a.m. in the Commissioners' Chambers, 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 attending were Sheriff Bart Heslington, Assessor Heber Dunford, Fire Chief Mark Parker and by Zoom, Kathi Izatt, reporter for The News-Examiner.

APPROVE AGENDA

MOTION: Commissioner Payne made a motion to approve the agenda as posted, seconded by Commissioner Jensen, motion carried.

MITCH POULSEN – PLANNING and ZONING ADMINISTRATOR – RECOMMENDATIONS – THE RESERVE MASTER PLAN AMENDMENT; PHASE 8 – PRELIMINARY PLAT; 7 MILE PHASE 1 and 2 – PRELIMINARY PLAT

These items are on the agenda again as last meeting they were not put on as action items and no action could be taken. Commissioners mentioned several of the letters needed before the final plat would be approved.

MOTION: Commissioner Jensen made a motion to approve the preliminary plat for the 7 Mile, Phase 1 and 2, with the required letters in place, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Payne made a motion to approve the preliminary plat for Phase 8 of The Reserve, with the condition the traffic impact study be complete, seconded by Commissioner Jensen, motion carried.

MOTION: Commissioner Jensen made a motion to accept the amendment adding the 40 acres needed for The Reserve Master Plan, seconded by Commissioner Payne, motion carried.

DOW BARKER – CATTLEGUARD and HERD DISTRICT

Dow Barker, along with several other landowners in the same area, Cleston Godfrey, Kyle Larson, David Lakey and Senator Mark Harris, met with the Commission to discuss a possible solution to a continuing problem with fences and cattle at large. Barker presented a map showing several roads that are being locked, leaving no access and would request the County to remove the locks. Commissioners indicated the other landowner was given an older map, need to clarify whether a county right of way and what to enforce. The Forest Service is working on it also. There was a lengthy discussion regarding a herd district and fencing laws, mentioning Idaho Code 25-401, 25-404, 34-104, 24-2402, 25-2401 and 35-103. If wanting to move forward to establish a herd district, they would need a petition in writing of a majority of the landowners. Senator Harris informed the group the 1884 fence laws and penalties of 1915 of a misdemeanor and up to a \$25 fine are outdated. They have looked into a herd district before,

which states 'without regard of fence' and worries as there is a 300-400 herd of elk which destroy the fences and depending on where the herd district would fall, it is concerning. If it goes to court, could take years. Senator Harris encourages strengthening fence laws rather than creating a herd district. There is one (1) herd district in the county, but it has caused more issues than has solved. Would rather have a cow hit by the train, rather than a car. It was suggested to talk with the county attorney before making a decision. There was frustration from the group that there are no consequences for cattlemen that come and drop off cattle and leave without any fencing. Sheriff Heslington reminded them that there is the statutory legal fence law with your neighbor to fence to the left and if the other party does not, you fence it all and bill them. Bear Lake County is Open Range.

ROAD and BRIDGE JOB OPENING

There is a Road and Bridge employee about to retire, reviewed a job opening notice and made a minor change.

MOTION: Commissioner Jensen made a motion to approve and send out the Road and Bridge job opening notice, seconded by Commissioner Payne, motion carried.

FY2021 INDIGENT DEFENSE EXPENDITURE REPORT

Commissioners reviewed the FY2021 Indigent Defense Expenditure Report for approval and signatures.

MOTION: Commissioner Payne made a motion to accept and sign the FY2021 Indigent Defense Expenditure Report, seconded by Commissioner Jensen, motion carried.

COVID LEAVE PROTOCOL

Commissioner Rasmussen mentioned last meeting they did away with the protocol for Covid 19 leave and that same day an employee's spouse was exposed and had to be tested, should the employee stay home. Do not want possibility of a whole office being shut down again. Health Department does not require but do recommend they quarantine. Deputy Clerk Mindy Williamson met with the Commission to discuss the Covid Leave protocol to make it clear going forward. Would continue same as before for employee with Covid following medical testing and recommendations, if member of immediate family in household is exposed, usually takes three (3) days, then if positive by a medical professional, stay home until the test comes back. If positive, contact Commissioner Rasmussen and make determination on an individual basis. Recommend using the Covid money to pay Covid 19 leave as employee follows medical professional recommendations.

MOTION: Commissioner Payne made a motion that the Covid protocol going forward if an employee tests positive or a member of their immediate family in the household is exposed, employee would need to stay home until the test comes back. If positive by a medical professional, follow medical recommendation, Commissioner Rasmussen would be contacted and make determination on individual basis, Covid money would pay Covid 19 leave, seconded by Commissioner Jensen, motion carried.

Assessor Heber Dunford mentioned Commissioner Jensen asked if Building Inspector, Wayne Davidson, is inspecting houses, why not have him do some of the appraisals. Dunford mentioned anyone appraising would have to be certified. Commissioner Rasmussen reminded the Commission this item

was not on agenda and cannot discuss. Dunford would like to discuss the appraisal program at the next meeting.

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

Meeting adjourned at 10:22 a.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____

CINDY GARNER, Clerk