**BEAR LAKE COUNTY COMMISSIONERS’ MEETING**

**DECEMBER 9, 2019**

**SCHOOL DISTRICT #33 BOARD ROOM**

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, December 9, 2019, at 9:00 a.m. in the School District #33 Board Room 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 Treasurer Tricia Poulsen, Assessor Heber J. Dunford, County Superintendent Scott Esquibel, Prosecutor Adam McKenzie, citizen Jean Alleman and Pamela Harmon, The News-Examiner Reporter.

**APPROVE AGENDA**

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

**ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS**

Commissioner Rasmussen stated the Sheriff asked to be excused as he is in Boise.

Treasurer Tricia Poulsen stated the tax drive went very well. They did have an issue with the new vendor with addresses and billing, so they had to re-mail some of the notices. To date they have brought in almost $2 million. Treasurer Poulsen stated she had a couple of cancellations, one homeowner exemption had been removed by mistake in the Assessor’s office and a couple of residences had been charged for two (2) garbage cans, having only one.

**MOTION: Commissioner Jensen made a motion to cancel the taxes on Parcel #1952, #906 for garbage can overcharges and #52.01, for removal of homeowner’s exemption by mistake, seconded by Commissioner Payne, motion carried.**

Assessor Heber Dunford stated he had 17 applicants and would start interviewing next week for the part-time position. Commissioners offered help, but Assessor Dunford stated he would have his employees, Dale Thornock and Jannelle Jensen interview with him, but if the Commissioners could look over the questions, it would be appreciated. Commissioner Rasmussen mentioned they did not have the Board of Equalization scheduled that was due on the fourth (4th) Monday in November, the assessor’s office usually notifies the clerk to have it put on the agenda.

Commissioner Rasmussen stated he would like to start in February having the Elected Officials meeting from 9:00-10:00 a.m., take more time as the Commissioners are responsible for the supervision of all county officials and all happenings in the county per Idaho Statute 31-802. He would like to start with a special meeting at 9:00 a.m. on January 22, 2020 in the School District #33 Board Room. Commissioner Rasmussen mentioned the Governor is asking all state departments for a one percent (1%) reduction this year and a two percent (2%) reduction next year, which will filter down to counties.

**GENERAL ACTION ITEMS**

**RATIFY CLAIMS**

**MOTION: Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Jensen, excusing himself from a couple associated with his businesses, motion carried.**

**APPROVE MINUTES**

**MOTION: Commissioner Payne made a motion to approve the minutes for November 12, 18 and 26, 2019, seconded by Commissioner Jensen, motion carried.**

**COUNTY HOLIDAYS 2020**

**MOTION: Commissioner Jensen made a motion to approve and recognize the 2020 County Holidays, seconded by Commissioner Payne, motion carried.**

Holiday list can be obtained at the Clerk’s office upon request.

**TRI-COUNTY SNOWMOBILE BOARD MEMBERS APPOINTMENT**

Commissioner Jensen stated Tri-County Snowmobile board member, Jess Johnson’s term is up, and they need another member. Tyler Carroll’s name has been submitted. Letters will be sent for appreciation of service rendered for Jess Johnson and new board member appointment for Tyler Carroll.

**MOTION: Commissioner Jensen made a motion to appoint Tyler Carroll, seconded by Commissioner Payne, motion carried.**

**PRECINCT BOUNDARY ADJUSTMENTS – IDAHO CODE 34-301**

Clerk Garner stated upon further research, the code was #34-307 for the boundary adjustments and that statute does not allow commissioners to make any changes during certain years, therefore this agenda item will be moved till September 2021.

**SCHEDULE PUBLIC HEARING-VACATE PORTION OF UN-NAMED WARBORO ROAD/RENAMING OF STREET**

Clerk Garner stated that the party petitioning for the road vacation and renaming of the street would not be able to meet in the January meeting, but could in February. Commissioners decided on 2:00 p.m. for the hearing at the February 10, 2020 meeting.

**AUDIT ENGAGEMENT LETTER**

**MOTION: Commissioner Payne made a motion to have Commissioner Rasmussen sign the Audit Engagement Letter to authorize Gary Teuscher to go forward with the county audit, seconded by Commissioner Jensen, motion carried.**

**GOLF BOARD MEMBER APPOINTMENT**

Commissioner Jensen stated that Golf Board member, Lynn Perkes, term was up and Nate Wuthrich’s name had been submitted for approval. Letters will be sent for appreciation for service rendered for Lynn Perkes and new board member appointment for Nate Wuthrich.

**MOTION: Commissioner Jensen made a motion to appoint Nate Wuthrich as a member of the Golf Board, seconded by Commissioner Payne, motion carried.**

**ANNUAL ROAD & STREET REPORT**

**MOTION: Commissioner Jensen made a motion to sign the Annual Road and Street Report when finalized, as it is due before the end of the month, seconded by Commissioner Payne, motion carried.**

**PARIS CANYON NONCONMPLIANCE PENALTY**

Commissioner Payne stated that per agreement, the property owner up Paris Canyon was to remove signs in the county’s right of way or face penalty fees, but they ask for a delayed timeframe. After Superintendent Esquibel checked two (2) days past deadline and contacted them, they did respond and get the signs moved.

**MOTION: Commissioner Payne made a motion to recommend forgiving the two (2) day penalty as they had responded and removed the signs, seconded by Commissioner Jensen, motion carried.**

The party will be notified by letter of the decision.

**COURTHOUSE FURNITURE**

Commissioners encouraged Building Official Wayne Davidson to move forward on ordering some of the new furniture for the new courthouse, after Davidson had gathered information and quotes from various vendors.

**WAYNE DAVIDSON – BUILDING INSPECTOR REPORT - COURTHOUSE UPDATE**

Wayne Davidson, Building Official, presented his monthly report, stating weather had been good enough to keep contractors working, but slowed down a bit. The continuing issue is not enough contractors.

**RON HARPER – PROBATION YEARLY REPORT**

Probation Officer, Ron Harper, presented his Annual Probation Report to the Commission. Commissioner Rasmussen stated he would check on a possible space for him to utilize when he can no longer use the Montpelier City Hall.

**FIRE CHIEF MARK PARKER – EXISTING COURTHOUSE TRAINING OPPORTUNITIES**

Fire Chief Mark Parker expressed his desire, depending on the decision regarding the old courthouse, to be able to have it donated for training purposes for the fire department, EMT’s, and others. Where it is in too close of proximity to the new courthouse, they could not do an actual fire training. The facility would be so valuable for many training exercises that would be beneficial to the county safety and emergency responses. Parker reported the runs so far have been down about half, only two (2) chimney fires so far. Parker stated they have a little over 50 members, 35 active at this time, working on more training and would like to acquire two (2) new trucks. They have three (3) structures at this time to burn for training purposes, however they all have asbestos which will have to be removed prior to burning. Commissioner Rasmussen stated they appreciate him bringing it up but they have not made that decision at this time.

Commissioner Rasmussen stated the Extension Office had looked at and would like to acquire the car from the Library that they were looking at moving, the Extension office will pay $3,000.

**LAURIE RICH’S COURTHOUSE ACTION PLAN**

Laurie Rich and Sherman Grandy, with Friends United for Bear Lake, presented their proposed pilot project to save and restore the old courthouse, create a community center. Travis Douglas was also present. They proposed leasing the building for a year, possibly extending to three (3) years to see if it would be viable, if it did not work out, then move forward with tearing it down. The group would be looking for grants and other donations. To date, they have acquired $10,000.  Commissioner Jensen stated he could see no actual operating expense figures in the plan and they would need to see numbers before making any decision. The Commission agreed to review the plan and put it on the agenda for the January meeting. Commissioner Rasmussen will check with ICRMP regarding insurance on the new courthouse and any difference it may cause because of the close location of the old courthouse.

**PUBLIC COMMENTS**

Travis Douglas asked if the Commissioners were concerned leaving the courthouse where it stood. Commissioner Rasmussen stated, as they just heard from the Fire Chief, that the proximity to the new courthouse alone was a safety concern, plus the ADA compliance and parking issues, there would be the liability, as the county still own building and land.

Roy Bunderson asked for clarification on the statute #74-206 regarding attorney-client privilege with the commissioners, which was addressed by Prosecutor Adam McKenzie, stating the law is being followed.

**BID OPENING – SENIOR CENTER VANS – Action Item**

The Commissioners only received one (1) bid for the 1994 Dodge Van, which they opened and had a bid for $900.00. There was no bid for the 2002 Ford Van.

**MOTION: Commissioner Payne made a motion to accept the bid of $900.00 from Art Green for the 1994 Dodge Van, seconded by Commissioner Jensen, motion carried.**

**SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

County Superintendent, Scott Esquibel, presented his monthly reports, mentioning the continuing problem with the beaver dams in the county. Esquibel mentioned a grant application being made to help match funds for the Jericho Loop Bridge Project. Attended a teleconference with Keller Associates and LHTAC on the preliminary design on the Dingle East Shore and are on schedule with that. Esquibel stated they are continually working on the roads for the annual report. Esquibel stated he and Commissioner Jensen attended the regional landfill meeting, will meet again on the 11th and are moving forward to come up with a resolution with the bank. They had a controlled burn with limbs and trees and have hauled more dead animals. Monthly report shows the tonnage is down, which helps. Commissioner Jensen inquired if there was demolition debris from the old courthouse, or a portion of it, would it put the county over on the tonnage limit. Commissioner Rasmussen suggested possibly getting a one-time exemption from DEQ to help and Esquibel mentioned maybe taking to another landfill, he will check on it. Commissioner Payne inquired about the type of cattleguard being used by the county at this time. Esquibel did check on the cattleguards and they are using the standard tapered forest service cattleguard.

**EXECUTIVE SESSION**

**MOTION: Commissioner Payne made a motion to leave the regular meeting and convene 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 does not satisfy this requirement, seconded by Commissioner Jensen.**

**ROLL CALL VOTE: Commissioner Jensen – Yes, Commissioner Payne – Yes, Commissioner Rasmussen – Yes, voting was unanimous in the affirmative.**

Board went into executive at 12:05 p.m. Let the records show that Prosecutor Adam McKenzie, Deputy Clerk Mindy Williamson and Clerk Cindy Garner were invited to attend.

Board out of executive at 1:05 p.m.

**LOWER VALLEY ENGERGY – UPDATE – CRAIG COLES**

Craig Coles, along with Todd Lewis, with Lower Valley Energy, presented an update on their project. They have approval from the Forest Service and are now acquiring permitting and easement from the counties and landowners. Commissioner Payne asked which roads the project would be affecting, to which Coles stated primarily Bear Hollow Road. Coles stated they will have a final vote on whether the board approves the project in two (2) weeks.

**T-O ENGINEERS – JARED NORTON – AIRPORT PROJECT GRANT APPLICATION – Action Item**

Jared Norton and Nathan Cuvala from T-O Engineers reviewed the grant award for airport runway project. The fully funded federal grant of $6.4 million will cover runway rehabilitation and taxiway pavement maintenance. The request for navigational aid was removed to increase the chances of the being awarded the grant and will be paid for with an AIP grant with a local match of 10 percent. Norton reviewed the amounts of the other grants and the state contribution, reporting a total cost to the county of approximately $25,000. Construction is scheduled to start the summer of 2020, keeping one (1) runway open at all times.

**MOTION: Commissioner Payne made a motion to sign the Airport Project Grant Applications, seconded by Commissioner Jensen, motion carried.**

**MOTION: Commissioner Payne made a motion once the contract concerns are resolved, to have Commissioner Rasmussen sign the contract, seconded by Commissioner Jensen, motion carried.**

**MITCH POULSEN, P & Z ADMINISTRATOR – PLANNING & ZONING RECOMMENDATION – BRET CROWTHER REZONE – Action Item /DINGLE BRIDGE PROJECT**

Planning and Zoning Administrator, Mitch Poulsen presented the board’s recommendation for approval of a rezone for Bret Crowther near Dingle and Cemetery roads. It had been tabled previously due to overlay issues which have been resolved when the county extended the zone to the south to include the area. Commissioner Rasmussen asked about any opposition during the public hearing, to which Poulsen stated the concerns were the potential for 80 one (1) acre lots, increased traffic on Cemetery Road, wells and irrigation issues, but felt they answered those concerns.

**MOTION: Commissioner Jensen made a motion to accept the Planning and Zoning Board’s recommendation for approval of a rezone for Bret Crowther, seconded by Commissioner Payne, after correct wording of the motion, motion carried.**

Poulsen presented a slideshow of the work done for the Dingle Bridge Project showing excavation, repurposing the channel flow of the Bear River, planting willows, the County Road and Bridge contributing 210 truckloads of rock and gravel. Poulsen felt the project results seem successful so far and he will continue to monitor it. Poulsen inquired about the road standards and is working on the Comprehensive Plan and getting some good goals and objectives. Commissioner Rasmussen inquired about any subdivision updates, as in the subdivision south of St. Charles, Poulsen stated that Tom Morgan was still working on it and had the water issue mostly taken care of and Lance Anderson at the Hot Springs was working with DEQ on sewer issues.

**DAVID & VANESSA LONGFELLOW – GARBAGE FEES,**

David and Vanessa Longfellow presented concerns on garbage issues and increasing fees. They operate a four (4) month seasonal business on North Beach Road and stated there was an increase of $100 per year in garbage fees. They felt most of the garbage was left by users of the State Park, who do not patronize their business. They have had their restroom broke into numerous times and they are always cleaning up trash being left everywhere. Commissioners suggested requesting the Park add a dumpster and/or raise the fee to utilize the park to help with costs of the added county services. Commissioner Rasmussen suggested they, and other business, write to Representative Marc Gibbs as he is aware of the issues, but at this time the county receives no money from the State Park fees.

**TYLER STUART – JONES & DeMILLE ENGINEERING – EAST SHORE ROAD GRANT – Action Item**

Tyler Stuart with Jones & DeMiller Engineering wanted to update the Commission regarding continuing options to pursue a grant to make improvements to East Shore Road. Commissioner Jensen asked how much it costs each time to apply, to which Stuart stated about $1,500-2,000 per year, but most of the leg work has been done and paid for, so it would be beneficial to continue. Stuart will continue to give them updates.

**CHASE HULME – ROAD MAINTENANCE – FOUR WHEEL DRIVE**

Chase Hulme stated he has a couple of subdivisions and inquired about possibility of the county accepting approximately 250-275 feet of road that is built to county specifications and would like it maintained. Commissioner Rasmussen explained the procedure to request a road or portion to be added to the official county road map, which requires a public hearing. Commissioner Jensen stated the county might add a road but is not obligated to do so. Hulme suggested there be a way to provide developers some assurance prior to them risking the funds to build a road to county specifications. Commissioner Rasmussen stated they are to be built to county standards in case they do later decide to accept it as a county road.

**MOTION: Commissioner Payne made a motion to amend the agenda to add Jared Ricks, Public Defense Commissioner Representative Update, as he was inadvertently left off the agenda, seconded by Commissioner Jensen, motion carried.**

Jared Ricks, Public Defense Commission Coordinator met to update and get any feedback or questions from the Commission and inquire if the attorneys had submitted their required annual reports. Ricks stated when using the additional money, it needs to be used strictly for attorney expenses, if not all used, rather than allocating it to other indigent expense items, need to move it forward but only for attorney expenses. Ricks mentioned the PDC is looking at doing a model contract to be more uniform, but it has not been done yet.

Clerk Garner handed the Sheriff’s report to the Commissioners, brought in by Deputy Clements earlier. Clerk Garner had a few housekeeping items.

Commissioner Payne mentioned about budgeting some money in the next year for the natural gas bill for the generator, as the Senior Center is housing it for the county for emergency purposes. Alan Eborn told him he would be taking the generator out of the equipment building and would like to give to the Fire Department. Commissioner Payne stated the Fair Board is looking at future improvements including the parking lot, lighting and would be applying for grants, which a couple of county employees could assist with. They are now going to put the two (2) buildings used at the fair for food services up for bid applications to make it fair to all interested and will have Adam review. Commissioner Payne mentioned Glenn Williamson is still looking for the light pole to be put up. Commissioner Rasmussen stated it had been submitted but will check into it.

Commissioner Jensen mentioned reviewing Planning and Zoning names for a new member and put it on the agenda for next month.

Commissioner Rasmussen stated ICRMP is stressing the importance of being prepared with training as Cyber attacks are real.

**MOTION: Commissioner Payne made a motion to leave the regular meeting and go back to 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 does not satisfy this requirement’, seconded by Commissioner Jensen.**

**ROLL CALL VOTE: Commissioner Jensen – Yes, Commissioner Payne – Yes, Commissioner Rasmussen – Yes, voting was unanimous in the affirmative.**

Board went into executive session at 3:00 p.m., let the records show that Prosecutor Adam McKenzie and Clerk Cindy Garner were invited to attend.

Board out of executive at 3:15 p.m.

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

Meeting adjourned at 3:15 p.m.

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**VAUGHN N. RASMUSSEN, CHAIRMAN**

**ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **CINDY GARNER, CLERK**