

The Board of Bear Lake County Commissioners met in their regular session on Monday, February 11, 2019 at 9:00 a.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners Bradley D. Jensen, acting Chairman, Rex L. Payne and Clerk of the Board Cindy Garner.

Others attending were Sheriff Bart Heslington, Assessor Heber Dunford, Building Inspector Wayne Davidson, Pamela Harmon, reporter for The News-Examiner, citizens Jean Alleman and Robyn Owsley.

APPROVAL OF AGENDA

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

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Commissioner Jensen conducted the meeting as Chairman Rasmussen was out of town. Commissioner Jensen mentioned the meetings in Boise the elected officials had all attended. He also stated things were processing in attaining a regional landfill, with Franklin County also looking at joining.

Commissioner Payne mentioned an email he had received from Representative Gibbs and the statute had passed the taxation committee, now goes to the house, before the senate. It is going in as an emergency and will be retro back to January 1.

Sheriff Bart Heslington presented his monthly report and stated he had been working with Prosecutor McKenzie on the 911 contract. They had a couple of changes but have adjusted those and now the revised copy has been sent for McKenzie's review. The CAD system is on hold till the other is in place, but they are making steps to finalize both projects. Heslington has one deputy in the academy who is doing well, be good to get him back. The snow program is going well, other than one groomer is down, manufacturer should be responsible. Commissioner Jensen mentioned the signs that need to go up. Heslington mentioned that Search and Rescue was focusing on training and coordinating with Ambulance and EMS.

Assessor Heber Dunford stated he felt like they were making progress in the mapping and deeds changes. They have shifted a few other duties to help their work flow. Dunford gained a lot from the meetings in Boise, discussing with the other assessors several issues and speaking with the tax commission. As a small county, we do have lots of value with many parcels and subdivisions adding to the parcel numbers.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector gave his monthly report and mentioned the projection is the contractors are getting freed up this time of year and Commissioner Payne mentioned material costs are coming down a bit. Davidson presented a final plan on the courthouse, there are lots of final decisions, but architect Latecia Herzog is working hard and is taking a lot of pride in this building. He discussed the antenna and has worked with the sheriff and been given the specs and want to be sure the manufacturer will have it done when needed. Sheriff Heslington stated he is working with several phone systems who will be presenting bids. The supreme court uses Twisted Technology to install everything needed for the courts and they do pay for it. Davidson stated they will work together and Heslington said the radio tech will arrive this week. Commissioner Payne stated they will open bids for

the courthouse on Wednesday, February 13 at 11:00 in Big D's office in Rexburg. Commissioner Jensen and Davidson will be present.

RATIFY CLAIMS/APPROVE MINUTES

Commissioner Payne made a motion to ratify the claims and approve the both sets of January 14th minutes of the regular commissioner meeting and the evening public hearing on the Subdivision and Land Use Ordinances, and the January 30, 2019 minutes.

RANDY LONG – FRIENDS UNITED FOR BEAR LAKE

Randy Long with Friends United for Bear Lake had several ideas he wanted to propose regarding ways to keep the old courthouse, stating maybe a trust fund for people to donate to, but hasn't visited with the Historical Society yet. He mentioned grants he could help write, also talked about a chapter of Idaho Historical Society and some matching funds. Commissioner Jensen stating they appreciated his thoughts and comments, but the county will not use tax dollars to keep the building going. Long stated the amount to knock down also. Commissioner Payne stated they cannot commit until everything is finalized with the new courthouse and would still need the building while construction would be going on.

LETTER OF SUPPORT – SIMPLOT DAIRY SYNCLINE MINE PROJECT

Commissioner Payne made a motion to approve and sign a letter of support for the Simplot Dairy Syncline Mine Project, seconded by Commissioner Jensen, motion carried.

JARED EBORN – BEAR LAKE MARATHON RACES

Jared Eborn was not able to attend.

Public Comment

As there was open time, Pamela Harmon wanted to state how seriously she takes reporting and apologizes for any wrong figures that may have been printed regarding the acreage on the property request from the school. Commissioners stated it was the total acreage and they are requesting a portion, but that was not clear to them either as several figures had been stated. She also wanted to thank all who worked so hard to get snow removed, county, state and city, as it is very much appreciated.

Mitch Poulsen mentioned he had just spoke with Jeff Sorensen, with Keller Associates, who was reviewing the final plat for the Wynn Hubrich subdivision and they have made no provisions for infrastructure and so Keller would not recommend signing until they get engineered plans on the sewer and electrical. Hubrich's are wanting to keep it in the family, but don't have extra money for those items at this time and have frustration stating they were not informed of this. Poulsen stated it was not their responsibility to guide them every step of the way, they have an engineer and they can review the ordinance. Mitch wonders about speaking with Stephanie Bonney and asking about a development agreement and putting money in escrow. That way Hubrich can go ahead with the plat, divide the lot and give to his family if that is what he wants and so if there is a sale of a lot, part of the proceeds of the sale would go into escrow and the money would be there and the county would not have a subdivision

with no financial guarantee. Commissioner Jensen stated they could not make comment as it was not on the agenda, but they were glad to listen to his thoughts on the matter.

Commissioner Payne asked Mitch about the legislative proposal that Utah has, Concurrent Resolution Addressing Declining Water Levels of the Great Salt Lake. Poulsen stated he was not real familiar with that one, more familiar with the one the Cottles are proposing and Rich County agrees with the concept, but need more clarification. The idea is for statutory goals for Bear Lake, which other lakes do have. Commissioner Jensen stated that the Department of Lands is also wanting to get with the county and come up with a management plan.

MITCH POULSEN – P & Z DIRECTOR – RECOMMENDATION – CHASE HULME REZONE & COMBINED PRELIMINARY PLAT

Mitch Poulsen, Planning and Zoning Director stated the recommendation from the board was to approve the Chase Hulme rezone and combined preliminary plat. Chase Hulme also joined Poulsen at the table and stated it was a seventy acre property and he wanted to divide property into two (2), five(5) acre lots, which will have a 60' easement in the center, utilities and water lines. Commissioner Payne made a motion to accept the rezone recommendation from Planning and Zoning for Chase Hulme, seconded by Commissioner Jensen. Commissioner Payne a motion, based on Planning and Zoning's recommendation, to approve the combined preliminary and final plat for Chase Hulme, seconded by Commissioner Jensen, motion carried.

COMMISSIONERS TRAVEL TO GRACE THIEL COMMUNITY CENTER FOR PUBLIC HEARING

Commissioners and the Clerk left to travel to the community center for the public hearing as advertised.

KRYSTAL HARMON – SICO (Southeast Idaho Council of Governments) BLOCK GRANT FOR GRACE THIEL COMMUNITY CENTER – PUBLIC HEARING

Commissioner Payne made a motion to leave the regular meeting and go into the public hearing for the block grant for the Grace Thiel Community Center, seconded by Commissioner Jensen, motion carried. Commissioner Jensen conducted the hearing, giving instructions on hearing protocol. Clerk Garner read the public hearing notice. Commissioner Jensen turned the time over to Krystal Harmon, MPA, with SICO. Harmon stated that SICO's looking at an ICDBG block grant using federal funds with HUD and this is the first of two (2) public hearings, the second one would happen when the project was between fifty to seventy-five percent completed. In order to get a block grant, it needs to go through a city or county, and they have asked the county to sponsor them for the project and taking care of the passthrough funds. They are looking at \$150,000 for architecture, administration of the grant and construction costs with the scope being to address the electrical issues they have been having and expansion of the bakery. They hope to begin the project by July 2020 and be finished by September 2020. Commissioners' Jensen and Payne stated they felt it was a good project and complimented SICO on the good they do for the community. The center has been around for many years and it does need upgrading. Commissioner Jensen took comments as listed from the signup sheet as follows:

Jean Alleman, 80 S. Main St., Bennington, Idaho, inquired if they received the grant, how would the funding work. Harmon stated the county has to abide by the HUD regulations and there is a sub-recipient agreement between the county and the center that puts a lot of the responsibility on the

center. There is an approval process and checks and balances before and after the approval process on the funds first, then the county would take care of the monies as a pass through.

Kennon Crane, 128 N. 2nd E., Montpelier, Idaho, asked when the grant would be approved and if was a matching grant. Harmon stated the grant needed to be submitted by March 1, then it goes through an accepting process and there was no match.

Robin Owsley, 235 S. 4th, Montpelier, Idaho, felt the electrical upgrade would be a big help, especially for the bakery part as it is the best fundraising asset.

Commissioner Jensen asked if they had the generator hooked up yet.

Jackie Price, 1155 4th St., Montpelier, Idaho, stated the generator is not set up yet, but hope soon. They are waiting on Bear River Electric to have time to bring it. The wiring Commissioners would like to see that in place for backup for food preparation for the older residents in an emergency situation. The hospital had donated some money to help with the electrical installation. Price mentioned there has been some upgrading on the center. They do have the funding to get the generator installed.

Cherie Crane, Bennington, Idaho stated they help deliver the meals and see the results from this service as some are so isolated, it is the only visit they may get in a while. Commissioner Jensen felt there is a need for that part of the program, and it is good to check how they are doing. Price stated it is also a welfare check, is someone doesn't answer the door, they call family or an officer to go see the status of the resident.

Jean Alleman wanted to go on record stating that Jackie Price is the site manager and they coordinate everything through her.

Commissioner Payne made a motion to close the public hearing and go back to the regular meeting, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to approve the SICOG Block Grant for the Grace Thiel Community Center, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to sign the Grant Administration Contract, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to sign the Certification for the grant, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to sign the Letter of Support, seconded by Commissioner Jensen, motion carried.

COMMISSIONERS TRAVEL BACK TO SCHOOL DISTRICT #33 BOARD ROOM – CONTINUE MEETING

Prosecutor Adam McKenzie and Superintendent Scott Esquibel joined the meeting.

PUBLIC COMMENTS

Dave Cottle, Bear Lake Watch, thanked them for the update on the road construction on widening the shoulders, and he would be glad to help with the road construction. He also stated the fight against phragmites, looks like 2019 will not get funded, part his fault, part it is state lands. He's been trying to work with state lands and the Department of Ag, they say to look to the weed supervisor and the responsibility to treat on state lands. Cottle mentioned a resolution regarding Bear Lake and may have jumped the gun, met with the legislators and spoke with Representative Gibbs and still working on it, but language is being changed, hoping it passes legislation in Utah this day and there would be an open

door for a road map for the two (s) states to come together. He stated it is not about water rights, it's about the lake and statutory goals.

Roy Bunderson asked how many bays are in the equipment shed and how many are actually sold and how many are not. Commissioner Jensen stated the sheriff department uses three (3), one is for the ambulance, the other for the fire district. They both have made payment. He had concerns and suggestions regarding funding for the courthouse and possible Indigent funds being available with the Medicaid Expansion law coming up. Commissioner Jensen stated in meetings in Boise the previous week that the Indigent fund was not going away at this point. Bunderson stated he felt government shouldn't spend every dollar that they can get their hands on. Commissioners agreed and stated they are and will do everything they can to keep taxes as low as they can. Bunderson has been speaking with the tax commissioner and the legislators and wanted them to know and hoped they did not have to administer new legislation on every problem that comes up. Spencer Rich made comment regarding his appreciation for Bunderson and how he helps save the county money.

BOARD OF EQUALIZATION

There were no appeals.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT REPORTS

Superintendent Scott Esquibel presented his monthly report on the Road & Bridge, a grant application was submitted for bridge replacement on Eight Mile Road. The Jericho Loop Road bridge was not awarded, but this summer they will do what they can to sure it up. Esquibel gave an update on the Dingle East Shore project from LHTAC, which was awarded last year, and Keller Associates, Inc. is reviewing and as part of the process, they hired American Geotechnics Inc. and Bionomics Environmental, Inc. The county will pay 7.34% of the total cost of \$1.25 million, which will be about \$300,000 to \$350,000. Commissioner Payne made a motion to sign and approve the Local Professional Services Agreement, based upon review from legal counsel, seconded by Commissioner Jensen, motion carried. Esquibel gave the landfill report.

GARY TEUSCHER – AUDIT

Auditor Gary Teuscher was present and had presented the audit to the Commissioners at the previous meeting for their review. Commissioners had reviewed. Commissioner Payne made a motion to accept the 2018 Audit as prepared, seconded by Commissioner Jensen, motion carried.

ROAD CLOSURE ORDINANCE #2019-3

Commissioner Payne made a motion to adopt Ordinance #2019-3, on Road Closure for Snowmobile Recreation during Winter, seconded by Commissioner Jensen, motion carried.

FIRE CONTRACT

Commissioner Payne made a motion to approve the Fire Contract with the changes, seconded by Commissioner Jensen, motion carried. The Fire District will also review.

SUBDIVISION ORDINANCE/LAND USE ORDINANCE

Commissioner Payne made a motion to adopt Subdivision Ordinance #2019-1, seconded Commissioner Jensen, motion carried. Commissioner Payne made a motion to adopt and sign the Summary Ordinance #2019-1, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to adopt Land Use Ordinance #2019-2, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to adopt and sign the Summary Ordinance #2019-2, seconded by Commissioner Jensen, motion carried.

EXECUTIVE SESSION

Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206(1)(d) 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code, seconded by Commissioner Jensen.

A roll call vote was taken, and the voting was unanimous in the affirmative.

Board in Executive Session

Board out of Executive Session

Commissioner Payne made a motion to adjourn the meeting, seconded by Commissioner Jensen, motion carried. Meeting adjourned at 2:44 p.m.