

The Board of Bear Lake County Commissioners met in a regular meeting on Monday, March 11, 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, Sheriff Bart Heslington, Assessor Heber Dunford, County Superintendent Scott Esquibel, Building Inspector Wayne Davidson, The News-Examiner reporter, Pamela Harmon, citizens Joan Maiosana, Roy Bunderson and Bill Stock.

APPROVE AGENDA

Commissioner Payne made a motion to approve the agenda, adding prior to the meeting, action items to approve minutes and ratify bills, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen had a small mineral right that needed to be cancelled. Commissioner Jensen made a motion to cancel the mineral rights for #2258, seconded by Commissioner Payne, motion carried. Poulsen stated the Treasurer's Association had sent her to Washington D.C. for the NACCTFO conference.

Sheriff Bart Heslington stated they would be having a site survey for the 911 CAD system on Tuesday, go over the plans and time lines. Grant funds will be used and they are speaking with Caribou, Franklin and Oneida to do this regionally. They can get it installed, but move to the new building when the time comes. They hosted the Western States Snowmobile Conference with representatives from different states and show them the program. IDPR has seen an increase in the numbers and pledge support. The registration numbers are also up and if continue, may get a third (3rd) groomer rather than shuffling back and forth. Heslington mentioned he hired a new dispatcher who's training will be abbreviated with his background and his knowledge of the new system will be valuable for that transition. Commissioners requested Heslington thank his deputies for all they do for the county.

Heber Dunford stated his office had been overrun with calls answering questions about the school bond. Dunford stated there have been lots of deeds and new parcels, but felt they were making progress. Homeowners exemption circumstances change at times and then some do not qualify. The reappraisal program is a little behind but hope to be online by the time it goes out. Licensing and titles have gone up. Dunford feels he needs to hire another employee to help and commissioners suggested cross training and he would need to present something at budget time.

Commissioner Payne mentioned the airport board asked to bring up in 2020, the self-fueling system will be obsolete and looking at new options. It would be about \$20,000 to replace it. There are about 700 using it and they would offer \$2,000 bonus to get their own system and the board could buy old system for parts for those remaining. The board wondered if the county could support them in getting a loan. Commissioners will get legal counsel and look into it, maybe some grants could help.

Commissioner Rasmussen announced the Extension office sponsored 'Meetings Done Right' on Wednesday, March 13, 2019, would be good for any board members to attend.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector, Wayne Davidson, presented his monthly report stating there are three (3) new home requests in Bennington, lumber prices are going down. Bloomington City had an ordinance finished in 2012 which allowed the county inspector to take over H-Vac inspections. St. Charles City is working on an ordinance for short term rentals and to qualify, they need an inspection process with the county building inspector and the fire marshall. Commissioner Rasmussen read Idaho Code #67-6539 on short term rentals. Sheriff Heslington and Chief Parker mentioned the regulations and who would enforce them. Davidson stated they were looking at gravel for compaction for the courthouse. Davidson stated commissioners were working with him on getting power poles moved and the bid for the tree removal will be honored.

ROY BUNDERSON – COMPLIANCE WITH TITLE 74 OF IDAHO CODE-OPEN MEETING LAWS

Roy Bunderson brought up Idaho Code #74-201, 202, 204, 205, 206 and 208 expressing questions and concerns and gave specific items from past years minutes. Bunderson stated the responsibility of the code, did not want to go on record as a violation, but Prosecutor McKenzie stated they will go over the information given and go through the process. Commissioner Rasmussen recognized the January and February minutes needed to be amended.

APPROVE MINUTES

Commissioner Payne made a motion to accept the minutes of February 11 and February 20, 2019 as amended, seconded by Commissioner Jensen, motion carried. Commissioner Payne made a motion to amend the minutes for January 14, 2019, seconded by Commissioner Jensen, motion carried.

GARY MCKEE – FISH HAVEN CANYON – COUNTY ROAD EXTENSION

Gary McKee stated that Mark and Wendy Holland built at the top of The Reserve, build a new home, but would like to have winter road maintenance. Commissioners stated they would need to bring the road up to county standards first and need to have a turn round, before it could be considered.

JARED MARCHAND, EXECUTIVE DIRECTOR – CASA UPDATE

Jared Marchand, CASA Executive Director, along with Tracie Erickson, Advocate Coordinator, presented an update on the CASA program, and appreciate the county's generous donation each year. When he first started, there were no attorneys assigned to any of the cases, so not compliant with Idaho Code #16-1614, and now there is, but wanted to ask if they could ask Judge Garbett to appoint an attorney if they could not find one of those volunteer attorneys. Kerry Hong, 6th District TCA, joined them and stated this was important to have an attorney and use those volunteer attorneys, but if not, who pays. This is just thinking forward and should look in to. Hong and Judge Brown are aware and they will be coming around budget time to ask for support. Commissioner Rasmussen asked for a five (5) year average to help them with the budget.

ALAN EBORN – ALTERNATE CARE FACILITY – HOW TO GET KEYS, UPDATE ON EMERGENCY OPERATION

Alan Eborn, Emergency Director, introduced Darin Letzring, S.E. Idaho Area Field Officer for Emergency Management. One item Eborn wished to address was hazard mitigation. Commissioner Rasmussen wanted to read one statement in the booklet, most active faults in the belt are eastern Bear Lake, Wasatch, West Cache Fault Zone, all located on the Utah/Idaho border. Eborn mentioned a number of items; 1 – Auxillary power in the Allred building is now wired for the generator. Needs a key if need

arises. 2 – Protocol for inoculation for small target audience, maybe work with the Health Department. 3 – Mutual Aid Agreement, been two (2) years, is it still being considered? 4 – Hazard Mitigation Plan approved by FEMA, the incorporated communities have a copy, as well as the clerk's office. Eligible to participate in mitigation grants, would need a letter of intent by September. Concerns for disasters would be flooding again, mainly water out of Montpelier Canyon. Eborn will work with Commissioner Payne with the irrigation company. 5 – 2018 SHSP grant, emergency for a generator, electrician wants to wait till ice melts and get it moved to the community center. Should work good, they will work as an alternate care site, they help provide food, near hospital. Would like Road & Bridge to put up a couple of barriers for protection if possible. 6 – 2017 SHSP grant money is about ready to expire, the money is earmarked for software at the dispatch office, waiting for an invoice from the sheriff so he can proceed. 7 – Just completed an ICS 300 training in Caribou County, thirteen signed up, but would like to recognize the two (2) that attended, Mark Parker, Fire Chief and Rick Sterling. Appreciate their time as it makes our county infinitely safer with that training. Eborn has talked with the sheriff and would like to work on a communication team. Eborn is now the administrator for wireless priority calling for the county and will be working on signing up the first responders so they have priority wireless in an emergency.

STACE GEARHART – JUVENILE CORRECTIONS ANNUAL REPORT

Stace Gearhart, District 6 Liason, presented the annual Juvenile Corrections report and stated there was a new director, Monty Prow.

BOARD OF EQUALIZATION

There were no appeals.

HERD DISTRICTS

There was discussion on herd district and penalties. Commissioner Payne had phone conversations with both Bret Oxborrow and Dennis Hunzeker and the problems they are having are more of a civil matter between two (2) landowners. There is a code reference of 25-2407-2408. The county did create a herd district in 1997, Resolution #97-04, but there are no others.

BEAR RIVER HERITAGE AREA ACT

Brian Carver representing the Bear River Heritage Area Act discussed having the commissioners sign the act. Commissioners have some questions regarding what strings are attached to Federal monies and a land acquisition. Commissioner Rasmussen mentioned a bill that was going to be run and the county did not know about it. Carver stated they were working with Senator Risch at this time.

PUBLIC COMMENTS

Dave Cottle, Bear Lake Watch director, mentioned the resolutions regarding the water, Utah passed the House, read in the Senate, think it will go through. In Idaho, hoping it will be read at Senate Environmental Resource committee. Commissioners and also Rich County Commissioners have a concern that, as commissioners, they have made a decision, Cottle stated that hasn't been said, Rich County Commissioners stated they supported the concept. He also asked about any movement on the Department of Lands and a committee. Commissioner Rasmussen stated they would be getting that going soon.

Bill Stock brought up the Land Use Ordinance and description of roads on page 20, the attorney will look into it.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Scott Esquibel, County Superintendent presented the commissioners a letter from LHTAC showing the approval of funding for the Dingle E. Shore; Beach to Cemetery Road Project. It will be for FY19-2025. Commissioner Payne asked about ticketing a private citizen for snowplowing a closed for winter maintenance county road. Esquibel states they tell them they cannot snowplow or park in those areas, but need more teeth in the ordinance to follow through. The last ordinance was #78-1 which is outdated. Prosecutor McKenzie will get a copy of the City of Georgetown's ordinance. Esquibel mentioned the 2014 lease on the grader would be full term in June and was looking at piggy backing on Blaine County's, but it was not 4-wheel. He is working with Summit Bank and looking at a 2019 CAT 160M3 AWD Motor Grader to lease for \$35,794.68. Commissioner Jensen made a motion to approve the purchase agreement to lease with Summit Bank for a 2019 CAT 160M3 AWD Motor Grader, seconded by Commissioner Payne, motion carried. Esquibel also mentioned they need to replace a bent 1988 trailer, machinery hauler. He would like to get a couple of trailers. He would like to have a county auction. Esquibel stated the drum compactor has no brakes, working with Summit Bank on a one (1) year lease of \$12,000, for the summer and look at working into next year's budget to purchase. Commissioner Jensen made a motion to approve the lease or rent for \$12,000 with option to purchase a 2012 CAT CS74 Vibratory Single Drum Smooth, seconded by Commissioner Payne, motion carried. Esquibel presented his landfill report and stated in the final report, CES showed the groundwater going down. They are in need of a track loader, the sole source is a lease for \$57,406 and if the district takes over, it will go with the regional landfill. Commissioner Jensen made a motion to approve the lease purchase agreement of a 2019 CAT 963 CSTM Track Loader and in the lease agreement, it does include if the regional landfill moves ahead, it would roll over to the regional landfill, seconded by Commissioner Payne, 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)(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' and (c), ' To acquire an interest in real property which is not owned by a public agency', 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

BRANDEE WELLS – BEAR LAKE SOIL AND WATER CONSERVATION YEARLY REPORT

Brandee Wells, with the Bear Lake Soil and Water Conservation District, along with Mark Parker and Devin Boehme, presented the yearly report and mentioned the annual tour which included the Stauffer Creek 319 Grant has just been completed, a solar diversion structure, and the Paris Hollows sign is all done. They are working on the French Dutch Fuels Reduction project and also the Thomas Fork 319

Grant with restoration and with waste containment. They did a water line by Hirschi Creek and a solar well by Teuschers. They do Outreach programs that go to the schools, plant trees with second grade and they get to take home a seedling. The sixth grade did posters and they are doing scholarships with tree sales. Wells stated they would like to get Dyer's Woad program going again with the county sponsoring. Commissioner Rasmussen stated they would discuss it at their upcoming Four-County meeting. Commissioner Jensen will check with Lincoln county. There are possible state land grants, Mitch Poulsen will look into that. Parker will work with Poulsen and the forest. The new grant is the Bennington Creek Diversion and Stabilization. Bear Lake County's Soil & Water Conservation District is the oldest in Idaho.

MITCH POULSEN – PLANNING & ZONING DIRECTOR – RECOMMENDATION FROM P & Z ON COMBINED PRELIMINARY AND FINAL PLAT FOR LYNN HILL

Mitch Poulsen, Planning and Zoning Director, presented the Planning & Zoning Board's recommendation to move forward on the combined preliminary and final plat for Lynn Hill. Commissioner Jensen made a motion to approve the combined preliminary and final plat for the Lynn Hill Subdivision based upon engineering fees being paid, seconded by Commissioner Payne, motion carried.

JEAN ALLEMAN – GRACE THIEL COMMUNITY CENTER PROPERTY – BUILDING AND REMODEL

Jean Alleman, President of the Senior Center presented the commissioners with some history on the community center and asked to have some clarification on the ownership of the building. Commissioner Rasmussen stated the property is owned by the county, but with the M.O.U., the center was able to build the building and so is owned by the center and has control. Alleman stated they would like to get a 10' x 20' storage shed, the commissioners stated if Bryce Boehme is moving snow for them, to make sure the location is okay. Commissioner Payne made a motion to allow the storage shed for the community center if not in the way of snow removal, seconded by Commissioner Jensen, motion carried.

RATIFY CLAIMS

Commissioner Jensen made a motion to ratify the claims, recusing himself from the Health Department claim, seconded by Commissioner Payne, motion carried.

COURTHOUSE BID

Big D's Andrew Wolford and Ryan Judd came to go over the changes requested and presented documentation of the Guaranteed Maximum Price, showing the amount of \$4,916,180. Wolford went over the document. Wolford will work with Building Inspector Davidson and Rocky Mountain Power. Commissioner Payne made a motion to move ahead with the new courthouse, seconded by Commissioner Jensen, motion carried.

CANVASS ELECTION DATE

Commissioners selected March 18, 2019 at 9:00 a.m. in the clerk's office in Paris to canvass the March 12th election and also declare the Fair Housing Month Proclamation.

WYNN HUBRICH – SUBDIVISION UPDATE

Wynn Hubrich came to request a sign off from the commissioners on his Legacy Beach Subdivision. The engineer will not sign off till the sewer infrastructure is taken care of. Mitch Poulsen, Planning & Zoning Director, stated the intent was that the infrastructure be done by the developer and that burden was on them. There was more discussion and review of the subdivision ordinance and based upon review with the attorney, they will be back with Mr. Hubrich and address the issue at the April commissioners meeting.

AUCTION – COUNTY BUILDING

There were no sealed bids provided, only one bidder was present. Commissioner Rasmussen opened the bidding at the appraised value for the county building, know as the Elk Country Sports building, at \$220,000. Joe Tonumaipea, real estate agent, representing Maverik, Inc. bid \$220,000. No other bids were given. Commissioner Jensen made a motion to award the bid to Maverik, Inc. for \$220,000 for the county building, seconded by Commissioner Payne, motion carried.

Commissioner Jensen made a motion to adjourn the meeting, seconded by Commissioner Payne, motion carried. Meeting adjourned at 3:35 p.m.