

Bear Lake County Commissioners' Meeting

April 11, 2022

Commissioners' Chambers – Paris, Idaho

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, April 11, 2022 at 9:00 a.m., in the Commissioners' Chambers 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, Amy Bishop.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Jensen made a motion to accept the agenda. The motion was seconded by Commissioner Payne. The motion carried.

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen, passed out her Joint Quarterly Report. Commissioners asked questions about ARPA Funds and when they will be distributed. First half has come in, the second half will be in May. Zions Bank was required to notify Moody that the Audit was not ready to submit on the usual schedule. The county needs to work with the auditor to get the audit completed prior to March 29th next year.

Assessor Heber Dunford presented a report. He said they had 66 mail in registrations. The state is reimbursing the county for an admin fee of \$3.60 during the transition period. The State Tax Commission did a Ratio Study and the County is non-compliant in three categories. Bailey has complied a letter on how to get into compliance. Property values are assessed based on fair market value. They are currently reassessing based on different towns. Vaughn read a part of the letter from the State Tax Commission. There were over 300 sales last year to analyze. They are going over the 5 year Revaluation Plan with the State Tax Commission. The mappers are still making good progress catching up on late deed processing. Heber reviewed an issue with a deed restriction in Skinner Subdivision. The election was held last May for the Bear River Mosquito Abatement District but the process still needs to be completed with the tax commission for the annexation.

Commissioner Jensen

Commissioner Jensen has been in contact with Tyler Stewart on the Eastshore Road Grant. They have received 17 letters of support to include one from Mitt Romney, with many from people and agencies on both the Idaho and Utah sides of the lake.

IDAWY is having some issue with garbage trucks and access to some subdivisions. They are working with Mitch Poulsen and planning and zoning to make sure these problems are addressed in future subdivisions.

The emergency response agencies held another radio communications meeting. Commissioner Jensen said that Tony from Teton Communications was at the meeting and explained more about the radio system he is proposing. There was some understanding that Tony would need the county to buy at least 100 radios, however, Chief Deputy Micah Rigby was present and said that he has spoken with Tony and

he would do the project with less than 100 radios. Rather, Teton Communications breaks even on their investment after 100 total radios are on the system. There was discussion about the maximum dollar amount of a project before bids needed to be collected. Commissioner Jensen said that each department has tried the radio from Teton. Sheriff Heslington was not present at the commissioners meeting, but Commissioner Jensen said that Sheriff Heslington would like to get new radios in place before the summer busy season. Scott Esquibel, County Superintendent, said that the Road & Bridge would need 52 radios.

Commissioner Payne

Commissioner Payne attended the Black Otter Irrigation Meeting. The County is the third largest shareholder in the Black Otter Irrigation Company. They talked about the drought and are monitoring the Bear River Adjudication process, which will probably start this summer. There will be an increase in the water share price from \$1.75 to \$3.00 per share, to help cover the cost of a contractor to get ready for the adjudication. Commissioner Payne said that even with the price increase, the price of water in the Valley is still relatively cheap. Commissioner Payne was unable to attend West Fork Irrigation meeting due to them having their meeting on the same day. They will not have any increase in share fees this year.

At the airport board meeting they discussed their 50 year plan. The Board also worked with Attorney McKenzie on the requirements for hangar leasing.

RATIFY CLAIMS

MOTION: Commissioner Jensen made a motion to ratify claims. The motion was seconded by Commissioner Payne. The motion carried.

Commissioner Rasmussen said that the Commissioners are given the bills before the meeting. This gives them time to fully review the bills before the meeting.

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve minutes for March 14, 2022. The motion was seconded by Commissioner Jensen. The motion carried.

Records Destruction Resolution

Attorney Mckenzie has reviewed the documents requested to be destroyed. The documents listed on Resolution #2022-05 Destruction of Records comply with the State statute. Amy Bishop read the Resolution and discussed that there are a lot of documents to shred and they will have the shred truck come get the documents.

MOTION: Commissioner Jensen made a motion to approve Resolution #2022-05 Destruction of Records. The motion was seconded by Commissioner Payne. The motion carried. The resolution will be edited to take out a typo.

Audit

The commissioners were presented with the annual audit prepared by Gary Teuscher prior to the meeting had had reviewed it. The landfill closure monitoring letter is now on IDAWY's audits rather than the county's. IDAWY equipment was also removed from the county's capitalization. There was discussion about having departments within the County that have separate bank account additional auditing on those accounts. The clerk has historically audited these accounts, but the commissioners are considering having Teuscher help with these also. These departments include the Fair Board, Airport Board, Extension Office, and the Ambulance Service.

MOTION: Commissioner Jensen made a motion to approve the audit. The motion was seconded by Commissioner Payne. The motion carried.

Amy Bishop spoke with the Commissioners about posting the Audit on the County website.

Airport Hanger Lease Agreement

Adam McKenzie and Commissioner Payne spoke about the Resolution for leases on hangers on the airport land. They have been working with Dave Kramer. The lease will be between Bear Lake County and the person leasing the ground. They will be leasing the ground and then build a hanger on the property. The hanger has to have access from the hanger to the runway. All buildings have to be approved by the Airport Board prior to construction. The lease will be 5 years. They will automatically renew after the 5 years. The County Commissioners have to have a unanimous agreement on rent. The lot will remain property of the County, the building belongs to the renter. If the renter defaults they will have 90 days to remove the building and all other items from the land. Anything left behind including the building after 90 days will revert to the County. The renter can find someone to sell the building to and the new owner can rent the land from the County. The renter must comply with FAA regulation and the Airport Board.

There is one person ready to sign a lease and three others that are ready for applications.

MOTION: Commissioner Payne made a motion to approve the airport hanger lease agreement. The motion was seconded by Commissioner Jensen. The motion carried.

Golf Pro MOU

Commissioner Rasmussen explained that the County used to maintain Allinger Park and the City of Montpelier used to maintain the golf course. The City uses Allinger Park for baseball tournaments and other Parks and Recreation activities. An MOU was made between the City and the County where the City would take over maintenance on Allinger Park and the County would take over the golf course.

The MOU reviewed is between the Golf Pro that manages the course and the county. A change to the current golf contract includes an increase from \$10,000 to \$12,000. This is an increase in green fees to the county. The contract will be reviewed annually.

MOTION: Commissioner Payne made a motion to approve the Golf Pro MOU agreement. The motion was seconded by Commissioner Jensen. The motion carried.

Planning & Zoning Board Member Appointments

Commissioner Jensen said that four board members are expired or will soon expire. One board member, Kay Beck, does not want to renew. Three are to be re-appointed. Those three are Alan Johnson, who is the current chair, Kristy Crane, who is the current vice chair, and Shawn Bartschi. New board member to be appointed is Paul Peterson.

MOTION: Commissioner Payne made a motion to approve the reappointments of Alan Johnson, Kristy Crane and Shawn Bartschi along with new appointment Paul Peterson to the Planning and Zoning Board. The motion was seconded by Commissioner Jensen. The motion carried.

Relicted Land and Short Term Rentals

Due to the change in the County Attorney the Commissioners need to start again on making a short term rental ordinance. They discussed the MOU with the State Lands. There is not a written MOU just a verbal discussion. Commissioners will attempt to collect short term rental ordinances from other counties. Health Department assess sewer and septic issued with these rentals. Commissioner Rasmussen read Idaho Code 63-1802 on short term rentals. The Commissioners cannot prohibit short term rentals. They will discuss relicted lands (state lands below the high water mark) and short term rentals again in May and put together an ordinance for the County Prosecutor McKenzie to review. They will speak with Pat Brown and Prosecutor McKenzie to make a new MOU.

Date to Canvass May Election

May 24, 2022 is the day to canvass the May 17, 2022 election. Commissioners decided that May 24, 2022 at 9AM they would hold a special meeting to canvass the May 17, 2022 election.

MOTION: Commissioner Payne made a motion to have a Special Meeting on May 24, 2022 at 9AM to canvass the May 17, 2022 election results. The motion was seconded by Commissioner Jensen. The motion carried.

M2 Automation – Courthouse Security

Commissioner Rasmussen said this topic would be moved to the May Commissioners Meeting. He has a He wants to discuss courthouse security at the Four County Meeting before this topic is discussed.

Airport Agreement Amendment

County Attorney McKenzie made a change to the prior talked about Airport Lease Agreement add a clarification to include language regarding the County's right to purchase buildings constructed by the renter in an additional sub section.

MOTION: Commissioner Payne made a motion to amend the approved the airport hanger lease agreement. The motion was seconded by Commissioner Jensen. The motion carried.

Ordinance 97-03 – Cemeteries

There was discussion about making changes to the Cemetery Ordinance. Prosecutor McKenzie will make changes to the “established and maintained” language of the ordinance. The ordinance will be put on the May meeting.

MOTION: Commissioner Payne made a motion for Prosecutor McKenzie to make an ordinance to present to the Commissioners at the May County Commissioners Meeting. The motion was seconded by Commissioner Jensen. The motion carried.

Juvenile Center Proposal

Commissioner Rasmussen talked about the way the Juvenile Center was being billed. They have made changes to the billing process. The amount each county pays will now be based on a 10 year rolling average.

County Superintendent Position

The County Superintendent position and the Emergency Services Coordinator position will be combined. A notice was prepared for the paper and a job description. Both were reviewed by the Commissioners. The notice for the newspaper was read.

MOTION: Commissioner Jensen made a motion to approve the notice for the newspaper. The motion was seconded by Commissioner Payne. The motion carried.

After short discussion the motion was withdrawn until after the executive session.

Veterans Park

Tricia Poulsen told the Commissioners that there was a meeting on April 14, 2022 at 3:30PM to get the trees ordered for the Veteran’s Park. Ed Lyon has the flag poles ordered and they are delivered, he is just trying to get with Sheriff Heslington to arrange for picking them up. Brandee Wells with the Bear Lake Soil and Water was present. That is where they are ordering the trees from. Brandee said that the trees would arrive around the second week of May. It was decided that Tricia could order trees and the money would be taken out of the ARPA funds.

MOTION: Commissioner Jensen made a motion to approve Tricia Poulsen to select trees for the Veterans Park. The motion was seconded by Commissioner Payne. The motion carried.

Designate Polling Places

Commissioner Payne said he has spoken with the Harris family on Nounan Road. They wanted to know why their polling place had been moved from Georgetown to the Bailey Creek mail ballot district. Amy Bishop explained that in December they had been moved due to cost effectiveness of having a polling

place for such few people. A mail ballot district is a better use of funds. Commissioner Rasmussen read the Polling Places and Mail Ballot Districts proposed for the May Primary Election.

+MOTION: Commissioner Payne made a motion to approve the polling places. The motion was seconded by Commissioner Jensen. The motion carried.

Brandee Wells – Soil and Water Conservation District Annual Report

Brandee said that this year they have more opportunities to get more grants. She talked about water quality and water quantity. They do have grant funds available for water pivots. Brandee said that Chris Banks writes grants for the Soil and Water office. Brandee said they have finished one grant project in Fish Haven on head gates. They have two other grants in progress and one they have started writing. Many more grants are open to help farmers and ranchers in the area. They have federal and state grants for weeds, they are just waiting on funds. The Highland group has been out picking Dyer's woad and they are hoping more groups pick weeds.

Wayne Davidson – Building Inspector Report

Building Inspector Wayne Davidson gave his report. So far this year there are 15 new home starts. The last few years there have been 30 per year. Homes are filling in gaps, the Valley is growing. Planning and Zoning has subdivisions coming in. Builders are still having issues getting supplies in and they are booked through the summer.

ARPA Allocation

Amy Bishop put together budget and passed it to the Commissioners for review. Commissioners decided on the following:

Allred Center \$150,000

Fairgrounds \$150,000

Ambulance Service \$150,000

Lost Revenue \$27,880

Pictometry \$120,000

MOTION: Commissioner Payne made a motion to approve allocating APRA funds of \$150,000 to the Allred Center, \$150,000 to the Bear Lake County Fairgrounds, \$150,000 to the Bear Lake County Ambulance Service, \$27,880 for Lost Revenue, and \$120,000 for Pictometry. The motion was seconded by Commissioner Jensen. The motion carried.

Katy Bergholm – DEQ

Katy Bergholm from Pocatello DEQ office was present. She came her introduce herself to the Commissioners. She talked about their ARPA funds and requests they have for the funds. There was discussion about sewer districts.

County Superintendent Report

Scott Esquibel, County Superintendent, presented his monthly report. Scott said they are deciding between radar stick signs or getting a mobile radar sign in place of getting two signs. The Sheriff's Office is willing to split the cost of the mobile radar sign.

They have grants for Eastshore Road. They are waiting on grants to be approved for bridges.

The plan is to work on the road between Nounan and Bennington. The bridge in St. Charles will start in July and it will take four months to complete the bridge project. The road from Dingle to North Beach is approved to improve the dirt road. The road will not be black topped. Road and bridge will start replacing and repairing signs that were damaged over the winter.

There was discussion about a county road map meeting. This meeting will take place on May 24, 2022 at 7PM. This meeting is to review the county road maps.

There was discussion about plowing snow on public roads. Scott said that the County does have an ordinance. He will look into surrounding area's ordinances to compare and possibly update the County ordinance.

Open Bids – Airport Snow Removal Equipment Building

Two bids were received for the Airport Snow Removal Equipment Building. Commissioner Rasmussen opened the bids and read them. Bear Lake Construction submitted a bid for \$568,700. Lundahl Building submitted a bid for \$814,870.

MOTION: Commissioner Jensen made a motion to have the bids reviewed by TO Engineers and accept the low bid if it meets the requirements. The motion was seconded by Commissioner Payne. The motion carries.

Public Comments

Daniel Fillion talked about Bear Lake West POA. He asked if the Commissioners would take a stance on the POA roads. He talked about safety of the roadway. He will go to the road map meeting for further discussion.

Kathy Izatt asked what the process was to replace Joe Hayes. Commissioner Rasmussen said that they had just found out about Joe Hayes not being a part of the bar anymore and they now can take action and make a plan. Kathy Izatt requested to know the names of all persons who had applied for Joe Hayes' job. Commissioner Rasmussen told Kathy Izatt that they had not requested applications. Kathy Izatt again requested the names of those persons. Commissioner Rasmussen said he did not know the names as they have not been given to him. Kathy Izatt then read Idaho Code 74-206(1)(a). Commissioner Rasmussen said he is aware of the Code she was referencing and said that as soon as a plan is made and if applications are solicited then they will be public record.

Amy Bishop read a letter from Adam Johnson who is a member of the Bear Lake County Fire Board. This letter was against the combining of the County Superintendent position and the Emergency Services

Coordinator position. Fire Chief Mark Parker was present and agreed with the letter and comments the Fire Board had made.

EXECUTIVE SESSION – IDAHO CODE 74-206 (1)

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

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general;

(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; seconded by Commissioner Payne.

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

The Board entered Executive Session at 12:12. At 12:16 they discussed an Indigent Case. At 12:37 the County Superintendent, Emergency Manager Qualifications were discussed. The Board left the executive session and returned to their regular meeting at 12:50.

Executive Session involved: discussion of employee qualifications, an indigent medical case and an individual’s personal information with regard to a tax deed/hardship exemption to be discussed later in the meeting.

Indigent Medical Determination

Indigent case 2022-HW-01 was discussed during executive session. The applicant in this case does not meet the eligibility guidelines.

MOTION: Commissioner Payne made a motion to deny Indigent Medical Case 2022-HW-01. The motion was seconded by Commissioner Jensen. The motion carries.

Commissioner Rasmussen

Commissioner Rasmussen informed the Commission that the Chairman of the ICRMP board passed away last week. He was also on the GEM plan board.

Commissioner Rasmussen attended the GEM plan meeting. They again discussed rates, but nothing has been determined yet.

Commissioner Rasmussen attended a fish meeting in Garden City. During this meeting they said that taking out Lake Trout was on hold for two years. It was also report that you can keep Cut Throat Trout caught at the lake, they no long require catch and release on those with cut fins. Native trout are increasing, so they are not planting as much.

Muley Fanatic Foundation Catering Permit – Alcoholic Beverages

Quinn Pope

The Muley Fanatic Foundation Banquet will be held on May 21, 2022 at the Crane Multiplex at the Fairgrounds. Alcoholic beverages will include beer, draft beer, and liquor. They will have two or three kegs. Alcoholic beverages will only be served within the Multiplex. Quinn asked that the consumption premises be extended 150 feet past the Multiplex due to bathrooms being outside the building. Quinn said they will be selling cups that will be specific for use with keg beer. 118 people attended the banquet last year and they are anticipating over 200 people attending this year.

Lexi Jensen and Rick Christensen

Lexi said that last year they received \$52,000 from the banquet, of that they were able to keep \$26,000 locally. This year they are planning on putting a list of project ideas on each table for members to vote on. Some of their project ideas are making a planting trailer to help plant vegetation in winter feeding areas, deer crossing signs, UPRR under or over pass for migrating deer by Rocky Point, trail cameras to document deer wintering areas, assist with winter area by the proposed power plant on the east side of Bear Lake. Of the funds raised at these banquets 30% goes to headquarters and 70% stays in the area.

MOTION: Commissioner Jensen made a motion to approve the catering permit for the Muley Foundation to be held at the Crane Multiplex at the Fairground and a 150 foot consumption area outside of the Multiplex on May 21, 2022 at 5am until May 22, 2022 at 2am. The motion was seconded by Commissioner Payne. The motion carries.

Appoint Guardians for Board of Guardians

There was discussion about the Board of Guardians and who is already on the board and who will be appointed. Currently on the Board are Tricia Poulsen and Bart Heslington. To be appointed to the Board is Shannon Heslington.

MOTION: Commissioner Payne made a motion to appoint Shannon Heslington to the Board of Guardians as a Voting Member. The motion was seconded by Commissioner Jensen. The motion carried.

County Superintendent Position

The County Superintendent position and the Emergency Services Coordinator position will be combined. Commissioners decided to have the job posted with a due date for applications of May 6, 2022.

MOTION: Commissioner Jensen made a motion to approve the County Superintendent Position combined with the Emergency Coordinator position job posting and applications being due on May 6, 2022. The motion was seconded by Commissioner Payne. The motion carried.

Commissioner Rasmussen asked that the county attorney be put on the May agenda.

Amy Bishop asked the Commissioner about a new way to send out the Commissioners Agenda. Right now they have an email address list. Some of the emails on the list are no longer valid and get rejected. Amy would like to use another platform like Mail Chimp where persons who want the agenda can go and request the agenda. If at anytime they decide they no longer want to be emailed the agenda they

can unsubscribe. The Commissioners agreed that was a better option and asked that Amy look into it further. Commissioner Jensen asked that both ways be used for a few months to get persons used to the new way. Also an email would be sent out with a link to subscribe.

Frank Vilt – Child Abuse Awareness Prevention Month Proclamation

Frank Vilt said that April is Child Abuse Awareness month. Vilt is on the Juvenile Justice Board. This Board has put pinwheels up at the Bear Lake Middle School. Vilt met with the Montpelier City Council and they signed a Proclamation declaring April Child Abuse Awareness month with April 15, 2022 being the official day for Child Abuse Awareness. On this date they asked that people wear blue to support Child Abuse Awareness. The Proclamation was read and the County Commissioners signed it.

MOTION: Commissioner Payne made a motion to approve April as Child Abuse Awareness Month and allow the Juvenile Justice Board put blue pinwheels up around the Courthouse. The motion was seconded by Commissioner Jensen. The motion carried.

Kim Dimick – Hardship Exemption Parcel #00961.00

Kim Dimick was present via Zoom. Kim stated that he has lived in his residence for almost 9 years. During that time he entered into a rent to own contract. Approximately a year ago Kim was unable to make contact with his mortgage company and has not made a payment since that time. Kim said that mortgage company was paying the taxes on the residence. Kim said he did not know he was behind on taxes until he got the letter from Treasurer Trisha Poulsen. Kim was incarcerated at the time of the meeting and was unable to produce his mortgage agreement or his hardship application. Kim was told by the Commissioners to bring his mortgage paperwork and his application to Tricia as soon as he was able to and they could review it.

Community Center

The Community Center was not on the agenda, the Commissioners were ahead of schedule and the next party had not arrived yet. Mrs. Alleman spoke to the Commissioners about the Adopt a Senior Program the Community Center is doing. She talked about the need for help to provide meals to seniors and with prices rising it is getting harder. They also have a raffle going on to raise funds for the Community Center. There was a discussion on House Bill 687 that related to Commission on Aging.

Roy Bunderson – Speed Control and Road Maintenance

Roy had some changes he wanted made to the December 13, 2021 Meeting Minutes. These minutes have already been approved by the County Commissioners. Roy then talked about Covid money and ARPA funds. Roy is the Mayor of Bloomington. He said that Bloomington is using their funds for road maintenance and speed signs. Bloomington uses Deputy Clements to help with speed control, but they are seeing a huge increase in persons going to Bloomington Lake. They are going to resurface the road. Speed signs are \$5,000 each. Roy asked if the Commissioner would consider contributing to the cost of the signs. Roy has already spoken with the Forest Service; they are willing to assist with signs. The Commissioners had a discussion about using ARPA funds to make donations to all City's in the county to add speed signs to assist with slowing down traffic.

MOTION: Commissioner Payne made a motion to set aside \$14,000 from ARPA funds to help Cities purchase speed control signs. The motion was seconded by Commissioner Jensen. The motion carried.

BOE Training

Amy Bishop and Zana Caywood attended a BOE training on April 6, 2022. Amy discussed that during this meeting it was reported that BOE Meetings only need to be held if there is an item on the agenda that relates to BOE. If there are no BOE items they do not need a BOE session.

Mitch Poulsen – Planning and Zoning Administrator Final Plat of Phase 1 & 2 of the Seven Mile Subdivision


Mitch said that they have approved this subdivision and that it is the best final plat that the county engineer has seen. Commissioner Payne asked about culinary water. Mitch said that the engineer is over that part of the plans and he has approved it. County Fire Chief Mark Parker asked about entrances and exits. Mitch was able to show Mark where those were located. The developer Tom Morgan was present, explained that the an emergency exit/entrance will be gated off and locked so that the emergency services would have access if needed.

MOTION: Commissioner Jensen made a motion to accept the Final Plat of Phase 1 & 2 of the Seven Mile Subdivision. The motion was seconded by Commissioner Payne. The motion carried.

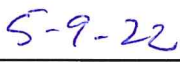
During discussion it was asked when Tom thought the subdivision would be complete. Tom said if the market continues the way it has been it will be approximately six years. If the market slows down it could take ten years.

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

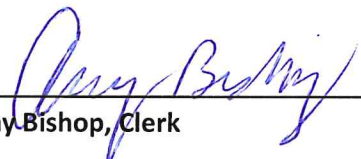
Meeting adjourned at 2:22 p.m.



VAUGHN N. RASMUSSEN, Chairman



Date Approved

ATTEST: 

Amy Bishop, Clerk

