

## **BEAR LAKE COUNTY COMMISSIONERS' MEETING**

**APRIL 12, 2021**

### **COMMISSIONERS' CHAMBERS – PARIS, IDAHO**

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, April 12, 2021 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, 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, Cindy Garner.

Others present were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford, County Superintendent Scott Esquibel and Kathi Izatt, reporter for The News-Examiner.

#### **APPROVE AGENDA – ACTION ITEM**

**MOTION: Commissioner Payne made a motion to approve the agenda as posted for April 12, 2021, seconded by Commissioner Jensen, motion carried.**

#### **ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS**

Treasurer Tricia Poulsen reported they got through every three (3) year delinquent property, all have paid, so no tax deed this year, second year in a row. Will address the delinquent mineral properties later on the agenda.

Sheriff Bart Heslington reported they are getting ready for the transition of the school resource officer back to regular patrol and moving another primarily on marine patrol. Working with the dive team, different skills and availability for them. Met with the Forest Service in regards to anticipated activity on the forest and have come to an understanding for patrol. They have some enforcement officers working on a schedule to maximize resources for both to pair a deputy so neither goes out alone. Working on POST certifications, will do some training themselves and coordinate with other counties.

Assessor Heber Dunford met with consulting appraiser, they are out of compliance and he gave a couple of examples. Assessment team have reached their goal. They should be on target with mail out date for assessment notice, then have the Board of Equalization. New MVD program takes more time and have to be on lengthy calls with Boise. Mapper is doing a good job, but the volume of deeds coming in keeps increasing making it more difficult to catch up.

Commissioner Brad Jensen met with Blaine Newman with BLM (Bureau of Land Management) and would like to work on the roads, getting access to the BLM properties. Newman will meet with Superintendent Esquibel and Weed Supervisor, Todd Transtrum, on the mapping and create matching maps.

Commissioner Payne met with Weed Supervisor, Todd Transtrum, down at the airport to evaluate the weeds coming in from neighboring properties, Transtrum will identify and poison as needed. Met with representatives from Direct Communications, LeGrand Johnson and the person who is going to do the leveling and seeding where the old courthouse was. Worked on some concerns and issues, have a plan ready to go, a stump that will be removed and Tyson Boehme, Maintenance & Janitor, will work on a hydrant. Met with Black Otter Irrigation Company on the airport water, had some people from the

adjudication committee that attended a Commissioners meeting prior. They raised the water shares which adds about \$109.00 for the County who is the fourth largest stockholder. John Peterson would like to meet with him and Superintendent Esquibel on a culvert. Commissioner Payne will meet with Chad Keetch on culverts upstream from the airport. Pegram fire which jumped the river, railroad tracks and highway was mentioned.

Commissioner Rasmussen reported on the monthly District Health meetings, reviewing Covid and restrictions. Bear Lake County has not had a case in five (5) days, other surrounding counties are still getting some. He was voted in as a trustee for the District Health Department and they are concerned about HB 316, a health care bill and funding it. Commissioner Rasmussen was also appointed by a Federal committee by Obama as a RAC (Resource Advisory Council) committee member for the Forest Service to review projects, some are over a year old. Wendell Johnson was chairman for many years. Gem Plan looks good, they added three (3) more counties, now 25, he is still the chairman.

#### **GENERAL BUSINESS/ACTION ITEMS**

##### **RATIFY CLAIMS**

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

##### **APPROVE MINUTES**

**MOTION:** Commissioner Jensen made a motion to approve the minutes for March 8, 15, 2021, seconded by Commissioner Payne, motion carried.

##### **CERTIFICATE OF RESIDENCY**

**MOTION:** Commissioner Jensen made a motion to approve the Certificate of Residency for McKenzie Mortensen for CSI, (College of Southern Idaho), seconded by Commissioner Payne, motion carried.

##### **MUTUAL AID AGREEMENT**

**MOTION:** Commissioner Payne made a motion to accept the Mutual Aid Agreement and sign at the Four-County meeting on April 21, 2021, seconded by Commissioner Jensen, motion carried.

##### **DESIGNATE POLLING PLACES**

**MOTION:** Commissioner Payne made a motion to approve the polling places for the May 18, 2021, Library and Bear River Mosquito Abatement Annexation Elections as follows: Montpelier #1 – Allred Center, Montpelier #2 – Grace Thiel Community Center, Montpelier #3 – Montpelier City Fire Station, Bennington – Bennington LDS Church, Bloomington – Bloomington Recreation Hall, Dingle – Dingle LDS Church, Fish Haven – Reserve Club House, Georgetown – Georgetown City Hall, Paris – Paris Tabernacle Annex and St. Charles – St. Charles City Hall, Mail Ballot Precincts are Bailey Creek, Bern, Geneva/Pegram, Lanark/Ovid and Liberty, seconded by Commissioner Jensen, motion carried.

##### **JOHN & HOLLY WILLIAMS – OPEN ROAD – BEAR HOLLOW**

Commissioner Jensen and Superintendent Esquibel would like to see what other counties are doing and review the ordinance itself and then bring it back before winter.

### **RATIFY BOAT SAFETY GRANT**

Sheriff Heslington explained the Boat Safety Grant is administered through Idaho Parks and Recreation, using a formula based on a number of different things, boat registrations, vessel inspections, some of their activities regarding enforcement. The formula is used on an annual basis and primarily funds the bulk of the Marine Program. Each year have an annual review and endorsement of the grant prior to being implemented. It had to be signed prior to the regular meeting, thus the ratification.

**MOTION: Commissioner Payne made a motion to ratify the annual Boat Safety Grant, seconded by Commissioner Jensen, motion carried.**

### **RATIFY BARRACUDA BACKUP SERVER AGREEMENT**

Clerk Garner reported the Barracuda Backup Server is all of the County's backup support for the Computer Arts programs and was sent late, therefore needing to be ratified. This is an annual agreement.

**MOTION: Commissioner Payne made a motion to ratify the Barracuda Backup Server Agreement, seconded by Commissioner Jensen, motion carried.**

### **SET BUDGET HEARING DATE**

Commissioners set August 30, 2021 at 9:00 a.m. for the County's Budget Hearing.

The Forest Agreement was approved last meeting, but finding a typo, needed to resign.

### **COURTHOUSE LAWN**

Commissioner Payne followed up on more information on the south ground the old courthouse was on. There is a stump that LeGrand Johnson will pull out, Direct Communications have a line by the curb and have worked through that with LeGrand Johnson. LeGrand Johnson will clean up the curbs, form up and get sidewalks, pay 25% and the County will pay 75%. There will be a temporary hydrant in the southeast corner to water the new grass. Treasurer Pouslen volunteered to be the chairperson for a committee to get ideas and suggestions for the vacant south property. Commissioner Rasmussen would like to see a large flag if possible. It will be put on the agenda for May's meeting as an action item. Commissioner Payne mentioned the time capsule stayed in the same place as it was five (5) feet down. Boehme has the GPS coordinates and will document it to be kept in the vault. Commissioner Jensen, as well as the others, had received lots of comments on how well the south property had been cleaned up.

Clerk Garner had a couple of housekeeping items.

### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT**

Building Inspector, Wayne Davidson, was out of the area but had his report prepared and was presented to the Commission for review. Surprised at the number of new residences already for this time of year in spite of the increase in construction costs. Davidson's report indicated City of St. Charles is considering adopting the International Building Code and having him be their inspector. It will be put on the agenda as an action item in May.

### **QUINN POPE – CATERING PERMIT – FAIR GROUNDS – ACTION ITEM**

Quinn Pope with Clover Creek Sports Lounge would like to cater the Muly Fanatic Foundation Banquet on May 22, 2021 from 8:00 a.m. to 11:50 p.m, set up through clean up time. This will be the third time he has done this event. He would be serving beer, wine and liquor in the Rae Crane Multiplex, they will bring in bathrooms and when it gets closer, give exact placements. Commissioner Payne met with the Fair Board and they are okay per Ordinance #2004-01, #9. Chris Price, Chairman of the Muly Fanatic Foundation, explained the purpose is to raise funds to help maintain deer habitat and the donated monies are going for the Rocky Point fence project. They are working with the Fish and Game doing some deer friendly fencing. Commissioner Rasmussen felt it was a great project and they need places to hold these functions. Will have Prosecutor Hayes create a special permit to go along with the catering permit.

**MOTION: Commissioner Jensen made a motion to approve the special catering permit, with City of Montpelier signing off, for the Muly Fanatic Foundation Banquet on May 22, 2021 at the Rae Crane Multiplex at the Fairgrounds, seconded by Commissioner Payne, motion carried.**

#### **OPEN BIDS – AMBULANCE**

There was only one (1) bid submitted from PSS (Professional Sales and Service, L.C.) to be opened.

**MOTION: Commissioner Payne made a motion to accept the bid from PSS for a Horton 457 Dodge Diesel Ambulance with lift and cot for \$262,072.00, based upon review from Prosecutor Hayes and the Ambulance Board, seconded by Commissioner Jensen, motion carried.**

#### **DOUGLAS and TAMARA ARMSTRONG – REZONE APPLICATION REFUND**

Tamara Armstrong met with the Commission, along with Planning and Zoning Administrator, Mitch Poulsen by Zoom, and indicated the rezone application had been pulled, keeping the subdivision and would request a refund. The permit fee of \$1,800.00 included the flat fee of \$450.00, then the added \$20.00 per acre. It was recommended to keep the flat fee of \$450.00 but refund the remaining \$1,350.00.

**MOTION: Commissioner Jensen made a motion to retain the \$450.00 flat fee and refund the remaining \$1,350.00 of the rezone application fee, seconded by Commissioner Payne, motion carried.**

#### **PUBLIC COMMENTS**

There were no public comments.

Commissioner Jensen gave update on the new district landfill, IDAWY, moving ahead with the applications for the site and the changes for the existing landfill reload zone area. Working on preparing the budget and have it all in place.

#### **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Superintendent Scott Esquibel reported they are preparing for the final design on the Jericho Loop Bridge, the Dingle East Shore Beach to Cemetery Road is projected to be done in 2024. There are two (2) new solar speed signs, Commissioners suggested putting one (1) on North Beach Road and the other possibly Bench Road, then move to Fish Haven Canyon Road closer to summer.

Commissioner Rasmussen suggested a slower speed sign prior to going into Georgetown from the west, it was not on the agenda so will be on May's meeting. Commissioner Jensen, for general discussion,

mentioned roads in Bennington not having yield or stop signs going east. As they are County roads and there are other small town areas the same, will look into it, but standard rule is yield to the right. Would have to work it into the budget.

Esquibel is checking on lease option for a dump truck with Brian at Summit Bank. Need to work on replacing the fleet, old equipment parts having to be manufactured as cannot get parts. Commissioners encouraged him to go forward. Road report shows which roads will be chip sealed, other gravel roads are big projects, do about ten (10) miles each year. Commissioner Payne urged Esquibel to get with Planning & Zoning Administrator, Mitch Poulsen to evaluate the previous river project in the Dingle area to be sure it does not erode more and get repaired before major damage occurs. Esquibel informed the Commission of an employee retiring the last of May so will get the position posted now.

Clerk Garner inquired of the Commission about applying for the Public Defense Grant to which they encouraged moving forward on.

Commissioner Rasmussen informed the group regarding the new Covid Federal money and departments making requests. Purpose is to stimulate the economy, but need the guidelines and if not following, it will be required to pay it back. Have not seen the money or the guidelines at this point.

#### **IRENE JEROME and WILLY PECK – CARIBOU FOREST INITIATIVE**

Irene Jerome, Forest Consultant, contracting with American Forest Resource Council, which Bear Lake County and Jensen Lumber are members. Willy Peck with the Idaho Forest Group, together with Jerome, came before the Commission promoting the work it does for communities and the forest. The Caribou Forest Initiative is a collaborative group working together and would like to know what is important to the county. Peck and Jerome are here for the broad things, timber, wildlife, fishery, aspen regeneration, sage brush, mines, but want to be engaged in as many as they can to help the local community. They would write letters, help with legal matters, bring people from diverse backgrounds together in rural communities to help protect our forests for all uses. They meet quarterly, need monetary donations and/or people to help, could use a central person, a commissioner is a real strength for the group. Senator James Risch, Senator Mike Crapo and Representative Mike Simpson's office representatives are very supportive and usually at every meeting. Commissioner Jensen usually goes for the timber, but there are about six (6) cattle grazing associations and some snowmobile clubs that should be involved. If all three (3) Commissioners go, they would post the meeting as they would like to look into it and help with any issues, maybe help with in-kind labor. Peck noted the formula they use for the PILT program is a problem and they are looking into trying to help that. Commissioner Rasmussen expressed the beautiful resource the forest is and like to see it used in every aspect, cattle, sheep, mining and recreation.

#### **EXECUTIVE SESSION – IDAHO CODE 74-206 (1)**

**Commissioner Jensen made a motion to leave the regular meeting and go into 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 at an executive session does not satisfy this requirement,'**

**seconded by Commissioner Payne.**

**Roll call vote: Commissioner Jensen – ‘I’, Commissioner Payne – ‘I’, Commissioner Rasmussen – ‘I’, voting unanimous in the affirmative.**

Board went into executive at 12:20 p.m., those invited to attend were Attorney Adam McKenzie, Prosecutor Hayes and Clerk Garner.

Board out of executive, back to regular meeting at 12:59 p.m. The only item will be discussed later in the regular meeting at 2:00 p.m.

**KEVIN PARKER and SCOTT WALLENTINE – PARIS-BLOOMINGTON CATTLE ASSOCIATION – MOVE CATTLEGUARD – ACTION ITEM**

Kevin Parker was not able to attend, but Mike Duncan from the Forest Service was on via Zoom. Scott and Cade Wallentine presented a map showing an existing cattleguard farther up Paris Canyon but would be more beneficial if moved down lower. Working with the Forest Service, Duncan agrees it would save a lot of fencing, have a letter from the landowner agreeing and request from the Commissioners to be able to move it.

**MOTION: Commissioner Jensen made a motion to approve moving the cattleguard lower in Paris Canyon, seconded by Commissioner Rasmussen, motion carried. Commissioner Payne abstained from voting due to relationship to the cattleman’s association.**

**MITCH POULSEN – PLANNING & ZONING ADMINISTRATOR – RECOMMENDATION on KNOLL PRELIMINARY PLAT – ACTION ITEM**

Mitch Poulsen, Planning and Zoning Administrator, informed the Commission of the Knoll preliminary plat which includes sixteen townhomes. Agency comments were submitted by both the Fire Chief, Mark Parker and DEQ (Department of Environmental Quality) not opposing or in favor, if it went in would just need to follow certain specifications and requirements. A letter was submitted from an adjacent property owner in the Reserve who did oppose as he felt it would devalue his home built across the street. Planning and Zoning did review the application, Poulsen did review according to the preliminary plat requirements, the engineer reviewed, there would be sixteen townhomes on sixteen acres, one per acre. Total project approved back in 2000, total of five hundred and sixty-seven acres in this development, the Planning Commission granted them ability to develop with the density of one unit per acre. They would put higher density closer to the highway, lower density higher up closer to the forest boundary so less impact on wildlife. Gabe Lleras, representing the Reserve, was in attendance. The roads are private, built to county standard. Poulsen relayed the Planning and Zoning Board’s recommendation to approve the preliminary plat. Poulsen indicated the fire suppression that the Fire Chief was concerned about is already in place.

**MOTION: Commissioner Jensen made a motion to accept the preliminary plat for The Townhomes at the Reserve, seconded by Commissioner Payne, motion carried.**

**TRICIA POULSEN – TAX DEED MINERALS – ACTION ITEM**

Treasurer Tricia Poulsen brought up that only four (4) counties deal with minerals. Example of a property owner with six (6) parcels with minerals only, past due for four (4) years amounts to \$70.50, do not want to pay a \$220.00 litigation guarantee as they are not real property. This will be happening

more as people pass away, older deeds kept minerals, not many newer ones. Per Idaho Code 31-803 (10), the value is \$25 per acre, if we could lower to \$24, it could take care of the problem with past due minerals and be in compliance. The County Commissioners could make a motion to return the rights to the land. Poulsen conversed with the Deputy Assessor, Dale Thornock, and he agrees it would help. It would be put on the website if decided and would save on cost of having to recoup publishing expense. Poulsen and the Assessor will check further into the statute.

#### **CHRIS FRANKLIN – CODY’S in PARIS – LIQUOR LICENSE – ACTION ITEM**

Chris Franklin, owner of Cody’s Gastro Garage in Paris met with the Commission to request adding liquor to his current license, to be sold only with a meal.

**MOTION: Commissioner Payne made a motion to approve the amended liquor license for Cody’s Gastro Garage in Paris, Idaho, seconded by Commissioner Rasmussen, motion carried. Commissioner Jensen abstained due to possible business conflict.**

#### **ATTORNEY ADAM MCKENZIE – COLLECTION MATTER – ACTION ITEM**

Commissioner Rasmussen mentioned the legal matter in the executive session, in correspondence with Attorney Adam McKenzie not getting a response to past due bills of three (3) developers, it was recommended to send a final collection letter on Planning and Zoning fees.

**MOTION: Commissioner Jensen made a motion to authorize Attorney Adam McKenzie to send out final collection letters on several outstanding Planning and Zoning developer’s fees, seconded by Commissioner Payne, motion carried.**

Commissioner Rasmussen mentioned HB 316 and the Indigent program going away, would require counties to fund health districts. Bear Lake County may pay about \$4,000.00 to \$6,000.00 to help fund. This may hurt the hospitals also and need more study on this bill.

Assessor Dunford discussed a bill that would affect the circuit breaker and could disqualify as many as a third of those on the program, which would be harmful to those citizens.

Commissioner Rasmussen reported there are other property tax bills that could affect the counties in adverse ways. Update on the shooting club, seems to be going good, partly funded by Idaho Fish and Game along with members of the club.

#### **KATHY RAY – 4-CASI (County Alliance of S.E. Idaho) – UPDATE & FUNDING SUPPORT REQUEST – ACTION ITEM**

Kathy Ray with 4-CASI updated the Commission with information on the different areas of the county she has worked to help the local economy. Ray requested the annual funding support. Commissioners relayed to her as stated in the letter, it would be upon budget availability whether they could assist with funding.

**MOTION: Commissioner Jensen made a motion to approve signing the letter of funding support of \$6,000.00 to 4-CASI, based upon available budget, seconded by Commissioner Payne, motion carried.**

#### **SHORT-TERM RENTAL DISCUSSION – FIRE CHIEF, SHERIFF & PROSECUTOR**

Fire Chief Mark Parker, Sheriff Bart Heslington and Prosecutor Joe Hayes met with the Commission to discuss short-term rentals and the impact it has on the County infrastructure. Prosecutor Hayes has written ordinances for both the City of St. Charles and City of Paris. Ordinances for the County would need to be constructed after thorough investigation on what can be done. Commissioners concerned of who will police the ordinances and how thin our resources are already. Good discussion, will look at others who have ordinances and how it is being handled and enforced, then bring back to the next meeting in May.

#### **ELECTED OFFICIALS MEETING**

Commissioner Rasmussen wanted to get back to having these meetings more regular as it is valuable for the county. Beneficial having communication with the elected officials but would like to meet with their employees and get a feel for actual function of each department. Would hope to know the issues, any matters of concern and work together with ideas to help each be successful and know their value in the County. If ideas come to the Commissioners, it would start with the chain of command, then go to their employees and if needed, departments could help each other.

Commissioner Payne mentioned the need for an inventory list from each department with details and have a master list. Encouraged to have the list completed by the June 14<sup>th</sup> meeting. Discussed the soundproofing in different areas, start with music in the hallway, more soundproof in the Jury room.

#### **EXECUTIVE SESSION – IDAHO CODE 74-206 (1) (a)**

**MOTION: Commissioner Payne 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’,  
seconded by Commissioner Jensen.**

**Roll call vote: Commissioner Jensen – “Yes”, Commissioner Payne – “Yes”, Commissioner Rasmussen – “Yes”, all voting unanimous in the affirmative.**

Let the records show that Assessor Dunford, Prosecutor Hayes and Clerk Garner will be in attendance. There will be no decision coming out of this executive session.

Board went into executive at 3:54 p.m.

Board out of executive at 4:24 p.m., item was concerning an employee, meet in two (2) weeks and get back to make a decision.

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

Meeting adjourned at 4:24 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

**ATTEST:** \_\_\_\_\_  
**CINDY GARNER, Clerk**