Bear Lake County Commissioners' Meeting

May 9, 2022

Commissioners' Chambers - Paris, Idaho

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, May 9, 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. Also in attendance were Adam McKenzie, Assessor Heber Dunford, Treasurer Tricia Poulsen, Deputy Clerk Zana Caywood, County Superintendent Scott Esquibel, and several members of the public.

APPROVE AGENDA – ACTION ITEM

Commissioner Rasmussen noted that the Idaho Code Roy Bunderson was speaking about should be corrected from 59-706 to 59-906 and the items at 2:00 P.M. and 2:15 P.M. should be listed as action items.

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

Commissioner Rasmussen said that the Governor declared a regional drought for this area. Sheriff Heslington was excused due to a family emergency.

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Assessor Heber Dunford presented a report. He said there has not been a lot of difference with walk-in customers. There have been 81 online registrations. The state is still giving the County \$3.75 per registration through the end of 2022. Heber said that they project the difference in their budget will be around \$7,000 in 2024 due to online registrations. They failed the Ratio Study, but they have made changes to make it pass. They are running the assessment roll. There is a 30-50% increase in assessments. Property taxes are driven by property values. Heber talked about getting an outside contractor to do commercial assessments. Commissioners asked about being able to find an outside assessor due to having issues finding someone in the past. Heber said he has talked to Kevin Frank and has left a message for Gary Fawcett. Heber is optimistic that he can get someone to do the commercial assessments. There are approximately 257 improved commercial properties in the County being used, there are 50-60 vacant commercial properties. Heber said that the mapping is catching up. Heber said he has a good staff and things are going smooth.

Treasurer Tricia Poulsen gave an update on the Veteran's Memorial Park on the site of the old court house. Tricia said they have the parts ordered for the sprinkler system. The Memorial is mapped out. Jay Slight is going to oversee the installation of the sprinkler system. The City of Paris is donating equipment and time. Tricia said there has been a lot of involvement from the community and City of Paris. There was discussion on solar lights for the flag poles. The solar lights will be on the top of the flag poles and shine down on the flag and the park.

Commissioner Payne

Commissioner Payne said the Oregon Trail Center is having trouble with the parking lot behind the building. The parking lot has settled causing water to pool at the back door. Clint Bethers gave a recommendation to put in a trench drain and trying to tie it into the City of Montpelier's storm drains. The quote given for this project was \$8,340.00. There will be a craft fair at the Oregon Trail Center on June 24th from 10AM to 4PM.

There was discussion about the Short-Term Rentals. City of Montpelier is drafting an ordinance. Commissioner Payne will continue looking into Short Term Rentals and getting an ordinance ready.

Commissioner Payne talked about the area being designated a drought. Governor Little declared that south of the Salmon River a Hydrological Drought due to reservoirs being low. Commissioner Payne talked about people being able to temporarily change water diversions. The USDA has also declared the area a disaster for drought. This gives farmers options for production loss loans and emergency assistance.

Commissioner Payne said the Fair Board has used the ARPA funds for a new roof on the beef barn, walkways from the parking lot by the bathrooms and to the Crane multiplex to make the area more ADA accessible. To do the paying they will team up with the City of Montpelier. The Allred Center has used their ARPA funds to put in a new floor. They plan on doing ceiling work and make the bathrooms ADA accessible. Payne also noted that the latest fuel reduction project is now complete.

Commissioner Jensen

Commissioner Jensen said at the last communications meeting there was progress. They talked about doing a VHF system. They are waiting on costs and proposals from different venders. With a VHF system we would own the system and it would improve upon what we already have. Commissioner Jensen would like to see the current 700 system maintained in addition to going to a VHF system or whatever is decided upon if its not the 700 system. Sheriff Heslington has been in contact with vendor companies, but they have not yet heard the vendor's proposals.

Commissioner Jensen said he has been getting lots of calls about gravel pits. He would like to see the commissioners put together an ordinance to protect the pit and its neighbors. Commissioner Jensen has looked at different gravel pits in the County. He said that the pit operators are good to work with, they just don't know what to do. There needs to be an ordinance.

Commissioner Jensen said he went to the Tri-County Grooming meeting. There is interest in expanding the Bloomington Parking Lot. Commissioner Jensen said he has met with Brad Wilks who is the President of the snowmobile club and the Mayor of Paris. Wilks is willing to assist in expanding the parking lot, there are also others who are willing to donate gravel and labor. Commissioner Rasmussen said that he has had conversations with Roy Bunderson who is the mayor of Bloomington.

Commissioner Jensen will work on the gravel pit issue and report back to the commissioners. Commissioner Rasmussen will speak with Mayor Bunderson about the Bloomington Parking Lot.

Jensen reported on the Bear Lake Regional Commission Meeting. They are having trouble with staffing and vehicles at the invasive species boat check stations.

Jensen also gave a Landfill update. The DEQ has ARPA funds to help with closure and post closure of landfills, and well monitoring. The DEQ in Wyoming has helped close the Wyoming pit.

RATIFY CLAIMS

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

APPROVE MINUTES

Commissioner Rasmussen made changes to the minutes from April 11, 2022. His changes include: The Commissioners went into executive session at 12:12. At 12:16 they discussed an Indigent Case. At 12:37 the County Superintendent, Emergency Manager Qualifications were discussed. Commissioners left the executive session and returned to their regular meeting at 12:50.

MOTION: Commissioner Payne made a motion to approve minutes for April 11, 2022, with the changes as noted. The motion was seconded by Commissioner Jensen. The motion carried.

Certificate of Residency

Applications for certificates of residency for Wyatt Lloyd from Dingle and Baylee Armstrong from Liberty were presented. Both are certified and going to CSI.

MOTION: Commissioner Jensen made a motion to approve the Certificates of Residency for Wyatt Lloyd and Baylee Armstrong. The motion was seconded by Commissioner Payne. The motion carried.

Resolution of Mosquito Abatement Annexation

Resolution 2022-06 was read by Clerk Amy Bishop. Commissioner Payne pointed out a typo in the Resolution that was corrected by Prosecutor Adam McKenzie before the Commissioners signed the Resolution. The Resolution was annexation of the area to the east of the landfill, Home Canyon area, into the Mosquito Abatement district.

MOTION: Commissioner Payne made a motion to approve Resolution #2022-06 Resolution of Mosquito Abatement Annexation. The motion was seconded by Commissioner Jensen. The motion carried. The resolution will be edited to take out a typo.

M2 Automation Contract

Commissioner Rasmussen said that, at the 4 County Commissioners Meeting, Commissioner Burbank talked about a system they use that will notify all law enforcement that there is an issue at the Court House and not just send the alert to Dispatch. Amy reminded the Commissioners that Sheriff Heslington had talked about not liking the cell phone system as they had trouble when the schools tried to use the

system. Sheriff Heslington was not present at the meeting to discuss further. Commissioner Rasmussen will follow up with Commissioner Burbank about the system. The item was tabled until the June Meeting.

Assign Commissioner to USFS Burn Season Preparation Committee

Mike Duncan from the USFS was present at the meeting. He asked that a main point of contact be appointed in the event of a wildfire as Alan Eborn has retired. The person will need to be available to meet before emergencies to make plans and be available when there are emergencies. This is not to make an MOU, just a preseason meeting to be prepared. They will discuss resources, what is available, who is available, and expectations. Commissioner Jensen has been in contact with Mike and will be the point of contact.

Mike gave the Commissioners an update on the Minnetonka Cave Road project. The Great Outdoors Act is where the funds are coming from. They are going to resurface the road, replace buildings and deck at the Cave, improve parking lots. They will add more parking at the North Fork Trail Parking Lot. They will also work on updating and replacing fencing. This season they will be preparing and next summer the work will be done.

MOTION: Commissioner Payne made a motion to appoint Commissioner Jensen to the USFS Burn Season Preparation Committee. The motion was seconded by Commissioner Rasmussen. The motion carried.

Public Defense Commission Annual Application

The Clerk presented the annual public defense application. This application is for an allocation of funds from the Public Defense Commission. The funds can be used for office supplies, defense experts, conflict council, training, etc. There are funds for a secretary, but Criss James does not utilize those funds, he just uses his regular office staff. Jared Ricks will review the contract.

MOTION: Commissioner Payne made a motion to approve the Public Defense Commission Annual Application. The motion was seconded by Commissioner Jensen. The motion carried.

Short-Term Rentals

Commissioner Rasmussen is working on putting together an ordinance. Short-Term Rentals will be added to the next few month's agendas. The biggest problem other counties are having is policing the rentals when there are problems. By state law, the ordinance cannot limit persons from having a short-term rental. The County can require a permit, and oversee health and safety issues. There needs to be an enforcement clause on the Ordinance. Things to include might be on-street parking, number of people in the rental, etc. The ordinance will be to make good neighbors. They will work with other cities in the county for enforcement. Commissioner Rasmussen will work with the cities. The Ordinance will be simple and easy to follow. They need to decide which department will be responsible for the permit and whether there will be County wide enforcement officer.

State Land Below the High-Water Mark

Commissioner Rasmussen talked about how North Beach State Park is a run by the State and is not under the control of the County. There needs to be an MOU created and then a Committee for State Lands Below the high-water mark. There have been discussions about the area west of North Beach. The State is working with Pacific Corp and creating a lease. East Beach is also a State Park under the direction of the State. Commissioner discussed the reservation system for North Beach.

Tax Deed Hearing

Three properties up for Tax Deed.

Margaret Daines was sent six certified mailings, three were returned and two served. Her heirs have called Tricia and asked when the last day was to pay, which is May 31st. Tricia thinks they will have it paid by then.

A second Tax Deed is for mineral rights. There is a fourth of an interest in the mineral rights on six or seven properties. The original owner has died as has his son. When the County takes the mineral rights, they will first be offered to the surface owners before auction.

The third property is Kim Dimick's residence that is owned by DSV. DSV has not been paying. Kim was not present. Tricia said that Kim was unable to locate his lease to own contract. Tricia said she had received a letter from the mortgage company asking for a break down of the delinquent taxes by year. She tried to call the phone number on the letter, but it went to a private number and not to the company. Kim told Tricia that a last year his payment went to cover increased taxes. Kim has not made a payment to DSV in over a year. He said his contact was a 7-year lease with an option to buy. On June 1st the County will take the house and Kim will have until the house goes up for auction to show his contract or come up with the amount due which is about \$5,000. Prosecutor McKenzie advised to move forward with the Tax Deed on June 1st.

Wayne Davidson - Building Inspector Report

Building Inspector Wayne Davidson gave his report. There are still more permits coming in. Montpelier has a few new commercial buildings coming in. There are 26 new residence permits. Wayne said he has a stack of permits that are issued but on hold due to supply and contractor issues. Wayne said he is waiting on the Pictometry contract to be signed. Prosecutor McKenzie is reviewing the contract and then the Commissioners will sign it.

Roy Bunderson - Idaho Codes 59-906, 59-907, 74-206, and 74-102

Roy Bunderson addressed the Commission about general concerns he has. He said he is not meaning to be adversarial or contentious. Roy talked about how we hear things and interpret what we hear. Commissioner Rasmussen said he has talked with Attorney Generals Office and they will set up a meeting to review open meeting laws. They will also do a training in the summer. Roy then spoke about each Idaho Code. Roy said that he believes Idaho Code 59-906 sets out a time line of 50 days to replace the prosecutor and the County is now at 100 days, even though the commissioners have stated they believe the situation falls under a different code. He would like a resolution on the prosecutor. Idaho Code 59-907 gave authority to the Commissioners to appoint or contract. Roy then said that currently Adam McKenzie is on an hourly rate. Idaho Code 74-206 is the Open Meeting Law. Roy said

that what people don't know causes problems. Local level elected officials need to protect freedoms of the people. Idaho Code 74-205 Written Minutes, Roy read this Code. Roy said that he did not mean to be nit-picky, but thinks there needs to be more details without going into detail. They need more dialog. Roy stated that it is his opinion that going to executive session for imminent legal litigation may be done too frequently. Roy read Idaho Code 74-206(2). Roy said that openness buys more support and better understanding of government. Commissioner Rasmussen again talked about a meeting with Bryon Cain at the AG's office.

Gary McKee - North Shore Farms Subdivision Sewer/Septic

Gene Brown owns 126 acres of beach front property. She does not want to make the area a subdivision, just wants to make 8 lots plus her one lot. They will be 2.5 acres with 150 feet of the property being beach front. They are having issues with septic. They were denied by the local sewer district. They were not extending the correct sewer line to North Shore Farms. Gary said that the Health Department requires the septic tanks to be 300 feet from Bear Lake. It was asked if they have been to the Planning and Zoning yet. Gary said no they had not. Prosecutor McKenzie told the Commissioners to follow procedure and go through Planning and Zoning first to avoid any ex parte information. Commissioner Rasmussen then told Gary he needed to call Mitch Poulsen who is the Planning and Zoning chairman to get on their agenda. Ed Izatt said that the area was wet land and that needed to be addressed as well.

Commissioner Rasmussen

Commissioner Rasmussen reported that there the Vietnam Traveling Memorial Wall will be in Soda Springs at the city park from May 11^{th} to May 14^{th} from 8AM to 8PM. This Wall is a replica of the Vietnam Memorial in Washington DC. The Wall is 200 feet long.

An EMT Reunion was held at the ambulance garage. Commissioner Rasmussen said he is a retired EMT and it was good to go see those he served with.

Commissioner Rasmussen attended an ICRIMP meeting. There will be a rate increase this year.

Commissioner Rasmussen also attended a GEM Plan meeting. There will be a rate increase of 4% to 9%. Commissioner Rasmussen attended a Board of Health Meeting. He was also part of the 6th District Magistrate Judge selection committee. They appointed Anson L Call II. He is currently the Power County Prosecutor. Judge Kress is also retiring and the committee will work on his successor.

Clerk Amy Bishop gave updates on the May 17th Election. Mail Ballots are out. No more ballots will be mailed to absentee voters. This week the Clerks Office is open for in-person absentee voting. She has started on budget worksheets.

Southeast Idaho Public Health, Fiscal Year 2023 Budget

Maggie Mann presented the 2023 Public Health Budget Proposal to the Commissioners. The Board of Health has approved the budget. House Bill 316, moved the responsibility for \$1,142,300 in public health expenses to counties, in conjunction with Medicaid expansion. The Southeast Idaho Public Health has their budget hearing on May 26, 2022 at 9:30AM at the Pocatello Office. Maggie then went over the proposed budget and the calculations for the county's contributions. The county's

contributions are calculated on 70% population and 30% Market value. The population in Bear Lake has increased by 7.4% and the market value has gone up 20.2%. Bear Lake is above average in both areas. The original county aid request is \$63,519 and the additional county aid request is \$59,096. The total Bear Lake County aid for 2023 will be \$122,615.

Brooke Allen – Direct Communications Broadband Project Updates

Brooke Allen from Direct Communications was present to update the commissioners on the company's broadband projects in the area. He said the East Bench of Bear Lake they have the Federal Grant Match Redeemed, they are ready to start. Commissioners asked about getting Direct Communication lines in Pegram and Geneva. Brooke did not have a time line on that project. It costs approximately \$25,000 to \$30,000 per roof top to enter a new area. Commissioner Rasmussen asked about Nounan. Brooke was more optimistic about entering Nounan, but said their last grant application for that area was turned down because the cost was too high for the number of homes served. It costs about \$50,000 per mile, but that number changes daily based on cost of getting items. Right now, they are experiences shortages in supplies and 6-month lead time on supplies. Brooke said in the fall there will be a cable expansion that will be able to carry gigabit speeds.

County Superintendent Report

Scott Esquibel, County Superintendent, presented his monthly report. Scott has been working with Sheriff Heslington for mobile speed signs. They have picked a Fast 870 for \$17,000. The Camp Stewart Dam project is starting. They are getting road and detour signs ready.

Public Comments

Molly from 4 CASI spoke. She said she has been working with Becky at the Oregon Trail Center. Molly said her background is in banking and working with Commercial Lending and GEM grants.

Commissioner Rasmussen said that there would not be an Executive Session today, but they would hold one on May 24th to review the Superintendent Resumes.

The commissioners took at break for lunch from 12:10 to 12:57 PM, when the Commissioners returned to their regular business.

Richard Yeoman - Senior Citizens Center As Emergency Center

Richard Yeoman wanted guidance on what was required or needed of them as an emergency center. They have a generator at the Center that was purchased by the County so the Senior Center can be used a Disaster Relief Center. Richard wants in writing what is needed or expected of them. The Commissioners agreed. There may be some guidance in the Emergency Preparedness Plan and it needs to be looked at. They need to make a plan and send it out. Commissioners need a copy of the plan as well as the Senior Center and other relief centers and persons who will assist. Commissioner Payne will look into the plan and see what other counties are doing. Sheriff Heslington is working on getting a cover for the generator. Commissioner Rasmussen spoke about the Senior Center and how it needs the communities support to keep running.

Andy Stokes was in the audience and he was asked to introduce himself. Andy has taken over for Kirk Rich at the Idaho Parks Department. Andy addressed the new reservation system for North Beach. Andy said it will make it so there is less cash at the kiosk and make smoother, faster check-in process at the kiosk. This will in turn help keep traffic down at the entrance and on North Beach Road. Andy said that the North Beach Park can have approximately 850 vehicles on the beach and a few hundred on the upper road for approximately 1000 total vehicles in the park. Andy said it is not mandatory to have a reservation, it will just insure you have a spot. You will need a reservation to park a truck and boat trailer, but there is no reservation to launch a boat. Andy said that he also manages the East Beach. They have a new Choke Cherry expansion area that can hold 250 vehicles. There's approximately 2 miles of beach on the East side they are working on ideas to utilize. The area to the west of North Beach they are working with PacificCorp to utilize. He hopes to make this area a non-motorized area. That project will be in the next 2-3 years.

Quinn Pope - County/Community Food Pantry

Quinn Pope talked about the Food Bank and Food Pantry. They are looking to find a location that can house the project that has fluidity, accessibility, and man power to make the project work. Currently there is SEICAA, the LDS Church, Idaho Food Bank, Pantry at the Senior Citizens Center. They are wanting housing for the food bank. Kia Shaw with the Idaho Food Bank then addressed the Commissioners. The Idaho Food Bank brings food to the community once a month. They service 100 families with 70 pounds of food. 1 in 7 kids in southeast Idaho is in need. Most of the people they help are working poor. Seniors sometimes have to pick between purchasing food or medications. Micah Jensen then addressed the Commissioners. He talked about the Food Bank coming the 3rd Thursday of every month. The Bishop's store house is mostly for church members. They thought of doing the food pantry at the school, but Superintendent Brogan was worried about the problems that would bring for students and security. Mike Blauer at the Bear Lake Memorial Hospital is also in favor of a Food Pantry. Micah said that from the Commissioners they need a building and the help with lights, fridges, and freezers. He talked about grants and ARPA funds.

MOTION: Commissioner Jensen made a motion to nominate Commissioner Payne to work with the Food Pantry to find a location. The motion was seconded by Commissioner Rasmussen. The motion carries.

Jean Alleman - 2023 Grant Application

Jean Alleman said they have a Block Grant application and then asked Mariah Lancaster to speak. Mariah is helping the Senior Center write the Block Grant. Mariah asked that the Commissioners agree to sponsor the grant, and be the facilitator of the grant. They will use the grant to do exterior repairs to the building.

MOTION: Commissioner Jensen made a motion to be the facilitator of the Block Grant for the Senior Center. The motion was seconded by Commissioner Payne. The motion carries.

County Attorney/Attorneys

Commissioner Rasmussen spoke about Idaho Code 59-906 and Idaho Code 59-907. He said Idaho Code 59-906 is more general and 59-907 is more specific, and gives no time limit. They need to decide if they want to appoint or contract with an attorney. If they contract they need to decide on a length of time for the contract. They discussed if they appointed an attorney if that attorney would have to live in the county. Commissioner Rasmussen said he was not sure and would find out. It was determined that on May 24th they would make a decision. If they decide to do a contract they do not need to put it out for applicants.

Commissioner Rasmussen set a special meeting for Monday, May 16th to have an Executive Session to review the applications for the County Superintendent position. This meeting will be at 2PM. They will do interviews on May 24th at 2PM. Vaughn read Idaho Code 59-907.

Mitch Poulsen - Recommended Commercial Rezone Tom Morgan, Re Wellish Split & Rezone

7 Miles Subdivision

Mitch Poulsen spoke to the Commissioners about Tom Morgan's rezone. The Planning and Zoning held a Public Hearing last month on the 7 Mile Subdivision. No one expressed interest for, against, or neutral. The Planning and Zoning Commission recommends the Commissioners approve the rezone of the 7 Mile Subdivision from Lake Shore to Commercial. They want to have a club house with rentals, sales and an office. There are no conditions. There will also be a restaurant open to the public.

MOTION: Commissioner Payne made a motion to approve the 7 Mile Subdivision rezone from Lake Shore to Commercial. The motion was seconded by Commissioner Jensen. The motion carried.

Wellish Rezone

Mitch Poulsen spoke to the Commission. Mitch said that the Wellish's presented to the Planning and Zoning Commission three times. The first time they wanted to rezone 20 acres from agriculture to rural community. It was denied due to the road not being up to the County standard of 18 feet. The second time they made a 14 feet easement to get around the road width. Mitch said he went out to the area and measured. No roads in Dingle are 18 feet. The Planning and Zoning Commission recommends approving the rezone and recommends that the county bring the road to County standard. The Commissioners discussed the area. It was decided that they would approve the rezone, they want a 16 foot easement instead of the 14 foot easement and a written agreement that the County Snowplows can use the Wellish's driveway to turn around like they currently do. The Wellish's agreed to the terms.

MOTION: Commissioner Jensen made a motion to approve recommendation from Planning and Zoning for the split and rezone for the Wellish property, minus bringing the county road up to county standards, with a 16 foot easement and a written document allowing a turn around on the Wellishes property. The motion was seconded by Commissioner Payne. The motion carried.

The Wellish's asked about making the snowplow turn around agreement. Commissioner Rasmussen said that Prosecutor McKenzie would write up the agreement.

A second motion was needed to make the adjustments to show changes to the rezone.

MOTION: Commissioner Payne made a motion to approve the Wellish Rezone from Agriculture to Rural Residential, without bringing the road to County Standards, the easement is increased to 16 feet, and there is a written agreement that the County Snowplows can use the Wellish driveway to turn around. The motion was seconded by Commissioner Jensen. The motion carried.

Tyler VanDerbeek - Permit for Bear Lake Classic Bike Race

Tyler joined the meeting via Zoom. Tyler said that he needed a permit for the Bear Lake Classic bike race that will be held on May 21st. He said this is the first year that he is over seeing the race and hopes to make it better. The race will start at the Blue Water Beach and go clockwise around Bear Lake ending at Ideal Beach. The will ride to the cemetery and exit at Pickleville. Tyler is hoping for 200-250 rides. As of now there are 40 signed up.

MOTION: Commissioner Payne made a motion to approve the permit for the Bear Lake Classic Bike Race that is to be held on May 21, 2022. The motion was seconded by Commissioner Jensen. The motion carried.

Jean Alleman - Senior Center

Jean asked to address the Commission again. She wanted to make it public knowledge that the Senior Center is independent and has been since their opening on December 4, 1970. They are able to stay independent because of the public. Grace Theil made a large donation of 1/3 of her wealth. The Center is at the end of that donation and needs the communities support even more.

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

Meeting adjourned at 2:31 p.m.

VAUGHN N. RASMUSSEN, Chairman

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ATTEST:

Amy Bishop, Clerk