

BEAR LAKE COUNTY COMMISSIONERS' MEETING

MAY 13, 2019

SCHOOL DISTRICT #33 BOARD ROOM

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, May 13, 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 by phone and Clerk of the Board, Cindy Garner.

Others attending were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford, Superintendent Scott Esquibel, Building Inspector Wayne Davidson, Pamela Harmon, Reporter for The News-Examiner, citizens Joan Maiorana, Jean Alleman and Robin Owsley.

APPROVE AGENDA

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

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENT

Sheriff Bart Heslington presented his monthly report and stated how well the snowmobile grooming program went this past winter season. Now they are transitioning and getting the boats ready. They are getting ready to wrap up the SRO (School Resource Officer) program, Officer Pelto is doing a great job and they kids are enjoying it. They have had some big cases requiring lots of man hours. You as Commissioners signed the contracts for the CAD system, they are moving forward with that and have a project planning meeting and getting into their training calendar. Heslington had a quote for a phone system from SolarComm, who are doing the 911 system, and would address their needs and it is almost half the cost of the other systems. Our local I.T. will be able to help with the installation. Heslington mentioned talking with Sheriff Stacey and working on more fluid communication with Rich County. Commissioner Rasmussen mentioned about Montpelier City moving to the former Wells Fargo building and so there is a need to find a new location for the probation officer. Most of his clientele are from the Montpelier area and as many do not drive it may create an inconvenience if moved out of Montpelier.

Treasurer Tricia Poulsen presented the Commission with a Statement of Cash to show where the County is financially and will be bringing that report each month. Poulsen mentioned she would like monthly statements from the Ambulance, Airport, Fair and Extension regarding their accounts. Commissioner Rasmussen will contact the Library and Fire regarding their accounts as they could get into the state pool for finances. The Clerk's office does alternate and do audits on these different entities. Poulsen did have one tax cancellation for garbage, as the mobile home was removed the year prior.

Commissioner Jensen made a motion to cancel taxes for Parcel #60193 in the amount of \$223.00, as the mobile home had been removed the prior year, seconded by Commissioner Payne, motion carried.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector Wayne Davidson gave his monthly report and noted multiple new residences going up, some contractors are building two (2) spec homes at once and they are selling. Davidson also mentioned needing to sell the 2008 Durango. Davidson updated progress on the preparation for the

new court house, the conduit and fiber are done and appreciated the Road and Bridge crew moving a lot of dirt. Commissioner Jensen stressed to be sure there is a good path for the sheriff, fire and city to go through. They are looking at concrete for the footings next week. DCDI has been working hard to keep ahead on their end and Rocky Mountain Power has removed overhead power poles, and now is all underground, so the power was out on Friday, therefore the courthouse was closed. Commissioner Payne, Big D's Ryan Judd and Wayne Davidson will be meeting every Tuesday at 8:30 a.m. and with the architect on the phone to keep the process on track.

SET DATE TO CANVASS MAY ELECTION

Commissioners set Wednesday, May 22, 2019, to canvass the May 21st School Supplemental Levy election in the clerk's office in Paris.

BLOCK GRANT AGREEMENT – SENIOR CENTER

MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign documentation when it arrives for the Block Grant Agreement for the Senior Center, seconded by Commissioner Payne, motion carried.

TYLER BULLER and MAGGIE MANN – PUBLIC HEALTH – BUDGET REQUEST

Maggie Mann, District Director for Southeast Idaho Public Health and Tyler Butler, Business Operations Specialist, presented information for the proposed budget request from the County, stating the benefits and assistance it provides. Mann highlighted the programs which benefit our community, including WIC (Women, Infants and Children), their largest sub-grant. Commissioner Rasmussen added that WIC brings back nearly \$100,000 to the county annually, just from that one (1) program. They have a new fund included for a Suicide Prevention Program, called "Towards Zero Suicide" as our district has the highest five (5) year suicide rate for Idaho, with the state ranking sixth (6th) in the nation. The total budget requested would have an increase of \$2,215. Commissioner Rasmussen expressed support for the program, stating he is usually against any increase, but this program and the others are much needed. They are just starting the budgeting process and will take it into consideration.

S.E. IDAHO DISTRICT HEALTH BOARD – NOMINATION

Commissioner Jensen made a motion to nominate Commissioner Vaughn Rasmussen to continue serving on the S.E. Idaho District Health Board, seconded by Commissioner Payne, motion carried.

TREASURER TRICIA POULSEN - TAX DEED HEARING

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into a public hearing for tax deed purposes, seconded by Commissioner Jensen, motion carried.

Treasurer Poulsen presented the following properties:

Bryce Boehme – Tri Valley property. Adam Johnson, 65 N. 1st E., Paris, Idaho stated his business, Fizzy's is doing business at 101 N. 4th St., Montpelier, ID which is located on that property and he has tried to talk with Boehme and pay off the taxes and to acquire some of that land, but he has not responded to him. Poulsen stated if he did pay off the current year, it would not go to tax deed, then give him more time to work with Boehme.

Bruce Burgoyne – was previously Phil Olsen’s – It is an odd lot and Treasurer has been looking at Idaho Statute 31-808, but may be better to let it go to auction.

Florence Dayton – Minerals – In the past, the surface owner has just paid.

Scott Lloyd – Lot at the Reserve - Treasurer Poulsen stated she had sent a certified letter, which had been signed for, but haven’t heard anything, so will go forward with a tax deed.

Floyd Marshlain – Home and gravel pit. Treasurer Poulsen stated she had sent out one (1) certified letter which was returned, unclaimed, unable to forward, sent a second (2nd) certified letter and it has not been picked up. The notice has been posted on the light pole by the property. Poulsen had spoken with Superintendent Scott Esquibel, Road and Bridge Supervisor Gregg Skinner, and Prosecutor Adam McKenzie regarding the gravel pit. The county would be interested in the gravel pit. Marshlain had a written request last year to give more time and would make payment, a payment has not been made therefore, that agreement is null and void. The Treasurer has published the notice the last four (4) weeks. It was suggested to have both the home and gravel pit go to auction. Pursuant to Idaho Code #31-808 (1), the board of commissioners shall conduct an auction no later than fourteen (14) months from the issuance of the tax deed.

MOTION: Commissioner Jensen made a motion to leave the public hearing and return to the regular meeting, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Payne made a motion to move ahead with the tax deed items as discussed, seconded by Commissioner Jensen, motion carried.

JOAN MAIORANA – 911 EMERGENCY SERVICES

Joan Maiorana wanted to make it know to the Commissioners about the experience she and her partner had over Easter Sunday morning. As there was an increased urgency for more oxygen, Maiorana called 911, stated it was not an extreme emergency, but needed assistance and an ambulance. The call went to Utah dispatch, they transferred to Idaho dispatch and they stated she needed to call the hospital, in turn the hospital told her to call dispatch, as it went back and forth, the ambulance arrived and he was transported to Montpelier to be evaluated. Maiorana was concerned what should happen if this was an extreme emergency. Sheriff Heslington stated that sometimes a cell phone, if closer to a different tower, would go there first. Maiorana stated everyone was very nice and helpful, it just took so much time and effort. Commissioners appreciated her bringing it to light and her patience.

MITCH POULSEN – PLANNING & ZONING DIRECTOR – JARED BARNEY RECOMMENDATION ON REZONE

Planning and Zoning Director, Mitch Poulsen, presented information on the Jared Barney rezone request. Poulsen stated it is a forty acre piece out in Sharon, but there had been eight (8) property owners not notified, the map was confusing and Planning and Zoning questioned the width of the road, so it was tabled at that point. In April, Poulsen met Road & Bridge Supervisor, Gregg Skinner and the road did not meet minimum standard. The rezone request did not meet the requirements therefore, the Planning and Zoning Board denied the rezone request. Poulsen made mention the applicant’s representative, Devin Skinner, did not appear. Poulsen also presented a printout of Planning and Zoning’s matters of business for March and indicated it had been very busy.

MOTION: Commissioner Jensen made a motion to support the recommendation from the Planning and Zoning Board to deny the request for the Jared Barney rezone due to failure to meet requirements, seconded by Commissioner Payne, motion carried.

LAN SMITH – LHTAC – TRUCK PERMITTING

Lan Smith, with LHTAC, was not able to attend the meeting, however, Commissioner Payne stated they were at a meeting discussing the truck permitting of 120,000 lb. load limits on the roads. The next meeting will be July 11th at 10:00 a.m. in the USDA building in Preston.

Commissioner Payne mentioned it was asked if the Bear Lake Classic had been permitted and no one had heard yet. They discussed parade permits and he will get a copy for the county attorney to review and who is responsible. Commissioner Payne stated there had been discussion regarding the railroad about approaches, the railroad takes care of two (2) feet from the rail, then it is the County's responsibility. There is a new bill for the railroad to replace stop signs that need to be replaced. There will be construction from Georgetown Summit to Georgetown coming up, and in two (2) years they will go from Georgetown to Bennington. Commissioner Payne said they mentioned their concern regarding the Jericho Bridge in St. Charles needing work.

CRAIG SCHAAR – BEAR LAKE WEST POA

Craig Schaar, Bear Lake West POA, was not able to attend, so Commissioner Jensen presented their concerns on Mountain Way Road on a curve and the need to cut down for better grading and wanted to slope the road to drain downhill. Superintendent Esquibel stated it would be more productive to make the bar ditch on the upper side next to the mountain, but not sure who has the property. County concerns are that the approaches are not right with the culverts and they should take care of that first. Esquibel would like to see some documentation for the POA. Commissioner Rasmussen stated the county road has a fifty foot right of way.

PUBLIC COMMENTS

Jean Alleman asked a question for the Senior Center and how the money works for the grant. Chief Deputy Clerk Amy Bishop will be processing the documents and Commissioner Rasmussen stated the County does distribute the money per request through the grant documentation, however, the County has not seen the documents at this point. Alleman also mentioned the generator being placed at the center, but concerns about the snow coming down on it, Commissioner Rasmussen stated the County would take care of that by a lean-to or some way to protect it. Alleman expressed appreciation to the board and being able to work together. Commissioner Payne made mention how well the board is working at this time.

SUPERINTENDENT SCOTT ESQUIBEL and COREY LYMAN, FISH AND WILDLIFE – EIGHT MILE BRIDGE

Superintendent Scott Esquibel and Corey Lyman, Director for Fish and Wildlife, spoke about the Eight Mile Bridge. They have most of the grant money, two reimbursable grants, one is from U.S. Fish and Wildlife Service and the other is from PacifiCorp PCC. The third grant is from Idaho Parks and Recreation, which is a recreation-based access grant, a road and bridge fund, to help replace culverts. Superintendent Esquibel will speak with the Harris's as it is property between them and the two (2) church campgrounds. Lyman stated by August, they would like to move forward with the structure on

the bridge, so will be putting out the bid notice and would like to open the bids at the June 10th meeting at 10:00 a.m. The installation will be less than \$50,000. Appreciation was expressed to Corey for the work and help he has been to the County.

MOTION: Commissioner Jensen made a motion to have Esquibel move forward and publish the bids, which would be in the May 22nd and 29th newspaper, bids will be due by 5:00 p.m. on Friday, June 7th, bids to be opened on June 10, 2019 at 10:00 a.m., seconded by Commissioner Payne, motion carried.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Superintendent Scott Esquibel presented his monthly reports for the Road and Bridge and Landfill. Esquibel mentioned meeting with Keller Associates regarding the Dingle East Shore Road, they will be drilling and in and out in one day, so it will be down to a one lane road. Esquibel felt there was some confusion on the Dingle East Shore road, it looks as though they approved for half of the distance with the design for 2020, then would have to submit another application for the work, which would be in 2022. They have to apply for each step of the project. Esquibel did not understand the funding had to be paid up front for the \$150,000 to start the project for 2022. Keller Associates and LHTAC would like to meet with the Commission at the July meeting.

Esquibel stated the owners wanted to take the Saxton gravel pit back. There was never a contract signed previously.

MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign the Instrument of Assignment for the Highway Department of Lands concerning the S & S Gravel Pit, seconded by Commissioner Payne, motion carried.

Esquibel stated they were working on the Road Master Program, getting other crew members certified, specifically for motor grader training, this is a big help with grants. They will be chip sealing on Dingle East Shore road the last week in June. Commissioner Jensen asked about the solar speed signs and asked if one could be moved to Maple Road and some more “Children at Play” signs, also the sharp turn signs earlier to warn motorists about the curves. Esquibel has Todd Transtrum assigned to go over the roads and will double check signage. Esquibel mentioned the auction, Commissioners again need to have a list first. Clerk Garner gave out some auction paperwork regarding surplus auctions on the internet also. Esquibel presented a bid for two (2) old garbage trucks for \$500 each from Kiley Hodges, as no one bid on them prior, it was felt Hodges had the bid for the two (2) garbage trucks for \$500 each. Esquibel mentioned he attended the IDAWY meeting on the regional landfill. They have to come through and do an assessment on each of the landfills, Bear Lake County’s landfill was last. That was the last part of the application for the USDA loan. Commissioner Payne asked about the big concrete Pegram bridge, it was reported that something has happened as it is not expanding and contracting as it should. Esquibel tried last year to apply to the Army Corp of Engineers to work on the water, but will try again. The daily tonnage is okay, but summer is ramping up.

EXECUTIVE SESSION

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’, (c) ‘To acquire an interest in real property which is not owned by a public agency’, (d) ‘To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code’, seconded by Commissioner Payne.

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

Board out of executive session.

MOTION: Commissioner Jensen made a motion to approve Medical Claim #2014-4 and suspend Medical Claim #2019-1, seconded by Commissioner Payne, motion carried.

CHAD KEETCH – POWER THROUGH BAR DITCH

Chad Keetch, with Paul Dennis Keetch, presented a copy of an easement for a mainline 8” waterline and would like to put power down the same bar ditch for a pivot. County Prosecutor Adam McKenzie will work on a Right of Way Agreement to include the permit and it will be approved at the special meeting on May 22nd at 2:00 p.m.

KATHY RAY – FOUR COUNTY ALLIANCE OF S.E. IDAHO – ANNUAL FUNDING REQUEST

Kathy Ray, Four County Alliance of S.E. Idaho, stated there will be a new person over her program and the director will be coming in the last of June. They are requesting \$6,000 in help, same as the past year. Bannock Development has sent out two (2) proposals for the Helmet Factory. Ray just received funds from Rocky Mountain Power to help with an incentive training program to meet with planning and zoning boards, city and county clerks, which would help get the information out for businesses. Ray will try to do a mock site visit. They are looking to help Georgetown with Simplot’s mine coming in and how to help with the funding. County Commissioners would be interested in helping with that.

MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign the letter of support for the Four County Alliance of S.E. Idaho , with the revision of up to \$6,000 upon approval of funds in the 2019/2020 FY budget, seconded by Commissioner Payne, motion carried.

PROBATION OFFICE LOCATION

Commissioner Rasmussen stated the need for a probation office relocation due to the Montpelier City Hall being moved to a new building by fall. They will look at several options.

BOARD OF EQUALIZATION

There were no appeals for Board of Equalization.

RATIFY CLAIMS

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

APPROVE MINUTES

MOTION: Commissioner Jensen made a motion to approve the minutes for April 8 and 23rd, seconded by Commissioner Payne, motion carried.

M.O.U. WITH BLOOMINGTON CITY

MOTION: Commissioner Jensen made a motion to approve the M.O.U. with Bloomington City, upon county attorney review, for Building Inspector Wayne Davidson to do the HVAC inspections, seconded by Commissioner Payne, motion carried.

MUTUAL AID AGREEMENT

Commissioner Rasmussen stated the Mutual Aid Agreement is for surrounding counties to help each other in emergency cases.

MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign the Mutual Aid Agreement, seconded by Commissioner Payne, motion carried.

BEAR RIVER HERITAGE AREA ACT

Commissioners have decided to table this request. They have decided to not participate at this time until more information is presented.

COUNTY MAPS/SET A DATE FOR A PUBLIC MEETING

Commissioners set the public hearing date for July 29, at 6:00 p.m. in the School District #33 Board Room. The clerk will get it posted, published and have it put on the website.

RESOLUTION OF 2017 VACATION OF STAGG CIRCLE ROAD AND CROW CIRCLE ROAD

Commissioners elected to table this item till the May 22nd meeting and gather more information.

PARIS CANYON ROAD ISSUE

The Commission received a letter from KM Ranch regarding information needed for a response to the county's previous letter several months ago. Commissioner Payne will work on this.

PLANNING AND ZONING MEMBER APPOINTMENTS

After reviewing the bylaws for Planning and Zoning, it seems there needs to be a resolution to make appointments, so this will be done at the June meeting in order to get it prepared.

Commissioner Payne mentioned a letter regarding a Planning and Zoning matter and it had been forwarded on to their board. Commissioner Payne stated he had spoken with Alan Eborn, Emergency Director, and they determined on the South Ditch in Montpelier, it could be helpful to put in an underground pipe and Eborn stated they could use a grant application on that issue. Commissioner Payne said there was an issue with cattle trespassing on the airport property and after looking into it, the county will need to do some fencing.

Commissioner Rasmussen stated the Bear Lake West agreement in 1991 and if it was all one subdivision at that time, need to look into the minutes further for clarification of the roads and when Bear Lake West POA came into existence. The statement made earlier that 75% of the roads were at county standards, but now looking at Dutch Canyon Road, Cold Springs Road and Canyon Ridge Road to Red Pine Drive, they need to do some research.

Clerk Garner asked about a day for the department heads to meet and go over their budget requests, the Commission chose Wednesday, June 5th, beginning at 9:00 a.m. in the School District #33 Board

Room. Garner stated our District 6 TCA (Trial Court Administrator) Kerry Hong, mentioned the new District 6 Treatment Director, Ashley Bringham, would like to meet with the Commissioners at their June meeting. Garner asked if Commissioner Rasmussen was able to contact Roy Bunderson on chairing a committee regarding the relicted lands on Bear Lake. There were several other housekeeping matters.

MOTION: Commissioner Jensen made a motion to leave the regular meeting and return to 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 (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.

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

Board out of executive session.

MOTION: Commissioner Jensen made a motion to go back into regular session and adjourn the meeting, seconded by Commissioner Payne, motion carried. Meeting adjourned at 4:05 p.m.