

## BEAR LAKE COUNTY COMMISSIONERS' MEETING

JULY 8, 2019

### SCHOOL DISTRICT #33 BOARD ROOM

The Board of Bear Lake County Commissioners met in a regular meeting on Monday, July 8, 2019, at 9:00 a.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others attending were Sheriff Bart Heslington, Assessor Heber Dunford, Superintendent Scott Esquibel, The News-Examiner Reporter, Pamela Harmon, citizens Jean Alleman and Robin Owsley.

#### APPROVE AGENDA

**MOTION: Commissioner Payne made a motion to approve the agenda with the addition of the new Ovid bridges and taxes on a property, both for information only, seconded by Commissioner Jensen, motion carried.**

#### ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Commissioner Jensen stated he had been to a SICO meeting and they were very interested in our airport grant, also stated that most Senior Centers are having difficulty keeping funded. Commissioner Rasmussen stated there was an article in Idaho Falls stating they were struggling with home delivered meals also. It was suggested to get the IAC board working to help counties and Commissioner Payne and Clerk Garner will work on the issue with them.

Commissioner Payne stated the Fair Board was still needing the power pole for the light out at the fairgrounds and Commissioner Rasmussen stated he would take care of it. Commissioner Payne mentioned that Spencer Rich had inquired about speeding vehicles on Paris Canyon Road. Sheriff Heslington stated they do have an officer there at times but cannot man it 24/7. Commissioner Payne stated that Rich had also asked about the County having a connection with the Federal government to write grants to preserve the old courthouse, to which Commissioner Payne told him they do not. Third concern that Rich mentioned to him that he was concerned about an employee and husband receiving over \$100,000 and thought they should run for public office to receive that much money. Commissioner Payne related to him one was a maintenance person hired to do repairs and the other is an employee, so it is two (2) separate things.

Commissioner Rasmussen mentioned to Superintendent Esquibel the need for 'Cattle on Road' signs up Eight Mile Road near the cemetery, as two (2) cows were hit there recently. The road is getting quite narrow there and it cannot go to the east. They discussed putting more into the budget for speed limit signs, as they do help.

Clerk Garner presented a couple of letters from Keller Associates regarding some of their most recent evaluations on the Bridger Wireless Tower and Prairie Dreams Subdivision. Commissioner Rasmussen stated we do need another letter from the FAA. Garner also gave information on the Caldwell Canyon Mine update and mentioned a possible location for the probation office when no longer able to meet at the Montpelier City Hall.

Sheriff Bart Heslington presented his monthly report and summer activities keeping them extra busy with the parade and fireworks. They are busy with lots of activity on the lake, service calls are way up and sad to report the huge influx of child victim crimes in the area. Commissioner Payne stated Dennis Hunsaker expressed his appreciation for the help the sheriff's department gave to help his son in his accident.

#### **WAYNE DAVIDSON – BULDING INSPECTOR REPORT**

Building Inspector, Wayne Davidson, present his monthly report with permits still increasing some. Davidson had informed the Sheriff, that he and the health department went up and had to red tag someone building up by Bear Hollow, which they had gated, living up there, called it dry camping, but Davidson informed him they do need permits. Davidson reported on the courthouse update, Big D will be finishing the footings today and be compacting for the floor and need to get the basement done. The framers are pushing to get the basement framed.

Assessor Heber Dunford mentioned if allowed to bring another person on in his office, wondered about adding an additional window. Commissioners informed him that would be too big of a change order and they are trying to keep within the budget.

#### **RATIFY CLAIMS**

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

#### **APPROVE MINUTES**

**MOTION: Commissioner Payne made a motion to approve the minutes for June 5<sup>th</sup> and 10<sup>th</sup>, 2019, seconded by Commissioner Jensen, motion carried.**

#### **BUDGET WORK MEETING – DATE**

Commissioners set Monday, July 29, 2019, at 3:00 p.m. for a budget work meeting.

#### **MITCH POULSEN, PLANNING AND ZONING ADMINISTRATOR - REZONE PESCADERO– HOLLIS NUNN AND REZONE CALEB & MATT TARBET**

Mitch Poulsen, Director for Planning and Zoning, stated they had public hearings on two (2) new rezone requests for Nunn and Anderson and the other for Caleb and Matt Tarbert. Poulsen started with Tarbet's first and presented information for a rezone in Bennington, on the corner Maple Canyon Road, have sixty acres, want to split into two (2) thirty acre pieces. This meets the overlay zone requirements.

**MOTION: Commissioner Jensen made a motion to approve the rezone of Tarbet and Anderson and divide into two (2) thirty acre lots, seconded by Commissioner Payne, motion carried.**

**AMENDED MOTION: Commissioner Jensen made a motion to amend the previous motion and approve the Tarbet rezone and divide into two (2) thirty acre lots, seconded by Commissioner Payne, motion carried.**

Poulsen presented information regarding the Hollis Nunn and Anderson combination rezone with a lot line adjustment and lot split the two (2) to three (3) lots, the notices went out and had no comments at the hearing and it falls in the overlay zone ordinance. This is in the Pescadero area.

**MOTION: Commissioner Payne made a motion to accept the lot split and rezone for Nunn and Anderson, seconded by Commissioner Jensen, motion carried.**

#### **BID OPENING – CONSTRUCTION BID**

Commissioner Rasmussen read the bid notice and opened the bid from Boehme Construction which was \$49,475 and the bid from Ready Service Jobber Inc. at \$44,860. Corey Lyman, Idaho Fisheries Biologist, felt confident in both bidders as they had been on the site.

**MOTION: Commissioner Jensen made a motion to accept the lowest bid of Ready Service Jobber Inc. for \$44,860, seconded by Commissioner Payne, motion carried.**

Commissioner Rasmussen mentioned wanting to talk with someone at ITD regarding the Ovid Bridge and the need for the bump signs if it was built to requirements and had been inspected. Rasmussen had been told about two (2) flat tires from going over the bridge and he would like to see ITD put a double yellow between both Ovid bridges, the one over by Jensen Lumber and the newly constructed ones.

**AMENDED MOTION: Commissioner Jensen motioned to amend the previous motion awarding the bid to Ready Service Jobber Inc. for \$44,860, based upon proof of a public works license, if not provided, the bid would go to the other bidder, seconded by Commissioner Payne, motion carried.**

#### **PUBLIC DEFENDER CONTRACT**

Commissioners discussed the public defender contract that will be ending and putting a notice out for resumes.

**MOTION: Commissioner Payne made a motion to post a notice for the public defender contract, which is coming due, seconded by Commissioner Jensen, motion carried.**

#### **MAVERIK QUIT CLAIM**

**MOTION: Commissioner Jensen made a motion to sign the quit claim deed for the Maverik, upon correcting the name, notifying the Maverik and have transaction complete by August 13, 2019, or the property will go back up for auction, seconded by Commissioner Payne, motion carried.**

#### **BRIAN HIRSCHI – REZONE**

Brian Hirschi stated he hoped to finalize the rezone and get approval so he could go forward with his business. Prosecutor McKenzie stated he had reviewed the material from Hirschi's attorney feeling that there was not a need for an additional hearing, however, upon McKenzie's review of statutes, the change on Condition #7 limiting motorized traffic, was a material revision, so it does warrant a hearing. Commissioners stated they would continue with the public hearing on July 26, 2019 at 4:00 p.m. as published.

#### **TYLER STUART – JONES AND DEMILLE – PUBLIC HEARING – EAST SHORE ROAD RECONSTRUCTION BUILD GRANT**

**MOTION: Commissioner Jensen made a motion to leave the regular meeting and go into a public hearing for the East Shore Road Build Grant, seconded by Commissioner Payne, motion carried.**

Commissioner Rasmussen read the public hearing notice and gave instructions regarding the conduct of the hearing process. Tyler Stuart with Jones and DeMille stated he had previously been to the Commissioners meeting in June mentioned the federally funded program for rural communities, which is a 100% grant. They were able to do the Rich County side and felt the need to work on the Idaho side. The public hearing is a good faith effort for the federally funded program. The Build grant will be from the State Line up to the North Beach Road, with reconstruction of the road and a bike path. There is a five (5) foot clear zone, which is based on speed and they would propose a 45 mph speed limit, but the Commissioners can designate the speed. Commissioner Rasmussen stated that most of the other roads in the county are posted at 35 mph. Commissioner Rasmussen mentioned thinking about putting in a cattleguard as there are cattle on both sides. Commissioner Rasmussen stated the importance to have the an adequate roadway for safety and emergency purposes, for ambulance, EMT's and fire equipment to get where needed and quicker response. Commissioner Rasmussen asked if there were any public comments, to which Superintendent Esquibel asked about the time frame for the project and how long to get approval. Stuart stated the applications are due July 15<sup>th</sup>, next Monday and will know if awarded the grant by November 15<sup>th</sup>. They would anticipate, if awarded the grant, construction may start on May 1st of 2021. Commissioner Rasmussen asked about any matching funds. Stuart stated it was a 100% funded construction grant, being a rural grant. The County would need to pay pre-construction, which is easements and the design, it may be possibly \$400,000 to \$600,000, and there is more private land to go through. Stuart stated they would appreciate letters of support and they now have both scout camp letters, have contacted state parks and sovereign lands. Nathan Cleaver, with Keller Associates, mentioned it is very helpful to get letters of support from the legislators. Commissioners suggested others for good support would be the Bear Lake County Sheriff, Bear Lake Memorial Hospital, Bear Lake County Ambulance and Bear Lake County Fire.

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

**MOTION: Commissioner Payne made a motion to provide a letter of support for the East Shore Road Build Grant, seconded by Commissioner Jensen, motion carried.**

#### **PUBLIC COMMENTS**

Jean Alleman with the Senior Center wanted to thank the Commissioners again for being able to work together, how honored they were to have Senator Harris and Representative Gibbs come to the center first as there are issues through the state. Senator Harris and Representative Gibbs are doing some research and will recommend support the meals and maybe set a threshold for those who pay. Area Agency on Aging states a suggested donation price. The verbiage of supplementing the meal was interpreted as fully paying for the meal, so that has hurt the funding. Robin is helping the site manager, looking at different fund raisers at the fair, a street taco booth, advertising in the fair parade, craft show and adopt a senior if they want to help pay for the senior meal. The drivers are the ones doing wellness checks, a lot are stepping up. They have raised the meals to those over 60 years of age, \$6.00 and under 60 years of age, \$7.00. Commissioner Payne stated he and Clerk Garner would work to get support for senior and community centers throughout the state, at IAC (Idaho Association of Counties), as there are issues in other counties.

**NATHAN CLEAVER, JEFF SORENSEN – KELLER ASSOCIATES; MUHAMMAD ZUBERY – LHTAC – DINGLE EAST SHORE ROAD**

Nathan Cleaver and Jeff Sorensen with Keller Associates and Muhammad Zubery with LHTAC (by phone) stated they had surveyed and conducted the geotechnical evaluation of the roadway and have received the report on what can be constructed on the road. They have \$2.5 million for the original project, the road is five (5) miles, but funding would provide paving of 2.5 miles of Dingle Road, which is all gravel. The funding is about five (5) years out, so 2024, and October of 2023 is when the construction money would be available. Majority of the project is on private property, except Merkley Lake is owned by the Bear Lake Wildlife Refuge and a portion of the road is on the Department of Lands property. One of the letters of support received was from the wildlife refuge if we do not leave the roadway. Sorensen worked up a printout of the model of how the road should be. There is a corner that needs extra attention and road widths in other portions of the road. Commissioner Rasmussen felt the wildlife refuge would work with them as they have in the past. The Commissioners would like to see it being 24 feet all the way, if possible, and make it adequate for the complete project. Cleaver stated the other criteria is the design life of the pavement, if increased to twenty years, it would significantly reduce the length of the road with all the extra gravel. Cleaver's recommendation would be to shorten it to the ten (10) year and then come back and do the overlay, which would be much cheaper. Commissioner Rasmussen felt they should go with the ten (10) year life and work on the 22' – 24' roadway. Commissioner Jensen will get with the wildlife refuge to see if they would be available to come to the August meeting and have a footprint ready to present to them. Cleaver stated they would have another meeting with LHTAC and Esquibel about October 30<sup>th</sup> and will have the impact studies ready.

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

County Superintendent, Scott Esquibel, stated he had a couple of documents for Commissioner Rasmussen to sign that had been approved prior. The first being the Disaster Fund reimbursement on the Fish Haven Cemetery Road, which will give us \$127,110.58 and another relief funding that will be coming from FEMA for the Bear Lake East Shore Road, in a few months, which will be roughly \$300,000. The second one is part of the LHTAC grant on the Dingle East Shore Road and they require the money up front for materials, signs, which is part of their safety program and will reimburse the county about \$2,000.

**MOTION: Commissioner Payne made a motion to have Commissioner Rasmussen sign on the Local Highway Assistance for the North Beach Road to Dingle East Shore Road Grant, seconded by Commissioner Jensen, motion carried.**

**MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign on the Eight Mile Bridge Grant to sign the approval on the rest of the contract, which will be fully funded once the County is reimbursed, seconded by Commissioner Payne, motion carried.**

Esquibel presented his Road & Bridge monthly report, along with the road counts. The speed limit signs are helping in most areas. Commissioner Payne had some residents requesting dust retardant and Esquibel stating they have started and will hit all the roads they can, but most will be the end of July. Esquibel stated the Fair Board asked him when they can get the streetlight pole up, Commissioner Rasmussen is working on it and an in-kind request to help with cost. Esquibel presented his monthly report for the Landfill and the tonnage shows 20 tons, year to date average. There is continually a problem with the type of garbage in the dumpsters, rather than them hauling to the landfill, we need to know how to control it.

## **GARBAGE PICKUP ON HIGHWAY 89**

Commissioner Jensen brought up the picking up of the garbage on highway 89 in one of the smaller subdivisions, solution would be to have cans on the highway, however, there is no shoulder. They have adjusted where to make the turn-a-round and will try that.

## **EXECUTIVE SESSION**

**MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1) (d) 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code' 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 Jensen.**

A roll call vote was taken, it was unanimous in the affirmative. Let the minutes show that Prosecutor McKenzie and Clerk Garner were also present.

Board out of executive.

## **FAIR PARADE WAIVER**

**Commissioner Payne made a motion to approve the Bear Lake County Fair Parade Waiver, with the changes to the title, seconded by Commissioner Jensen, motion carried.**

**Commissioner Jensen made a motion to approve Indigent Medical Lien #2019-03, seconded by Commissioner Payne, motion carried.**

## **CERTIFICATE OF RESIDENCY**

**Commissioner Payne made a motion to approve and have Commissioner Rasmussen sign the Certificate of Residency for Courtni George, seconded by Commissioner Jensen, motion carried.**

**Commissioner Jensen made a motion to approve and have Commissioner Rasmussen sign the Certificates of Residency(s) for Ashley Hemmert and Shakira Hemmert, seconded by Commissioner Payne, motion carried.**

## **MARK PARKER – FIRE CHIEF – BURN ORDINANCE UPDATE**

Fire Chief, Mark Parker, stated that with the changes and updates on the burn ordinance, he would like to go forward. Prosecutor McKenzie will get it ready for publication for a public hearing. Commissioner Rasmussen stated several had asked about ditch burning and they are to call dispatch prior to burning anything. Parker stated he would like them to adopt the International Fire Code. Commissioners would like to see a copy to review prior to making a decision. Commissioners decided to set the public hearing date as Monday, August 12, 2019 at 10:00 a.m.

## **BOARD OF EQUALIZATION HEARING**

Commissioner Rasmussen stated they would continue with the Board of Equalization, explaining it was still open until decisions today. Assessor Heber Dunford and Deputy Appraiser Paul Day were in attendance also. Assessor Dunford stated that Lynda Stuart's property did qualify for the exemption and they would take care of it on their records.

**MOTION: Commissioner Jensen made a motion to accept the Assessor's recommendation for Lynda Stuart's Parcel #RP073000001650, Tax ID #24165.00, to receive the homeowners' exemption, seconded by Commissioner Payne, motion carried.**

Assessor Dunford stated the second appeal was from Lewis Pope, Trustee, with Tax ID #843.00 being a rental property and felt the values should hold as reported. Pope's other property was his home Tax ID #388.01. Deputy Day showed a presentation on comparable properties and values in Montpelier and after further review, felt they could change the value on Parcel #843.00 from \$71,037 to \$60,246, but would keep the same value on Parcel #388.01.

**MOTION: Commissioner Jensen made a motion to accept the change on Lewis Pope, Trustee Parcel #RPM40800B20120, Tax ID #843.00 from \$71,037 to \$60,246, and the Board would uphold the Assessor's value on Lewis Pope, Trustee Parcel #RPM48400520001, Tax #388.01, seconded by Commissioner Payne, motion carried.**

**MOTION: Commissioner Payne made a motion to close the Board of Equalization, seconded by Commissioner Jensen, motion carried.**

Commissioner Rasmussen stated he would be out of the county on Monday, August 12, but the Commissioner's Jensen and Payne would still hold a shortened meeting and they would hold another meeting on Tuesday, August 13, 2109 in order to conduct the other business needed.

**MOTION: Commissioner Payne made a motion to adjourn the meeting, seconded by Commissioner Jensen, motion carried. Meeting ended at 2:05 p.m.**