

BEAR LAKE COUNTY COMMISSIONERS' MEETING

SEPTEMBER 14, 2020

COMMISSIONERS' CHAMBERS

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, September 14, 2020 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, 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 present were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Building Inspector Wayne Davidson, Assessor Heber Dunford, County Superintendent Scott Esquibel and Kathi Izatt, The News-Examiner reporter.

APPROVE AGENDA

MOTION: Commissioner Payne made a motion to approve the agenda noting FY2021 Indigent Defense Financial Assistance Agreement heading was one item but showed on two (2) lines and at 1:45 p.m. Ryan Parker – Regarding Mountain Way – Easement Change, has deferred to the October meeting, seconded by Commissioner Jensen, motion carried.

FAIR BOARD – Action Item

Jennifer Keetch, Fair Board President, met with the Commission, along with Glenn Williamson and Wynn Olson, to discuss their budget and concerns having the County take on those payments as funds go out during Fair time throughout the day. During the Fair week, they start at 7:00 a.m. and usually do not end until midnight each day. They have different departments of the Fair and decide which payment needs to come out of those areas. Deputy Clerk Mindy Williamson does handle all the County bills and would be able to take this on and would have them code which area or department the certain fund comes out of. Mindy pays all the utilities and monthly bills for the other entities and could do so with the Fair, she emails other departments the invoice and they sign and email to her, show where it comes out and she issues the payment. Mindy is willing to come pick up the invoices to help out. Commissioner Payne mentioned making sure they sign the bills and would indicate by their signature which area it comes out of also. Commissioner Rasmussen mentioned the audit process and it is a good protection for the Fair as well as the County. Commissioners appreciate the Fair board for always putting on a great fair, so many donated hours and support them in the hard decision they had to make earlier to cancel. Fair board invited Mindy Williamson to come to the next meeting on Wednesday and they could work it out. Keetch thanked the Commissioners for their understanding and request for the increase.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Assessor Heber Dunford mentioned they had hired a new appraiser for the County. They have a part time motor vehicle employee that will start next week. The Assessor's office will be closed for training on October 7th, will be training online in the office but cannot have interruptions. They will send out notices for the public to be aware of the closure. Lanette Wilks will be retiring by the end of the month and they will be holding an open house in her honor on September 23rd from 1:00 – 4:00. Dunford expressed appreciation to Commissioner Payne for help in the interviewing process.

Sheriff Bart Heslington presented his monthly report, noting that the jail billing had not been received yet, with the restrictions for not accepting prisoners, were well below the contract price, out of it now and back to the standard contract. With a major investigation going, as that case goes forward, there will be a very high financial demand, both for Sheriff and Prosecutor's office. With the transition from the old courthouse to the new, have been working with Building Official, Wayne Davidson and Syringa with a cellular backup system, has not been as sufficient as should like, so been working on that and hope to add another layer of security. Need to meet our requirements and demands, but it does not have to be the Cadillac version. LOTOJA bike race went well, other races coming up. Waiting for dual support bikes to be delivered, to help get to places much quicker like Bloomington Lake. As a point of clarification, Sheriff Heslington wanting to all be on the same page regarding restriction on the courthouse. When closed, had an impact with VIN inspections, the deputies were of course bombarded with calls. Assessor Dunford mentioned that if someone comes in and does not have the vehicle, an officer could help get it, but the customer could bring the vehicle and the Assessor's office will do the inspection. Officers' have limited time, so appreciate the Assessor's office going back to the way it was before and helping do those inspections. Commissioner Payne inquired about recreational stickers, Assessor Dunford mentioned they still could not issue them. Sheriff mentioned about how hard it is to get snowmobile registrations with few points of sale for a registration. Most are good to go get a registration and they are reminded the money helps with the great groomed trails that Bear Lake County has.

Treasurer Tricia Poulsen mentioned getting geared up for the tax drive. The seriousness of a case of COVID came to light as a student in the 6th (sixth) grade tested positive, she has a grandson and her deputy has a son in that class, both ended up negative. As there is only the two (2) of them in that office and other offices in the courthouse have limited staff, feel the need of an action plan and to be more proactive. Working on getting a laptop to work remotely from home. Commissioners appreciated the Treasurer being proactive and encourage each office to have a plan. Have been speaking with the State and putting taxes online but the information in for Bear Lake County is lacking. Treasurer Poulsen is looking at getting the taxes online and other information, it will group everything together and link to Laserfiche and has been conversing with the Assessor about updating information and he is on board. Commissioner Rasmussen mentioned looking at a program similar to Franklin County and all agreed when all the maps are online, it will cut the phone calls down tremendously.

GENERAL ACTION ITEMS

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 July 13, 2020 and August 10, 2020, seconded by Commissioner Payne, motion carried.

CERTIFY LEVIES

Have not heard back from the State Tax Commission on total amounts, therefore will have to hold a special meeting as they are due to the State by September 21st.

MOTION: Commissioner Payne made a motion to hold a special meeting on September 21, 2020 at 9:00 a.m. to certify the levies and do interviews for a Public Defender, seconded by Commissioner Jensen, motion carried.

RATIFY 2021 INDIGENT DEFENSE FINANCIAL ASSISTANCE AGREEMENT – SIGNATURE

MOTION: Commissioner Jensen made a motion to ratify the FY2020 Indigent Defense Financial Assistance Agreement as it had to be signed by August 28th, 2020, seconded by Commissioner Payne, motion carried.

TAX DEEDED PROPERTY TAXES

Prosecutor McKenzie will continue working on the tax deeded property matter.

CERTIFICATE OF RESIDENCY

MOTION: Commissioner Payne made a motion to approve the Certificate of Residencies for CSI (College of Southern Idaho) students, Kaylee Payne, Joshlyn Skinner, Alison Payne, Kylie Romero and Shelby Higgins, seconded by Commissioner Jensen, motion carried.

POLLING PLACES FOR NOVEMBER GENERAL ELECTION

MOTION: Commissioner Payne made a motion to approve the polling places for the November 3, 2020 Presidential Election as follows: Montpelier #1 – Allred Center, Montpelier #2 – Grace Thiel Community Center, Montpelier #3 – Montpelier City Fire Station, Bailey Creek – Mail Ballot, Bennington – Bennington LDS Church, Bern – Mail Ballot, Bloomington – Bloomington Recreation Hall, Dingle – Dingle LDS Church, Fish Haven – Reserve Club House, Geneva/Pegram – Mail Ballot, Georgetown – Georgetown City Hall, Lanark/Ovid – Mail Ballot, Liberty – Mail Ballot, Paris – Paris Tabernacle Annex and St. Charles – St. Charles City Hall, seconded by Commissioner Jensen, motion carried.

MEMORANDUM OF AGREEMENT – JUVENILE CORRECTIONS

MOTION: Commissioner Payne made a motion to approve and sign the Memorandum of Agreement for Juvenile Corrections as the programs provide money to help work with the juveniles, seconded by Commissioner Jensen, motion carried.

RATIFY BROADBAND GRANT AGREEMENT AND APPOINT CONTRACTOR/DIRECT COMMUNICATIONS

MOTION: Commissioner Payne made a motion to approve the broadband service for the Ovid and Dingle projects, sign the M.O.U.'s (Memorandum of Agreement) and appoint Direct Communication as the contractor for both projects, seconded by Commissioner Jensen, motion carried.

SOCIAL SECURITY PAYROLL

Deputy Clerk Mindy Williamson expressed concern for the new proposed option from the government for employees to be able to defer their Social Security taxes on their payroll till December 31st but will have to pay it back. Williamson had contacted the county's CPA, Gary Teuscher, and he felt it was not a good idea. The Commissioners felt it should stay as is and keep paying.

MOTION: Commissioner Payne made a motion to keep collecting and paying the Social Security payments as always, seconded by Commissioner Jensen, motion carried.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector, presented his monthly report mentioning the contractors have never seen anything like the construction and building going on. Thirty-three new residents so far, supplies are short, so things may change, if they cannot get wood, they buy steel. Some are doubling the price offered to the contractor to build, hard to find workers in the construction business. Some people building high end homes are paying cash. Commissioner Payne had spoken with Davidson and Esquibel about leveling out the road so it will drain by the equipment building. Davidson mentioned the maintenance person is working hard to move more out of the old courthouse, among his other duties. Davidson is working with someone out of Pocatello to install a handicap button for the south front door.

CARY HAMBLIN – PLANNING AND ZONING PERMIT

Cary Hamblin did not appear, there was discussion on building or fences on county property. Eminent domain was brought up, but Commissioners are not supportive of that. This matter will continue to come up so will put on the agenda for a good discussion.

Sheriff Heslington presented a prior grant awarded to complete the firewall and mapping on their new 911 system and needed a signature from Commissioner Rasmussen.

STEVE PORTELA – BEAR RIVER MOSQUITO ABATEMENT DISTRICT – PROPOSED ANNEXATION – HOME CANYON

Steve Portela, representing the Bear River Mosquito Abatement District, mentioned the need to have the portion of homeowners of the Home Canyon area annexed into the district. They have been spraying in the past not knowing they were not annexed in already. Presented signatures from a majority of the landowners and it has to be put up for vote. Commissioner Payne mentioned they will need a description and work with the Assessor's office to create a code area. It is too late to get the question on the ballot for November so will have to be done later.

MOTION: Commissioner Payne made a motion for the Bear River Mosquito Abatement District to put an annexation question on the ballot for the March election and provide a map of the mosquito abatement district, seconded by Commissioner Jensen, motion carried.

PUBLIC COMMENTS

Roy Bunderson inquired the governing of use of county equipment. Commissioner Rasmussen read in the statute after so many days of a resolution, need to start over, will put on the October meeting agenda for a public hearing. That will include comparable rates. Bunderson inquired about legal on executive session and summary on minutes from executive.

Commissioner Rasmussen expressed appreciation to Fire Marshall, Mark Parker and the fire department for the efforts they made and how fast they put out the fire in Georgetown. Parker thanked their federal partners, Forest Service and BLM, as it was so steep, county equipment could not get to it, but the county did bring out the dozer which helped.

Mark Parker, Fire Marshall, mentioned the encroachment in the past on fires, encourage distance to help them. Parker would really like to get into the old courthouse to do some training in there, expressly to pull hoses to practice advancing hose lanes in, depending on how it will be removed. Commissioners mentioned it will depend on what the winning bidder decides and also liability.

Commissioner Jensen had citizens calling to express thanks to the road department for the roads up Mill Canyon.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Scott Esquibel, County Superintendent, presented the Commissioners with completed Official Road Standards. Esquibel, Poulsen and the committee met to come up with billing and to create a workable ordinance regarding the Regional Landfill District. Commissioner Payne inquired about past services, such as picking up dead animals, Esquibel had spoken with Lower and it would continue, at least for the first year, not sure what the billing would be. Commissioner Payne questioned if they county land is deeded and the district defaulted, could there be a clause in the contract to protect the land. Prosecutor McKenzie will follow up with Attorney Stephanie Bonney on that matter. Esquibel discussed an incident regarding a landowner who has excavated a road behind the shooting range, which is on County and BLM property. The Sheriff went with Esquibel to address the matter and inform the landowner it would have to be restored as it is illegal to excavate on County or BLM property. Esquibel mentioned issuing a lot of encroachment permits and inquired as to where the County was on the Ordinance regarding disturbing roads. Prosecutor McKenzie reminded them it was started, but with COVID and not being able to meet, it was put off and do need to finish. Commissioners would like it on the October agenda. Commissioner Rasmussen mentioned the City of Georgetown expressed interest in getting some of the radar signs in Georgetown and wondered if the county would assist. Not an action item, just something to think about. Sheriff encouraged a mobile one that can be moved around and can put in different messages.

RESOLUTION – DESTRUCTION OF RECORDS – Under General Action Items

Records periodically can be requested to be destroyed from each office of the County, have different retention timeframes, some being electronically stored and to not occupy unnecessary space in the courthouse. The list is reviewed by the County Prosecutor prior to accepting the resolution. Commissioner Rasmussen read Resolution #2020-06 Destruction of Records in full, mentioning this was according to statute.

MOTION: Commissioner Jensen made a motion to accept Resolution 2020-06, Destruction of Records per Idaho Code #31-871, seconded by Commissioner Payne, motion carried.

RICH CLINIC BUILDING – Under General Action Items

Commissioner Rasmussen informed the Commission the hospital would like to sell the Rich Clinic building at this time, the mental health department moved into the Daines Clinic, so that building will come up in the future. The clerk will contact an appraiser.

MOTION: Commissioner Payne made a motion to post and sell the Rich Clinic building, seconded by Commissioner Jensen, motion carried.

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

MOTION: Commissioner Payne 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 Jensen.

Roll call vote: Commissioner Jensen – 'Yes', Commissioner Payne – 'Yes', Commissioner Rasmussen – 'Yes', voting unanimous in the affirmative.

Let the minutes show that Sheriff Heslington, Prosecutor McKenzie and Clerk Garner were also in attendance.

Board went into executive at 12:00 p.m. and board left executive at 1:04 p.m. and back to the regular meeting.

Coming out of the executive meeting, there was a short discussion on signs in the County right of way and there will be an item on the agenda in the October meeting to discuss locating not only signs but other items in the County right of way.

PUBLIC HEARING – AMBULANCE FEES

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into a public hearing to discuss ambulance fees.

The Ambulance Board is looking at raising the ambulance fees. There were a couple of fees that did go over the 5%, therefore the need for the public hearing. Commissioner Rasmussen read the fee schedule in full. A copy may be obtained from the Clerk's office or the Ambulance Board.

Kathi Izatt, 49 Fish Haven Canyon Rd., Fish Haven, Idaho, stated her husband has been an EMT on and off most of his life, Bear Lake County is only county that does not pay and feels they need to catch up.

Commissioner Rasmussen mentioned EMT's do get free service, including spouse and any dependent children at home. They do get meals. Years ago, they had been asked, but very proud to be all volunteer ambulance group. It has been mentioned about creating their own ambulance district and levy own taxes. Deputy Clerk, Amy Bishop, reminded the Commission they schedule to replace an ambulance every five (5) years, but they cost so much, a grant helps but need the fees to go up to help with that. No more discussion.

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 Jensen made a motion to accept the ambulance fees as read in the schedule to take effect on October 1, 2020, seconded by Commissioner Payne, motion carried.

TERRY SMITH – BEAR RIVER RIFLEMAN – LANDFILL RANGE FOOTPRINT, ROAD TO RANGE FUNDING

Terry Smith, representing the Bear River Rifleman, discussed the full footprint they are looking at for the property for the shooting range, part of it they would like to develop for archery. Commissioner Jensen and Superintendent Esquibel will work on getting a survey arranged. Bear Lake Rifleman would need a

special M.O.U., surveyor would work on taking the road out. Grant process was slower as they needed an address for Rifle Range Road, so will get with Davidson. Would like some cement barricades and wondered if the Road and Bridge could help with building the berms. There had been Fish and Game money talked about, but they were waiting for a plan. Commission offered some in-kind work.

DISCUSS PUBLIC HEARING – ROADS – Under General Action Items

Commissioner Rasmussen mentioned needing to arrange the public hearing on the roads, meet an evening in November, will set a date at the October meeting.

Commissioner Payne gave an update on the airport, paving going well, the map he previously brought in showing wetlands and was concerned about drain field. The engineers found three (3) Army Corp of Engineers drains running in drain ditch. They will work the north drain ditch, it will take about \$24,000 to do it, but with snow removal help from Road and Bridge, feel they can do it. Senior Center to begin work on September 28, 2020, complete on November 11, 2020, final inspection November 4, contractor is Bateman/Hill. They will take temperatures of workers each day, county will be processing the bills for the grant, contract for the Senior Center project had been approved previously, just needed a signature. Phone call about schools not requiring masks, but up to the school district. Commissioner Payne went on the tour with the Fuels Reduction for SCS up Fish Haven, as well as some green houses. He had assisted with the interviews in the Assessor's office.

DOUG GARETT – BEAR 100 TRAIL RACE – LOGAN TO BEAR LAKE

Doug Garrett, representing the Bear 100 Trail Race from Logan to Bear Lake, informed the Commission they had changed the finish line up at 223 Fish Haven Canyon road. Figure about 300 racers, all would be at different times as it is a 100-mile endurance race.

MOTION: Commissioner Payne made a motion to approve the Bear 100 Trail Race, seconded by Commissioner Jensen, motion carried.

RYAN PARKER – REGARDING MOUNTAIN WAY – EASEMENT

Could not attend, moved to the October meeting.

JOE HAYES – PROSECUTOR SALARY

Joe Hayes, current Public Defender, but future Prosecutor elect, questioned the Commissioners about the budgeted salary for the Prosecutor. Hayes mentioned the contract amount which was lower and felt the elected salary should have went up. Commissioners felt the prosecuting attorney has been paid that amount for the last two (2) years and they have set the salary and budget for this fiscal year. Can present at next year's budget for an increase.

Commissioner Rasmussen spoke about meeting with the public health district, may move Bear Lake County to moderate, Caribou to moderate is stay at low numbers for two (2) weeks, this Thursday be voting on if stay lower amounts will go to green. Bear Lake has four (4) active cases at this time. Forty-two confirmed cases.

Commissioner Jensen mentioned how the Regional Landfill is moving along, working on insurance, liability and health, but figuring it out. Regional Commission meeting, monitoring the eurasian watermilfoil and it is working good. Idaho Department of Ag has taken an interest.

Clerk Garner presented some housekeeping items.

JULIA OXARANGO-INGRAM – BOARD MEMBER, PRESERVATION IDAHO – HISTORIC COURHOUSE RESOURCES

Julia Oxarango-Ingram, Preservation Idaho board member, wanted to discuss the historic courthouse resources and inquired about a timeline to see if there were any resources they could look at. Commissioner Payne informed Oxarango-Ingram they have had a meeting and discussed at several meetings about have three (3) options, one (1) bid to move, two (2) bid to salvage and tear down, three (3) tear down, will make the decision on the bid document and language. There was much discussion, the Commission would see the Preservation Idaho group for fifteen minutes in October and their plan, but they have made their decision and the bid language will be presented. In the end, Commissioner Rasmussen made it known that his vote will not change, along with Commissioner Payne. Commissioner Jensen will make the motion in October to put out the bids for the old courthouse. Oxarango-Ingram requested the motion be after their presentation.

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

Meeting adjourned at 3:31 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____
CINDY GARNER, Clerk