

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, May 14, 2018 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.

Also attending were Treasurer Tricia Poulsen, Sheriff's Chief Deputy Greg Knutti, Sheriff Deputy Ryan Larsen, Superintendent Scott Esquibel, The News-Examiner Reporter, Pamela Harmon and citizen Jean Alleman.

#### APPROVE AGENDA

Commissioner Payne made a motion to approve the agenda with the cancellation of Michael Tippets from Zions Bank to a later date and an airport letter for unfinished business, seconded by Commissioner Jensen, motion carried.

#### ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Sheriff's Chief Deputy Greg Knutti filled in for Sheriff Heslington, as he was out of town, and presented the Sheriff's monthly report. Knutti stated that the grant process is opening up and they are working on that for upgrading their 911 system. They should be in their new vehicles on Wednesday.

Clerk Garner presented a CASA (Court Appointed Special Advocates) budget request letter, which is the same amount as last year. There was also a support letter from Judge Garbett. There was a resolution between Franklin County and Bear Lake County to contract with their prosecuting attorney, Vic Pearson, to help us until we can acquire an attorney. Commissioner Rasmussen stated they may need to extend with him two more weeks, but that will be decided after an executive session discussion.

Commissioner Jensen stated the Road & Bridge was working up in Bear Lake West cutting gutters for proper drainage, which Superintendent Esquibel will address further. Jensen also stated they had been out to look at the Sugar Loaf Road as requested by Glenn Transtrum and there will be further discussion on that also with the Superintendent. Jensen also mentioned he had a SEICOG meeting.

Commissioner Payne asked Superintendent Esquibel about a cattle guard, Esquibel stated it is not the county's and the person asking would need to find out who the owner is. Payne also mentioned the need for some electrical work at the Extension Office and Fair Board. Alan Eborn, Emergency Manager, had emailed him and would let him know about the need for a manual transfer switch and Commissioner Rasmussen stated they need to go forward with it, the cost is \$2,080.00 and it would be very beneficial in an emergency situation to have it there. Commissioner Payne will contact the Extension office and the Fair Board. Payne also asked about cell phone tower extensions, no one had heard anything at this point.

Commissioner Rasmussen stated he would be at a Behavior Health Board meeting on Tuesday and Bear Lake County would be sponsoring on May 24 2018 in Pocatello. Rasmussen also mentioned the May 21 2018 special meeting, in the Clerk's office in Paris, to canvass the Primary election results and also to award the CMAR (Construction Manager at Risk) if ready. The interviews for the CMAR will be at the School District #33 Board Room in Paris, starting at 10:00 on Thursday, May 17<sup>th</sup>.

Commissioner Payne reminded the Commission he will be out of the area for the June meeting.

#### WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector presented his monthly report stating there have been thirteen new homes and more spec homes being built. Davidson also stated the concrete for the apron was poured Friday and the bollards are in, hope to get power in soon. Commissioner Jensen stated they would be putting in the gravel pad to the concrete and asked Davidson to coordinate with the Road & Bridge. Davidson has also followed up on the width of county roads as requested by the Commissioners, stating that the setback varied and after discussion, Commissioners felt it was better to leave them all till they were ready to review and update the county roads when required by statute every five years, which will be coming up by 2020. Davidson stated the concrete would need to cure ten days and would hope to use the storage building within the month.

#### MAGGIE MANN – S.E. IDAHO PUBLIC HEALTH-BUDGET

Maggie Mann, District Director for Southeast Idaho Public Health, Kim Gaskill, Chief Finance Officer and Tyler Butler, Business Manager came to present the budget information and request for 2019. The budget hearing is set for May 24, 2018 at 9:30 and as Commissioner Rasmussen is on the board, he will be attending, but they are all welcome. Mann stated how much they appreciated the Commissioners and the local staff.

#### TREASURER TRICIA POULSEN – TAX DEED HEARING

Treasurer Tricia Poulsen presented tax deed information on several properties. Floyd Marshlain sent a letter regarding some hardship and making a payment plan now he has a new job. Commissioner Jensen made a motion to extend the hearing to the June meeting for more time to look at the information, seconded by Commissioner Payne, motion carried.

#### DEBBIE BURGOYNE – GARBAGE FEES

Debbie Burgoyne stated that she had discussed with former Treasurer Rodney Wallentine and also with the secretary at the Road & Bridge office back in 2010 regarding only needing one (1) can and dump once a week. They did remove one (1) can, however Burgoyne had not looked at the billing which has remained a charge for two (2) cans as in the past and now would ask there be a refund, which she would in turn put towards her tax bill. Commissioner Rasmussen will meet with legal council to find out how many years the county is authorized to go back on fees. The Treasurer will also look at Idaho Code.

#### LAURIE RICH – FRIENDS UNITED FOR BEAR LAKE

Laurie Rich, Spencer Rich, Doug Carlsen, Martha Cannon, Jerry and Janet Erklelens of Friends United for Bear Lake, approached the Commission with their mission to preserve historic structures in the valley. Carlsen stated they were in the process of writing grants and would like to save the existing courthouse. They have been working with architect Jerry Myers and Commissioner Rasmussen has stated for some time if someone could bring a plan, they would be willing to work with them. The group is hosting an ice cream social on May 26 at 6:00 p.m. to get input from the community on this project and others. They are also looking at a fundraiser for July 13 and 14 in Paris.

#### KATHY RAY – ECONOMIC DEVELOPMENT – PROPERTY TAX INCENTIVE

Kathy Ray, CASI Economic Development Director presented the quarterly report and a letter requesting the annual commitment of \$6,000, same amount last five (5) years, from Bear Lake County for the 4-County Alliance for FY2019. Ray spoke about various items as in the Community Block Grant program, the TRI (Tax Reimbursement Incentive), United Way – Cradle to Career program which has been a big help to get kids ready for school. Bear Lake County's graduation rate is high, 93% - 96%. Ray stated for the Property Tax Exemption, the Commissioners need to pass an ordinance, the Commission asked to have that put on the July agenda. Commissioner Jensen made a motion to have the chairman sign the requested \$6,000 for economic development, if approved for the 2018/2019 budget, seconded by Commissioner Payne, motion carried.

#### **MITCH POULSEN – PLANNING & ZONING – RECOMMENDATION FOR DON JENSEN RE-ZONE, EPHRIAM HODGE PRELIMINARY/FINAL PLAT**

Mitch Poulsen, Planning & Zoning Director stated the P & Z had a hearing on April 18, 2018 for the Ephraim Hoge subdivision, there were several concerns, as in agricultural property being converted to residential, children playing in the irrigation ditch, smoke infiltrating homes when burning ditches, Paris Mayor had clarified they would provide water to Hoge, but not the subdivision, also size of the road. Other information that came outside of the hearing, which you don't consider, but was concern over septic system vs. sewer, Poulsen had contacted Attorney Stephanie Bonney who stated what it said in the ordinance, suggesting Hoge may request a waiver. Bonney also stated she would not recommend a moratorium. The board may table and adopt changes to the ordinance. All P & Z members, except one, approved the recommendation to go from three lots to two and that the preliminary and final plat be approved. Commissioner Payne made a motion to deny the request and have Hoge go back to Planning & Zoning and have Hoge apply for a waiver if he wishes, seconded by Commissioner Jensen, motion carried. Next Planning & Zoning recommended approving a request for a re-zone from Don Jensen. Commissioner Jensen made a motion to approve the re-zone for Don Jensen, seconded by Commissioner Payne, motion carried.

#### **PUBLIC COMMENTS**

Roy Bunderson applauded the Commissioners on moving forward with the courthouse and not using taxpayer dollars. Bunderson stated he felt there was discrepancies with the Planning & Zoning hearing regarding the Hoge subdivision and they made a movement against their own ordinance. There needs to be some education for the members, as the process should be fair and equitable. Commissioner Jensen stated that Planning & Zoning are working on it. Bunderson would also consider a moratorium before anything goes forward. Daniel Fillion from Bear Lake West stated if the ordinances are rewritten they would prefer there were no septic systems allowed in the area near Bear Lake. Kade Grunig also stated his concerns about the Hoge subdivision, notices, septic issue and the easement. Bill Stock stated for a point of interest on the Faelin subdivision is not in the sewer district and would have to be annexed in.

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

With time restraints, Superintendent Esquibel's reports were moved to 2:15 p.m. today.

#### **COREY LYMAN – BRIDGE GRANTS**

Corey Lyman, Fisheries Biologist for the Forest Service, stated he appreciates the good working relationship that has happened in the past and feels it will continue and feels the Road & Bridge crew bring a lot of value to these projects. Lyman updated the board on the bridge grant projects, the Eight Mile Creek Bridge and had worked with Superintendent Esquibel on the Stauffer Creek Bridge. Lyman also stated he would help get monies for, help with permitting and bid notices for the arch bridge for the Paris Canyon Bridge project. Commissioner Payne stated there may be a new owner by the Paris Plant and would want to contact them prior to starting. Commissioner Jensen made a motion to have the bid notice go out for the Paris Canyon Bridge near the Paris Hydro Plant, seconded by Commissioner Payne, motion carried.

#### EXECUTIVE SESSION – INDIGENT, PERSONNEL AND LEGAL

Commissioner Payne made a motion to leave the regular meeting to go into an executive session pursuant to Idaho Code #74-206 (b,c,f), to discuss indigent, personnel and legal matters, seconded by Commissioner Jensen. Commissioners all stated “Here” in a roll call vote. Treasurer Tricia Poulsen and Clerk Garner were invited to attend. Commissioner Payne made a motion to leave the executive meeting and return to the regular meeting, seconded by Commissioner Jensen, motion carried.

#### BILL STOCK – BUILDING PERMITS AND SUBDIVISION

Bill Stock stated he had questions on the building permits, land use document numbers and amendments and how they need to be the same on the website as what is on file or recorded as county records. Commissioner Jensen stated they are working on fixing that issue.

#### PAUL DAY – CONCERN ON COUNTY ROAD IN BENNINGTON

Paul Day, along with Morton ad Bill Hunter, expressed concerns regarding a public portion of the Bennington Canyon Road, which is being posted with No Trespassing and No Forest Service Access signs. Day indicated he spoke to one landowner who was willing to put a gate on his fence and move the signs. Commissioner Rasmussen showed them a photo of a “Designated County Road Right of Way/Laws Enforced/ Travel on Designated Route Only/Be Courteous of Private Property signs, that could be used there. Commissioner Jensen stated they will check into it and it may require going through a validation of the road.

#### DAVID MAGUIRE – MINE EXPANSION

David Maguire discussed possible phosphate mine expansion, Monsanto is building a new mine up by Caldwell Canyon, a scoping project has been done, they are working next on a draft environmental statement with a forty-five day window for public comment. They are hoping for the Commissioners approval when the time comes. It would provide good salaries and social economic benefits to the community. Commissioners would like to see more information on the project, and after Maguire would hope to have letters of support in the future. No action was taken at this time.

#### KIRK RICH – SNOWMOBILE/WATERWAYS

Kirk Rich, Bear Lake State Parks Director, has been involved with the county over the last forty years and now some are retiring and things are changing. Rich stated they have worked together in the past and the new sheriff will be assuming those duties and he would help and they could work well together with Ryan Larsen, but he has moved on to a new job. Rich indicated the snowmobile program was

administered with monies from three (3) counties, however, the parks will not be administering the program any longer. Bear Lake County is the best location for the program. There needs to be discussion with all three (3) counties involved as they work together and Commissioner Jensen will get a committee together so they can meet. Ryan Larsen stated from his experience going to their snowmobile meetings the past five (5) years, that Idaho State Park is in charge at the Boise level and collecting revenue, however, from that point on they send the groomers to the counties and it is turned to the counties. Larsen has been very impressed on how the snowmobile grooming program is run in Bear Lake and it does bring in good revenue. Commissioners stated the snowmobile program will not go away, they just need to work on further administrating it.

#### SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Superintendent Scott Esquibel met with the Commissioners and first discussed the road issue Glenn Transtrum brought up last month and at this time they have put up a “Children at Play” sign, then they will work on signage for each side. Esquibel stated they had been working up at Bear Lake West with the Homeowners Association on having the homeowners get the right size culverts and some are not cleaned out. The homeowners were required to put in the culverts about twenty years ago and now it has to be followed up on for drainage purposes. The county has some that they are responsible to get in and are doing. The county did send out letters last fall and again two (2) weeks ago, so they did have notice. Commissioner Jensen stated that there is the natural drainage that the homeowners need to take into consideration and Esquibel stated the homeowners are working on that. Dingle Cemetery Road is finished so need signature for the reimbursement money. They will have a meeting on June 26, 2018 for updates on the numbers on the feasibility study for a regional landfill for Franklin, Caribou and Lincoln County, Wyoming. Landfill report shows every tier you go up, you have more requirements and more testing. DEQ burning requirements took five (5) days versus one (1). Looking at reports, we are going up on the numbers for daily average coming into the landfill, still trying to work on it.

Commissioner Payne asked Esquibel to review the oxygen and settling bills for March and April, seemed high. Esquibel stated it would be right, they had been doing a lot of repairing and manufacturing and he checks all of the bills.

#### AIRPORT LETTER

Commissioner Payne presented a letter for the possibility of a full grant to resurface runway 28 at the airport. In order to be granted, the county must apply to the FAA for a design grant, of which Bear Lake County would pay 7% to 10% of \$20,000. We look to be at the top of their list. Commissioner Payne made a motion to have Airport Board Chairman, Danny McClendon, move ahead with the proposal on the airport grant, seconded by Commissioner Jensen, motion carried.

#### WORM CREEK PIT

Esquibel stated since the taxes were delinquent, wondered about looking at it, however it was the property owner, not the pit.

#### DOT TEST PRICE

There has been another panel that could be added for testing opioids, but Commissioners decided to keep the testing the same as always at this time.

## BUILDING COVENANT

Planning and Zoning is working on the Building Covenant along with the other ordinances so to do one hearing for them all.

## HANDBOOK REVIEW

Commissioners requested to have Deputy Mindy Williamson come to the July executive session to discuss updating the county handbook policies.

## IDAHO WOOL GROWERS ASSOCIATION APPOINTMENT

Commissioner Payne made a motion to appoint Dennis Hunzeker as director for the Idaho Wool Growers Association, seconded by Commissioner Jensen, motion carried.

## ALL-HAZARD MITIGATION PLAN

Commissioner Jensen made a motion to move forward with the All-Hazard Mitigation Plan, seconded by Commissioner Payne, motion carried.

## APPROVE MINUTES

Commissioner Jensen made a motion to approve the minutes for April 9, 23, 30, 2018, May 7 and 8, 2018 with a correction on the April 9<sup>th</sup> minutes, changing the word 'shares' to 'assessment' and adding an 'm' to 'the' making it 'them', seconded by Commissioner Payne, motion carried.

## RATIFY CLAIMS

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

## DYER'S WOAD

Commissioners stated they would look at the Weed Department and try to budget some money for dyer's woad removal next year.

## SUBDIVISION MORATORIUM

The Commissioners stated they will put a hold any discussion of a subdivision moratorium at this time.

## SET UP INTERVIEWS

Commissioners had reviewed the four (4) resumes for the CMAR (Construction Manager at Risk) and chose to interview three (3) of them. Commissioner Payne made a motion to interview CSI (Construction Services, Inc.), Bateman-Hall and BIG D, seconded by Commissioner Jensen, motion carried. Clerk Garner will set up the appointments for May 17, 2018 at 10:00 a.m. in the School District #33 Board Room in Paris, Idaho.

## EXECUTIVE SESSION

Commissioner Jensen made a motion to leave the regular meeting and go back to an executive session pursuant to Idaho Code #74-206 (1) (b,d) to discuss personnel and indigent matters, seconded by Commissioner Payne. All Commissioners stated "Here" in a roll call vote. Commissioner Payne made a

motion to vacate the executive session and go back to the regular meeting, seconded by Commissioner Jensen, motion carried. Two (2) items came out of the executive session. Commissioner Payne made a motion to five (5) conditional release of liens on Medical Liens, #2001-4, 2001-5, 2001-6, 2001-8 and 2001-9, seconded by Commissioner Jensen, motion carried. There was also discussion regarding the prosecuting attorney vacancy, Vic Pearson, Franklin County Prosecutor, is covering at this time and will do so for two additional weeks while the Commissioners were looking at more applications so they would be talking on Thursday. It was decided that the department heads would meet with the Commissioners for their budget hearings on June 28, 2018 beginning at 9:00 a.m. in the School District #33 Board Room in Paris. Commissioner Jensen made a motion to adjourn the meeting, seconded by Commissioner Payne, motion carried. Meeting adjourned at 4:20 p.m.