

## **BEAR LAKE COUNTY COMMISSIONERS' MEETING**

**NOVEMBER 12, 2019**

### **SCHOOL DISTRICT #33 BOARD ROOM**

The Board of Bear Lake County Commissioners met in their regular meeting on Tuesday, November 12, 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 Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford, Prosecutor Adam McKenzie, County Superintendent Scott Esquibel, Pamela Harmon, Reporter for The News-Examiner and citizen Jean Alleman.

#### **APPROVE AGENDA**

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

#### **ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS**

Treasurer Tricia Poulsen stated she had sent out the tax bills on Friday.

Assessor Heber Dunford stated they had sent out the ad for the part-time job.

Clerk Garner had several housekeeping items, as in needing a signature of continuing Senior Center Block Grant paperwork and a notice from Montpelier City on an upcoming hearing regarding the Bear Lake Manor.

Commissioner Payne stated Prosecutor Adam McKenzie had sent a letter to a property owner up Paris Canyon regarding signs in the county right of way. Commissioner Jensen interjected that he had also received complaints regarding the T-posts up there and stated the county had some marking culverts, but others had been put up and they had all been painted orange.

Sheriff Bart Heslington stated Solacom was there working on installing, training on the new 911 system and later moving over to the new courthouse. They will also install the new phone system in his office and later move over and install the rest in the new courthouse. Two (2) of the deputies have been to post training and will be graduating on November 27<sup>th</sup>.

#### **ANNUAL FOREST SERVICE and GROOMING PROGRAM**

Sheriff Heslington presented the 2018/19 Annual Operating Plan between the Department of Ag and Forest Service to operate the Grooming Program as done each year.

**MOTION: Commissioner Payne made a motion to sign the 2018/19 Annual Operating Plan, seconded by Commissioner Jensen, motion carried.**

Sheriff Heslington stated the State Plan of Operations was an agreement that did not need their signature but wanted to keep the Commission up to date that they are able to use their site for searching and access for purchasing equipment for law enforcement at a better rate through the state.

#### **INTEROPERABILITY PLAN for COMMUNICATIONS SYSTEM**

Sheriff Heslington presented the Interoperability Plan, the M.O.U. as they gear up the new dispatch equipment to help with the communications with the other counties.

**MOTION: Commissioner Jensen made a motion to sign the Interoperability Plan for Communications System, based upon Prosecutor McKenzie's review, seconded by Commissioner Jensen, motion carried.**

Sheriff Heslington discussed with the Commissioners the matter of who pays for mental evaluations, if incarcerated by another agency, when in their custody and need medical clearance, it would be that agency's responsibility. Once they get medically cleared and then they need to be transported to jail, then the county would take on that responsibility.

#### **GENERAL ACTION ITEMS:**

##### **RATIFY CLAIMS**

**MOTION: Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Jensen, excusing himself from a couple that relate to operation of Jensen, Inc., motion carried.**

##### **APPROVE MINUTES**

**MOTION: Commissioner Jensen made a motion to approve the October 15, 2019 minutes, seconded by Commissioner Payne, motion carried.**

##### **RESOLUTION #2020-01 (Beer, Wine, Liquor)**

**MOTION: Commissioner Jensen made a motion to approve Resolution #2020-01, Beer, Wine, Liquor License, seconded by Commissioner Payne, motion carried.**

##### **GOLF BOARD MEMBERS**

Moved to next month.

##### **CAI ANNUAL SOFTWARE AGREEMENT-SIGNATURE**

**MOTION: Commissioner Payne made a motion to approve and sign the CAI Annual Software Agreement, seconded by Commissioner Jensen, motion carried.**

##### **CANVASS NOVEMBER 5, 2019 ELECTION**

**MOTION: Commissioner Jensen made a motion to accept the results from the November 5, 2019 cities and school zone 1 election, seconded by Commissioner Payne, motion carried.**

##### **FISH HAVEN MOSQUITO ABATEMENT BOARD**

Need to contact members prior to moving forward.

Commissioner Jensen stated he had been to the Bear Lake County Regional Commission meeting where they discussed the new invasive species, Eurasian Watermilfoil and Commissioner Payne stated they had found a lot of it in Utah. Commissioner Jensen also went to a SICO meeting where it was discussed all senior centers are struggling with funding.

#### **JIM SHELTON – HARDSHIP APPLICATION**

Commissioners discussed Jim Shelton's application regarding the hardship at this time to pay taxes.

**MOTION: Commissioner Payne made a motion to wave the 2016 penalty and interest based upon payment, seconded by Commissioner Jensen, motion carried.**

#### **KERRY HONG, TCA-INTRODUCTION – JUDGE NAFTZ, NEW DISTRICT 6 ADJ (Administrative Judge)**

District 6 Trial Court Administrator (TCA), Kerry Hong introduced Judge Robert Naftz as the new District 6 Administrative Judge (ADJ) for the next three (3) years, replacing Judge Mitchell Brown. They hope to keep an open relationship and continue as it did with Judge Brown. Hong stated there may be possible extra funds to help with audio and technology in the courtrooms and the county would need to submit needs to Hong by January. They discussed staffing law clerk attorneys and funding. District 6 treatment in problem solving court will look at funding with Medicare. Commissioner Rasmussen mentioned the crisis centers needing funding also. Commissioner Rasmussen mentioned Judge Naftz was the judge who sat on the bench for our judicial confirmation and how much the decision was appreciated.

#### **PLANNING & ZONING – REZONE RECOMMENDATION FOR HEATHER KOZAK AND RECOGNITION OF SERVICE**

Commissioner Jensen spoke in behalf of the recommendation from Planning and Zoning for Heather Kozak for a rezone to split a seventeen acre lot, had the public hearing and did not have any objections.

**MOTION: Commissioner Jensen made a motion to accept the rezone for Heather Kozak, seconded by Commissioner Payne, motion carried.**

Commissioner Jensen, in behalf of the Regional Commission, wished to recognize Commissioner Vaughn Rasmussen for his past years of dedicated service on the board, and presented him with a plaque and a pocketknife in appreciation. Commissioner Jensen asked the procedure of the building covenant and taking two (2) lots and build a home in the middle of the two (2) lots. Discussion with Building Inspector, Wayne Davidson and Prosecutor McKenzie regarding the ordinance and application could be made to apply for a variance.

#### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT COURTHOUSE UPDATE**

Building Inspector, Wayne Davidson, presented his monthly report and stated there were now 43 new residences for the year. Davidson mentioned that Emergency Manager, Alan Eborn, had worked on a grant with FEMA to get the generator. Davidson met with Twisted Technology, from the Supreme Court, who will be pulling wires, who is also working with the technology and phone people and will be pulling all the low voltage wires. Davidson stated the antenna base was delivered and he and Commissioner Payne met with the lady from Correctional Services to talk about furniture and the state seal and county seal for the courtrooms and will be sending bids for chairs, etc. Davidson asked about

Pictometry and paying for the flying as it is coming up on two (2) years. Commissioners agreed it needed to be done.

Commissioner Payne mentioned Michael Tippetts had moved on from Zions Finance, so now our contact for the new courthouse financing will be Christian Anderson. Commissioner Payne also discussed the winter parking issues as Big D cannot have the employees parking in the parking lot. He has talked with the ITD (Idaho Transportation Department) and they only plow one side, is talking with the City of Paris also to see if they can work something out. Commissioner Payne will have a proposal next meeting. They have been getting some credits back with Big D and appreciate how well they are working for the county.

Chief Deputy Clerk, Amy Bishop, presented projected costs, regarding the construction of the new courthouse, and list of owner-provided items, as requested by Commissioner Payne. Overall, looks like the construction costs are still on target. Commissioner Payne stated they had a change on the flat work for the generator and by doing that, they saved an extra \$800 and went from a two (2) year warranty to a four (4) year warranty. Commissioner Payne also mentioned Source Well that they signed up for can be used for additional savings, employees and other county entities can utilize the savings with lots of vendors to choose from.

#### **PUBLIC COMMENTS**

Bloomington Mayor, Ted McGhee mentioned the beaver problem and water backing up on the roads and wondered what the county did. McGhee mentioned the road up Bloomington Canyon and water up to the road, which is creating an issue. Mayor McGhee mentioned he had talked with DEQ about enlarging the snowmobile parking lot, which is on city property, up Bloomington Canyon. DEQ had stated it was okay with them as long as the stream was not disturbed. McGhee wondered if there was any extra dirt that could help with the parking lot, then the city would have Thomas bring gravel. Commissioners will check on that. Commissioners do note there has been an increased problem with the beaver population and all the dams being built causing problems. Commissioners mentioned maybe speaking with the snowmobile club for help also.

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

County Superintendent presented his monthly reports and stated he and the crew had been working on getting comp time down and did want to propose they keep on working four (4), ten (10) hour days and felt it would work out better. Commissioners discussed and felt they could do it on a trial basis for the year and then evaluate. Esquibel mentioned the grant for the Dingle East Shore road and had met with them. He also stated LHTAC was working with them on the Jericho Loop Bridge in St. Charles and were needing more information through the 2020 year, then thought the bids would go out in 2021 and go from there.

**EXECUTIVE SESSION – 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', (d) 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code', (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’.

**MOTION:** Commissioner Payne made a motion to leave the regular meeting at 12:15 p.m. and go into 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’, (d) ‘To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code’, (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, unanimous in the affirmative.

Board out of executive at 1:21 p.m.

#### **INDIGENT MEDICAL**

**MOTION:** Commissioner Jensen made a motion to deny Medical Claim #2019-5 for lack of information or contact, seconded by Commissioner Payne, motion carried.

A letter came from the CAT Board regarding a nomination, but they don’t have a nominee and will go with Bill Lasley, Power County Commissioner, as he has represented them well in the past.

#### **FOSSIL CANYON ROAD**

Commissioners discussed a letter received regarding Fossil Canyon Road and a sign that had been put up restricting it, but want to work together, as it is an access road to the forest service. The county will take the sign down until they can come up with a resolution.

**MOTION:** Commissioner Payne made a motion to have Prosecutor McKenzie write a letter in response to a letter to remove the sign by the gate and believe the road is public access to the forest, seconded by Commissioner Jensen, motion carried.

#### **BJ HELTERBRAND & TIM MARKS – GEM PLAN UPDATE**

BJ Helterbrand and Tim Marks with the Gem Plan presented the financial statements and Bear Lake County looks good, the pooling concept is working well. They have just added Idaho County and Blaine County to the Gem Plan Health Care Program and have 23 counties at this time. It has many extra benefits as the Wellness Program, Smoking, Early Retiree Benefit, Weight Loss, there is also prescription help. Commissioners felt it would be beneficial to have the Gem Plan team meet with the employees again maybe in late March.

**MOTION:** Commissioner Payne made a motion to adjourn the meeting at 1:55 p.m., seconded by Commissioner Rasmussen, motion carried.

---

**VAUGHN N. RASMUSSEN, Chairman**

**ATTEST:** \_\_\_\_\_

**CINDY GARNER, Clerk**









