

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, November 13, 2017 at 9:00 a.m. in the School District #33 Board in Paris, Idaho. Members present were Commissioners Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Cindy Garner, Clerk of the Board.

Also attending were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Prosecutor John Olson, Building Inspector Wayne Davidson, County Superintendent Scott Esquibel, The News-Examiner Reporter Daniel Bishop and citizens Jean Alleman, Robin Owsley, Carson Price, Steve Howard and Steve Hardy.

APPROVE AGENDA

Commissioner Jensen made a motion to approve the agenda with the addition of Bear River Mosquito Abatement appointment, seconded by Commissioner Payne, motion carried. Commissioner Rasmussen proceeded to thank all veterans in the Bear Lake Community, as well as nationwide, as part of Veterans Day commemoration.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen stated there needed to be a cancellation of taxes on the Hospital Day Care property as it is county owned. Commissioner Payne made a motion to cancel the taxes for the Elk Country Sports building that the county had taken ownership off, seconded by Commissioner Jensen, motion carried.

Sheriff Heslington presented his monthly report, stating that the prisoner days for October were lower than normal. He also stating they had hired a new deputy, Dave Lindsey, to help in the department and still work in waterways.

Commissioner Payne stated they had some water backing up at the airport because of either a problem with the flaps on the culvert going under the road or a collapsed culvert and would possibly need the assistance of a backhoe and would talk with the superintendent. First, they need to find out whether the county or the power company is responsible.

Commissioner Jensen mentioned a new statute, Idaho Code #67-3539, regarding short term rentals which will be in effect on January 1, 2018. Commissioners would only have jurisdiction over public health and safety in this matter.

Commissioner Rasmussen stated that a U.S. District Attorney strictly over ADA compliance had come to take a tour of the county courthouse. Also joining the tour were Commissioner Rasmussen, Attorney Steve Fuller, Trial Court Administrator Kerry Hong and Building Inspector Wayne Davidson. The inspection brought forth more items out of compliance than were previously known. She will be sending a letter. Commissioner Rasmussen mentioned it was discussed at the last 4-County meeting they are looking at a 6th District Crisis Center which would most likely be based in Bannock County as it has a high suicide rate for southern Idaho.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector presented his monthly report stating there are 40 houses to this point built in the county & Montpelier City. As Mitch Poulsen, Planning & Zoning Director was unable to attend, he asked Wayne to represent him regarding discussion on manufactured homes. He explained a manufactured home has a steel frame which is anchored to the foundation, a modular home has a wood frame and can be moved. Carson Price asked who was responsible for plowing Bishoff Road in Geneva as the width varies from 22 feet to 30 feet between fences and creates a problem. Commissioner Rasmussen stated it was not marked as a county road and he asked Davidson to look for any right of way or public access information on it, but at this point the county would not plow it. Davidson stated that work on the equipment building was moving forward and they should pour concrete by the next day. Davidson also mentioned there is still work being done on the garbage fees for new homes while construction is going on.

JEAN ALLEMAN – SALE OF COMMUNITY CENTER VEHICLES

Jean Alleman stated the Grace Theil Community Center had two vans and wondered the process to sale. Commissioners informed here that the county holds the titles and insures the vehicles and if they are to be sold, the center needs to go through the county.

MICHAEL FAELIN & GARY MCKEE –MOUNTAIN WAY ROAD

Michael Faelin and Gary McKee stated they had met with the Bear Lake West Homeowners and had retained Attorney T.J. Budge to get some history on Mountain Way road. The HOA indicated they would not bring the road up to county standards, they are concerned about the possibility of sixty to seventy wells & septic systems going in and causing problems. McKee indicated they had information from the health department approving them to go forward, each site would have to get a permit however. After much discussion, Commissioner Rasmussen stated there had not been a public hearing on this with the Planning & Zoning Commission. The 1,300 feet discussed is a public right of way road, but not up to county standards. Commissioner Rasmussen suggested they get with the P & Z for a public hearing to get approval on the subdivision first and then go forward from there. Commissioner Jensen made a motion for Michael Faelin to take the proposed Dutch Canyon Ranch to Planning & Zoning to start the subdivision process and Commissioner Rasmussen will talk with Mitch Poulsen, seconded by Commissioner Payne, motion carried.

LESLIE TALBOT – SE IDAHO HEALTH DEPARTMENT REPORT

Leslie Talbot, Tiffany Preston and Jesse Anglesey with S.E. Idaho Health Department presented their quarterly report. They are doing flu shots at this time and are very busy.

NEW YEAR'S EVE – CLOSING TIME – TAMI WOOLSTENHULME, QUINN POPE & DON JOHNSON

Tami Woolstenhulme and Don Johnson appeared to request extending the New Year's Eve hours to 2:00 a.m. as it occurs on Sunday this year. Quinn Pope was unable to attend. Commissioners will have an ordinance put together for a public hearing that will be held the first part of December as time allows for public notice.

COURTHOUSE ARCHITECT UPDATE/DISCUSSION ON HEARING DATE

Building Inspector, Wayne Davidson, presented the updated information from the architects on the proposed new county courthouse, which was required prior to the public hearing. With costs going up a projected 10% per year, the amount at this time would be \$5,063,278.00 to build a courthouse with new administrative offices for compliancy of ADA requirements for all county business for citizens and non-citizens of the county to use. Commissioner Rasmussen stated they would be holding an evening public hearing to determine on whether to go forward with the judicial confirmation. Commissioner Payne made a motion to accept the new plan and the cost of \$5,063,278.00 and set a public hearing for information purposes on the proposed judicial confirmation, seconded by Commissioner Jensen, motion carried. They would get with Attorney Fuller regarding the date and notice.

PUBLIC HEARING – WASTE TIRE ORDINANCE/GARBAGE FEE RESOLUTION

Commissioner Jensen made a motion to leave the regular meeting and go into a public hearing for the Waste Tire Ordinance and the Garbage Fee Resolution, seconded by Commissioner Payne motion carried. County Superintendent, Scott Esquibel, stated the size and cost of the tires was costing approximately \$30,000.00 to recycle and would suggest adjusting fees similar to Caribou County and the dealers would pay as they brought tires in. There were no public comments. Commissioner Payne made a motion to leave the public hearing and return to the regular meeting, seconded by Commissioner Jensen, motion carried. Commissioner Jensen made a motion to accept Resolution #2018-03 for the Garbage Collection Fees beginning January 1, 2018, seconded by Commissioner Payne, motion carried. Commissioner Jensen made a motion to accept the Waste Tire Ordinance #2018-01, which supercedes 1996-02, and move forward with the public notice and hearing process, seconded by Commissioner Payne, motion carried. Note, the Resolution & Ordinance numbers were corrected to be in the consecutive order needed.

PUBLIC COMMENTS

No public comments were made.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT REPORT

Scott Esquibel, County Superintendent presented his reports on the Landfill and Road & Bridge. He stated there was a lot of attention on the most recent green waste burn at the landfill as it was so visible on a calm, clear day. He stated that the landfill receives credit from the DEQ for burning rather than storing that type of waste. Esquibel presented two new leases for Road & Bridge equipment. Commissioner Payne made a motion to sign the lease on a 2017 motor grader, seconded by Commissioner Jensen, motion carried. Commissioner Jensen made a motion to sign the lease/purchase agreement for three years, with the one year opt out clause, for a backhoe, seconded by Commissioner Payne, motion carried. Esquibel also showed the data recorded on three radar speed limit signs located on the Nounan Road, the Bern Road and the Ovid to Bern Road. The data revealed that there is a speeding issue, particularly on the Ovid to Bern Road where the speed limit drops from 45 to 25. This information will allow the Sheriff's department to place a deputy on the roads during problem hours.

There is a fourth sign that will be placed within the next few days, most likely further down the Nounan Road. All of these signs are portable and their locations will be moved throughout the county.

EXECUTIVE SESSION – PERSONNEL AND LEGAL

Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (b, f) for personnel and legal matters, seconded by Commissioner Jensen. All Commissioners stated “Here” in a roll call vote. Prosecutor Olson, Treasurer Poulsen, Superintendent Esquibel, citizen Jean Alleman and Clerk Garner were also invited to stay at different times. Commissioner Jensen made a motion to leave the executive session and return to the regular meeting, seconded by Commissioner Payne, motion carried.

APPROVE BILLS

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

APPROVE MINUTES

Commissioner Jensen made a motion to approve the minutes with the correction of a motion leaving the public hearing on the October 10th meeting, and also approve October 23 & 30, 2017, seconded by Commissioner Payne, motion carried.

DISTRICTS NOT COMPLIANT WITH LSO

Clerk Garner stated pursuant to Idaho Code #67-450A, taxing districts that are not compliant with the LSO (Legislative Services Office) requiring them to file financial and audit information could face penalties. The Clerk’s office has forwarded the state information and given notice to the district. The code states the Commissioners shall put a notice in the paper if they do not come into compliance.

LIQUOR LICENSE RESOLUTION FOR 2018

Commissioner Jensen made a motion to approve Resolution #2018-01, the Beer, Liquor and Wine License Resolution for the new year, seconded by Commissioner Payne, motion carried.

RESOLUTION FOR BRIDGE GRANT APPLICATION

Commissioner Payne made a motion to sign the agreement with Keller Associates to apply for the grant for the St. Charles bridge and approve the resolution if funding is awarded, seconded by Commissioner Jensen, motion carried.

CERTIFICATE OF RESIDENCY

Commissioner Payne made a motion to authorize Commissioner Rasmussen to sign the Certificate of Residency applications for community college and dual enrollment students, with Commissioner Rasmussen abstaining from signing one as a conflict and having Commissioner Payne sign it, seconded by Commissioner Jensen, motion carried.

CANVASS VOTES

Commissioner Jensen made a motion to accept the election results as presented for the city elections held on November 7, 2017, seconded by Commissioner Payne, motion carried.

FAIR BOARD MEMBER APPOINTMENTS

Commissioners made some adjustments to the appointed terms of the Fair Board members so that all of their terms did not expire at the same time.

AIRPORT GRANT AGREEMENT – INSTALL AWOS II & RYW 28 PAPI – 2

Resolution? Commissioner Payne made a motion to authorize Chairman Rasmussen to sign the grant agreement to get aid for the AWOS II and RYW 28 PAPI-2 and to sign Resolution #2018-5 and Commissioners would commit to the match funding of \$14,397.06 if approved, seconded by Commissioner Jensen, motion carried.

BEAR RIVER MOSQUITO ABATEMENT BOARD MEMBER APPOINTMENT

The Commissioners are waiting on a response from the potential appointee before moving forward with the Bear River Mosquito Abatement appointment.

Clerk Garner presented the Commissioners with a number of housekeeping items including information on PILT funding and information stating that the Flood Control District #12 (Geneva area) is now officially dissolved.

Commissioner Payne made a motion to adjourn, seconded by Commissioner Jensen, meeting adjourned at 2:55 p.m.