

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

**NOVEMBER 9, 2020**

### **COMMISSIONERS' CHAMBERS – PARIS, IDAHO**

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, November 9, 2020 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. The meeting was also able to be accessed by Zoom. 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, County Superintendent Scott Esquibel and Kathi Izatt, Reporter for The News-Examiner.

#### **APPROVE AGENDA – ACTION ITEM**

**MOTION: Commissioner Jensen made a motion to approve the agenda, with the addition of Reviewing Bid Wording on the Old Courthouse, ICRMP Board Nomination, Employee Covid-19 discussion, adding 'P' on Executive for Legal Response to a Letter and Roy Bunderson at 3:00 may be added for information only, on November 9, 2020, seconded by Commissioner Payne, motion carried.**

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

Treasurer Tricia Poulsen mentioned tax bills had went out, now have a drop box out to the south side of the building for the public's convenience.

Assessor Heber Dunford confirmed the difficulty of implementing the new MVD (Motor Vehicle Department) program. In the change of the program, they cannot do titles after 4:30 p.m. The new appraiser, Bailee Argyle is working hard, getting the occupancy roll finished. The new part time help, Kady Payne, is learning fast and working out well.

Sheriff Bart Heslington had not received the jail billing for the month, marine program winding down, working on expanding their off highway capabilities, getting dual use motorcycles through off highway funds, working on equipment and instructors to get the certification process done for divers. Gun range had some damage, some impromptu road work by a citizen. BLM is working with the Sheriff and County on the damage done, the County will continue to pursue as it is not a road, but do have to have an access for Rocky Mountain Power. They are gearing up for the snow program, hoping the State will refine the registration vending options for the public.

Prosecutor Adam McKenzie would like to be sure all the projects needed for the county are done before January, as his time here is getting short.

Commissioner Jensen attended the Regional Commission meeting and the Regional Landfill meeting and all is moving forward.

Commissioner Payne mentioned the inspection meeting on the work at the Senior Center and it is looking good.

#### **GENERAL BUSINESS ITEMS – ACTION ITEMS**

## **RATIFY CLAIMS**

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

## **AUCTION EXTENSION VEHICLE**

Commissioner Payne mentioned the Durango the Extension office was using is not in good working order, suggested to put it with the other public surplus items.

## **EMPLOYEES and COVID GUIDELINES**

Commissioner Rasmussen discussed the seriousness of needing to slow the spread and continue to have employees stay healthy and be able to work. Need to keep the impact on the hospital to a minimum. First, if any employee feels sick, they should stay home to not spread any possible illness. Employees with symptoms or being exposed to Covid should contact the elected official, contact their doctor, follow their advice, five (5) days with no symptoms and if positive, stay home till they get a doctor's release to come back to work. This will be consistent throughout the county.

## **RE-APPOINTMENT OF FAIR BOARD MEMBERS**

**MOTION: Commissioner Payne made a motion to re-appoint Fair Board members, Kevin Matthews and Wynn Olson, both to three (3) year terms, seconded by Commissioner Jensen, motion carried.**

## **FILL VACANCY ON HOSPITAL BOARD**

**MOTION: Commissioner Rasmussen would step down as chairman to motion for Gary Griffin, ex-officio member, to fill the vacancy left by Laurie Harrison, seconded by Commissioner Payne, motion carried.**

## **PUBLIC SURPLUS**

Commissioners discussed the public surplus items and the best way to advertise. They would have two (2) different listings, the first six (6) items together, then the additional less than \$250 and would number items to help execute the process.

**MOTION: Commissioner Payne made a motion to list the surplus items for bid in the paper, also list on Bear Lake Classifieds and the County website, schedule to look at items by appointment, seconded by Commissioner Jensen, motion carried.**

## **BRUCE OLENICK – DEQ (Department of Environmental Equality) UPDATE**

Bruce Olenick, DEQ, Regional Administrator, came to give an update, first in talking to the four (4) counties forming IDAWY, keep diligent with working together for the transition. Olenick feels it is fantastic to pull together and do need to meet halfway and work together with Jason. Second, Olenick spoke with Mitch Poulsen, Planning and Zoning Administrator, regarding development unfolding in Southeast Idaho, creating a problem with individual wells and septic on subdivisions. Point is to not curtail, but go the extra step, particularly be sure wastewater is correctly taken care of. Trying to put together a Groundwater '101' class to give resources to help with education and be proactive. Rural counties do not have a lot of ordinances but want to work it efficiently. Olenick is happy to help and

wants to do that upfront. Commissioner Jensen felt the P & Z and Regional Commission are trying to work on that, appreciate Olenick and the working relationship with the county.

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

Wayne Davidson, Building Inspector, gave his monthly report, still getting lots of calls, people still building, interest rates are low, even though building cost is high. Paris City has asked about Davidson doing their building permits, same as Montpelier City. Commission felt it would keep quality and safety of the buildings in the county. It also helps out the Assessor's office to keep up on their end. Davidson requested advice on code enforcement of a complaint from a neighbor regarding someone with all the junk cars, trash, possibly leaking oil close to the river, not sure. Commission would like to take it under advisement and get some direction. Prosecutor McKenzie reminded they need to be consistent, the ordinance is in place, along with State statute, but many may have what seems to be a nuisance to others. DEQ did not want to get involved unless there is oil leaking into the river.

#### **CANVASS ELECTION**

**MOTION: Commissioner Jensen made a motion to accept the canvass of the 2020 General Election results, seconded by Commissioner Payne, motion carried.**

#### **DATE – PUBLIC HEARING – COUNTY ROADS**

Commissioner Rasmussen discussed with the board the increase in Covid cases at this time and needing to ask for an extension on the required road update due December 31, 2020. The county road update requires a public hearing where interested parties may meet in person to view and discuss the road map. They would look at putting it back on the agenda in January to discuss. The prosecutor will ask for an extension.

**MOTION: Commissioner Jensen made a motion to ask for an extension to have a public hearing in the first quarter of 2021 on the required update of the county road map, as Covid has made it difficult to meet in person, seconded by Commissioner Payne, motion carried.**

#### **2020 STATE HOMELAND SECURITY GRANT – AWARD CONTRACT & M.O.U.**

**MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign the 2020 State Homeland Security Program Grant for \$22,780.00, seconded by Commissioner Payne, motion carried.**

Commissioners expressed appreciation for Alan Eborn, Emergency Manager, for all the extra time he gives to get these grants.

#### **RENEW LEASE AGREEMENT – PROBATION OFFICE**

**MOTION: Commissioner Payne made a motion to renew the lease agreement with Judy Lyon for office space for the Probation officer, seconded by Commissioner Jensen, motion carried.**

#### **RESOLUTION – INCREASE ASSESSOR ADMINISTRATION FEES**

**MOTION: Commissioner Jensen made a motion to approve Resolution #2021-03, Increase Assessor Administration Fees, from \$3.50 to \$3.60, seconded by Commissioner Payne, motion carried.**

## **911 MAPPING CONTRACT**

Sheriff Heslington previously had applied for and was awarded grant money to help implement this program for the 911 mapping and would speak with the Assessor to see if it would benefit them. The one being used now does not meet the needs for the Sheriff department and would like to work together for a successful solution for everyone involved.

**MOTION: Commissioner Payne made a motion to accept the 911 Mapping Contract, based upon the Prosecutor's review, seconded by Commissioner Jensen, motion carried.**

## **ICRMP BOARD NOMINATION**

**MOTION: Commissioner Payne made a motion to nominate Commissioner Rasmussen to serve on the ICRMP Board and sign the ballot, seconded by Commissioner Jensen, motion carried.**

## **MITCH POULSEN, PLANNING & ZONING ADMINISTRATOR – JANELLE CROCKETT REZONE & LOT SPLIT – ACTION ITEM**

Mitch Poulsen, Planning and Zoning Administrator, brought recommendation from the October 21, 2020 Planning and Zoning meeting for a rezone and lot split for Janelle Crockett to build a home. It meets all of the requirements.

**MOTION: Commissioner Jensen made a motion to approve the rezone and lot split for Janelle Crockett, seconded by Commissioner Payne, motion carried.**

Commissioner Rasmussen will meet with the Board of Health on Thursday, the counties in our district are all orange except for Oneida and Bear Lake, but it will go up. Power County highly recommended masks and their numbers are continually going down. Other counties in the district are getting hit hard, Bear Lake County has twenty active cases and three (3) probable cases at this time. Commissioner Rasmussen reiterated the biggest concern is not overwhelming our hospital. Commissioner Rasmussen met with the Ambulance Board on several different items and it is getting harder to get volunteers, Commission appreciates all they do for the citizens of the Bear Lake County. They are looking at some other options.

Commissioner Jensen inquired about the notice for the paper on the bid for the demolition and/or removal of the old courthouse and waiving those landfill fees. It was agreed the landfill fee would be waived for this specific project. The bidder would need a public works license and the concrete and bricks should be separated.

## **PUBLIC COMMENTS**

Julia Oxarango-Ingram inquired about the landfill and if there had been any discussion with DEQ about this project. Superintendent Esquibel affirmed DEQ do not regulate that, it is only the tonnage.

## **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Scott Esquibel, County Superintendent, presented his monthly reports, it will be the last month for the speed counter report. Worked on lots of culvert and still trying to get rid of the beaver problem. Working on the drainage issue to help shed snow and water on Mountain Way Road. Repairing and grading roads, crushing gravel at the Wardboro pit. Landfill tonnage will go up with the demolition of

the Montpelier City Hall, and the old courthouse besides a couple of other big buildings. Continue to work on a survey for the landfill. Garbage is starting to lessen a bit, new garbage truck came apart inside, in Pocatello for repair, so down a truck. Shooting range looking better, Sheriff held a shoot there, worked well. The State donated cement barriers to help.

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

**MOTION: Commissioner Payne made a motion to leave the regular meeting 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.**

**(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.**

Sheriff Heslington, Prosecutor McKenzie and Clerk Garner were also in attendance.

Board went into executive at 11:45 a.m. and board left executive at 1:05 p.m. and back to the regular meeting.

Summary of the executive meeting, discussed a letter in response to an issue concerning a road up Paris Canyon and also discussed evaluation of an employee.

#### **SANDRA THOEN – IDAHO SUPREME COURT 4-COUNTY BOARD OF COMMUNITY GUARDIANS – ACTION ITEM**

Sandra Thoen, Sixth District Guardianship and Conservatorship Monitoring Coordinator for the Idaho Supreme Court and Susan Cromquist, Adult Protection Supervisor for Area V Agency on Aging, proposed to the Bear Lake Commission joining with Franklin, Caribou and Oneida Counties to have a board of guardians, form a collective knowledge base of county professionals and citizens to be sure the needs of those adults be met. They have come up with five (5) cases and had no options, no one to take care of them. Her duty is to make suggestions, to provide education resources and provide liason between the counties and the Supreme Court. Statute currently allows for multiple boards. Commissioner Rasmussen was totally supportive, the county did one years ago and it was difficult as it was in Pocatello, and suggested then a board would be more successful. Cronquist mentioned with upper amount of numbers, Bannock County has each person assigned to a ward, the secretary handles all the finances, if not in facilities, harder to manage. Statute was revised about four (4) years ago, have more direction now. Joint decisions, the needs, what happens and what can happen. Small counties are pretty much on their own. Sheriff inquired if they draw from law enforcement, the prosecutor, others, Thoen mentioned the recipe is a prayer to have many to help and give input. Commissioner Rasmussen reported they have a Four (4) County meeting on November 18<sup>th</sup> over Zoom from 10:00 – 12:00 and will put her on the agenda.

**MOTION: Commissioner Jensen made a motion to support the guardianship concept, based upon the discussion after meeting at the Four (4) County meeting on November 18, 2020, seconded by Commissioner Payne, motion carried.**

**PATTY MCKNIGHT – COPENHAGEN ROAD**

Patty and Don McKnight met with the Commission about the possibility of plowing snow a bit farther up the canyon. The county does help them in emergencies when needed and they appreciate it. Commissioner Jensen explained there are twenty-five canyons to keep up on and need to be consistent. The county will continue to help in emergency situations, but does not have the resources to do extra.

**KELLER & ASSOCIATES – JERICHO LOOP BRIDGE PROJECT – VIRTUAL ZOOM MEETING**

Brandon Keller with Keller & Associates and Scott Wood with LHTAC presented a slide show on the Jericho Loop Bridge built in 1950 after inspections, is listed in serious condition and needs to be replaced. There is settling, undermining, they will remove the structure, replace the bridge and align with current standards. Geotechnical work has been done. The funding sources are through Federal aid of \$1,198,000 and Bear Lake County at \$95,000 with 7.3% match. The design completion should be August 2021 and estimated construction summer 2022. Would be a road closure for better cost and shorter timeframe, the new bridge will allow the creek to flow through more efficiently and not undermine as it has done prior. Esquibel appreciated the good working plan and it was going very well. Scott Wood mentioned they appreciate the County and can take comments up to the middle of December.

**RICH CLINIC BUILDING – BID OPENING – ACTION ITEM**

There were no bids received, so they will now put it out for sale.

**MOTION: Commissioner Jensen made a motion as there had not been any bids, they would now put the Rich Clinic Building up for sale.**

Commissioner Rasmussen gave a new update on Covid1-19 cases for Southeast Idaho, report shows Bear Lake County has thirty-six active cases, since November 2<sup>nd</sup>, it has shot straight up. Feels that with the Board of Health meeting on Thursday, Bear Lake will be in the red.

**APPROVE MINUTES**

**MOTION: Commissioner Payne made a motion to approve the October 13, 2020 minutes, seconded by Commissioner Jensen, motion carried.**

**JULIA OXARANGO-INGRAM – PRESERVATION IDAHO – OLD COURTHOUSE**

Julia Oxarango-Ingram with Preservation Idaho, requested to slow the process so community members could come up with a plan for community use of the old courthouse. Will be submitting a records request for all the minutes, agendas and recording for information either for or against the courthouse. Mentioned reaching out to Jerry Myers about what was feasible for the old courthouse, make it safe, what can be done realistically. Questioned what the rush was to tear it down, have to be insured anyway so keep the building up. Talk of selling furnishings inside of building, requested the county hold off and give the group a chance to do something with the building.

**LAURIE RICH – FRIENDS UNITED for BEAR LAKE – OLD COURTHOUSE**

Laurie Rich with Friends United for Bear Lake mentioned the building may have out used its’ purpose for a courthouse, but not for something else for the historic courthouse. No expense to taxpayers and save county from expense of demolition. Looked at all three (3) ballots, nothing stated about parking lot or war memorial or demolition. Myers designed the building to complement each other, old and new. January 2020 meeting felt Myers was misquoted, Cheryl Searle read Myers statement, copy provided and can be viewed.

**SHERMAN GRANDY – OLD COURTHOUSE**

Sherman Grandy presented several letters of support for the old courthouse, reading one email. Moving, demolition, landfill issues, cannot know a cost. Maybe a community center, bomb shelter in the basement for a training center. Spoke of honoring Veterans with a memorial, which is admirable, but rather they adhere to the Veteran’s preference when hiring. Great facility here, but a gentleman with a cane took a few minutes to get in, should get a door opener. Commissioner Payne informed him the bid has been accepted for that door opener.

Roy Bunderson was going to be on the agenda, but will send written information.

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

Meeting adjourned at 2:52 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

**ATTEST:** \_\_\_\_\_  
**CINDY GARNER, Clerk**