

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, December 10, 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.

Others attending were Assessor Elect Heber Dunford, Building Official Wayne Davidson, Assessor Lynn Lewis and Pamela Harmon, reporter for The News-Examiner

APPROVAL OF AGENDA

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

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Assessor Elect Heber Dunford came and stated he was enrolled in the January appraisal school and a special course for newly elected officials.

Commissioner Jensen stated he had met with Superintendent Esquibel and Weed Supervisor Todd Transtrum regarding the roads. Transtrum has worked up a program with overlays which will show the county roads, winter maintenance, etc. to help show classifications of each road which will be helpful in the work meeting on Thursday, December 13, at 7:00 p.m. in the School District #33 Board Room in Paris. Road and Bridge employees, Gregg Skinner and Todd Boehme, will be attending and are very prepared to help with an updated road map.

Clerk Garner presented letters from Maguire Law Office regarding the support for Caldwell Canyon Mine and several other housekeeping items. Commissioner Payne made a motion to approve signing the comment letter for the Caldwell Canyon Mine, seconded by Commissioner Jensen, motion carried.

Juvenile Probation Officer Ron Harper presented his yearly report to the Commissioners and stated it showed a few less probationers, however he anticipates that will go up in this next year.

Assessor Lynn Lewis stated it would be his last meeting with the Commissioners and how he appreciated working for the county all these years. Commissioners expressed their appreciation for his years of service and wished him well in his retirement.

Sheriff Bart Heslington was on his way to the Sheriff's Association Conference, but his office had sent over his monthly report for the Commissioners to review.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector, presented his monthly report and obviously building has slowed down with the snow. The storage building furnace wasn't working in the ambulance stall, but the fan which was jamming has been fixed. Removing the trees prior to construction of the new courthouse will wait till later and the contractors are fine with that and their bid will remain the same.

Commissioner Rasmussen stated there is legislation coming up in January regarding judicial confirmation wording. Attorney Steve Fuller has worked on it and there is full support from Senator Harris and Representative Gibbs as there are others that will be going up against the same issues Bear Lake County

has found in the lack of levy power. Commissioner Payne added that the legislation would likely be given emergency priority for approval and signature as early as January 2019.

APPROVE 2019 HOLIDAY LIST

Commissioner Payne made a motion to approve the 2019 Holiday list, which is the same as the previous year, seconded by Commissioner Jensen, motion carried.

GRANT AGREEMENT AND COUNTY RESOLUTION 2019-05

Commissioner Rasmussen read the grant agreement for the airport and the resolution in full for a maximum amount of \$14,166.67. Commissioner Payne made a motion to sign and accept the Grant Agreement and Resolution #2019-05 to be used under Idaho Airport Aid Program, FS Program number: F1981U7, Project number: AIP-016 in the development of the Paris-Bear Lake County Airport, seconded by Commissioner Jensen, motion carried.

County Prosecutor Adam McKenzie joined the meeting.

RESOLUTION – DESTRUCTION OF RECORDS #2019-06

Commissioner Jensen made a motion to sign Resolution #2019-06 for Destruction of Records from the Sheriff's department, based upon review from the county attorney, seconded by Commissioner Payne, motion carried.

SET DATE – OPEN BUDGET

Commissioners set the date to open the budget due to a change in the landfill budget for the regular meeting on January 14, 2019.

POLICY AMENDMENT

Commissioner Jensen made a motion approve the policy amendment of probationary time to only apply to the fulltime employees, seconded by Commissioner Payne, motion carried.

Commissioner Rasmussen stated he had been elected to the ICRMP board.

RYAN LARSEN – WATERWAYS COMMITTEE

Ryan Larsen was not able to appear.

MITCH POULSEN, PLANNING & ZONING ADMINISTRATOR – RECOMMENDATION ON LEGACY BEACH AND HOGE PLATS

Mitch Poulsen, Planning & Zoning Administrator, invited Maribeth and Winfried Hubrich to join him as he presented recommendation for approval of the preliminary and final plat of the Legacy Beach Subdivision, a small four (4) lot family subdivision. There would be a private drive and they will work with ITD on the access from the highway. The Army Corp of Engineers stated it was below the water mark and would require language on the subdivision stating the same. Commissioner Jensen made a motion to accept the recommendation and approve the preliminary and final plat of the Legacy Beach Subdivision, seconded by Commissioner Payne, motion carried. Poulsen stated that the Planning & Zoning board had reviewed the amended recommendation for the Hoge Subdivision on the road

requirement of nine (9) feet from the center and would recommend approval. Commissioner Jensen made a motion to approve the Hoge Subdivision with the amendment on the nine (9) foot road width, seconded by Commissioner Payne, motion carried.

STEVE HIRSCHI – HIS PROPERTY IN GENEVA – TAX NOTICE

Steve Hirschi had called and cancelled.

SUBDIVISION AND LAND USE ORDINANCE/ROAD MAP/GROOMED TRAIL ROADS – DISCUSSION

Commissioner Rasmussen stated that very little had changed from the recommendations presented by the Planning and Zoning except fencing requirements, which were still in question. He also stated that Commissioner Jensen had drafted wording, which he recommended they approve for the final draft, to be presented at the public hearing set for January 14, 2019 at 7:00 p.m. Commissioner Jensen made a motion to approve the following definitions for the ordinance, which included a formation of an HOA for all subdivisions be mandatory, the developer is initially responsible to fence any land abutting livestock agricultural land. Afterwards, the landowners would be responsible for half of the costs of maintaining the fencing. A final draft of the recommended ordinances will be made available.

The board then discussed the road map issues for which they will hold a work meeting on December 13, 2018 at 7:00 p.m. and a public hearing on January 23, 2019 at 7:00 p.m. The public hearing will include the groomed trail roads plan, which will be designed to prevent wheeled vehicles from causing destruction to the groomed trails. The commissioners clarified that the thirty signs will move with the snow and the ordinance will state the signs are “as posted by discretion of the Sheriff and Commissioners. Commissioner Jensen expressed concern that he didn’t want the ordinance to hinder commerce but that the removable signs solve that issue.

FINALIZE CONTRACT WITH BEAR LAKE FIRE

County Prosecutor is continuing work on the contract with Bear Lake Fire.

SHERIFF’S OFFICE HOURS

Sheriff Bart Heslington appeared by phone and stated the prolonged early and later hours had not been very productive, especially the early hours, so would propose revising their office hours. Commissioner and the Sheriff agreed to have the office hours be 8:30 a.m. to 5:00 p.m. for the future.

PUBLIC COMMENTS

Aaron Walker had a question regarding snow removal on a Montpelier City road and the Commissioners let him know that was the city jurisdiction and to contact them.

Dan Fallion, with the Bear Lake West POA, wanted to confirm the Mountain Way Road status and that the county would be taking over the road.

Bill Stock asked about getting an electronic copy of the updated Subdivision and Land Use Ordinances when available.

Roy Bunderson requested an electronic copy of the updated ordinances also and asked about the financing of courthouse was going. Commissioner Payne stated we had received an A-1 rating with

3.997% interest rate, locked for a thirty-year period, which could be addressed after ten years and they felt really good about how that has all taken place.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Superintendent Esquibel presented his monthly report on the Road & Bridge mentioning the unused excess rock taken for the Dingle Bridge project and would like to keep it for other projects. Esquibel expressed his concern about a turn-around on Mountain Way Road and was informed that the developer was fine with leaving a gate open to accommodate that. He also informed the board that a property owner in Pegram had put detour signs over the county “Slow Children at Play” signs, directing traffic around their property onto BLM property. The route is marshy, not up to standards and the signage is illegal. Commissioner Payne stated he would call the property owner and Commissioner Rasmussen stated they would cover the issue at the public hearing on January 23rd.

Esquibel also reported that the daily average tonnage for the landfill so far for 2018 was 20.364. Rasmussen and Esquibel were confident that December would likely be low enough to be under the twenty ton limit. Esquibel stated they had two engineer proposals for the regional landfill facility and awarded the one from AE Squared.

GARBAGE TRUCK LEASE

Superintendent Scott Esquibel mentioned the proposed garbage truck lease. The board discussed details of the contract for leasing garbage trucks. Attorney Adam McKenzie expressed concern over several items, namely wording that may prevent vehicles from leaving the county as well as the lease eventually being transferred to the regional facility, financial penalties for termination and no language defining the terms of an option to purchase the vehicles. Commissioner Jensen made a motion to approve the lease option, pending the changes requested by McKenzie, seconded by Commissioner Payne, motion carried.

EXECUTIVE SESSION – INDIGENT, 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 (1) (b) (d) (f) for indigent, personnel and legal matters, seconded by Commissioner Jensen. All Commissioners stated “Here” in a roll call vote. Commissioner Jensen made a motion to leave the executive session and go back to the regular meeting, seconded by Commissioner Payne, motion carried. Commissioner Rasmussen stated that Prosecutor McKenzie would follow up on a possible indigent appeal and they discussed personnel issues that may be brought up at a future meeting.

Commissioner Jensen made a motion to adjourn the meeting, seconded by Commissioner Payne, motion carried. Meeting adjourned at approximately 2:10 p.m.