

BEAR LAKE COUNTY COMMISSIONERS' MEETING

DECEMBER 13, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, December 13, 2021 at 9:00 a.m., in the Commissioners' Chambers 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, Chief Deputy Sheriff Micah Rigby, Assessor Heber Dunford, Bear Lake County Fire Chief Mark Parker, Deputy Prosecuting Attorney Adam McKenzie, County Superintendent Scott Esquibel, citizens Bruce Peterson and Edwin Izatt, Kathi Izatt, reporting for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the agenda as posted for December 13, 2021, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Treasurer Poulsen presented the tax cancellations for garbage and translator fees.

MOTION: Commissioner Jensen made a motion to cancel the taxes on Parcel #1832, 1932.01 and 4890.01, seconded by Commissioner Payne, motion carried.

Treasurer Poulsen reported that House Bill 389 that removed the deadline for Homeowner Exemptions so they can come in on the 19th of December and get a homeowner's exemption, causing the County to have to cancel that amount of taxes after the bills were sent. November amount was over \$18,000, and now with December it added over \$4,000 for a total of \$22,375.00. This takes away that amount of taxes that will not go to the cemeteries, libraries, cities or other districts. Since the 10th have brought in over \$2,727,000.00, looking good on collections this year.

Treasurer Poulsen had an inquiry from an employee of the District Landfill regarding garbage service for a taxpayer just over the border. Has land on both sides, home is just barely on the other side and Bear Lake County agreed years ago to pick up and it is now the District Landfill and Commissioners do remember the agreement and they would continue to pick up.

MOTION: Commissioner Payne made a motion to order for cancellation of taxes of the Homeowner Exemption after taxes, seconded by Commissioner Jensen, motion carried.

Assessor Dunford presented his report, with 35 people going online, they collected \$131.25 from the State but still not noticing much difference in the walk-ins. Employee returning from maternity leave, others have been cross training but being shorthanded now have an employee not able to use enough vacation to keep it under limit so would request to role hours over into next year. Working on the 5-year Plan, the Occupancy Roll and New Construction, Ratio Study and Indexing to the current market value. Concerned as a lot of the homes, even older, are well over double the value. With the number of

parcels the county has, would need four '4' appraisers to accomplish. Would request another employee rather than contract. With 42 new parcels, picked up \$7 million in value. City of Bloomington now has a moratorium on building permits as the water supply is not there.

Commissioner Payne attended an IAC Fall County Officials Institute meeting in Lava Hot Springs on open meeting laws and relayed some of the general items. Some of those being committees need rules, not necessarily Roberts Rules, public cannot talk about employees, addition to agenda in emergency, Commissioners can do things together, like fishing, hunting, etc., but not deliberate items, let the public know their time may change fifteen minutes earlier or later, public not on agenda does not have right to speak unless invited, minutes available as a draft on website, meet periodically with Mayors, Fire District, etc. The Fair Board is quite sure the Fair will be the week of August 15th. Received a call from DeLoy Romrell with ITD, they are working on the road to the repeater, landowner, Roger Kunz is working with them and requests the gates stay locked. The Airport did get a \$22,000 grant from the Covid money. A

Commissioner Rasmussen mentioned there are three (3) lawsuits on the redistricting, rumor is they probably will not go anywhere. The new districts would include Bear Lake, Caribou, part of Bannock and Teton with Representative's Armstrong, Andrus, Gibbs and Christiansen. We can only have two (2). Current proposed map changed things. We liked our four (4) rural counties, a bunch of Commissioners and some legislators testified supporting Guthrie's map.

RATIFY CLAIMS

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

APPROVE MINUTES

MOTION: Commissioner Jensen made a motion to approve the minutes for November 8th and 22nd, 2021, seconded by Commissioner Payne, motion carried.

COVID LEAVE

In discussion with ICRMP, our Risk Management, they highly suggested counties do away with Covid leave. It was renewed on September 13, 2021.

MOTION: Commissioner Jensen made a motion to cancel the Covid Leave policy, seconded by Commissioner Payne, motion carried.

EMERGENCY SERVICES COORDINATOR

MOTION: Commissioner Payne made a motion to post the position of Emergency Services Coordinator, with the addition of 'any other assignments by County Commissioners, seconded by Commissioner Jensen, motion carried.

COMMISSIONER DISTRICT PROPOSAL

Chief Deputy Clerk, Amy Bishop, presented the Commissioners with a map showing the three (3) commissioner districts. Pursuant to the Idaho Election Laws, after the census, the commissioner districts need to be reviewed and divided in the three (3) areas as nearly equal in population as needed by January 15, 2022. Appreciate Todd Transtrum's help in working with us to create Option #1, which

shows moving Dingle into commissioner district #1, lessening some in #2. Option #2 shifts some of the Montpelier population in #1.

PRECINCT BOUNDARY UPDATES

While working on the commissioner districts, timing was right to work on the map to adjustment to a few precinct boundaries. Bailey Creek would align with School District #150 and the boundary between Bennington and Montpelier #1 would adjust to allow those in Home Canyon to vote in #1, not travel to Bennington. Some precincts have a slight adjustment to clarify boundaries and create better legal descriptions.

2022 COUNTY HOLIDAYS

MOTION: Commissioner Payne made a motion to accept the 2022 County Holidays to be observed, with the correction on the date showing the 5th, should be the 6th, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen attended the ICRMP meeting, there are a lot of H. R. (Human Resources) discussions, but they are doing well and do a lot for the State of Idaho, including schools, cities, fire districts and Junior Colleges. The Gem Plan has 24 counties on their health insurance. It has been a tough year with big Covid cases, but financially still looks good. Attended the 5th District meeting and the IAC Elected Officials Fall Institute. The 4-County meeting was held a week ago, the Commissioners from Oneida, Franklin and Caribou attended along with Senator Mark Harris. Representative Gibbs was unable to attend, Representative Christiansen was at the Soil Conservation meeting. The two (2) biggest issues discussed were surplus funds and property taxes.

Commissioner Jensen reported the District Landfill will be meeting on the 15th. The snow grooming did go well last year and are meeting this evening. The SICO meeting was held the same night as the Search and Rescue meeting. Attended a meeting with Bear Lake West on their roads, there are some citizens from Bern questioning what to do with the Bern school and trying to work on it, but it is a civil matter.

Sheriff Bart Heslington reported their primary focus has been on various cases. They hired a new dispatcher who is in training and will get post certified and they will be fully staffed and relieve that burden. The other area of focus is on radios, they are gathering all the information they can and engineers and providers are working on ideas for solutions also. Want to make the best decision they can. Working with the provider with the vehicles, the lease is coming up and it is a challenge to get any vehicles right now. Used to see the change from the busy summer season, but it has not slowed down. Commissioners appreciate all the Sheriff's department does and wanted that expressed to his deputies.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector, Wayne Davidson, reported the total of new residences is now 71, there are 31 new garages and still demand on new properties, calls on what they can build. There are many out of state looking, prices are still high and availability to get materials is limited. There is lots of interest in property above the roads and they are informed they will not have services. Some are building homes without electricity, using solar and generators. A lot of inspections with homes being completed. Commissioners appreciate the work Davidson does in the community.

Clerk Garner presented the Commission with a draft copy of a resolution for redistricting, the job opening for a court clerk/deputy clerk with an upcoming retirement in the next year and various other housekeeping items.

JOE COLES – BEAR LAKE BRAWL TRIATHLON

Joe Coles, representing the Bear Lake Brawl Triathlon, addressing the importance of why counties do triathlons. The purpose is to bring more economic help and tax revenue to the counties. Coles felt the 2021 race went well and did agree if the wind starts up, they will not have swimmers in the water and shut it down. Coles presented the Commission with a report on how it all works and hope to bring it back September 17, 2022. They will go through the permitting process in a timely manner.

YOLANDA FOREMASTER – REQUEST to WAIVE PENALTY and INTEREST

Yolanda Foremaster did not appear, however, Treasurer Poulsen reported Foremaster purchased in August of 2020 and did not get the tax bill and requested the penalty and interest be waived. Treasurer Poulsen informed her she could not cancel that much. The bill went to the former owner and did not know until she received the second bill. The title companies do tell new owners at closing that they will be responsible for taxes going forward. Treasurer Poulsen will get information and the Commissioners will look at a possible special meeting and may refund some.

Commissioner Payne inquired about the weather stations over by Cisco Beach. Mitch Poulsen informed them the USGS puts them in, they are anchored, but they do move them to different areas. They are not weather stations, but they gather water quality data and hope it may help to predict the sudden windstorms we get.

MITCH POULSEN – PLANNING and ZONING ADMINISTRATOR – RECOMMENDATIONS – THE RESERVE MASTER PLAN AMENDMENT; PHASE 8 – PRELIMINARY PLAT; 7 MILE PHASE 1 and 2 – PRELIMINARY PLAT

Planning and Zoning Administrator, Mitch Poulsen, requested The Reserve amendment to the Master Plan as the State statute on 40 acres was not under ownership and did not have a legal description which includes Phase 8. Would like a decision to include the 40 acres that has been purchased, into the Master Plan of Phase 8 of the subdivision. The Planning Commission favorably recommended approving the amendment to the Master Plan. Commissioner Rasmussen indicated as these items somehow did not have 'action item' they would have a special meeting on Monday, December 27, 2021 at 9:00 a.m., to include redistricting and the Indigent Defense report.

Poulsen presented the Phase 8 preliminary plat, requesting an additional 43 lots on 40 acres, which has access to all of the existing infrastructure, including water, sewer, power and telecom. This phase will provide an additional access to U.S. 89 and will create the fourth (4th) access in and out of the subdivision. The Planning Commission did recommend approval with the condition the traffic impact study be complete. Gabe Lleras, President of The Reserve Subdivision informed the Commission they are currently designing and working with the State on the access with Civil Solutions Engineering.

Poulsen presented 7 Mile Ranch, Phase 1 and 2 preliminary plat, been zoned for development since 2004. Allowable zoning density is one (1) unit per half acre with community water and/or sewer, total residential units of 250 at full buildout. They have submitted following approvals from agencies and service providers, for Transportation, have an approved impact transportation study, which requires

them to put in turn lanes, both left and right, approval from Department of Water Resources for water rights for a decree of 141 units, clubhouse and ponds. They have a will-serve letter for sewer from the City of St. Charles, a will-serve letter from Pacificorp for power, a will-serve letter from Regional Solid Waste, a will-serve letter from Direct Communications, letter from the U.S. Army Corp of Engineers approving the wetland delineation and a letter from Department of Fish and Game, to minimize fencing and put in zero scaping for wildlife impact. There were concerns about the water table, wetlands, management of short term rentals and liquefaction but the Planning and Zoning Commission did recommend approval of the preliminary plat. Access of 1st East be moved to the highway and turn lanes onto U.S. Highway 89. Commissioners inquired about the sewer and water, the Army Corp of Engineers and delineation and any mitigation, to which Poulsen responded sewer and water had been approved. Commissioner Rasmussen quoted Idaho Code 67-9501 and the process to apply for mitigation. Owner, Thomas Morgan reported the way it is designed, no mitigation is required. House Bill 207, just in 2017 regarding mitigation, any loss of wetland the letter does state there is no impact. Commissioners would like to see a letter on the sewer district, what they can handle from both sewer districts and the City of St. Charles. Commissioner Rasmussen apologized as they were not listed as action items and could not approve, thought they were on an earlier review of the agenda. Thomas Morgan and Evan Stewart were in attendance.

PUBLIC COMMENTS

Phil Pratt would like the Commission to put internet on as a critical utility. Canyon Estates had fiber optic installed ten years ago and it has not been hooked onto yet. After a subdivision is put in, it is extremely expensive for the residents to put in the fiber. Developers do not want to pay to runt it but Pratt would like it at the beginning when the trenches are open. The ISP is getting Federal and State money, 18 months in before they hook it up, plow up everything, hook up one and then can walk away. Commissioner Jensen will read the ordinance on it.

Bloomington Mayor Elect, Roy Bunderson questioned the October 4th minutes regarding whether it was a statement or opinion about the ARPA monies and that taxpayers will have to pay back, felt statement should say 'may'. Commissioner Rasmussen informed Bunderson it was a statement, someone, maybe great-grandchildren that will pay. Bunderson wanted to mention the issue with Bloomington Lake, with Covid and after the number of visitors has almost doubled. The City of Bloomington would like to enter into an agreement with the County on maybe getting a digital sign to help control speed. Cities have more flexibility on what they can do with that money. Bunderson just wanted to open the dialogue and hope to work together. Bunderson talked about transparency in government is most important and inquired if Joe Hayes is the Prosecuting Attorney, Rasmussen informed he still is and Hayes had contacted Mr. McKenzie to fill in while he is off. Bunderson remarked Hayes is being rewarded for bad behavior.

Bruce Bunderson mentioned the fiber works well in St. Charles. Bunderson inquired about the 7 Mile Project, if it had been identified with maps, wetlands, to which Commissioner Rasmussen reported the County does not control the wetlands. Bunderson would like to work with neighbor Thomas Morgan.

Fire Chief, Mark Parker, inquired about the County putting on another meeting for all the agencies on meeting laws. Commissioner Rasmussen indicated that after the first of the year, Seth Grigg from the IAC (Idaho Association of Counties) would come down and train or have the AG's office.

Edwin Izatt remarked on the 7 mile project and the sewer district would run in St. Charles, but it is the combination of lagoons with Fish Haven and St. Charles, but questioned the additional capacity on them. Izatt would still like to see an impact fee to help with the infrastructure and would like the developers to handle it. Commissioner Rasmussen attended another meeting where it was brought up and they are looking at what other counties are doing and how they are handling it. Commissioner Payne would like to see the builders have an area for emergency services.

Dave Cottle spoke about The Reserve and adoption of the preliminary plan, the Planning and Zoning minutes and couldn't find conditions. There was to be a \$300 per house impact fee and also a turn lane for The Reserve, it seems as there are a lot of files missing.

Bloomington Mayor Elect, Roy Bunderson, would like to be at the table when they are discussing impact fees. Commissioner Rasmussen would like to put a committee together on the matter. Commissioner Jensen would also like to see a location for Fire and Ambulance on these properties as it would be a real benefit for the homeowners. Commissioner Rasmussen and Chief Parker indicated the problem is staffing each area. Commissioner Rasmussen again thanked the Bear Lake County EMT's and how proud they should be as the only true volunteer service in the State. They are starting a new EMT class in January.

JEREMY JARIK – NORTH BEACH ROAD- BEAR LAKE NATIONAL WILDLIFE REFUGE

Jeremy Jarik, Manager of the Bear Lake National Wildlife Refuge, met to report about the project to put in a culvert by the fish ladder on North Beach Road, the right of way will have to be closed for about three (3) weeks. The Commissioners recommended they work with the County and create a single lane as traffic will need to get through for public safety use on the road. The projected timeframe is the Fall of 2022 after Labor Day. Jarik will work with Commissioner Jensen and County Superintendent, Scott Esquibel.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Scott Esquibel, County Superintendent, presented his monthly report on the roads, with less snow, have been able to rebuild more than usual. There is Road and Bridge employee retiring, will present the job opening notice for approval on the agenda for the special meeting on December 27th. Fish Haven Canyon Road and parking lot was brought up, the developer will pay to get them up to standards. The County will maintain after.

LUNCH – ELECTED OFFICIALS

EXECUTIVE SESSION – IDAHO CODE 74-206 (1)

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1)

(a) 'To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general'

(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'.

seconded by Commissioner Jensen.

Roll Call Vote: Commissioner Jensen – 'I', Commissioner Payne – 'I', Commissioner Rasmussen – 'I', voting was unanimous in the affirmative.

Let the records show that the Sheriff Heslington, Deputy Prosecuting Attorney McKenzie, Deputy Clerk Mindy Williamson and Clerk Garner were in attendance.

Executive session began at 12:49 p.m. and the board left the executive session at 2:02 p.m. and back to regular meeting.

Discussion in executive regarding complaints on a couple of employees and several employees needing to carry over some vacation but would be used before the end of next year.

EMPLOYEE VACATION CARRYOVER/EXTENDED LEAVE PAST 30 DAYS

MOTION: Commissioner Rasmussen made a motion to extend the additional vacation for this year for an employee in the Assessor's office and two (2) employees in the Sheriff's Department, to be used by the end of next year, seconded by Commissioner Payne, motion carried. Commissioner Jensen abstained.

COUNTY BOARDS – ACTION ITEM

Commissioners discussed some County Boards having vacancies coming up for appointment, namely the Fair and Planning and Zoning Boards. Names will be presented and appointed at the next regular meeting.

Discussed in executive was a medical lien that needed to be released, the client passed away some time ago and needs to be cleared up.

MOTION: Commissioner Payne made a motion to release Medical Indigent Lien #2005-08, seconded by Commissioner Jensen, motion carried.

MOTION: Commissioner Jensen made a motion to authorize Commissioner Rasmussen to sign and release the paid off Medical Indigent Liens, #2010-02 and 2009-35A, seconded by Commissioner Rasmussen, motion carried.

Commissioners expressed appreciation to Attorney Adam McKenzie for being there and staying until further notice.

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

Meeting adjourned at 2:06 p.m., next meeting will be December 27, 2021 at 9:00 a.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____

CINDY GARNER, Clerk