

## BEAR LAKE COUNTY COMMISSIONERS' MEETING

FEBRUARY 10, 2020

### SCHOOL DISTRICT #33 BOARD ROOM

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, February 10, 2020, at 9:00 a.m. in the School District #33 Board Room. 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, Assessor Heber Dunford, Prosecutor Adam McKenzie, County Superintendent Scott Esquibel, Building Official Wayne Davidson, citizens Jean Alleman, Robin Owsley and Valerie Hayes, reporter for The News-Examiner.

#### APPROVAL OF AGENDA – Action Item

**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 presented a couple of tax cancellations, one for homeowner's exemption and the other for a tax deeded landlocked property.

**MOTION: Commissioner Payne made a motion to accept the tax cancellations on Parcel #14059.00 for homeowner's exemption and Parcel #3932.01 on a tax deeded landlocked property, seconded by Commissioner Jensen, motion carried.**

Commissioner Jensen mentioned having Weed Supervisor, Todd Transtrum, come quarterly or twice a year to give updates on the road map and weed control. Commissioner Jensen brought up concerns regarding invasive species, Eurasian watermilfoil along with phragmites, there will be a meeting in Garden City, Utah on February 25, 2020. Bear Lake West Homeowner's Association would like to have a meeting to go over the roads. When at the Boise meetings, landfills were discussed and chronic wasting disease, which we do not want in our landfill. It stays in the ground about thirty years and the suggested way to dispose would be an incinerator. It has not been found in Idaho in either wild or domestic animals at this point.

Commissioner Payne attended the 5-County Highway meeting and they will be starting on the Georgetown Summit to Caribou County line. The next 5-County Highway meeting will be April 9<sup>th</sup> at 10:00 a.m. They did suggest with growth, need to work with Planning and Zoning on access onto the highway. Bear Lake County Fair Board had received two (2) awards, one for the best grounds, the other for the most improved grounds. Commissioner Payne attended the State Fair budget meeting. While at the Boise meetings, he spoke with Representative Gibbs regarding help for senior centers, but most of the focus is on property tax and specifically for our area, the Bear River adjudication. Commissioner Payne mentioned the meeting on February 11, 2020 regarding Rocky Point and the animals crossing the road.

Commissioner Rasmussen felt the Boise meetings were good and several bills are being presented, the concern of property taxes, day light savings time, big issue is rules and regulations specifically for damage prevention but may be delayed another year. These legislative bills need to be watched closely.

Sheriff Bart Heslington gave his monthly report, busy working with Rich County on a burglary with mutual suspects. They were busy with the avalanches and shutting down the road. They are accepting applications to fill a vacancy.

#### **GENERAL ACTION ITEMS**

##### **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 January 13 and 22, 2020, seconded by Commissioner Payne, motion carried.**

##### **Approve County Audit**

**MOTION: Commissioner Payne made a motion to accept the county audit with the correction of a date and elected official names, seconded by Commissioner Jensen, motion carried.**

##### **Disposition of Old Courthouse**

There was discussion regarding the disposition of the old courthouse and the need to make a decision for moving forward.

**MOTION: Commissioner Jensen made a motion regarding the disposition of the old courthouse, to move from current location, tear down and remove or put it up for bid for salvage, as soon feasible, seconded by Commissioner Payne, motion carried.**

**MOTION: Commissioner Payne made a motion that after completion of the new courthouse, all of the items would be moved out of the old courthouse within four (4) months, seconded by Commissioner Jensen, motion carried.**

##### **Amendment to Ordinance #78-01 Prohibit Unauthorized Maintenance of County Roads**

After further discussion on the need to add snowplowing and maintenance to the current ordinance and need for definition, the amendment to Ordinance #78-01 was tabled for more clarification and will be put on the March agenda to complete.

Clerk Garner had some housekeeping items.

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

Building Inspector, Wayne Davidson, presented his monthly report and he stated the 2018 code will still be in place at this time. Commissioner Payne relayed from the State Highway Department that with all the growth to remind Planning and Zoning on the permits to be aware of controlled access to state highways as it causes traffic problems and congestion. Latest update on construction of new courthouse is they are finishing drywall and painting, Twisted Technology has pulled wires for the courts, I.T. and phones, furniture is being built from Correctional Services and Big D's Ryan Judd stated we should be able to start putting items in the building by April 15<sup>th</sup>

## **ROY BUNDERSON – COUNTY ROAD MAP**

Roy Bunderson mentioned previous minutes and the meeting on the road maps, to which Commissioner Rasmussen stated there will be meetings in the coming year as it is the five (5) year update requirement and it will be posted and advertised. Commissioner Rasmussen mentioned an idea to have a station at the County Fair, staffed by a Commissioner to take comments, have an October public meeting and set the resolution by December. Map update to discuss date for a meeting will be on the March meeting. Bunderson stated he was gathering data for a meeting on the endowment lands.

## **MITCH POULSEN – PLANNING & ZONING ADMINISTRATOR – KELLER ASSOCIATES ENGINEER – ROAD STANDARD PROPOSAL**

Mitch Poulsen, Planning and Zoning Administrator and Jeff Sorensen, by phone, addressed the Commission regarding upgrading and updating the County's Road Standards. Commissioners would like to see a copy to review and have a meeting to go over and then have it put on the March agenda.

## **BRANDEE WELLS – BEAR LAKE CONSERVATION DISTRICT UPDATE**

Brandee Wells and Devin Boehme with the Bear Lake Soil and Water Conservation District, along with Fire Chief Mark Parker met to update the Commission on the Fuels Reduction projects and appreciate the help the county gives in order to have these projects be successful. They have the scholarships through the tree sales, the poster contest and one went to state. Excited to start the Dyers Wood program this spring. Commissioners expressed appreciation for all the board does for the county. Wells inquired about getting the GIS mapping again, Commissioners agreed.

Assessor Heber Dunford stated the DMV office will be closed for training on March 18th, 19th and June 12<sup>th</sup> as they will go live on June 15, 2020. Dunford will go in for his second hip surgery on February 28, 2020.

## **PUBLIC COMMENTS**

Joan Mairanoa and Louise Hobbs, Bear Lake West HOA expressed a desire to have a meeting regarding their roads and appreciate the good working relationship they feel they have with the Commission. A meeting was set for March 27, 2020 at 1:00 p.m. at the Bear Lake West Clubhouse.

## **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

County Superintendent, Scott Esquibel, presented his reports on the Road and Bridge and Landfill, specifically plowing and maintaining county roads and working with LHTAC on the "South Idaho Bridge Bundling Project" as a member of the Evaluation Committee. Esquibel mentioned if the old courthouse was demoed, it would put the landfill over the limit and would be checking with DEQ (Department of Environmental Quality).

## **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),**

**(c) To acquire an interest in real property which is not owned by a public agency;**

**(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 does not satisfy this requirement., seconded by Commissioner Jensen.**

**ROLL CALL VOTE: Commissioner Jensen – “I”, Commissioner Payne – “I”, Commissioner Rasmussen – “I”, voting was unanimous in the affirmative.**

Board went into executive at 12:05 p.m. Let the records show that Treasurer Tricia Poulsen, Prosecutor Adam McKenzie and Clerk Cindy Garner were invited to attend.

Board out of executive at 1:05 p.m.

**MOTION: Commissioner Payne made a motion to deny Medical Indigent Claim #2019-7, seconded by Commissioner Jensen, motion carried.**

#### **BRET KUNZ – ICRMP**

Bret Kunz, local agent for ICRMP, met with the Commission to give an update on his services as an agent.

#### **MITCH POULSEN – PLANNING & ZONING ADMINISTRATOR – CHASE HULME PRELIMINARY PLAT, PHASE 2**

Mitch Poulsen, Planning and Zoning Administrator and Chase Hulme, met with the Commission requesting approval for the preliminary and final plat for Chase Hulme 2 Lot Subdivision, Phase 2. Poulsen stated the Planning and Zoning Board recommended approval, without imposing fencing laws, as it was started prior to the new law. Hulme requested, as the road is built to County Road Standards, it be declared a County Road. Commissioner Rasmussen informed Hulme the process for accepting a road is by request, notice and public hearing.

**MOTION: Commissioner Jensen made a motion to approve the preliminary and final plat for Chase Hulme 2 Lot Subdivision, Phase 2, seconded by Commissioner Payne, motion carried.**

#### **DOUG ARMSTRONG – JOE’S GAP ROAD – SNOWPLOWING**

Doug Armstrong met with the Commission to discuss the option of snow plowing the road up Joe’s Gap Road, to the cul de sac road, as they go part way at this time. Armstrong owns eighty acres, the rezone was approved, they are working to get the subdivision approved. Commissioners urged him to work with Superintendent Esquibel on the turnaround. The Armstrong’s wanted to have the county to accept their road but need to wait till the subdivision is approved. They would need to go through the same process for the county to accept a road which includes holding a public hearing.

#### **JEAN ALLEMAN and RICHARD YEOMAN – SENIOR CENTER UPDATE**

Jean Alleman, Richard Yeoman and Robin Owsley with the Senior Center, met with the Commission to give an update. Need cover over the generator, books are organized, the addition on the kitchen is on schedule. The major concern is to keep running, Commissioners suggested doing fund raisers

periodically. The Commission's goal is to keep the senior/community center open as a place for seniors to go for an inexpensive meal and to socialize. Commissioners appreciate all they do and the center being an efficient location in case of an emergency situation.

#### **PUBLIC HEARING – ROAD VACATION – RENAME STREET**

**MOTION: Commissioner Payne made a motion to leave the regular meeting and go into a public hearing for the purpose of vacating an unnamed road, seconded by Commissioner Jensen, motion carried.**

Commissioner Rasmussen read the notice and gave the instructions on the procedures of the public hearing.

Beth Coleman, 621 S. Main, Genola, Utah, on behalf of the Lyman Kunz Trust, presented her information regarding the unnamed road that had been platted in the Wardboro area, apparently was used some prior to 1949, but no use after and the family home was built there. The South Dingle Road changed with a curve put in back in 1949, so it has not been used.

Heber Dunford, Assessor, felt it would help clear title and was in favor.

Commissioner Payne is very familiar with the area and it makes sense to vacate the unnamed and unused road.

**MOTION: Commissioner Jensen made a motion to leave the public hearing and return to the regular meeting, seconded by Commissioner Payne, motion carried.**

**MOTION: Commissioner Payne made a motion to vacate the unnamed road based upon the legal description published, seconded by Commissioner Jensen, motion carried.**

Prosecutor McKenzie will prepare the resolution and it will be recorded.

#### **BOARD OF EQUALIZATION – DEVIN WARD**

Assessor Heber Dunford and Deputy Appraiser, Paul Day, met with the Commission to present information regarding Devin Ward's appeal on his commercial property, after reviewing and looking at comparisons, their office will make adjustments on Parcel #01452.00. Treasurer Tricia Poulsen worked with the State Tax Commission and will send out a new valuation statement.

**MOTION: Commissioner Jensen made a motion to accept the adjusted values on Parcel #01452.00, seconded by Commissioner Payne, motion carried.**

#### **STACE GEARHART – IDAHO DEPARTMENT OF JUVENILE CORRECTION – ANNUAL REPORT**

Stace Gearhart, District Liaison for Idaho Department of Juvenile Correction and Probation Officer, Ron Harper, met with the Commission to present the annual report. Bear Lake County figures look good.

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

Meeting adjourned at 3:10 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**ATTEST: CINDY GARNER, Clerk**

**DATE:** \_\_\_\_\_