

## **Bear Lake County Commissioners' Meeting**

**March 14, 2022**

### **Commissioners' Chambers – Paris, Idaho**

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, March 14, 2022 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, Amy Bishop.

#### **APPROVE AGENDA – ACTION ITEM**

**MOTION: Commissioner Jensen made motion to accept the agenda. The motion was seconded by Commissioner Payne. The motion carried.**

#### **ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS**

Assessor Heber Dunford presented a report. They are getting more people doing mail in registrations. Despite the increase in mail in registrations, they aren't noticing much difference in walk in traffic at the window, they still get the complicated and time-consuming issues at the window. The market assessments for commercial properties may be low. Some trends and ratio studies need to be updated. Their revaluation plan is on track. Deed processing is now in December, so they are making progress on getting caught up. Things are going well in the office. Vaughn asked about House Bill 741. Heber said that he is monitoring its progress, but it probably will not pass this year.

Treasurer Tricia Poulsen, has been working with Senator Harris on SB1362, which will reduce interest on delinquent taxes from 12% per year to 6% per year. Poulsen stated that the bill would cause major difficulties with their software and the timing doesn't work. The Treasurers' association has written a letter about the bill.

Poulsen presented an order to cancel tax for a garbage fee. This was on a new occupancy. They had already paid at the landfill. Trish will send landfill a list of occupancies so we don't double bill. Some hardship applications will be heard later in the day.

**Motion: Commissioner Jensen made a motion to cancel tax on parcel 1997.01 for \$205.00. The motion was second Commissioner Payne. The motion carries.**

Commissioner Payne gave an update. The fairgrounds is looking at new bleachers, and want to check on safety requirements. Prosecuting attorney Adam McKenzie will check into requirements for the bleachers. The City of Montpelier is looking at short term rentals ordinances, and would like to coordinate efforts with the county. The Sheriff was previously given the assignment to work on short term rentals and relicited lands ordinances with Joe Hayes. Payne also reported that he had participated in the Annual review with Public Defense Committee and Clerk Bishop. The county is in good shape with meeting the PDC's requirements. Criss James needs to complete a part of his annual report that was overlooked. The attorneys should be submitting copies of their annual reports to the county. The extension office would like to have a pickup that can pull a trailer, to be able to use the STEM trailer they received. The commissioners are looking into options, but it may be less expensive to pay mileage for

now. Commissioner Payne met with the Senior Center Board. They are working to raise money to stay open and get meals to seniors. They have a good committee helping. Becky Smith with the Oregon Trail Center reported that they will have no meeting tomorrow night. The Roof repairs they need may cost more than anticipated. The Senior Center is also looking at getting their roof fixed and anticipate the costs rising.

Commissioner Vaughn Rasmussen reported that he had recently spent 4 days in ICRMP meetings. They are negotiating to get the lowest rates possible, but the counties will likely see some rate increases this year. ICRMP needs to keep up with inflation costs. Cyber security is a big issue. Fuel costs are also on the rise. Gem Plan is going well. Rasmussen also went to a Hospital board meeting. The hospital has a "Casino Night" fundraiser coming up. The Board of Health is looking good also. The COVID rates are now the lowest they have been since COVID reached our area.

#### **RATIFY CLAIMS**

**MOTION: Commissioner Payne made a motion to ratify claims. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **APPROVE MINUTES**

**MOTION: Commissioner Jensen made a motion to approve minutes for January 24, 2022 and February 14, 2022. The motion was seconded by Commissioner Payne. The motion carried.**

#### **CANVASS ELECTION**

On March 8, 2022 there was an election for a bond levy for School District 150. This election only involved persons living in the Bailey Creek area. This was a mail ballot election.

31 voted for and 29 against.

**MOTION: Commissioner Payne made a motion to canvass and approve the election. The motion was seconded by Commissioner Payne.**

#### **BUDGET HEARING**

There was discussion about setting the date for the budget hearing. It needs to be done before certifying the budget which is due on September 9, 2022.

**MOTION: Commissioner Payne made a motion to hold the budget hearing on August 29, 2022 at 9:00 am. Commissioner Jensen seconded the motion. The motion carried.**

Commissioner Payne spoke about Miss Rodeo Idaho, who is Taylor Hymas from Bear Lake this year. There has only been one other time a Miss Bear Lake has represented Idaho. The Fair board would like to give her support. The Fair Board is willing to donate \$2500, and they would like \$2500 from Commissioners. The Fair Board would like to raise \$2500 from fundraisers. This money would be used

to support travel costs. The Commissioners discussed taking the \$2500 from the Commissioners Contingency Fund.

**MOTION: Commissioner Payne made a motion to approve \$2500 for Miss Rodeo Idaho. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **DONATE VACATION LEAVE**

An employee has made a request to receive vacation leave hours from other employees. The Employee Policy regarding giving and receiving vacation leave was read by Commissioner Rasmussen. Employees receiving donated leave are required to be on FMLA.

**MOTION: Commissioner Jensen made a motion to allow the donation of vacation time and he made a motion to allow an employee to receive vacation time. The motions were seconded by Commissioner Payne. The motion carried.**

#### **SWEAR IN NEW CLERK**

Amy Bishop was asked to stand and read the Oath of Office for the County Clerk Position. Amy Bishop was sworn in as the Bear Lake County Clerk.

#### **LEASE AGREEMENT FOR PROBATION OFFICE**

Probation Officer Harper rents is scheduled to increase from \$175.00 to \$200.00 per month starting on May 1, 2022.

**MOTION: Commissioner Payne made a motion to approve the lease agreement for the Probation Office. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **4 CASI**

4 CASI (the 4 County Alliance of Southeast Idaho economic development group) has a new director. Her name is Molly and she was hired at the end of February. Commissioner Rasmussen recommend that the County fund seven months of costs for the new director. Molly has worked for REDI and SECOG. She can write grants and hopefully become self-supporting. The cost for six months will be \$3500. The discussion was made to take the money from the Commissioner Contingency Fund. She is already helping some businesses in the valley. She is willing to help with other grants. She is based in Bannock County, which will be a more neutral location. Oneida will continue to be the sponsor county for now. The state program that supports the director, requires matching funds from the county.

**MOTION: Commissioner Jensen made a motion to contribute 7 months costs for \$3500 from the Commissioners Contingency Fund to 4 CASI to help fund the new director. The motion was seconded by Commissioner Payne. The motion carried.**

#### **4 County Board of Guardians**

The 4 County Board of Guardians needs two people to act as guardians from our county. The four counties involved in the Board are Bear Lake, Franklin, Caribou, and Oneida. Sheriff Heslington and Prosecutor McKenzie are on the board. They need persons to be guardians to help persons in need. They would like to start training on May 1, 2022. 4 County Board of Guardians will be put on the agenda for April under Executive Session a) to discuss qualifications of individuals.

#### **Bear Lake Memorial Hospital Board Members**

The Hospital Board made a recommendation to the Commissioners for renewal of board members Cordell Passey and Emily Transtrum. Both are currently on the Board wants to extended their terms.

**MOTION: Commissioner Payne made a motion to reappoint Cordell Passey and Emily Transtrum as board members for the Bear Lake Memorial Hospital Board. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **Golf Board Members**

Jim Mattson would like to retire from the Golf Board. The Golf Board recommends Scott Rose to replace Jim Mattson.

**MOTION: Commissioner Jensen made a motion to appoint Scott Rose to the Golf Board. The motion was seconded by Commissioner Payne. The motion carried.**

#### **Mental Health Service For First Responders**

The commissioners discussed mental health and an Employee Assistance Program. A letter from Shaun Tobler was read and discussed, Shaun had been approached by a first responder with PTSD who asked what resources the county could provide in their treatment. Tobler proposed that the hospital provided treatment to County First Responders for the Medicaid rate of 62.42 per 50 minute session, requiring they first use any private insurance benefits available. He also proposed that the county cover the copay for private insurance. Bishop investigated and found Gem plan can offer an Employee Assistance Program to all employees including volunteer first responders. The cost of the EAP through Gem Plan would be about \$4600 for a year. Sheriff Heslington and Chief Parker made comments about critical incidents and how the plans can help with individuals needing additional assistance after those incidents.

**MOTION: Commissioner Payne made a motion to utilize both the Gem Plan EAP and Shawn Tobler's proposal and to fund the programs with ARPA funds. Commissioner Jensen seconded. Motion carries.**

#### **Idaho Department of Parks and Rec Boating Safety Grant Agreement**

The commissioners reviewed the annual grant for the Boating Safety Grant. Bishop presented the annual application as well as a grant report.

**MOTION: Commissioner Payne made a motion to accept the agreement with the Idaho Department of Parks and Rec Boating Safety Grant. The motion was seconded by Commissioner Jensen. The motion carries.**

### **Emergency Services Coordinator**

Commissioner Jensen discussed that the County Superintendent was over the Road and Bridge and the Landfill. Since the landfill is now under the direction of IDAWY, the Superintendent could take on more responsibilities. The Emergency Services Coordinator has been a part time position (20 hours a month) and likely needs additional time to be devoted to the position. Commissioner Jensen suggested adding the Emergency Services Coordinator's responsibilities to the Superintendent job. Scott Esquibel, the Superintendent, is planning on retiring this year, and Alan Eborn put in his notice to retire in November, 2021, but is still assisting until a replacement can be found. Commissioner Jensen will get with Esquibel and Eborn to put together a job description that will be reviewed in the April meeting before being published.

**MOTION: Commissioner Jensen made a motion to combine the Emergency Services Coordinator position and the County Superintendent position and make a new job description that will be presented at the April meeting. The motion was seconded by Commissioner Payne. The motion carried.**

### **Wayne Davidson – Building Inspector Report**

Building Inspector Wayne Davidson gave his report. More residence permits are coming in. Wayne said that the City of Montpelier was using him as a resource and asking questions about a subdivision by the Golf Course. Commissioner Jensen mentioned they may need to address gravel pits in land use ordinance. The ordinance may also need other updates for growth.

### **Idaho Department of Juvenile Corrections – Annual Report**

Stace Gearhart from the Idaho Department of Juvenile Corrections District 6 presented their annual report. He reported that youth arrests from ISP were a bit low due to COVID. Detention admissions have been stable. Youth juvenile petitions are up. There were 15 felonies, 33 misdemeanors, 5 status offenses. Misdemeanors were up and status offenses were down. In Bear Lake there were 29 probation intakes, 11 releases, no diversions. The success rate is 82%. The demographic is mostly 14–16 year-old, white males. Youth on probation are made up of 79% are males and 21% are females. Currently there are 17 juveniles on probation. 745 community service hours were completed. Restitution collected was \$2,257. County funds received were as follows: JCA was \$11,940; tobacco \$14,516; lottery \$2,519. There are some funds for substance use assessment, though most can be paid with Medicaid. State funds cover 34% of costs of community based alternative services for mental health. Commissioner

Rasmussen reported on proposed cost share for juvenile detention center. The proposal was based on 10 year average.

## **BOE**

Commissioners went into Board of Equalization. They discussed property exemption for the Community Health Center and what other Counties are doing. Clerk Bishop reported that she had spoken with Jace Cundick from the State Tax Commission. He indicated that the commissioners would make the decision based on the information presented to them, but that generally the tax commission would consider a 501(c)3 organization exempt, as a charitable society per Idaho code 63-602C. The application also has the right to appeal the Commissioners' decision to the state board of tax appeals.

**MOTION: Commissioner Payne made a motion to accept the property tax exemption application for the Community Health Center that will take effect for the 2023 tax year. The motion was seconded by Commissioner Jensen. The motion carried.**

There were no other Board of Equalization items to be presented.

Jorge Garcia from the Community Health Center indicated that they are willing to help with the mental health for first responders also.

Commissioners exited the BOE meeting and returned to the regular meeting.

## **Mariah Lancaster – Legal Cemetery in Nounan**

Mariah talked about Phil and Diane Bartschi telling her last fall about a grave yard on her property. There are 2-3 markers. The family name was Finnegan. Phil said his grandmother died in 1934 and her maiden name was Finnegan. The graves were there prior to her death. Phil's father talked about the graves being there. Mariah talked about the area where the graves are and that descendants had come back to the area to see the graves. Mariah would like to establish the grave area as a legal cemetery and use it for her family. Her father is in poor health and would like to be buried in the area. The Commissioners discussed current cemeteries in Nounan. There is currently no cemetery district in Nounan. There are two other family cemeteries. They talked about County Ordinance 97-03. The wording in the Ordinance needs to be updated. Prosecutor McKenzie will work on updating Ordinance 97-03. There was discussion about State Statues on Cemeteries. Title 27 Chapter 2 covers cemeteries. Attorney McKenzie advised that Lancaster set up a non-profit corporation in accordance with Title 27, Chapter 2. Ordinance 97-03 will be put on the agenda for the April meeting. They advised Lancaster that if she set up as a legal cemetery under Title 27, Chapter 2, she would meet the requirements of County Ordinance 97-03.

**MOTION: Commissioner Jensen made a motion to look at amending Ordinance 97-03. The motion was seconded by Commissioner Payne. The motion carried.**

## **Hay Bid**

Commissioner Rasmussen read the bid noticed. Commissioner Rasmussen then opened an envelope containing a bid from Clay Lloyd for \$20,365 each year for 5 years.

**MOTION: Commissioner Jensen made a motion to accept the bid from Clay Lloyd for \$20,365 each year for 5 years after it has been reviewed by Prosecutor McKenzie. The motion was seconded by Commissioner Payne. The motion carries.**

### **County Superintendent Report**

Scott Esquibel, County Superintendent, presented his monthly report. He has done some planning on what roads to work on next year. He is planning on 10 miles of chip sealing, depending on the price of oil. This does not include work done for the cities, who pay for their own oil. He received an e-mail from US Fish and Wildlife, they have reviewed the Dingle East Shore Road. They have no requirements and the project can move forward. He had no updates on the Camp Stewart Bridge and has not heard from PacifiCorp since they ordered the signs.

### **Landfill**

Commissioner Rasmussen asked Commissioner Jensen for an update on the landfill. Commissioner Jensen said it is going well. They are working on getting contractors for building the transfer station, anticipated to be constructed in 2023. It takes 5 years to go from engineering, design, and permitting, to a new landfill.

### **Shooting Range**

Commissioner Rasmussen mentioned the shooting club approached him concerning the shooting range. They are getting a lot of people coming to use the range and they need a restroom that is ADA compliant. He spoke about putting a portable restroom and a storage building at the shooting range. The commissioners discussed about using ARPA money or phosphate money to fund the restroom and storage.

### **Commissioner Jensen**

Commissioner Jensen reported on going to a radio meeting. Sheriff Heslington presented a proposal. Interoperability needs to be the goal. Sheriff Heslington was not present and this topic was moved to later in the meeting. Commissioner Jensen spoke about short term rentals and he has been getting asked a lot about them. Bill 442 covers Short Term Rentals and lodging tax. They discussed Sheriff Heslington was working on short term rentals with the prior prosecutor.

### **Public Comments**

Treasurer Tricia Poulsen spoke on HB 741, Sales Tax Bill, was voted down.

### **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)**

**(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.**

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

**(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 – 'I', Commissioner Payne – 'I', Commissioner Rasmussen – 'I', voting was unanimous in the affirmative.**

The board entered Executive Session at 11:56 a.m. and board was out of executive and back to their regular meeting at 12:58 p.m.

Business for the regular meeting resumed at 12:58 p.m.

Executive Session involved: employee discussion, then real property and legal process for acquiring land.

**MOTION: Commissioner Rasmussen made a motion to appoint and authorize Commissioner Jensen to do a review study on a piece of private land and to report back to the Commissioners for its review. The motion was seconded by Commissioner Payne. The motion carried.**

**MOTION: Commissioner Payne made a motion to let Department Head/Clerk determine a salary adjustment within the previously budgeted amount.**

#### **Janet & Brad Solum – Property Taxes**

Solum's are requesting 2018 taxes interest and penalties be waived. They have had extreme medical issues and have not had any income. Their parcel is 0975.00. For the previous years they had been unaware and didn't have the homeowners' exemption. If the fees and penalties are waived, they could pay the \$1932.00 today.

**MOTION: Commissioner Jensen made a motion to cancel the interest and penalties fees if the Solum's paid the remained of the 2018 taxes today. The motion was seconded by Commissioner Payne. The motion carried.**

#### **David Schreiber – Property Taxes**

David Schreiber could not be present as he is home bound. His girlfriend Bobbie Moore spoke on David's behalf. She said that David is home bound and unable to leave the residence and work. She asked that the penalties and interest for Elk County Sports Shop property parcel 0152.00 be waived. If the interest and penalties are waived, they can make payments of \$80 per month until the balance is paid off.

**MOTION: Commissioner Jensen made a motion to waive the interest and penalties for the Elk County Sports Shop property parcel 0152.00 if David Schreiber pays \$80.00 per month until the back taxes are paid off. If the payments are not made the penalty and interest is added back on. The motion was seconded by Commissioner Payne. The motion carried.**

#### **Gerald Martin – Property Taxes**

Gerald Martin could not be present for the meeting as he has health issues and his father passed away over the weekend. He asked that Treasurer Tricia Poulson speak on his behalf. On Gerald's 2018

property taxes he owes \$273.87 plus penalties and interest. Gerald is asking that the penalties and interest be waived on his parcel 0392.00. He said he can pay \$50.00 per month until the remaining balance is paid. Gerald did not give Tricia a Hardship Application to give to the Commissioners.

MOTION: Commissioner Jensen made a motion to waive penalties and interest on Gerald Martin property if they pay the agreed upon \$50 per month. If the \$50 per month is not paid, penalty and interest will be added back on. The motion was seconded by Commissioner Payne. The motion carried.

### **Gary Teuscher, CPA was not in attendance**

There was some discussion about having Teuscher do some additional auditing work for county departments accounts.

### **ARPA Requests**

#### **Fair Board**

Commissioner Payne reviewed a request by the Fair Board to improve accessibility to the fairground and other items at the fairgrounds that need to be addressed. Commissioner Payne said the roof on the beef barn was put on in 1969 and needs to be redone. A map was given out that showed areas that need improvement for accessibility. The Fair Board had made a list of items that needed to be addressed, these items were on the map. The Commissioners discussed allocating a set dollar amount to the Fair Board and they can make the decision on where to use the money.

A discussion about the Allred Center Building floor and roof. It was discussed allocating \$50,000 to these repairs.

Discussed allocating \$150,000 for the Fair Board. Allocating \$50,000 to the Allred Center roof and floor. Clerk Amy Bishop will bring a spreadsheet all ARPA requests and allocations so far to the April meeting.

Discussed allocating \$30,000 to Road and Bridge for dust repellent, \$14,155 to a security system at the Court House, \$10,000 to the Shooting Range, Pictometry \$47,500 subscription and \$5,000 for comparison and a two year fly over \$90,000.

Clerk Amy Bishop will make a budget with plans for the ARPA funds to be reviewed at the April meeting.

Commissioner Jensen spoke about the communications meeting and Sheriff Heslington's proposal. They discussed using ARPA funds for that project.

### **Sam Coontz – Bear Lake Marathon Trifecta Permit Application**

Sam Coontz joined the meeting via Zoom. She informed the Commissioners about the Bear Lake Marathon Trifecta that is scheduled for Thursday June 9, 2022 on the East Side of Bear Lake. This run will go from Epic Rentals to St. Charles and back to Epic Rentals. Another section of the race will be on June 11, 2022. It will be in Garden City. They have submitted a Special Event Permit application for the race.

**MOTION: Commissioner Payne made a motion to approve the permit for the Bear Lake Marathon Trifecta Application as long as they meet the requirements of the permit. This motion was seconded by Commissioner Jensen. The motion carried.**

**Tyler Stuart – Jones and Demille – Raise Grant**

Tyler Stuart spoke about the Raise Grant and that the grant is due on April 14, 2022 for the East Shore Road. This is year there is \$1.5 billion in allocations and 50% to go to rural communities. The cost will be \$3,000. Commissioner Jensen asked that Tyler work with Simpson’s Office and that new letters of support be collected this year. Commissioner Jensen also asked that the application be done sooner.

**MOTION: Commissioner Jensen made a motion to approve \$3,000 for Jones and Demille to apply for the RAISE grant. The motion was seconded by Commissioner Payne. The motion carried.**

**Ed Lyon – Update on Veteran’s Monument**

Ed Lyon gave an update on the Veteran’s Monument progress. The Natural Rock designs has the stone ready to go. Ed had a copy of what the monument will look like. The shape of the stone resembles the County boundaries. A group of veterans has reviewed the monument and they like it. The stone will be ready in 1-2 weeks, then sealant will be added. Ed is working with Colonial Flag; they are waiting on the supply chain. Hopefully the flag pole will be ready for pick up in a month. Ed is still trying to have the monument will be ready for Memorial Day. Commissioners are going to do the American Flag that will be on display. The armed forces flag poles will be 15 feet. Commissioners are looking at a 30 foot flag pole for the American flag. Ed will schedule another committee meeting. Commissioners asked that \$5,000 for a flag and flag pole and sprinkler system be added to the ARPA funds list.

**Radios/Communication**

Commissioners resumed the discussion on radios. Sheriff Heslington’s proposal was looking into UHF system as a main system. The 700 system will be maintained, just not the primary use radio. Teton Systems presented a quote for \$350,000. Commissioners will review the requirements for getting bids.

Commissioners asked that \$20,000 be added to the ARPA funds budget for both the Senior Center and the Oregon Trail Center.

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

Meeting adjourned at 2:32 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

\_\_\_\_\_  
**Date Approved**

**ATTEST:** \_\_\_\_\_  
**Amy Bishop, Clerk**