

BEAR LAKE COUNTY COMMISSIONERS' MEETING

MAY 10, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, May 10, 2021 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 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, Assessor Heber Dunford, County Superintendent Scott Esquibel and Kathi Izatt, reporter for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the agenda as posted for May 10, 2021, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Sheriff Bart Heslington attended the Sheriff's Association Conference with a similar topic of newly mandated driver's license system but no input from those running those systems. Seems to be consistent for all the county departments and the new programs, they are time consuming causing huge delays, the system not always working, extra phone calls and frustrated public. Sheriff Department has been working on some major court cases, extra investigation, picked up a suspect in a case with an outstanding warrant. Idaho Parks and Recreation changed their system, so it is different for boats, off highway vehicles and still having an issue to find vendors, the system is complicated and they do not want to deal with it. Their system does not talk with the Sheriff's system and creates delays for everyone. It is already a challenge to get people to register, but the money they get for the program is generated from those sources. The same issue exists with the Fish and Game licensing, the vendor does not get enough to warrant the time it takes to process. Some Sheriff's offices are contemplating becoming a vendor.

Assessor Heber Dunford presented the Commission his monthly figures for his department, has a staffing shortage with loss of an employee. Working on the ratio study and assessment notices, also working on values to be up to speed by the end of May. The Board of Equalization may be more active this year as values go up, appreciate help from the tax commission. Commissioner Payne inquired about one (1) of the letters from the tax commission on dry grazing land and it shows not significant in county, no determination yet. Concerned about putting Bear Lake County in comparison with other counties that would hurt if not prorated correctly. Dunford will get with the tax commission and go over the evaluation. There is a lot of grazing land being purchased going into investment ground. Commissioner Payne will also follow up.

GENERAL BUSINESS/ACTION ITEMS

COURTHOUSE COMMITTEE

Treasurer Tricia Poulsen reported she has put together a committee for the courthouse property south of the courthouse and would like to set a date to meet. Those accepting are Shannon Bunderson, Paris City Mayor Brad Wilks, Paris Councilwoman Dana Jacobsen, Veteran Officer Ed Lyon, Sheriff Bart Heslington, Commissioner Rex Payne, Clerk Cindy Garner or Chief Deputy Clerk Amy Bishop, depending on availability and herself. Commissioners appreciated the Treasurer's efforts getting this committee together and it is a good time to do fund raisers to help with the project. Meeting will be Monday, May 17, 2021 at 10:00 a.m.

Treasurer Poulsen reported taxes are ahead of collection in her office with taxpayers paying early.

S.E. IDAHO QUAD COUNTY BOARD of GUARDIANS COMMITTEE

Commissioner Payne reminded the Commission of the formation of this four (4) county board of guardians committee between Caribou, Oneida, Franklin and Bear Lake counties. It will be titled Southeast Idaho Quad County Board of Guardians and are anxious for the success and help this committee will be. They are looking for a financial member to assist. Treasurer Poulsen checked with other counties and those treasurers are on the board and she would be willing to take the training.

RATIFY CLAIMS

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

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve the minutes for April 12th and 28th, 2021, seconded by Commissioner Jensen, motion carried.

APPROVE SELL of SURPLUS ITEMS

Sheriff Heslington informed the Commission of a list of Search and Rescue equipment and would like to do an online auction. The items to be auctioned off are as follows: 1979 Ford Camper Special Ambulance, 1988 Bayliner Capri Boat on trailer, 2000 Polaris 600 RMK Snowmachine, 2000 Polaris 500 RMK Snowmachine, two (2) 1999 Polaris 300 air cooled 4-wheelers, 2006 Ford F-250 Powerstroke Pickup. It was suggested to check with the County Road and Bridge and Weed departments to see if they could use any of the items.

MOTION: Commissioner Payne made a motion to approve the sale of surplus items (listed above), seconded by Commissioner Jensen, motion carried.

SET DATE to CANVASS MAY 18, 2021 ELECTION

MOTION: Commissioner Payne made a motion to set Thursday, May 20, 2021 at 4:00 p.m. to canvass the May 18th Library Trustee and Bear River Mosquito Abatement Annexation Elections, seconded by Commissioner Jensen, motion carried.

APPROVE 504/ADA TRANSITION PLAN

Chief Deputy Amy Bishop reminded the Commission the 504/ADA Transition Plan was a final part of the compliance for the SICO grant. They are suggestions to be worked on, not a regulatory request, most are at the Fairgrounds and Allred Center and are being worked on. Commissioner Payne

is working with them on these items. Commissioner Rasmussen will work with the Allinger Park items. The new courthouse building faired well, just needed a sign out front to direct ADA parking.

MOTION: Commissioner Jensen made a motion to approve the 504/ADA Transition Plan for the SICOG grant, seconded, Commissioner Payne, motion carried.

POST ASSESSOR POSITION

MOTION: Commissioner Payne made a motion to have the Assessor move forward in posting the position to help with mapping and various other duties, after review from Prosecutor Hayes, seconded by Commissioner Jensen, motion carried.

SECRETARY for FOREST INCENTIVE

Commissioner Payne reported that out of the 4-County meeting, there are only two (2) counties, Caribou and Bear Lake that have sawmills and are directly involved with this Forest Incentive. It was suggested to use someone for secretary from the Extension Office to take minutes for four (4) meetings a year. Commissioner Jensen will check with Commissioner Somsen and see if maybe Caribou County could help with a secretary. Barbara Petty, with the University of Idaho, indicated to Commissioner Payne they will now advertise for an extension agent.

2022 PDC (Public Defense Commission) FINANCIAL ASSISTANCE GRANT APPROVAL

Clerk Garner informed the Commission of the 2022 Public Defense Financial Assistance Grant was finished as they requested, showed the written notes as the computer generated would not print out. The new program is all done on the computer prior to being submitted.

MOTION: Commissioner Payne made a motion to accept and sign the 2022 Public Defense Financial Assistance Grant, after review from Commissioner Rasmussen and Prosecutor Hayes, seconded by Commissioner Jensen, motion carried.

LETTER OPPOSING IDAHO FISH and GAME PROPOSAL to GILL NET and REMOVE LAKE TROUT from BEAR LAKE

Commissioner Rasmussen brought up the proposed gill netting from Bear Lake to Stanley Lake, is opposed as only heard about it from the Utah side, no notice to Idaho. Would like to send out a letter opposing until additional review and more study is done prior to this project from Idaho Fish and Game and Utah Division of Wildlife Resources. They speak of taking four hundred, but how many other species do you lose in the process. Commissioner Rasmussen has spoken with Senator Harris and Representative Gibbs and will have them work on it also.

MOTION: Commissioner Payne made a motion to have Commissioner Rasmussen compose a letter to Idaho Fish and Game concerning their proposal of removing lake trout from Bear Lake, seconded by Commissioner Jensen, motion carried.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT/CITY of ST. CHARLES – BUILDING INSPECTOR – ACTION ITEM

Building Inspector, Wayne Davidson, gave his monthly report with the increasing permits with lots of building going on, hard to get supplies or workers. City of St. Charles had a hearing and is meeting to decide to have Davidson do their building inspections. He does have the same memorandum ready as

City of Paris, with the name changed, if they are ready. Davidson and Maintenance employee Tyler Boehme are working on locating the waterline for the hydrant, need use of a machine to dig further. Road and Bridge will bring over backhoe to finish.

MOTION: Commissioner Jensen made a motion to approve Building Inspector, Wayne Davidson, to contract with the City of St. Charles in doing their inspections if they decide to accept, seconded by Commissioner , motion carried.

JARED EBORN – BEAR LAKE CLASSIC BICYCLE RACE – SPECIAL USE PERMIT – ACTION ITEM

Jared Eborn, representing the 2021 Bear Lake Classic Bicycle Race, informed the Commission the race would take place on Saturday, May 22nd, 2021, following guidelines and traffic rules and there are no stop signs on the Idaho side. They will have vehicles trailing with signs to warn motorists, some traffic control people, flags and they do not allow spectators for this race. They have USA type officials that would disqualify people if anyone disobeys the rules. They will start at Garden City, Utah, go around the lake and back to Garden City, some may go twice. It is the replica of the Tour d' France and have been doing it for about twenty years. Sheriff Heslington indicated they would focus their presence on the biggest impact area on the stretch from Fish Haven to St. Charles.

MOTION: Commissioner Payne, made a motion to approve the special use permit for the 2021 Bear Lake Classic Bicycle Race on Saturday, May 22, 2021, seconded by Commissioner Jensen, motion carried.

Back to committee assignments, Commissioner Payne reported from the 4-County meeting various matters brought up, waste tires and trying to collect for them, county vehicles going home and would have to fill out tax forms unless on call 24/7. Public defense grant uses, first appearances, training, travel, offices and equipment. Funding from Covid money, most are nervous as not clear guidelines yet, some use on broadband and jails. Commissioner Swainston was going to get with Representative Gibbs to try to set up a meeting and discuss what the money can be used for. CWMA funding was cut back for Caribou and Oneida for some violations, which is the weed program. Representative Gibbs and Senator Harris are trying to get some of that money back. Franklin County is taking over managing the boat inspection station because of a lawsuit with Soil Conservation district. The next 4-County meeting is July 14, 2021 at 10:00 a.m. at the Oneida Recreation Center. Received calls regarding a flag west of Montpelier with offensive language, the Prosecutor and Sheriff are looking into it. Some tiles broke in the conference building in the Allred Center that need repair. Commissioner Payne inquired about how the inventory lists were going, Clerk Garner reported Deputy Clerk Mindy Williamson had been in contact with the departments and is making great progress.

BOARD of EQUALIZATION

Pursuant to Idaho Code 63-501, the board may convene if there are any appeals. There were no appeals.

Commissioner Brad Jensen mentioned the regional landfill is moving forward, Bear Lake is scheduled for a transfer station next spring. Each county will have a transfer station. Regional Commission met, spoke about both Idaho and Utah Parks and Recreation getting ready for a big season. The purpose for the Regional Commission is to protect the environment around the lake as well as the lake.

TYLER BUTLER – S.E. IDAHO PUBLIC HEALTH- FISCAL YEAR 2022 BUDGET REQUEST – ACTION ITEM

Tyler Butler, CFO for Southeast Idaho Public Health joined the meeting by Zoom and presented the fiscal year 2022 budget for review. The budget hearing will be May 20, 2021 at 9:30 a.m. in the Pocatello office, or attend virtually. The chairman, or proxy, from each county will have a vote to cast and as Commissioner Rasmussen is on the board, that will be taken care of. New legislation, HB316, will remove indigency program and shift that aid provided by the counties to the public health districts, effective March 1, 2022. The budget packet is available upon request. Commissioner Rasmussen referred to page one (1) stating county aid shall not be less, the board decided to keep it flat and page eight (8) that the county will need to budget for that increase from April 1, 2022 through September 30, 2022. Bear Lake will be short approximately \$6,000. This may affect the hospitals also. Appreciate Tyler and all the work that has gone into this.

PUBLIC COMMENTS

Dave Cottle, Bear Lake Watch, informed the Commission of the Economic Value of Bear Lake Study, so far all of the funding has come from Utah, they are suggesting they pull out from Idaho unless they can get some funding. Commissioner Rasmussen reported there is about \$90,000 needed and would be interested to know how much each group is putting in, then the county could look at it. Cottle reported Mayor Leonhardt is proposing three (3) big projects from the infrastructure stimulus money and inquired about any projects Bear Lake is proposing. Bear Lake is looking at applying again to upgrade the road on the east side of the lake to meet the Utah side. As it is not an action item, cannot make a decision.

Bret Oxborrow would like to request a flashing speed limit sign up Stauffer Canyon. The regular reduced speed limit sign does help but would like one (1) going up the canyon. The flashing signs are about \$5,500.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT – MONTHLY REPORT/SPEED SIGNS – ACTION ITEM

County Superintendent, Scott Esquibel, presented his monthly report and inquired where the Commission would like the solar speed signs to be placed. Radar signs are at Bench Road and East Shore at this time, after a while, move the Bench Road sign to Fish Haven Canyon, maybe later to Stauffer Canyon. The Sheriff reviews the data to see traffic numbers and peak times, it is good information to have. PacifiCorp is looking at the Camp Stewart Bridge and may start doing work on it. They have started shoring up the road by Camp Lifton. Have several applications in for the open equipment operator position and will start interviewing. Attended the 5-County Transportation meeting, expecting some additional funding from Covid. Looking at pricing on dump trucks, need to replace those older trucks, possibly look at leasing. Have been getting a lot of encroachment permits and spoke with the Prosecutor about some new wording that would be more customizable for a particular piece of property and runs with the land. Homeowner, Loren Webster of Bailey Creek visited with him regarding a roadway, one (1) side is part of Bailey Creek, the other side is not. A new owner cannot get to his property, he plowed and made a road from his property onto the county right of way without any permits. County standards are 8% grade, this is about a 12% grade. Finally got the homeowners name and will meet with them. Will get the Prosecutor to write a letter regarding the encroachment on the county property.

MAVERIK STORE EASEMENT/RIGHT of WAY

Joe Tonumaiepa, Real Estate Manager for Maverik, Inc. appeared by Zoom to discuss working with the County on an easement behind the current store. They are looking at updating the store, adding more pumps and area for big trucks and RV's. They would like to utilize the dirt road behind the store would allow the larger trucks and vehicles to have easier access to 4th street. Maverik is willing to build, pave and maintain the 2,500 square feet of that easement. There may be a shared access to the City of Montpelier. They would approach ITD (Idaho Transportation Department) to follow all those guidelines if the County approves them to move forward. Commissioner Rasmussen will meet with the hospital and the City of Montpelier and get back to him if the other Commissioners agree, which they did.

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

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

(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 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 unanimous in the affirmative.

Board went into executive at 12:21 p.m., those invited to attend were Sheriff Heslington, Prosecutor Hayes and Clerk Garner.

Board out of executive, back to regular meeting at 12:57 p.m. There was discussion on possible pending litigation on Fossil Canyon Road based on phone calls. The other discussion was regarding medical liens.

MOTION: Commissioner Jensen made a motion to release Medical Lien #2009-07 and accept payoff balance of \$3,000.00 for Medical Lien #2014-01, seconded by Commissioner Payne, motion carried.

BRUCE OLENICK – DEQ (Department of Environmental Quality) – SEMI-ANNUAL UPDATE

Bruce Olenick, Pocatello Regional Administrator, with DEQ, met with the Commission to give a semi-annual update and announce they have a new engineering manager, Alan Johnson, been with them since November, from Caribou County. Nice asset with Johnson is he does understand rural development. They have been providing counties with a Ground Water 101 course, specifically for Planning and Zoning or whatever the needs are. Lot size density verses subdivision and what is reasonable for Bear Lake, as it is a unique situation. Commissioner Jensen would like Olenick to spearhead this training, they will set up a time, it is a matter of educating the developers as well. Olenick reported working with Jayson with IDAWY, the regional landfill transition is going well. State revolving fund makes them nervous, with the American Rescue Act and how that money will be administered. Do not want those in line to get pushed back at the end of the line. DEQ will keep

pushing for it to go out to those that need it. Olenick was pushing one (1) issue, those that have a lot of problems or risks but what about the towns that do well and manage, they should have a part of the pot of money. Commissioners appreciate Olenick's help on the Regional Landfill Board and all the help with the permits for the new courthouse. Commissioner Jensen inquired how long the 101 training would be, Olenick indicated it would be tailored to what our county's specific need and concerns were.

JARED MARCHAND – 6TH JUDICIAL DISTRICT CASA PROGRAM – ANNUAL BUDGET REQUEST – ACTION ITEM

Jared Marchand, Executive Director, with the 6th Judicial District CASA Program and Tracie Erickson, 6th District CASA Advocate Coordinator represent and serve the children in the Bear Lake community. They are the voice of the children. They have about six (6) volunteers and are trying to get attorneys assigned to all of the children. They are up six (6) cases this year already. Marchand and Erickson came to meet with the Commission to reiterate the importance of the CASA program for Bear Lake County children in of protective services. The district would request the annual budget of \$2,000.00 to further this very beneficial program.

Clerk Garner had a few housekeeping items, one (1) being the application for a catering permit which the Prosecutor will work on.

Prosecutor Joe Hayes would like to update ordinances as they come up and will get them on the agenda to review so the Commissioners can move forward from there.

Commissioner Jensen reported there is an engineering company asking about a project on serious flooding areas. This company has some money available for a study. Commissioner Payne and Emergency Manager, Alan Eborn, had looked at possible flood areas with ditches that may be a potential problem. Commissioner Jensen will bring more information next meeting.

Commissioner Payne mentioned how very dry it is, some springs not even running and they are having to haul water already for livestock.

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

Meeting adjourned at 1:46 p.m

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____

CINDY GARNER, Clerk