

BEAR LAKE COUNTY COMMISSIONERS' MEETING

JUNE 14, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, June 14, 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 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, Sheriff Bart Heslington, Prosecutor Joe Hayes, Assessor Heber Dunford, County Superintendent Scott Esquibel and by Zoom, Kathi Izatt, reporter for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Jensen made a motion to approve the agenda as posted for June 14, 2021, seconded by Commissioner Payne, motion carried.

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen reviewed with the Commissioners the Statement of Cash, with about three (3) million invested, most are in the state pool and are liquid money. Since the assessment notices have gone out, taxes online have skyrocketed. Poulsen informed the Commissioners of a UVC Bacterial Disinfection unit they use in the schools and other large buildings. The Commissioners will look into it further and go from there.

Assessor Heber Dunford presented his report going over each division in the office, mentioning since sending out the assessment notices, he had sent out over forty-five appeal forms, not seeing any back yet for Board of Equalization. He has twelve applications for the advertised position, but is setting aside at this time because of B.O.E., not making any decisions. Commissioners inquired about the homeowners' exemption and the formulas used to assess the dry grazing. Dunford informed the Commission the exemption is \$125,000 or half, whichever is less and would check on the information requested from Commissioners on the dry grazing formula with Jase Cundick, Consulting Appraiser for the State.

Sheriff Heslington was called to an accident, but his report was left for the Commissioners review.

Commissioner Payne urged the Commission to consider implementing a Drought Disaster Declaration, which they will work on and include Emergency Manager, Alan Eborn with the process. Payne reported that fifty-two pigs weighed in at the Fair and everything is looking good to have a great Fair. LeGrand Johnson has Gary Sims working on the cement for the sidewalks that needed repair. LeGrand Johnson will cover all costs.

Commissioner Jensen reported the District Landfill is going well, had a meeting with Bear Lake West HOA mostly on garbage as the volume is about three (3) times what it is for a normal year, they now have about four (4) collections a week. The roads have extremely more activity related to Covid and

those that have stayed in their second home. Jayson Lower with IDAWY and TJ Thomas over our local area were in attendance at the meeting.

Commissioner Payne reported on Memorial weekend, the Sheriff called him regarding the airplane accident just about one hundred yards short of the airport. They did walk away without major injuries. Former chairman of the Airport Board, Danny McClendon informed him after 14 years and no accidents, now two (2) in a year. Three (3) young people rented a plane, were doing a touch and go and hit hard, broke the landing gear but all walked away. It is the pilot's responsibility to contact the FAA.

Commissioner Vaughn Rasmussen reported that there may be some changes on the bed fees after attending the Juvenile Detention Board meeting. He will propose a couple of other options for them to look at. The Gem Plan is doing good, no increase on insurance to the counties, about five (5) more looking at joining. The Health Board budget was approved, will be additional cost to counties based on HB 316, still some questions and the indigent medical claims should stop after January. Met with the Resource Advisory Committee and the Forest Service, there will be funding for every project except for one. It was suggested that Fish Haven Canyon Road could use work.

GENERAL BUSINESS/ACTION ITEMS

FISH HAVEN GENERAL STORE – CATERING PERMIT

Prosecutor Joe Hayes inquired of the Attorney General's office regarding the catering permit, it is the type of permit they hold and the permitted alcohol to serve, the county can determine and grant the catering permit. Commissioner Rasmussen would like to see the county get the ordinance up to date and would permit the same as the state license reflects. Paul Sousa was in attendance and inquired about whether this would be the last year. The Commission would hold a public hearing before any changes would be made.

MOTION: Commissioner Jensen made a motion to approve the Bear Lake County Special Catering Permit for the Fish Haven General Store, seconded by Commissioner Payne, motion carried.

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 May 10, 2021, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Payne made a motion to approve the minutes for May 20, 2021, seconded by Commissioner Rasmussen, motion carried. Commissioner Jensen abstained from voting as he was not in attendance of that meeting.

APPOINT BEAR LAKE COUNTY HISTORICAL SOCIETY BOARD MEMBERS

MOTION: Commissioner Payne made a motion to appoint David Higley, Michelle Higley, Chris Cochran and David Crane to be members of the Bear Lake County Historical Society Board, seconded by Commissioner Jensen, motion carried.

MEMORANDUM of AGREEMENT – IDAHO DEPARTMENT of JUVENILE CORRECTIONS – CBAS (Community Based Alternative Services) and SUDS (Substance Use Disorder Services) PROGRAMS

MOTION: Commissioner Jensen made a motion to sign the Memorandum of Agreement for the Idaho Department of Juvenile Corrections regarding the CBAS and SUDS Programs to assist the probation officer with his duties, seconded by Commissioner Payne, motion carried.

REQUEST HEARING DATE to VACATE ROAD – KIPP ADAMS PROPERTY

Commissioner Jensen had a request from Kipp Adams, which the clerk received by email, to vacate a platted road in the Liberty area. They will set up a public hearing for the August meeting, the clerk will send out notice.

SIGNAGE – PARKING LOT

Clerk Cindy Garner reported the need for the ADA signage for parking to the south of the courthouse to assist with compliance. Commissioner Payne will work with the clerk to complete the task. Commissioner Payne mentioned the ADA checklist at the Fair is being worked on and with further investigation, with the classification of 'park' model, the restrooms should be fine.

COUNTY BOARD ZOOM MEETINGS

Commissioners felt the benefit of doing Zoom meetings, as well as other board meetings, has worked out well for the general public. They can ask questions and it is convenient if you are just interested in one agenda item and not have to be in attendance in person, besides saving money. For a few more years it would be funded by Covid monies.

Sheriff Heslington was able to appear and report the busy time of year that the population explodes, lots of activity on the lake. They did get another deputy certified through the Marine Program, they have been working with the Forest Service, doing patrols with them utilizing the motorcycles and feel the joint pairing is a real benefit to the County. The increase of lots of recreational property with multiple use, dealing with disputes mainly regarding access, will be a continuing trend to work through. The Dive Team is certified, have made a commitment to be sure they are utilizing those skills and working with other dive teams. Commissioner Rasmussen is certified in several levels and would recommend adding the ice training for Bear Lake. Commissioner Rasmussen mentioned the Juvenile Detention Center bed status, Bannock County ownership is 66%, Bear Lake County is 6%, Caribou County is 7%, Franklin County is 10%, Oneida County is 4%, Power County is 7%, is how it is based. He is putting together a couple of proposals based upon bed usage and census information using current statistics, rather than the 1993 information when they started. Heslington updated the Commission on the Reserve Program, equipment is coming and getting some hired and will get their certification levels up in the slower season. Commissioner Jensen inquired about the weeds around the equipment building, Maintenance employee, Tyson Boehme informed him Weed Supervisor, Todd Transtrum had been contacted and it will be taken care of. Commissioner Rasmussen mentioned the State Park has raised the fees from \$5.00 to \$7.00, probably going up again soon.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector, presented his monthly report, working with the cities of Paris and St. Charles on their permits. The County has a lot of new residences, most everything in the subdivisions look okay. Paris City has him onboard doing inspections on the short-term rental properties.

BOBBI HEAP – RAYMOND TOWNSITE LAND

Jade and Bobbi Heap met with the Commissioners to regarding the discovery with the county the Raymond Townsite lots show different with the plat size compared to what is shown and the assessed acreage, therefore felt being overcharged. They presented a letter, which included Terry and Jana Saxton's request for the county to vacate the platted roadway referenced. Commissioner Rasmussen indicated some roads were 132 feet but would be efficient to go to 60 feet. Deputy Assessor, Dale Thornock, informed the Commission it is illegal to tax County property so if County roads, they are taken out or put in as category 19 which shows exempt. Thornock has changed those ten acre blocks and they will receive a new corrected notice. Commissioners will need to hold a public hearing to vacate which will be in August.

MARILYN CRANE – REZONE and SAGE HILL PRELIMINARYT PLAT / MITCH POULSEN – PLANNING and ZONING ADMINISTRATOR - RECOMMENDATIONS – ACTION ITEM

Marilyn Crane, along with Planning and Zoning Administrator, Mitch Poulsen, met with the Commissioners to request a rezone of her property from agricultural to rural community and split off one (1) acre to build a home. Poulsen indicated there was no one opposing at the hearing and the board recommended approval of the rezone.

MOTION: Commissioner Jensen made a motion to approve the rezone for Marilyn Crane's property from agricultural to rural community, seconded by Commissioner Payne, motion carried.

Planning and Zoning Administrator, Mitch Poulsen, presented the Sage Hill Preliminary plat, submitted by Chris Kline, 17 acres, proposing 13 lots, have access to the existing water and sewer systems, the roads will be one-way, small lots, the developer will put in offsite parking, they are working with the new solid waste district for garbage removal. There were outstanding comments by the Engineer the Board wanted addressed, but the Board recommended approval. Commissioner Jensen inquired about the CCR's being able to restrict property owners on short term rentals, Poulsen indicated not according to Idaho Code #55-155.

MOTION: Commissioner Jensen made a motion to approve the preliminary plat for the Sage Hill Subdivision, seconded by Commissioner Payne, motion carried.

TRAVIS MCKINNON – RIGHT of WAY – BAILEY CREEK – ACTION ITEM

Travis McKinnon met with the Commission to discuss a right of way in Bailey Creek for access to his property. McKinnon received verbal notice from one of the deputies as he had cut a right of way to get access to his property without permission. County Superintendent, Scott Esquibel contacted McKinnon after a concerned citizen approached him. Loren Webster is a neighbor who used the bottom of the same right of way and is concerned about runoff encroaching on his property. If the county vacates the right of way, McKinnon and Webster would work out an easement agreement. The developer is responsible to bring a right of way up to the county standard. Commissioners informed McKinnon and Webster they would have to have a public hearing. Commissioners mentioned setting the public hearings for August 2, 2021, at 9:00 a.m., also work on the budget. Recommend McKinnon and Webster

put together their agreement and have it ready to sign at the meeting. It was agreed to be able to continue using the right of way to work on septic, etc. at this time, could get a permit from Road and Bridge work on the right of way.

PUBLIC COMMENTS

Stanford Magelby inquired about a right of way shortcut to Bear Lake West, a landowner has built a fence and closed it off. Lakeside Drive goes up to and was a trail and now it is gated. Commissioner feels it is not a county road, so would be a civil matter for the landowners.

BRET KUNZ – ICRMP

Bret Kunz, ICRMP agent, met for the yearly update, costs have gone up to \$150,438.00, they are requiring an appraisal be done also.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent, Scott Esquibel, met with the Commission to give his monthly update on Road and Bridge. There was an inquiry regarding moving a cattleguard up Bloomington Canyon, after review, it is best to leave where it is. Met with Mayor of Georgetown City on acquiring several of the radar speed limit signs. Esquibel handed out about forty-five encroachment permits already, never seen this before. Hired a new equipment operator.

MOTION: Commissioner Payne made a motion to set all three (3) public hearings for road vacation on August 2, 2021 at 9:00 a.m., seconded by Commissioner Jensen, motion carried.

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),

(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.

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 12:15 p.m., those invited to attend were Sheriff Heslington, Prosecutor Hayes and Clerk Garner.

Board out of executive, back to regular meeting at 1:06 p.m. The Sheriff discussed an employee matter.

LUNCH

BID OPENING – AIRPORT SNOW REMOVAL and EQUIPMENT BUILDING – ACTION ITEM

Jared Norton, Aviation Project Manager and Nathan Cuvala, were attending by Zoom for the bid opening. It was recommended they do an extension of the bid for two (2) weeks based on Keller Engineering’s recommendation.

MOTION: Commissioner Payne made a motion to extend the bid opening for two (2) weeks based upon Keller Engineering's recommendation, seconded by Commissioner Jensen, motion carried.

JASON MAUGHAN – ZONING and LAND USE ENFORCEMENT

Jason Maughn, resident of the Bailey Creek area, had some concerns about zoning and land use enforcement. Maughn had filed a complaint with Planning and Zoning Administrator, Mitch Poulsen, in 2020 regarding a gentleman's property, no structure and using it as a junk yard. Lots of camp trailers moving in on properties being sold, concern they are building campgrounds, not homes. Questions were asked about the HOA and Bailey Creek Community, is a building permit required and the language in the ordinance about campgrounds and RV's. The Building Inspector will take a look and the County attorney will follow up as well.

ZAN MURRAY – JUB ENGINEERS – PRESENTATION of FLOOD CONTROL FUNDING

Zan Murray and Quinn Dance with JUB Engineering presented some options of funding on flood control projects in the County. Commissioner Payne has been working with the Soil Conservation District and helping the airport with the drainage as they have all filled up, working on getting a grant to clean that up. Murray mentioned there can be sponsors and co-sponsors to help with the funding and is the best money you can find, 100% funded. North Shore of Bear Lake, Idaho State Parks and Recreation is looking to expand, can get additional funds to help the supplement funding what the State may have. Commissioner Payne informed them maybe the irrigation companies would be good to work with.

TYLER STUART – JONES & DeMILLE ENGINEERING – 'RAISE' GRANT for EAST SHORE ROAD – ACTION ITEM

Tyler Stuart with Jones & DeMille Engineering, met with the Commission to inquire if they would like to try again for a Raise Grant, formally named Build Grant, for East Shore Road, going from the Utah line to East Shore, having good support from the legislators.

MOTION: Commissioner Payne made a motion to have Jones & DeMille Engineering go ahead with the grant assistance for \$3,000.00, also have the Chairman sign the new GSA (General Service Agreement) and the last year's approved GSA, seconded by Commissioner Jensen, motion carried.

AMY BISHOP, CHIEF DEPUTY CLERK – 1ST DRAFT -BUDGET/WORK MEETING DATE – JUNE 22, 2021, 9:00 A.M.

Chief Deputy Clerk, Amy Bishop, began by mentioning the previous agenda item for the bid opening on the Airport's Snow Removal and Equipment Building be opened on the June 22, 2021 meeting already scheduled and also the airport could continue the grant from the last year.

MOTION: Commissioner Payne made a motion to have a special meeting on June 22, 2021 at 9:00 a.m., for a budget work meeting, the bid opening for the Airport Snow Removal and Equipment Building, the continuation of the Airport grant from last year, county vehicle at Wilks Welding and Repair, with possible additional items if need be, seconded by Commissioner Jensen, motion carried.

Bishop continued with giving the Commission the first draft of the budget, encouraging they have their meeting first to go over it as there are a lot of areas to discuss, Covid money, new changes with legislation and having to recalculate, lost revenue and more, then meet with the department heads.

SUSAN CRONQUIST – SICOG – WORLD ELDER ABUSE MONTH PROCLAMATION – ACTION ITEM

Susan Cronquist with SICOG (Southeast Idaho Council of Governments), met with the Commission, mentioning Idaho Commission on Aging would like to request support in a proclamation for World Elder Abuse Month. They work to encourage the right to choose, independent living and keeping own finances. Commissioner Payne read the proclamation in full.

MOTION: Commissioner Payne made the motion to support, sign and declare June 15th, 2021, as World Elder Abuse Month by Proclamation, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen informed the group of the weekly update on Covid with twenty-four new confirmed Covid cases, Bannock-13, Bear Lake-2, Caribou-4, Bingham-1, Franklin-3, Oneida-O and Power-1. Met with the Fish and Game Department, Senator Harris, Representative Gibbs and Representative Christensen to discuss the gill netting, needs more study on the lake, checking the status of the fish, may hold some meetings in the fall. Listening to the whole presentation and information, the biggest issue was the information with any data or facts did not get out to the Idaho side. It was a good meeting and appreciated them holding off a week so he was able to attend.

BOARD OF EQUALIZATION

There were no appeals at this time.

Commissioner Jensen brought up just as a matter of discussion the possible need for an ordinance on short term rentals, a permit, being eligible for another garbage fee, maybe have it as a part of an impact fee. The Sheriff and Prosecutor are working on the matter. Cannot restrict per Idaho Code #65-6539 but can enforce rules for safety and public health. Good agenda item for another meeting.

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

Meeting adjourned at 2:38 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____
CINDY GARNER, Clerk