

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, June 8, 2020 at 9:00 a.m., following the CDC's safe distancing guidelines and Governor's order, at the new Courthouse in Paris, Idaho. 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, Building Inspector Wayne Davidson, Assessor Heber Dunford and County Superintendent Scott Esquibel.

## **APPROVE AGENDA**

**Commissioner Jensen made a motion to approve the agenda as posted for June 8, 2020, seconded by Commissioner Payne, motion carried.**

## **ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS**

Treasurer Tricia Poulsen presented a tax cancellation from last month which needed to be re-signed as it did not previously balance with the clerk. There is one trailer that is a storage shed and needed to be assessed accordingly. Dave Horsley, owner of the Bear Cave in St. Charles, had contacted the Landfill about hauling his own garbage and therefore not wanting a dumpster. Commissioners felt like they needed to table the issue and review the ordinance prior to making a decision. Treasurer Poulsen mentioned the Waxie Company showing having tablets to use for sterilization for the courthouse, Commissioners agreed some should be ordered.

**MOTION: Commissioner Jensen made a motion to cancel the taxes on Parcel #60166.00 for \$82.78, as the junk trailer is used for storage, seconded by Commissioner Payne, motion carried.**

Sheriff Bart Heslington reports summer is extra busy, more are traveling here, demand is high, had meetings with the forest service, campground hosts, staff and supervisory team at Minnetonka Cave, State Parks and all having to limit numbers, then turn people away and discussed with them conflict resolution and management. Sheriff Heslington is going to address with Emergency Manager, Alan Eborn, the possibility for some room in the old sheriff building to have fitness equipment for the employees to be able to access. Commissioner Rasmussen encouraged Sheriff Heslington to thank his officers for all they do in our County.

Assessor Heber Dunford mentioned his employees, one will be retiring, there will be a shift within the department and need to have another for training with the mapper, another possibly working from home or a contract. The Commissioners informed Assessor Dunford they would need to approve a contract if presented.

Commissioner Jensen met with the Bear Lake Regional Committee using social distancing and attended the Regional Landfill meeting with hours of extensive information and should know in a couple of months where it stands.

Commissioner Payne mentioned the Senior Center generator's automatic start up did not happen, but found it had low gas pressure which was addressed. Airport Board President, Danny McClendon, stepped down as president as he had to be away so much, they elected Dave Kramer to be the new president. The Airport will start the runway project on July 7, 2020, they resolved the culvert issues with the stimulus money, the fences are need of repair, the main problem is drainage and showed on a 1992 areal map. The County has shares in two major irrigation companies, the Black Otter and West

Fork which meet at one primary area and the drain ditches are getting plugged up and needs to be cleaned. Need to look at who should handle maintenance, whether the current airport board works on the drainage matters, which will be specific as the all of the land has winter livestock, the winter water spreads out and will flood the area. Need to have Airport Board will look at, evaluate ideas and work together as it goes through county lands. Commissioner Payne confirmed the open house for the new courthouse will be on Monday, July 13, 2020 at 2:00 p.m. after Commissioner's meeting.

## **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 May 5<sup>th</sup> and 11<sup>th</sup>, 2020, seconded by Commissioner Payne, motion carried.**

### **PROBATION OFFICE RENTAL AGREEMENT**

**MOTION: Commissioner Payne made a motion to accept the rental agreement for the Probation office, at 1011 Washington St., for a six (6) month agreement at \$175 per month, with Judy Lyon, seconded by Commissioner Jensen, motion carried.**

### **CANVASS PRIMARY ELECTION**

Clerk Garner presented the abstract of the Primary Election and with it being all Absentee Ballots, it was a different election, but had a high turnout and worked hard with help from the Treasurer's office and Court Clerks to get the count done timely on June 2<sup>nd</sup>. Election day was May 19<sup>th</sup>, but they did extend the deadline for the ballots to be in till the June 2<sup>nd</sup> date by 8:00 p.m. that evening. Bear Lake County had almost 43 percent of the registered voters cast their ballots, which is high for a non-Presidential Primary. The Bear Lake County voters value being able to exercise that right.

**MOTION: Commissioner Jensen made a motion to accept the canvass results for the May 19, 2020 Primary Election, with results on June 2, 2020, seconded by Commissioner Payne, motion carried.**

### **EXCESS PROPERTY**

Chief Deputy Clerk, Amy Bishop mentioned a company that could handle the auction for the excess property from the old county offices that will not be used any more. Sheriff Heslington mentioned they occasionally have lost property items that are not collected, and it would appeal to their office. Prosecutor McKenzie stated it would need to be advertised if individual items were more than \$250 and possibly do quarterly and keep printing costs down. Commissioner Rasmussen suggested to wait till January after there has been time to know all that is not needed after being in the new building.

### **PLANNING & ZONING APPOINTMENTS**

Commissioner Jensen mentioned Steve Hardy's term was up and they appreciated his years of service and the Planning and Zoning Commission recommended Patrick Reese to fill that position.

**MOTION: Commissioner Jensen made a motion to appoint Patrick Reese to the Planning and Zoning Board, as Steve Hardy's term was up, seconded by Commissioner Payne, motion carried.**

**FUELS REDUCTION GRANT CONTRACT**

Commissioner Payne mentioned this grant will be for the purpose to create fuel breaks for the protection of communities and to increase the probability of successful control of wildfire ignitions by conducting hazard fuel treatment and educating landowners in Bear Lake County.

**MOTION: Commissioner Payne made a motion to approve the Fuels Reduction Grant for \$240,000, for the Williamson Canyon Project, seconded by Commissioner Jensen, motion carried.**

**MITCH POULSEN – PLANNING AND ZONING ADMINISTRATOR – RECOMMENDATION TARBET SUBDIVISION – ACTION ITEM**

Mitch Poulsen, Planning and Zoning Administrator, presented the recommendation from the Planning and Zoning Board for the combined preliminary and final plat for the Tarbet Subdivision to approve with a waiver on the fence. Matthew and Rachel Tarbet were present and confirmed there is a pivot and have agreed with the other landowner to work together on this, once lots are sold will work together.

**MOTION: Commissioner Jensen made a motion to approve the combined preliminary and final plat for the Tarbet Subdivision with a waiver on the fence, seconded by Commissioner Payne, motion carried.**

**BOARD OF EQUALIZATION – ACTION ITEM**

**MOTION: Commissioner Jensen made a motion to leave the regular meeting and go into a Board of Equalization, seconded by Commissioner Payne, motion carried.**

There were no appeals.

**MOTION: Commissioner Payne made a motion to leave the Board of Equalization and go back to the regular meeting, seconded by Commissioner Jensen, motion carried.**

**GLENN TRANSTRUM – RANGE IMPROVEMENT FUND PROJECT – ACTION ITEM**

Glenn Transtrum, representing the Bear Lake Cattlemen's Association, inquired about using some of the Range Improvement monies to help with repairing the pipeline up Fish Haven Canyon and mentioned Mike Duncan with the Forest Service estimated it would be \$24,800, of which the Forest Service would furnish materials at a cost of \$12,500. The Bear Lake Cattlemen's Association is petitioning Bear Lake County for any cash money to help with the project to install pipe, pipe troughs, and fencing. Their portion would be \$6,500 to the contractor and the balance will be made up by their labor and equipment.

**MOTION: Commissioner Jensen made a motion to use \$6,500 of the Range Improvement Fund to assist in the repair of the pipeline, troughs and fencing up Fish Haven Canyon, seconded by Commissioner Rasmussen, motion carried. Commissioner Payne abstained due to a conflict.**

**MEMORANDUM OF UNDERSTANDING – EXTENSION OFFICE – ACTION ITEM**

Prosecutor Adam McKenzie had reviewed the Memorandum of Understanding (MOU) and there were some language changes in paragraph #2 needing to be made prior to accepting the agreement, so it would be sent back to the Extension office. At this time, we do not have an extension agent and not sure when that will happen.

#### **JARED RICKS – INDIGENT PUBLIC DEFENSE – QUARTERLY MEETING UPDATE**

Jared Ricks, Indigent Public Defense Regional Coordinator, appeared by phone to update the Commission on the need to establish and maintain records, submit reports of inspection and inquired if the attorney was complying with the contract. The Litigation Fund is available if qualified.

#### **PUBLIC COMMENTS**

Jean Alleman from the Senior Center expressed appreciation any time a Commissioner could attend their meeting and asked the Commissioner as they looked at their budget, any increase for maintenance would help. Old, original equipment needs to be replaced, had to have someone come look at the hot water heater and the freezer was going out. They appreciate all Commissioners do, not just with donations. They plan to open the doors on June 17<sup>th</sup> if all goes well.

Public Defender, Joseph Hayes, mentioned hiring his secretary to come part-time for Public Defense and inquired about the budget and county employee status. Commissioners urged Hayes to review the contract with the funds given, it should be under the contract and not as a county employee. Prosecutor McKenzie will help work together to make a smooth transition for the prosecutor position. There will be conflict issues for several months. Commissioners would request we get the public defender contract out early as the contract ends September 30<sup>th</sup>. They will review the current contract at the July meeting and be ready to put out for bid in August.

#### **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Scott Esquibel, County Superintendent, requested starting his time off with the IDAWY Resolution, Commissioners agreed.

#### **RESOLUTION – IDAWY – ACTION ITEM**

Scott Esquibel, County Superintendent, mentioned the Regional Landfill is moving forward, looking like October 1, 2020, first year no fee to the district, they would assess a fee for the 2022 year, the billing would go out in August of 2021. They have been working with Bond Attorney, Stephanie Bonney, on all the particulars to achieve this project. Prosecutor McKenzie will work with Bonney on the wording. Commissioner Rasmussen read Resolution #2020-04

**MOTION: Commissioner Jensen made a motion to approve Resolution #2020-04, affirming its fiscal duties as a member of the IDAWY SOLID WASTE DISTRICT, subject to added language regarding the statutory budget code on Section 3, with Prosecutor McKenzie working with Attorney Stephanie Bonney, seconded by Commissioner Payne, motion carried.**

Esquibel presented his reports for work done by the Road and Bridge Department and the Landfill. The radar report proves how the equipment helps each area they are placed. Commissioners encouraged Esquibel to purchase two (2) more radar signs, possibly each year. Esquibel mentioned they helped get two (2) light poles set at the Fairgrounds and would widen the road. Commissioner Rasmussen

mentioned the hospital remodel would require landfill usage and request to wave the fee as it is County. Esquibel had been contacted and will let the employees know.

#### **EXECUTIVE SESSION – IDAHO CODE #74-206 (1) (a) (d) (f)**

**MOTION: Commissioner Jensen 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’,**

**(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 Payne.**

**Roll Call Vote: Commissioner Jensen – ‘Yes’, Commissioner Payne – ‘Yes’, Commissioner Rasmussen – ‘Yes’, voting was unanimous in the affirmative.**

Executive began at 12:16 p.m. and those invited to attend were, Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford, Prosecutor Adam McKenzie and Clerk Cindy Garner.

Board out of executive at 1:18 p.m. Items discussed were a personnel issue and qualifications of an individual to consider hiring.

**MOTION: Commissioner Jensen made a motion, based upon the recommendation of the interviewing committee, to hire a part-time custodian/maintenance person for the new courthouse, seconded by Commissioner Payne, motion carried.**

#### **COVID GUIDANCE**

Commissioner Rasmussen updated guidance with the COVID concerns, specifically with any large groups or celebrations, go with the Governor’s recommendation first, then need to get approval from the Southeast Idaho Public Health District. The Bear Lake County Rodeo group had presented a good plan which had been approved by the health district. Commissioner Rasmussen urged everyone to be diligent in the basics of social distancing, washing hands, sanitizing whenever possible, be prepared with a mask and advising if you feel uncomfortable in certain places, or facilities, do not go there.

#### **FY2021 BUDGET WORK MEETING – ELECTED OFFICIALS**

Commissioner Rasmussen began the workshop mentioning budget concerns as not sure what the state is going to do with the property taxes, especially in the following year. Each elected official went over their individual departments and different needs, only a few changes. Discussion on the property tax relief option, the County officials are concerned about how the decision could affect the County budget. On June 22, 2020, at 9:00 a.m. they are scheduled for a public hearing regarding the Road Standards,

also B.O.E. (Board of Equalization), and would like to follow up with the other department heads to go over their prospective budgets, then have the budget review on June 29, 2020 at 9:00 a.m.

**AIRPORT CONSTRUCTION CONTRACT – ACTION ITEM**

**MOTION: Commissioner Jensen made a motion to approve for signature the Bear Lake County Airport Construction Contract, based upon review by Prosecutor McKenzie, seconded by Commissioner Payne, motion carried.**

**RESOLUTION – COUNTY EQUIPMENT – ACTION ITEM**

Commissioners will wait until the July meeting, so they have time to review the resolution prior to making a decision.

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

Wayne Davidson, Building Inspector, had time restraints and as it was a full schedule, he will report next month. Clerk Garner expressed appreciation for all the extra work that Davidson has been doing on the courthouse besides his regular duties and also how all the employees pitched in to help in the tremendous moving project and it is still ongoing.

Commissioner Jensen mentioned IDAWY, will need to pay Tee Steadman \$600 to get the fence up.

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

Meeting adjourned at 3:26 p.m.

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VAUGHN N. RASMUSSEN, Chairman

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Date

ATTEST: \_\_\_\_\_

CINDY GARNER, Clerk