

The Board of Bear Lake County Commissioners met in a regular session on Monday, August 7, 2017 at 9:00 a.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Cindy Garner, Clerk of the Board.

Also attending were County Superintendent Scott Esquibel, The News-Examiner Reporter Daniel Bishop, Building Inspector Wayne Davidson and citizen, Charles Horikami.

#### APPROVE AGENDA

Commissioner Jensen made a motion to accept the agenda as posted, seconded by Commissioner Payne, motion carried.

#### APPROVE MINUTES

Commissioner Payne made a motion to approve the minutes from the July 10 and July 27, 2017 meetings, seconded by Commissioner Jensen, motion carried.

#### ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Commissioner Jensen stated he had an item for executive and Scott will give a more thorough report on the roads later. Commissioner Payne said things were looking good for the upcoming fair and should have cement by the grandstands this week, also working on the street light. He also mentioned the fiber optic issue and they need some more information the Sheriff will be providing. Commissioner Payne also mentioned he had spoken with the Forest Service regarding any extra grant money for the Paris Canyon Grant project, they had not acquired any at this time.

Treasurer Trisha Poulsen was not present as she was hosting the Treasurers' conference, but had asked Clerk Cindy Garner to present a garbage cancellation. The Assessor had revalued the mobile home to a shed but had failed to change the category so the garbage fee was added again. Commissioner Payne made a motion to cancel the garbage fee on Receipt #60110, seconded by Commissioner Jensen, motion carried. Discussion on how to best handle when the garbage fee was attached to construction of a new home and it was decided a page should be added to the building permit with specific explanation. The garbage can is distributed when occupancy takes place. Clerk Garner presented the Treasurer/Auditor Joint Quarterly Report. Commissioner Payne made a motion to approve the Treasurer/Auditor Joint Quarterly Report for the 3rd quarter, seconded by Commissioner Jensen, motion carried. The date for the bid opening for the airport will be on August 16, 2017 at 10:00 a.m. in the Clerk's office as they have a timeframe which needs to be met in order to proceed with construction for the instrumental landing which they have been working on.

#### BUILDING INSPECTOR REPORT

Wayne Davidson, Building Inspector, presented his monthly report and mentioned there were more new buildings and he was working on code issues. Davidson also stated he was gathering information for Attorney Steve Fuller, who is working on the judicial confirmation for the county.

Commissioner Rasmussen stated he attended the Historical Society meeting and discussed how it is set up by ordinance. They do have new presidency in their commission. They do recommend names to the County Commissioners of those who they would like to work there, then the Commissioners would approve, then get back with them and they do the hiring. He stated the Gem Board meeting was cancelled but they predicted the insurance costs will not go up more than 5%, which sounds pretty good considering the State of Idaho average rate is 26%. Gem Plan looks really good.

#### SOUTHEAST IDAHO PUBLIC HEALTH DEPARTMENT

Leslie Talbot and Tiffany Preston presented their 4<sup>th</sup> quarter report and noted the sprinkling system and the grass are in at their new location, need work on the parking lot. Commissioner Rasmussen stated he had talked with the owner and as soon as they feel the dirt is settled enough they will put down asphalt.

#### APPROVE CLAIMS

Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Rasmussen, motion carried. Commissioner Jensen abstained.

#### GARY MCKEE & MICHAEL FAELIN – MOUNTAIN WAY COUNTY ROAD EXIT

Gary McKee and Michael Faelin came to discuss a portion of road right of way on Mountain Way, which it was stated that it would not be maintained till it was brought up to county road standard, but it seems as though a section of it did not get deeded to the county. Mr. Faelin, a new owner, would like to have this issue resolved and also bring it up to standard. Commissioner Rasmussen, County Superintendent Scott Esquibel will go look at the road and also there will be research done on the minutes from that timeframe before moving forward.

#### MAX BUNDERSON – RANGE IMPROVEMENTS

Max Bunderson and Philip Ward came with several suggestions on ways to use the Range Improvement fund. They were instructed to make a written request and present it to the August 21, 2017 meeting.

#### EQUIPMENT BID OPENING

Commissioners opened the only bid that was presented for the Equipment Building that was advertised. The bid from Bear Lake Construction Company was \$212,559.75. The Commissioners asked Wayne Davidson, Building Inspector to review each line item of the bid and bring it to the August 21, 2017 meeting and give his recommendation and they will make a decision at that time.

#### ROAD MAINTENANCE AGREEMENT WITH THE FOREST SERVICE

Dennis Duehren, Forest Service, came regarding the Cooperative Forest Road Agreement between Bear Lake County and The USDA, Forest Service, Caribou \_Targhee National Forests. It has a lifespan and the current one will expire at the end of September so it needs to be renewed. Commissioners will have the County Superintendent and the Prosecutor review it and put it on the September meeting agenda for the Commissioners approval. Dennis also mentioned the various fires in the area and fire restrictions

stage 1 from the 14<sup>th</sup> of August till sometime after August 21<sup>st</sup>, which means on the Forest Service and BLM, campfires will only be able to be in designated fee areas.

Commissioners mentioned the upcoming 4-County meeting on October 18, 2017 in Franklin County. The growing volunteer need is a subject that is not just our county, but all over the country. They also talked about the shooting range, which Fish & Game stated Bear Lake County is number one on the list for additional funding to have a public shooting range. Clerk Garner read a letter from the Idaho Supreme Court stating the solar eclipse was not a large enough event to warrant closing the courthouse or canceling court proceedings, however the courts and counties should use judgment.

#### SCOTT ESQUIBEL – COUNTY SUPERINTENDENT – LANDFILL/ROAD & BRIDGE

Scott Esquibel, County Superintendent presented his monthly reports. Road & Bridge had three projects that were approved for emergency funding including East Shore Road and Fish Haven Cemetery Road. He received a letter stating they should have been funded through FEMA so they are reviewing those projects. He also reported that the Stauffer/Nounan Bridge has been completed. Esquibel has also had some meetings with the homeowners' associations to coordinate road maintenance.

#### KERRY HONG-6<sup>TH</sup> DISTRICT TRIAL COURT ADMINISTRATOR-ADA CONSULT FOR COURTHOUSE

Kerry Hong, 6<sup>th</sup> District Trial Court Administrator, informed the Commissioners they had hired a consultant to review ADA compliance for courthouses across the state. They have been assigned by the Supreme Court to select a few locations and of any of the courthouses, Hong would pick Bear Lake County Courthouse to be highest priority to help. His purpose in coming was to ask the Commissioners if they would welcome the input of the consultant. Hong called Andrea Patterson, Supreme Court ADA Coordinator, and she discussed the help and assessment that could be given to help the county move closer to complying with the ADA requirements. They would use their expert consultant, Robert Adleson, who was a former Department of Justice Litigator, to assess various courthouses, with Bear Lake County being one if they Commissioners would like them to proceed. The Commissioners stated they would be happy to accept the help of the consultant so they will work through TCA Kerry Hong.

#### MIKE ROBINSON – VACATE COUNTY ROAD CONTINUED

Mike Robinson readdressed the Commissioners about a county road within his property that he would like the county to vacate. Since his first request in July, the length of the road has changed and is a smaller distance. Commissioner Jensen made a motion to vacate the road from the southeast corner of Jerry Humpherys' property where it meets William Robinson's property to the intersection of Dingle Cemetery Road, seconded by Commissioner Payne, motion carried. The Clerk will contact the surveyor to get the road description and then proceed as stated in Idaho Code, which will include a hearing with thirty days prior notice. Robinson also talked with them about putting a pivot out which would cross a county road. The Commissioners mentioned they would need to check with legal counsel prior to making a decision.

#### PUBLIC COMMENTS

Bill Stock informed the Commissioners that the runoff water from the various subdivisions was being diverted into the irrigation ditches and causing problems. He admitted that the Commissioner could not do much about it, however, due to flooding issues, the Commissioners will ask the Road & Bridge to look into it.

#### EXECUTIVE SESSION

Commissioner Payne made a motion to vacate the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (b,d,f) for personnel, indigent and legal matters, seconded by Commissioner Jensen. Commissioners all stated "Here" in a roll call vote. Also attending executive session were Scott Esquibel, County Superintendent, Mindy Williamson, Deputy Clerk and Clerk Garner. Commissioner Jensen made a motion to leave the executive session and go back into the regular meeting, seconded by Commissioner Payne, motion carried.

Two items coming out of the executive session are two Medical Claims of Lien. Commissioner Jensen made a motion to approve the liens on Medical Claim #2018-10003 & Medical Claim #2018-10004, seconded by Commissioner Payne, motion carried. There was also was a Certificate of Residency application for a young man going to college, he is a resident and should receive the additional help for schooling. Commissioner Payne made a motion to approve the Certificate of Residency application, seconded by Commissioner Jensen, motion carried.

County Superintendent, Scott Esquibel continued with his landfill report and has been working also on the Waste Tire Ordinance. He has been working with DEQ and is waiting on a response from them on his requests and suggestions to control the tonnage entering the landfill.

#### PUBLIC COMMENTS

Dave Cottle asked about several items such as the Highway Shoulder project for the year 2022, if adopted at the Five County ITD Mtg., Commissioner Rasmussen will check on it. He also asked about the Dept. of Lands and the high water jurisdiction, they should start working on that in September.

#### EMERGENCY MANAGER OPENING – ALAN EBORN

Alan Eborn, Emergency Manager was unable to attend as they had a project needing to be taken care of at the lake.

#### SHERIFF HESLINGTON/BOB HUGO W/THE BANCORP BANK-VEHICLE LEASING PROGRAM

Sheriff Heslington presented his monthly report, discussed Raspberry Days, which on both the water and the roads, were not as busy as in the past. He believes the additional patrols borrowed from other counties are helping. The Commissioners asked if any Bear Lake County prisoners were involved in the attempted jail escape in the Caribou County Jail, the Sheriff stated there were not any from our county. The Sheriff also believes that August 21<sup>st</sup> will see a higher level of traffic passing through Bear Lake County in connection with the eclipse, so it may be wise to be sure your fuel tanks are full. Sheriff Heslington introduced Bob Hugo with Bancorp Bank to discuss a leasing option for the sheriff's vehicles.

He presented a plan that would provide six new vehicles every four years for not much more than purchasing a new vehicle each year. The Sheriff encouraged the Commissioners to accept this program, they will now review the lease program and make a decision in the September meeting.

#### MITCH POULSEN-RECOMMENDATIONS ON SHORELINE AND ASPEN CREEK MEADOWS SUBDIVISIONS

Mitch Poulsen, Planning & Zoning Director, presented two preliminary plats to the Commissioners. The first is the North Shore/The Meadows development. They are proposing 264 units on about the same acreage. They have negotiated with the City of St. Charles on the sewer system. They are still trying to secure water and are working on obtaining ground water rights. The roads will be built according to county road standards, but not planning on dedicating them over to the county. Commissioner Jensen made a motion to approve the preliminary plat of North Shore/The Meadows based upon contingency of acquiring water and meeting the requirements per Keller Associates, seconded by Commissioner Payne, motion carried. The second development is Aspen Creek Meadows Phase Four. This development was approved in a master plan by the Commissioners several years ago. A discussion was held on whether the roads in this development would be turned over to the county or be kept private. Commissioner Jensen made a motion to approve the preliminary plat for Aspen Creek Meadows Phase Four, seconded by Commissioner Payne, motion carried. Poulsen also talked about a couple of other items regarding Planning & Zoning communication, including a lot line adjustment, building covenant possibility regarding lots and other road issues.

#### BUDGET CONTINUED

Amy Bishop, Chief Deputy Clerk, presented the Commissioners with the suggested changes they had requested on the 2018 budget. After reviewing, Commissioner Payne made a motion to accept the 2018 Budget for publication in the paper and the budget hearing will be on August 21, 2017 at 9:00 a.m., seconded by Commissioner Jensen, motion carried.

Commissioner Payne made a motion to leave the regular meeting and go back into an executive session pursuant to Idaho Code #74-206(c) for a property issue, seconded by Commissioner Jensen, all stating "I" in a roll call vote. Also invited were County Superintendent Scott Esquibel, Chief Deputy Clerk Amy Bishop and Clerk Cindy Garner. Commissioner Jensen made a motion to adjourn, seconded by Commissioner Payne, motion carried. Meeting adjourned at 3:18 p.m.