

**Bear Lake County Commissioner's Meeting**  
**August 8, 2022**  
**Commissioner's Chambers – Paris, Idaho**

The Board of the Bear Lake County Commissioners met in their regular meeting at 9 a.m. Monday, August 8, 2022, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting also was available via Zoom. Members present were Commission Chairman Vaughn N. Rasmussen, Commissioner Bradley D. Jensen, Commissioner Rex L. Payne and Board Clerk Amy Bishop. Also in attendance were Attorney Adam McKenzie, Assessor Heber Dunford, Sheriff Bart Heslington, Superintendent Todd Boehme, Fire Chief Mark Parker, Building Inspector Wayne Davidson and Deputy Clerk Paul Christiansen.

**APPROVE AGENDA – ACTION ITEM**

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

**COMMITTEE ASSIGNMENTS**

Commissioner Rasmussen reported he had attended an ICRMP special meeting. He encouraged all elected county officials that, if any issues come to light, to please address them with and seek legal advice from either the county attorney or one that ICRMP has on hand to help address legal issues. He said he learned there would be a 9 percent increase on health insurance costs this year, but they could have risen as high as 25 percent. He advised ICRMP insurance also increased this year, with another increase expected next year in reflection of nationwide insurance rates being on the rise.

Commissioner Rasmussen reported Bear Lake Memorial Hospital had hired Arel Hunt as the new Hospital Administrator. BLMH also has an upcoming fundraiser golf tournament scheduled for August 27.

Commissioner Payne reported all roads at the fairgrounds had been paved, which has been considered a necessary and valuable improvement. He and Commissioner Rasmussen encouraged all able county residents to support the Bear Lake County Fair. Many entries and exhibits are expected, with lots of food, entertainment and activities planned as well.

**ELECTED OFFICIALS' UPDATES**

Assessor Heber Dunford presented his monthly report. Vehicle volume is down and is attributed to people taking advantage of the summer months to focus on other things. However, appraisal of new construction, and the number of new building projects beginning has not fallen. Ongoing projects keep Dunford's office busy, with deed changes and mapping projects being brought up to date to make assessor office duties run more smoothly. Within the next year, the Assessor's Office plans to branch out with GIS and additional services. The Assessor's Office has completed BOE work and reports only one individual is going forward to BTA. Dunford said the office is in alignment with the new sale ratios, and

though volume has slowed property values remain high. Major changes in values, based on sales, are expected. Dunford said he continues to receive calls about value changes from members of the public concerned about the housing market and its flux in property values, and his office fields these calls the best it can.

Sheriff Bart Heslington reported his office had most recently prepared for and responded as needed to the increase in traffic and visitor population in the county spawning from the annual Raspberry Days event, held in Garden City, Utah, across Bear Lake County's border with Utah. He said this year's events were the least eventful in several years, largely due to inclement and rainy weather over that weekend. Even with extra law enforcement officers responding from Bingham, Jefferson and Caribou Counties to assist Bear Lake County with the expected larger-than-normal workload, in total only 172 infractions were issued. One warrant arrest was made. Heslington advised he continues to be active with the Tri-County Sheriff's Association in Southeast Idaho.

Heslington said he had spent four days – from Thursday, August 4, through Sunday, August 7 – and traveled nearly 400 miles on a fundraising long-distance bicycle ride in conjunction with Shield 616, an organization that helps provide high-level body armor for law enforcement. Because of the large amount of community support from individuals and businesses, Heslington was able to procure enough money to purchase armor for the entire Sheriff's Office.

Heslington said his office is working through some staffing issues. He has just hired a new deputy and a new dispatcher, both with prior experience.

Treasurer Tricia Poulsen was not able to attend the meeting because she was at a conference. On Poulsen's behalf, Clerk Amy Bishop provided updated info on six parcels involved in ongoing mineral rights disputes. These parcels owe unpaid taxes and costs, amounting to a total of \$450.

#### **RATIFY CLAIMS**

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

#### **APPROVE MINUTES**

**MOTION: Commissioner Payne made a motion to approve the minutes for July 11. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **SAFETY POLICY**

Deputy Clerk Mindy Williamson presented a drafted county safety policy. The policy was suggested by the State Insurance Fund (workers comp). She told the board a committee – possibly consisting of representatives from each of the county departments – will likely be needed down the line in order to re-evaluate employees' safety needs and the county's goals and compliance.

**MOTION: Commissioner Payne made a motion to accept the employee requirement in relation to the safety policy, as written. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **AIRPORT GRANT AWARD APPROVAL**

Clerk Amy Bishop spoke about the cost of airport snow removal services and equipment for the coming winter months and said bids for these services had opened the previous week. The county has accepted a conditional award from the FAA for these costs, with the FAA set to approve a final award after bids are taken and commitments are made. Bishop requested the commissioners allow for a conditional approval up to a \$450,000 grant award and asked if the board would like her to send out a notice of award.

**MOTION: Commissioner Payne made a motion to accept the conditional approval of up to \$450,000 for the Airport Grant Award, with notice of the award to be published. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **SCHEDULE ROAD MAP MEETING**

The commissioners set a work meeting for 6 p.m. on September 8 at which the public can provide input on what goes on the Road Map. The public hearing will be held at 6 p.m. on September 29.

Attorney Adam McKenzie advised the board post a draft of the map before any public hearing so citizens can review it beforehand in order to fast track review and debate of concerns or issues.

#### **FISH HAVEN MOSQUITO ABATEMENT BOARD MEMBER APPOINTMENTS**

Clerk Amy Bishop told the commissioners the Fish Haven Mosquito Abatement Board had appointed Heidi Poulsen to fill a vacant positions on its board.

**MOTION: Commissioner Payne made a motion to accept Heidi Poulsen's appointment to the Fish Haven Mosquito Abatement Board. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **NEW BOE APPEAL FORM**

Assessor Heber Dunford and Clerk Amy Bishop reported they had worked on drafting a BOE appeal form for taxpayers to use going forward. The new form is meant to streamline office use with organization and filing, as well as simplifying and clarifying details for better public understanding.

Commissioner Rasmussen asked that a line be written into the BOE form that states applicants will be given time to ask questions. He also asked that it be made clear that, due to scope, industrial and commercial property appeals may be granted more time in the questioning process.

**MOTION: Commissioner Jensen made a motion to accept the new BOE form, with the discussed changes adopted. The motion was seconded by Commissioner Payne. The motion carried.**

#### **SET PARCELS FOR TAX DEED**

Clerk Amy Bishop told the board a single owner of six parcels – parcels 05173.00, 05191.00, 05193.00, 05196.00, 05306.00 and 05209.00 – has become delinquent in their tax payments. Delinquent payments have gone beyond the set limits. The ownership is for 25% interest in mineral rights only.

**MOTION: Commissioner Payne made a motion to set for tax deed the six parcels – parcels 05173.00, 05191.00, 05193.00, 05196.00, 05306.00 and 05209.00 – owned by a single individual. The motion was seconded by Commissioner Jensen. The motion carried.**

The tax deed sale will be held September 12.

#### **COMMERCIAL PARCEL APPRAISAL CONTRACT**

A drafted Commercial Parcel Appraisal Contract was presented to the board. Commissioner Payne suggested that clarifying text be added to the contract to require all contactors provide an itemized or detailed invoice for each project rather than just a single bill for a lump sum.

**MOTION: Commissioner Payne made a motion to accept the contract with the adoption of the changes discussed, with an option to deliberate on and adopt future amendments to the contract as needed in the board's next meeting. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **RATIFY WORLD ELDER ABUSE AWARENESS MONTH PROCLAMATION**

**MOTION: Commissioner Jensen made a motion to ratify a proclamation to recognize July 11, 2022 as Elder Abuse Awareness Day and July as World Elder Abuse Awareness Month. The motion was seconded by Commissioner Payne. The motion carried.**

#### **PUBLIC DEFENSE CONTRACT**

Clerk Amy Bishop advised the board the current contract with the public defender will conclude at the end of September.

**MOTION: Commissioner Payne made a motion to have Clerk Amy Bishop post a job listing for the public defense contract in order to gauge interest from potential applicants. The motion was seconded by Commissioner Jensen. The motion carried.**

#### **LAND PRO DATA CONTRACTS**

Clerk Amy Bishop informed the Board that the Land Pro data collecting group has made an offer to

purchase access to the county's existing digitized land document files and has offered to digitize any of the county's remaining hard survey and subdivision documents at no cost. Land Pro will pay the county \$0.05 per page of previously digitized material and any items that have not been scanned will be scanned for the county and provided to county staff through a Land Pro service subscription. The subscription will include mapping of the survey records. She said this would be beneficial to both parties, as the county would receive some income and a much-needed and time-saving service, while Land Pro gains access to hard copies of public records often needed by surveyors.

Attorney Adam McKenzie said he and Clerk Amy Bishop already had discussed writing a contract to be adopted requiring Land Pro to provide subscription access to Bear Lake County's documents in perpetuity.

**MOTION: Commissioner Jensen made a motion to adopt the contract with Land Pro, with the adopted changes requiring a provision of the data subscription in perpetuity. The motion was seconded by Commissioner Payne. The motion carried.**

#### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT**

Building Inspector Wayne Davidson said construction on 63 new homes is in progress, with most of these intended to serve as short-term rentals around Bear Lake. He said this number did not include any new developments in Georgetown or Bloomington. He said contractors have informed him the speed at which new development is taking place is likely to stay constant.

In addition, Davidson said he is working with the City of Paris and the Bear Lake County Road and Bridge Department to resolve the ongoing issue of driveway encroachments. The Mosquito Abatement Department is adding a garage to its building.

Davidson said many people throughout the county are exploring the idea of solar panel additions. He said these features will likely be added to some existing homes and on future buildings.

Davidson said he has been impressed with the recently adopted Pictometry aerial imagery program, which has allowed assessors to search for changes made to existing properties, flag these changes and then respond accordingly.

#### **DISCUSSION ABOUT COUNTY BURN ORDINANCE AND BURN MORATORIUM – ACTION ITEM**

Attorney Adam McKenzie said two county burn ordinances had been enacted in the past – Ordinance 2001-01 and 2019-5, which amends 2001-01 and allows a burn moratorium to be put in place. This amendment allows the board to review, modify or revoke any moratoriums put in place by fire district representatives. The ordinance states the commissioners, at a regular or special meeting, may review these moratoriums and adjust, reverse or amend as deemed just and equitable.

Fire Chief Mark Parker said Idaho fire statute 41-253 adopts international fire code. Furthermore, Parker said Idaho fire ordinance 41-256 states county fire chiefs are assistants to state fire commissioners and

ordinance 41-257 provides that state fire marshals cannot come into local jurisdictions without an invitation from the local governing body.

McKenzie said he has not viewed anything in the international fire code that supersedes the county commissioners' authority to review, revise and revoke local moratoriums. He said the central issue is the state has adopted the international fire code, making some provisions mandatory and some not. Furthermore, he said some provisions appear to be only implied if the jurisdiction accepts them.

Commissioner Rasmussen asked McKenzie to ensure the correct ordinances are in place and, if not, the commission needs to adopt appropriate ordinances. McKenzie will research the issue and bring further information to the board in its September meeting.

### **PROSECUTOR – ACTION ITEM**

The county received two applications for the county prosecutor position. The first applicant, Jason E. MacKrill from Lava Hot Springs, is a 2019 law school graduate. The second applicant, Adam McKenzie from Preston, currently is serving as Bear Lake County Prosecutor.

Commissioner Rasmussen said MacKrill had accepted a job in another jurisdiction following application.

**MOTION: Commissioner Payne made a motion to accept Adam McKenzie's application and reappoint him as Bear Lake County Prosecutor through January 1, 2024. The motion was seconded by Commissioner Jensen. The motion carried.**

### **TODD BOEHME – COUNTY SUPERINTENDENT**

County Superintendent Todd Boehme said the planned chip sealing project was completed without any problems, with more road maintenance projects ongoing. Boehme said he has been working with an engineer from Direct Communications to figure out a mitigation strategy related to the relocation of fiber optic cable once the East Shore Road improvement project begins. Direct Communications has been hesitant to lay fiber optic cable in the area if they would only have to tear it up and lay it again once the county's improvements on East Shore Road begin, but Boehme believes an agreement between the two parties has been reached.

Commissioner Payne said he had spoken to Mike Duncan from the Forest Service. The county's GA agreement to maintain county ground up to the forest line will expire September 30. An updated list of what the county will maintain needs to be made, and Duncan wants to meet with Superintendent Todd Boehme.

Boehme said in the coming week the County Road and Bridge Department plans to address the rough conditions along Merkley Lake Road, from the Bear Lake Hot Springs to Dingle. The department will utilize the recent rainfall and, if necessary, a water truck will be utilized to smooth the roadway in the area.

Commissioner Payne said he had been approached by landowner Roger Kunz, who requests the gate to the Bern radio repeater tower be kept closed. Boehme will relay that information to his department.

Commissioner Payne said he had received a report that the Camp Stewart bridge timbers are beginning to fall into disrepair. Boehme will check the issue and report back to the board.

#### **DAN KELSEY – LITTLE VALLEY ROAD**

Citizen Dan Kelsey expressed concern about significant man-caused erosion to the gravel and road edge on the embankment of Little Valley Road. He advised a retaining wall may be needed to support the roadway as the road continues to get whittled down by traffic cutting across a shortcut – originally made for and used by dirt bikes but now used by ATV and UTV traffic – up the embankment. The shortcut may need to be blocked off, Kelsey said.

Commissioner Jensen said he would work with Superintendent Todd Boehme and Kelsey to determine the best way to address the issue and block off the shortcut. He also said they would confer with the county attorney to seek out legal advice for shoring up the roadway.

#### **PUBLIC COMMENT**

No attendees took part in public comment at this meeting.

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

**MOTION: Commissioner Jensen made a motion to go into executive session according to IDAHO CODE 74-601(1)(c) To acquire an interest in real property not owned by a public agency; (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. The motion was seconded by Commissioner Payne. Roll Call Vote. Commissioner Jensen, Aye. Commissioner Payne, Aye. Commissioner Rasmussen, Aye.**

The commissioners went into executive session at 11:24 a.m. and left executive session at 12:12 p.m.

From 11:28 a.m. to 11:53 a.m., the commissioners discussed the possible purchase of property. No motion came from it.

From 11:53 a.m. to 12:01 p.m., the commissioners discussed a short issue on an indigent claim.

From 12:01 to 12:10, the commissioners discussed an update on possible litigation. No motion came from it.

Following lunch, the commissioners reconvened their regular meeting at 12:10 p.m.

**INDIGENT CASES – ACTION ITEM**

**MOTION: Commissioner Payne made a motion to release the lien on indigent claim 2018-10. The motion was seconded by Commissioner Jensen. The motion carried.**

**SET BUDGET FOR PUBLICATION – ACTION ITEM**

Clerk Amy Bishop said there had been some updates to the employee insurance costs reflected in the latest total of the budget, but that was the biggest change not previously discussed in budget meeting. Some money had moved back to the district court fund from the indigent fund for the public defender cost. There also was a transfer from the indigent fund to the public health fund, per Idaho statute, and this aided in balancing levies.

The total budget for publication was \$12,334,788.

**MOTION: Commissioner Jensen made a motion to set the budget for print publication, with the included and discussed corrections. The motion was seconded by Commissioner Jensen. The motion carried.**

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

The Meeting adjourned at 12:19 P.M.

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VAUGHN N. RASMUSSEN, Chairman

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Date Approved

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