

## BEAR LAKE COUNTY COMMISSIONERS' MEETING

AUGUST 10, 2020

### COMMISSIONERS' CHAMBERS, PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, August 10, 2020 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, 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, County Superintendent Scott Esquibel, Valerie Hayes as reporter for The News-Examiner and citizen Kathi Izatt.

#### APPROVE AGENDA

Commissioner Payne mentioned that Dave Kramer would be present in place of Jared Norton on the airport contract amendment.

**Commissioner Jensen made a motion to approve the agenda with the change of Dave Kramer in for Jared Norton on the airport contract amendment, for August 10, 2020, seconded by Commissioner Payne, motion carried.**

#### ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen mentioned receiving several phone calls regarding some late fees and penalty but found that the Georgetown Post Office does not put the postmark on the envelope unless asked by the customer. Treasurer Poulsen did take off the late fees and penalty for two (2) parcels, as they were sent on time and now need a commissioner signature.

**MOTION: Commissioner Payne made a motion for Parcel #1735.00 and 1881.04 to clear up these late fees and penalty, as they were sent on time, but had not been postmarked from the sending office, seconded by Commissioner Jensen, motion carried.**

Treasurer Poulsen mentioned the response letter from Michael Jordan, in which his complaint refers the garbage as a tax, but it is a fee. This matter was brought up from a previous meeting and would encourage the Commission to refund from previous years, but not the \$150 for interest.

**MOTION: Commissioner Jensen made a motion upon recommendation from the county attorney to pay the \$2,023.00 for overpayment of garbage fees, seconded by Commissioner Payne, motion carried.**

Treasurer Poulsen brought up the property Phil Olson had sold to the Burgoyne's years ago, but had no access, then went for tax deed, would like to get the \$1,016 off from the tax roll. The attorney will look into it before the Commissioners make a decision, it will be on next month's agenda.

Sheriff Bart Heslington presented his monthly report mentioning appreciation for the extra officers from Bingham, Jefferson and Caribou and the help their presence is during the busy Raspberry Day weekend. There were multiple arrests, DUI's, missing children, kids not wearing life jackets, but the dog was, grown man skateboarding down Georgetown summit, leaving a lot of questions. Sheriff mentioned they

worked with DeLoy Romrell with ITD and were able to get double yellow lines painted on North Beach Road as signs have not worked, the visual double yellow lines are a good backup. Worked with State Parks to help move traffic along and addressed an issue at Epic Rentals that needed to change their operation to keep traffic moving through that wanted to go on the east side of the lake. More sexual related crimes lately. Sheriff Heslington informed the Commissioners of a group that does a charity motorcycle ride, proceeds go for resources to create a facility for veterans and law enforcement in the Logan, Utah area. It is the 'Ride for the Fallen', it would be on a Saturday, would like to use the courthouse parking lot for a stopping point, Commissioners were all supportive.

Assessor Heber Dunford informed the Commissioners he had been in touch with ICRMP on hiring a new appraiser and was working with Commissioner Payne on questions prior to interviewing.

#### **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 June 22 and 29, 2020, seconded by Commissioner Payne, motion carried.**

##### **CERTIFICATE OF RESIDENCY**

**MOTION: Commissioner Jensen made a motion to approve the Certificate of Residency for Courtni George, seconded by Commissioner Payne, motion carried.**

##### **APPROVE AD FOR PUBLIC DEFENDER**

**MOTION: Commissioner Payne made a motion to approve the ad for the Public Defender position, seconded by Commissioner Jensen, motion carried.**

##### **BEAR LAKE WATER & SOIL – LETTER OF SUPPORT**

**MOTION: Commissioner Payne made a motion to authorize Commissioner Rasmussen to sign the annual Letter of Support for the Bear Lake Soil and Water Conservation District, seconded by Commissioner Jensen, motion carried.**

##### **ERIC MERKLEY – BOY SCOUTS BIKE THE BEAR**

**MOTION: Commissioner Payne made a motion to approve the 'Bike the Bear' event, as COVID19 guidelines allow, then amended to include paying the fees and having insurance, seconded by Commissioner Jensen, motion carried.**

##### **JARED NORTON – T.O. ENGINEERS – AMEND CONTRACT**

Jared Norton was able to attend and informed the Commissioners about the update on the current contract, which has an Exhibit 'A' that is required by the FAA and is a legal document

that needs to be signed. Two (2) grants 100 percent federally funded but could be on the hook for 10 percent required by the FAA.

**MOTION: Commissioner Payne made a motion to approve and give authority for Commissioner Rasmussen to sign the amended contract, seconded by Commissioner Jensen, motion carried.**

#### **RATIFY BUDGET FOR PUBLICATION**

As the publication notice for the budget had to be in prior to the meeting, there was a need to ratify the approval.

**MOTION: Commissioner Jensen made a motion to ratify the publication of the FY2021 budget, seconded by Commissioner Payne, motion carried.**

#### **BEAR LAKE WEST – ENCROACHMENT PERMITS**

Prosecutor Adam McKenzie informed the Commission there are continuing problems with encroachment permits in Bear Lake West and need to follow up on the ordinance and he is working on it. Prior to COVID had discussed and worked on but need to set the public hearing for the September 14<sup>th</sup> meeting. Sheriff Heslington in talking with McKenzie and Esquibel, he mentioned the State statute that is after the damage is done and wanted to be more preemptive.

#### **COUNTY SPEED LIMITS**

Commissioner Rasmussen mentioned he had citizens request to have speed limit go down from 35 mph to 25 mph where there are children and concerns of safety. Commission agreed to look at each request and work with the Sheriff and Superintendent on these issues. Commissioner Rasmussen expressed appreciation to our Road and Bridge crew and how our roads are much better than other counties he has traveled in.

Commissioner Rasmussen pulled up the Southeast Idaho Public Health site and showed the COVID cases in Bear Lake County, 22 confirmed cases, there were eight (8) active cases, fourteen recovered, one (1) in the hospital, no deaths, shows ages, two (2) were travel related, two (2) community spread, thirteen contact with a confirmed case, two (2) health workers have had it. With the regional health plan, if we hit six (6) cases for three (3) consecutive weeks we would move to the next level. The two (2) counties that are getting hit hardest in our district are Bingham and Bannock. If any questions, feel free to contact Commissioner Rasmussen, he is vice chair of the health board. The numbers will affect whether school will start, so it is key to keep the numbers down.

Commissioner Jensen mentioned the regional landfill is moving forward, should be taken over on October 1<sup>st</sup> and no one should see a change in service. There are about ten different locations in mind for the new landfill area. There are meeting every week and things are going well.

Commissioner Payne wanted to follow up on the marina at East Shore on jurisdiction, had emailed back and forth to the owner as well as the State Department of Lands and mentioned he had talked with Senator Harris and that did get a reaction and they are trying to set up a meeting. There is a deadline according to our minutes to get everything out of the old courthouse, which would be by the end of October. Still having conference calls with Big D each week for final items and have the building done.

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

Wayne Davidson, Building Inspector, expressed being very busy, twenty-three new residences, some contractors still doing spec homes, lumber may be scarce and become an issue. Finishing more items on the new courthouse, working on the camera system and a few adjustments. Commissioner Rasmussen inquired about some kind of agreement years ago regarding retaining walls on the west side of the lake, on the trust lands. Davidson mentioned only agreement if it was already there, it could stay, but felt the one referenced was about a fifty year old cement wall the owner took down, cleaned up and did some construction and wanted to put it back up, but the State Lands did not want anyone disturbing anything below the high water mark, but did allow natural things, rocks or boulders for a break wall. Davidson does not permit any of that. There is an application the landowner would get from the State Lands. May have to get a permit from Army Corp of Engineers if there are any wetlands.

## **CARY HAMBLIN – BUILDING IN EASEMENT – BERN – ACTION ITEM**

Cary Hamblin purchased a property in Bern last year, working on the old buildings, claimed he did not know he needed a permit to build a carport he attached to the barn. Davidson did tag him with a stop working permit as it is on the easement. Hamblin presented pictures and showed the road and how it jogs, wondered if the easement jogs also. Hamblin was instructed to follow the procedure and get a permit from the building inspector, then proceed from there. Bret Argyle was in attendance and expressed his frustration that Mr. Hamblin should not have to wait. Prosecutor McKenzie reminded him he needs to properly go through the procedure, if it does not go through, he would need to apply for a variance.

## **BILL PETTIS – VETERANS MEMORIAL**

Bill Pettis mentioned a Veteran's Memorial and would like some of the brick from the old building and has people that are ready to make a corporation to attract donations, size of the monument, recognizing each branch of the service. Pettis mentioned grant money to possibly help tear down the old building. Commissioners are not aware of any grant money for that purpose. Commissioners appreciated someone stepping forward to help with the process but will probably start the process of getting the ad ready for bids on the old courthouse in the October meeting.

## **ALAN EBORN – EMERGENCY OPERATION PLAN UPDATE**

Alan Eborn, Emergency Manager, wanted to follow up with a past meeting of designating the Senior Center as an alternate care center and the next document is the Mutual aid agreement signed by all the other three (3) counties commissioners' signatures also. Eborn is required to review and update the emergency operation plan, needs the Commissioners to add both the minutes on the alternate care facility and the Mutual Aid Agreement to the Emergency Operation Plan document and needs a commissioner signature on front page. Commissioners expressed appreciation for all that Eborn does for the County and Commissioner Rasmussen signed the document.

## **SARA LITCHFIELD – RAMSGARDEN SUBDIVISION – UTILITY SET BACK FOR BUILDING A GARAGE**

Sara Litchfield mentioned from 2011 and 2013 minutes for Ramsgarden Subdivision on a utility easement, had requested to build a garage, it was approved, had been excavated, but due to family issues was not able to complete, now wants to sell and wanted to confirm the set back was for the

whole subdivision not on an individual basis. After reading the information from Planning and Zoning minutes, the consensus was it referred to the subdivision as a whole. Litchfield would need to go through the process of applying for a new building permit and if permitted, based upon the Planning and Zoning Commissioner, could build up to the easement.

## **PUBLIC COMMENTS**

Bill Stock had several items, reminded them the bylaws for Planning and Zoning need to be updated, still showing from 1985, Commissioner Jensen and Mitch Poulsen will work on that. Stock heard Commission approved a six (6) lot preliminary and final plat, should only be four (4) on preliminary, it will be checked into. New building is nice, but hard to get in the door for those physically impaired people, thought would have one (1) door with the push button. Commissioner Payne explained that to get within the budget, had to cut \$800,000 and that was one of the items the contractors and engineers discussed and dropped as it was not a requirement by ADA, and as we got the legislation to tax, some items were added back in, did not come up till just before the open house, but it had not been added in. Commissioner Rasmussen inquired if there was a possibility as he has had several calls also, to add it back in and Commissioner Payne will look into it.

Commissioner Rasmussen mentioned they did take off the Resolution #2020-05 of the agenda as they had the attorney working on various other assignments from the Commissioners and the Sheriff needing it to be reviewed first. It will be modified and ready for the September meeting.

## **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT/JEFF SORENSEN – COUNTY ROAD STANDARDS**

County Superintendent, Scott Esquibel, and Jeff Sorensen with Keller Associates presented the Road Standards. Commissioners had a couple of questions and Poulsen suggested that for private roads they refer to Planning and Zoning. Sorensen mentioned it does defer to the subdivision ordinance as it applies. As it was not listed on the agenda as an action item, will need to put it on the August 17<sup>th</sup> meeting. It is a living document so changes can be made as matters arise. Esquibel presented his Road and Bridge report, have finished the chip sealing in July, the cities they helped were Paris and Montpelier, they pay for the product and the county uses their equipment. The Jericho Loop Bridge project is going along, moving forward on construction in about two (2) years. The radar speed sign that was ran over and damaged has been replaced, insurance paying half. Met with Mountain Way POA on road drainage and the culverts that to be replaced. Esquibel and Sheriff Heslington spoke about a grant application with a possible match, to try to get a radar speed sign that does have a camera that takes a picture, customized with speed and other message needed. Esquibel spoke with Brian at Summit Bank and he will write up the new leases with IDAWY on the equipment. Commissioner Jensen inquired about how the tax statements will come out to be sure the charges are correct for which service they are getting. Esquibel mentioned the billing is part of what the committee is working on and plan to have updated before IDAWY takes over. State Parks will need to pay a fee, Commissioner Jensen will check on it.

Mitch Poulsen mentioned the upcoming event that will be on later in the meeting, is not an actual organized event and would maybe waive the fees. There will be stations, but they do not start together, no gathering places, just a general goal to ride 105 miles, can start at different locations. Sheriff department is not needed for traffic control. Their insurance verification did come in. It is planned for October 3<sup>rd</sup>.

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

**MOTION:** 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 – 'Yes', Commissioner Payne – 'Yes', Commissioner Rasmussen – 'Yes', voting was unanimous in the affirmative.

Let the records show that Prosecutor McKenzie, Deputy Clerk Jamie Humpherys and Clerk Garner were in attendance.

Executive session began at 11:55 a.m. and the board left the executive session at 12:47 p.m.

Commissioners took a short break prior to resuming the meeting at 1:00 p.m.

Prosecutor McKenzie will reply on some road issues discussed in executive.

**MOTION:** Commissioner Jensen made a motion to deny Medical Indigent Claim #2020-2, seconded by Commissioner Payne, motion carried.

**MOTION:** Commissioner Payne made a motion to accept the payoff for Medical Indigent Claim #2008-9, seconded by Commissioner Jensen, motion carried.

**SHAWN LLOYD – RODEO CLUB – SCHEDULE HIGH SCHOOL RODEO – AUG. 29<sup>TH</sup> – ACTION ITEM**

Shawn Lloyd with the Rodeo Club presented COVID guidelines they will use for the August 29, 2020 one (1) day event for the high school rodeo. It had also been presented to the Southeast Idaho Public Health District.

**MOTION:** Commissioner Payne made a motion to approve the guidelines presented for the Bear Lake High School Rodeo for August 29, 2020, seconded by Commissioner Jensen, motion carried.

**JOE HAYES – PUBLIC DEFENDER – PUBLIC DEFENDER CONTRACT/PROSECUTOR SALARY**

Public Defender, Joe Hayes, mentioned the upcoming public defender contract and had some suggestions to add to the contract. Hayes mentioned the Prosecutor budget and the salary amount is the contracted salary, which is considerably less than the elected official salary. Commissioners will review it. Hayes requested to go into an executive session regarding a county employee, Commissioners agreed after the other two (2) items on the agenda.

**OLD COURTHOUSE – ACTION ITEM**

Commissioner Payne wanted to remind the departments that everything needed to be out of the old courthouse by the end of October, according to the minutes from a prior stating four (4) months after

completion of the new courthouse. They would then move forward on auctioning the items left. They will make a decision in October about how the ad will read for options on the old courthouse.

**KENDRA PENRY – EXECUTIVE DIRECTOR – STOKES NATURE CENTER – WILD, MILD VIRTUAL RACE – ACTION ITEM**

Kendra Penry, Executive Director for Stoke Nature Center mentioned their entire mission is to urge the public to be active in the outdoors and they continue to need to generate revenue, so they have decided to offer a Wild, Mild Virtual Race, anyone wanting to do 105 miles in 39 days. Their plan was submitted to Southeast Idaho Public Health District and was approved. They will not start or be grouped together, may choose how many miles they want to ride, not an organized bike ride, they can ride alone or with their own social group, but no congregated gathering. Best case scenario, maybe 20 people, planning on 100, but they will not start together and be at different areas, part of it they can do is go around the lake. They will have a table with water, three (3) aid stations, they are not monitoring it, just making it safe. It is a new idea and will see how it goes. Mitch Poulsen suggested as it is not an organized race to waive the fees. Commissioners agreed but would want the proof of insurance.

**MOTION: Commissioner Payne made a motion to approve the Wild, Mild Virtual Race, with proof of insurance but waiving the fees, as it is not an organized bike ride, seconded by Commissioner Jensen, motion carried.**

**EXECUTIVE SESSION – IDAHO CODE #74-206**

**MOTION: 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 – ‘Yes’, Commissioner Payne – ‘Yes’, Commissioner Rasmussen – ‘Yes’, voting was unanimous in the affirmative.**

Let the records show that Prosecutor McKenzie, Public Defender Joe Hayes and Clerk Garner were in attendance.

Executive session began at 1:49 p.m. and the board left the executive session at 2:20 p.m.

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

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

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

**CINDY GARNER, Clerk**

