

BEAR LAKE COUNTY COMMISSIONERS' MEETING

SEPTEMBER 13, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, September 13, 2021 at 9:00 a.m., in the Commissioners' Chambers in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen and Clerk of the Board, Cindy Garner. Excuse Commissioner Rex L. Payne, out for a knee surgery.

Others present were Treasurer Tricia Poulsen by Zoom, Prosecutor Joe Hayes, Assessor Heber Dunford, Fire Chief Mark Parker, citizens Jean Alleman, and Kathi Izatt, reporter for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Jensen made a motion to approve the agenda as posted for September 13, 2021, seconded by Commissioner Rasmussen, motion carried.

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Assessor Heber Dunford reported an increase of services totaling \$14,804.91 more for August than July. The State is pushing for more online services and authorizing Dealers to register and title newly sold vehicles directly with Boise if they choose. Time will tell how much this will affect the volume of business here. Training and education are going well in the mapping department, slower during the training process but hope to gain toward the positive soon. Working on the appraisal portion of new construction and occupancy parcels, with Building Inspector Davidson reporting 152 new permits so far this year and approximately 145 last year, many still active, creates a busy workload. Preparing questionnaires to be sent out to Ag and Commercial properties, working closely with the appraisers from the State Tax Commission on these processes. Working on compiling information for the upcoming ratio study, which indicates sale values are continuing to come in way higher than assessed values.

Commissioner Brad Jensen reported the District Landfill is working well, better than anticipated, had some bugs but worked them out. Several employees are off with Covid.

Commissioner Vaughn Rasmussen reported when last checked, Bear Lake County had 32 cases, the peak last November was 50. Reports show it will peak about the second week in October. Some hospitals are at capacity, Bear Lake Memorial is one of them, some medical issues are being treated from home. Encourage everyone to be careful. Board of Health will meet in a week and will review everything, then make a decision going forward. Delta strain is what is getting people, some are getting the booster.

Clerk Cindy Garner had some housekeeping items, the Juvenile with Mini-Cassia being signed, letter on Smith Hill Road for plowing, also Alan Eborn, Emergency Manager sent in from a previously approved 2019 EMPG (Emergency Management Performance Grant), the 2019 Grant Adjustment Notice needed to be signed to give the County a little more money, \$400.60.

Commissioner Rasmussen reported they are adding three (3) or four (4) more counties to the Gem Plan. Caribou County Hospital is no longer a county hospital, under Bingham County now. There is a Behavior

Health Committee meeting tomorrow, hard to get together as they have 33 members that meet. Still needing to work with State Parks and Recreation to raise fees, put on next month's agenda.

GENERAL BUSINESS/ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Jensen made a motion to ratify the claims, seconded by Commissioner Rasmussen, motion carried

APPROVE MINUTES

MOTION: Commissioner Rasmussen made a motion to approve the minutes from the special meeting on August 2, 2021, and the Budget Hearing meeting on August 30, 2021, seconded by Commissioner Jensen, motion carried.

BEAR LAKE COUNTY ROADS – SPEED LIMIT

Commissioner Jensen had been contacted with concern of the high rate of speed on Mill Canyon Road from the paved road up and the danger of someone pulling out of a driveway. It is set at 35 mph but would like to see it lowered, even for that short distance.

MOTION: Commissioner Jensen made a motion to change the speed limit on Mill Canyon Road from 35 mph to 25 mph, seconded by Commissioner Rasmussen, motion carried.

Commissioner Rasmussen mentioned the LOTOJA Bike Race and there were six (6) highway patrolman and five (5) had their lights on and they were the support vehicles for the race. Grateful for the extra help in patrol.

CERTIFICATE of RESIDENCY

MOTION: Commissioner Rasmussen made a motion to approve the Certificate of Residency for Sheridan Mattson for CSI (College of Southern Idaho), seconded by Commissioner Jensen, motion carried.

Clerk Garner reported the Sheriff asked to be excused for the morning, try to be in later, but had his monthly report prepared so it was presented to the Commissioners for review.

COVID COURTHOUSE UPDATE

Commissioners reviewed the former Employee Covid Letter, would take out the expiration date.

MOTION: Commissioner Jensen made a motion to abolish the policy letter sent to employees on Covid, except the last paragraph, seconded by Commissioner Rasmussen, motion carried.

MOTION: Commissioner Jensen made a motion to modify the first motion of the policy letter to the employees, add, based on the County Commissioners discretion for time off and then take the date out of the policy letter, seconded by Commissioner Rasmussen, motion carried.

SET DATES for ROAD MAP UPDATE and PUBLIC HEARING

Commissioners felt with the Covid numbers increasing at this time, will put on the agenda again in October and evaluate at that time.

PRECINCT BOUNDARY CHANGE

Pursuant to Idaho Code #34-307, Commissioners have an option, during a certain timeframe, to make changes in precinct boundaries to make it more convenient for voters to get to the polls. Deputy Clerk Humpherys, with Clerk Garner, and Chief Deputy Amy Bishop, showed the basic areas and will create a more precise description at a later time, but would give the Commissioners some time to review and think about a decision. The area of Home Canyon residents having to go to Bennington could be changed to Montpelier #1, another would be to have those in Eight Mile, who are in School District #150 in Soda Springs, be included in the Bailey Creek Mail Ballot precinct rather than go to Georgetown.

Treasurer Tricia Poulsen, appeared by Zoom, reminding the Commission of a prior meeting where mineral rights were given back to the landowner. In doing more research, found it has to be taken for tax deed first, so will need to wait till next year. Poulsen informed the Commission her employee's child was positive for Covid, also being ill herself so home to test. Poulsen was not feeling well, getting setup to work remotely with her laptop, will forward the phone, staying in her office waiting to get set up. Commissioner Rasmussen recommended going home and getting tested. The janitor will go through each office with the fogger.

DESIGNATE POLLING PLACES for the NOVEMBER 2, 2021 ELECTION

Clerk Garner informed the Commission there were only four (4) cities, Montpelier, Georgetown, Paris, and Bloomington, with races and the Bern Cemetery. Pursuant to Idaho Code #34-1407, Consolidated Election Law, it is allowed to cancel the elections for St. Charles City, School District #33 and Bailey Creek Fire, as they did not have contested races.

MOTION: Commissioner Jensen made a motion to accept the following polling places for the November 2, 2021 Election: Montpelier #1 – Allred Center, Montpelier #2 – Grace Thiel Community Center, Montpelier #3 – Montpelier Fire Station, Georgetown – Georgetown City Hall, Paris – Paris Rear Tabernacle, Bloomington – Bloomington City Hall and Bern as a Mail Ballot Precinct, seconded by Commissioner Rasmussen, motion carried.

SET LEVIES

Clerk Garner informed the Commission that the State Tax Commission did not have the final September values at this time and has extended the deadline to the 27th. They expect to have them by Thursday, September 16th so we will have to set a special meeting prior to that. Commissioners set Wednesday, September 22, 2021, at 3:00 p.m. in the Commissioners' Chambers.

RESOLUTION – ASSESSOR'S FEES

Commissioner Rasmussen read Resolution #2021-05, Increasing Motor Vehicle Administration Fee, and as it is less than 5%, they do not have to hold a public hearing.

MOTION: Commissioner Jensen made a motion to accept Resolution #2021-05, Increasing Motor Vehicle Administration Fee from \$3.60 to \$3.75, taking effect October 1, 2021, seconded by Commissioner Rasmussen, motion carried.

SET MEETING DATE for ARPA (America Rescue Program Act) FUNDS

These are extra funds from the Governor for Covid relief. IAC's recommendation is to take time and be sure where would be the best benefit for those funds. Have received half at this time, do have restrictions to go by.

MOTION: Commissioner Jensen made a motion to set the meeting for the ARPA funds on Monday, October 4, 2021 at 9:00 a.m. in the Commissioners' Chambers, seconded by Commissioner Rasmussen, motion carried.

MAVERIK – COUNTY EASEMENT AGREEMENT

Commissioner Rasmussen reported that Maverik, Inc., hoped to use the little piece of land next to the store in order to be able to maneuver a semi or trailer easier around the building.

MOTION: Commissioner Jensen made a motion to have Commissioner Rasmussen sign the Maverik Reciprocal Agreement, seconded by Commissioner Rasmussen, motion carried.

4-COUNTY BOARD of GUARDIANS

Commissioner Rasmussen explained the four (4) counties, Bear Lake, Caribou, Franklin and Oneida, are working on getting a Board of Guardians together to help those in need of this service. Prosecutor Hayes informed the group a person with health problems, no family, disabled, the Board of Guardians help someone to make decisions on legal matters when they cannot. Commissioner Rasmussen instructed Clerk Garner to add it to the agenda, along with Setting the Levies on Wednesday, September 22, 2021 at 3:00 a.m.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector, Wayne Davidson, gave his report and noted there are sixty new residences so far this year and still growing. People are frantically trying to get concrete. Working out good with St. Charles and Paris cities on the building and short-term rental matters. Biggest problem still is finding laborers to work. Commissioner Jensen inquired about setbacks and how that affects a gravel pit and if he would check into it. Davidson informed the Commission it was not in the building code, maybe State or DEQ, or Department of Lands. Would need a reclamation plan. Commissioners expressed appreciation for the work being done.

JOE COLES – ON HILL EVENTS – BEAR LAKE BRAWL TRIATHLON

Joe Coles with On Hill Events and the upcoming Bear Lake Brawl Triathlon, expressed appreciation to discuss matters of safety concerns from last year's race. Stated everything was in place and okay until the big windstorm came in. In hindsight, should have cancelled the race. Safety is more important than money. Mitch Poulsen presented a letter from Sheriff Heslington he wanted addressed, listing all the matters of safety that were not taken, traffic matters, complaints from participants, support team and citizens. Commissioners reported they had lots of complaints from citizens. Coles reported the local businesses appreciated them coming and the extra business they get. Prosecutor Hayes will put specific wording in the permit allowing the Sheriff to shut down if conditions occur to warrant it.

MOTION: Commissioner Jensen made a motion to approve the permit for the Bear Lake Brawl Triathlon, with wording to allow the Sheriff to shut down the race if conditions require it for safety reasons, seconded by Commissioner Rasmussen, motion carried.

JASON EBORN – BOY SCOUTS (BIKE THE BEAR) EAST SIDE AROUND the LAKE

Jason Eborn with Boy Scouts and the upcoming Bike the Bear ride around the lake, starting on the east side by the Aquatic base to Garden City and back around the Idaho side. They have their permit and it is a great opportunity for the scouts to earn their cycling merit badge. There may be a little over 200 riders, will stagger out in groups of 10 to 15 with instructions on riding single file, they will have ham radios at several stations, snacks and they will clean up. It takes about five (5) hours till the last rider is in, good activity and opportunity for the youth and service along the way. Commissioner Rasmussen recommended putting on the same wording for safety and the Sheriff being able to shut the ride down if need be.

MOTION: Commissioner Rasmussen made a motion to approve the Bike the Bear ride, with wording to allow the Sheriff to shut down the ride if conditions require it for safety reasons, seconded by Commissioner Jensen, motion carried.

JARED RICKS – PUBLIC DEFENSE REGIONAL COORDINATOR - UPDATE

Jared Ricks, Public Defense Regional Coordinator appeared by Zoom and mentioned there are now two (2) online educational opportunities the PDC is offering that will count toward the State Bar, free of cost for all public defenders. Public defender reports are due November 1st. Would welcome any suggestions on ways the PDC can help counties, there are a lot more requests than money, need to request early. Commissioner Rasmussen suggested letting the State take over the Public Defender program so counties would not have to. Ricks said he would pass it on to the Governor, with all the excess money, use it to create a great public defense program. Ricks mentioned another rule making meeting on Friday if anyone could get on, would encourage it. No comments or requests are ignored and will be considered next year.

PUBLIC COMMENTS

Jean Alleman questioned during Fair week, about what it means if the Bear Lake Memorial Nursing Home is in lockdown, if it is okay for a nurse/aide and a resident of the nursing home to leave and if so, can they get back in. Both had been tested and were okay. Commissioner Rasmussen thought if in lockdown, all should be isolated, not go out or come over to the Fair, he will check it out.

Commissioner Rasmussen read a letter received today requesting concrete areas for those in wheelchairs and other elderly or those having a hard time walking on the gravel out at the Fair. Appreciated and agree with the comments and will look at the ARPA funds with Chief Deputy Bishop. Commissioners agreed the Fair did a great job, had a good turn out and compliment them for all they did. They have done a lot and are working still to help make it ADA accessible. Will look at some grant money and also look at the skateboard park that needs to be ADA accessible also and will work with Montpelier City on that.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent, Scott Esquibel, sent his report as he is out ill. Commissioner Rasmussen read the update, working on several encroachment permits, has set up the 5-County Coalition Transportation meeting on October 7th at the Oregon Trail Center. Presented the road speed limit sign reports. Commissioner Jensen reported if they can get some moisture on the road, they try to grade them, same with the mag chloride.

BRAD BUGGER – BEAR LAKE WEST ACCESS ROAD – LOVELAND LANE

Brad Bugger, lives in Pocatello, but has property with a cabin in Bear Lake West where they come with their kids and grandkids. When they first came, heard of a plan to build from Lewis Loop on so there was another access to get off the mountain. There are other homes up there and only one (1) way out, down Mountain Way and out Loveland Lane which is too narrow and steep in the event of an emergency. Concerned as they have tried to work with the homeowners' association to take some action and the situation gets worse with drought, fire danger, lightning, fireworks or a tow chain. Ongoing permitting with new structures will increase the danger and firetrucks cannot get up the road. Would like the Commission to get together a committee with all parties and address the need and possibly have an evacuation plan to better address the current issues. Urge no more building permits in the area until a plan has been created. Time for inaction is over, risk of death, property loss, injury and county risk as well needs to be addressed.

Commissioner Jensen agrees and some roads were developed before, need to bring the roads to county standards. There are ways to connect the roads but need cooperation from landowners to allow it. The homeowners' association probably has more jurisdiction on this matter. Appreciate the approach Mr. Bugger has brought and his input on need to create a task force to move them into action. As it is not on the agenda as an action item, cannot make a decision, but would like to see a group work on a plan to help resolve the matter and will put him on the October agenda.

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

MOTION: Commissioner Rasmussen 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.

(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 – 'I', Commissioner Rasmussen – 'I', voting was unanimous in the affirmative.

Let the records show that Prosecutor Joseph Hayes, Deputy Clerk Jamie Humpherys, Deputy Clerk Mindy Williamson and Clerk Garner were in attendance.

Executive session began at 11:49 a.m. and the board left the executive session at 1:05 p.m. and back to regular meeting.

Discussed in executive were medical lien releases, personnel and needed some legal advice on a lawsuit which ICRMP is handling.

MOTION: Commissioner Jensen made a motion to authorize Commissioner Rasmussen to sign and release the Medical Claims that are closed as follows: #'s 2007-16, 2008-22, 2010-12, 2016-04, 2013-17, 2009-17, 2006-43, 2009-25, 2009-32, 2007-22, 2007-30, 2008-06, 2008-18 and 2008-05, to help clear up the records, seconded by Commissioner Rasmussen, motion carried.

MITCH POULSEN – PLANNING and ZONING ADMINISTRATOR

Planning and Zoning Administrator, Mitch Poulsen, presented to the Commission multiple items for the Commissioners' review and approval.

SPENCER BAILEY – REZONE – ACTION ITEM

Poulsen informed the Commission that Spencer Bailey converted an Ag shop into a linen shop for the laundry of his businesses. Bailey went to the City of St. Charles for approval and Rocky Mountain Power to get set up with a pedestal upgrade. Building Inspector, Wayne Davidson, red tagged him as not in commercial zone. Planning and Zoning held a public hearing with it going about fifty – fifty. Planning and Zoning Board did approve with a Development Agreement, which the Prosecutor has reviewed.

MOTION: Commissioner Jensen made a motion to accept the recommendation from Planning and Zoning to approve the rezone request of Spencer Bailey from residential to commercial with a development agreement, seconded by Commissioner Rasmussen, motion carried.

DAVID HYMAS – REZONE – ACTION ITEM

Poulsen informed the Commission that David Hymas' property rezone request for the purpose of splitting off a lot, it was reviewed and approved by the Planning and Zoning Board.

MOTION: Commissioner Jensen made a motion to accept the recommendation from Planning and Zoning to approve the rezone request of David Hymas for splitting off a lot, seconded by Commissioner Rasmussen, motion carried.

EAST SHORE SUBDIVISION PLAT – ACTION ITEM

Poulsen explained to the Commission the East Shore Subdivision requested to have the plat amended to add an additional lot, is immediately adjacent to the subdivision, highly been used by the subdivision, has a pump station and power supply source on it. It also has two (2) roads that go to it and is adjacent also to the marina. It is about a one-half acre and consistent with the other lots and the Planning and Zoning Board approved the combined preliminary and final plat

MOTION: Commissioner Jensen made a motion to accept the Planning and Zoning Board's recommendation for the rezone to include one (1) additional lot for the East Shore Subdivision and approve the combined preliminary and final plat, seconded by Commissioner Rasmussen, motion carried.

MERRILL KUNZ – REZONE #1 – ACTION ITEM

Poulsen informed the Commission of Merrill Kunz's request for a rezone #1, there are two (2) parcels next to each other and want to rezone to rural, there was no opposition, the Planning and Zoning Board recommended approving the rezone.

MOTION: Commissioner Jensen made a motion to follow the Planning and Zoning Board's recommendation to approve Merrill Kunze rezone #1 to rural, seconded by Commissioner Rasmussen, motion carried.

MERRILL KUNZ – REZONE #2 – ACTION ITEM

Poulsen informed the Commission of Merrill Kunz's request for rezone #2, the other parcel of the two (2) to rural, no opposition during the public hearing. Planning and Zoning did recommend approving the rezone for #2

MOTION: Commissioner Jensen made a motion to accept the Planning and Zoning Board's recommendation to approve the Merrill Kunz rezone #2 to rural, seconded by Commissioner Rasmussen, motion carried.

THE RESERVE PHASE 7 – PRELIMINARY PLAT – ACTION ITEM

Poulsen presented the Reserve Phase 7 preliminary plat, has some background, was submitted years ago, starting over as there have been some ordinance revisions and updated the road standards. They are requesting 24 lots on 21 acres adjacent to and north of the existing main body of the subdivision. It will connect to the existing water, sewer and other infrastructure, eventually the road will move around and connect to U.S. 89 and will create an additional access point, making four (4) accesses. The public hearing had no opposition and the Planning and Zoning Board recommended approval.

MOTION: Commissioner Jensen made a motion to accept the Planning and Zoning Board's recommendation to approve the preliminary plat for The Reserve Phase 7, seconded by Commissioner Rasmussen, motion carried.

THE KNOLL at the RESERVE – PRELIMINARY PLAT – ACTION ITEM

Poulsen mentioned The Knoll at the Reserve was reviewed several months ago with sixteen townsites and the Reserve found the proposal was inconsistent for the market. They requested that plat is now scrapped and changed to eight (8) residential lots on seventeen acres. Held a public hearing and an adjacent homeowner was concerned about the location and the view being blocked but they assured that would not happen and the document showing the location of building lots has been submitted. Planning and Zoning Board recommended and approved the preliminary plat. Poulsen, as a side note, explained sometimes lots are on a cul-de-sac and need to be accessed on that cul-de-sac, not elsewhere to avoid vehicular accidents, the ordinance does not address so need to look at it further.

MOTION: Commissioner Jensen made a motion to accept the Planning and Zoning Board's recommendation to approve the preliminary plat of The Knoll at the Reserve, seconded by Commissioner Rasmussen, motion carried.

ROAD ACCEPTANCE POLICY – ACTION ITEM

Poulsen inquired about the need for a Road Acceptance Policy. Developers are submitting four (4) lot or nine (9) lot subdivisions, he lets them know they have to have a homeowners association with CC & R's or bylaws and the roads need to be built to county standards and will be maintained. They need to know that the road will be maintained by the County once a few homeowners start to build on

it. Get quite a bit of push back from the developers on a homeowner's association, but it needs to be addressed for them to help with a fee structure to help with the roads. Sometimes lots sit forever then they want to build and want the roads to be accepted. Appreciate Poulsen bringing the information, they will look into more. Trying to find ways to de-landlock people up there.

TIM and SAMMY FIRTH – ILLEGAL BUSINESS/NOT ZONED COMMERCIAL – RENTALS

Tim and Sammy Firth met with the Commission, along with Randy and Jared Skinner, who were also present, about a concern on a change from Ag to residential on Kunz land becoming a campground. They also were concerned about Devin Skinner's property south of Cemetery Road being a campground, as a business, should be zoned commercial. The increased traffic, speed, need for more fire hydrants and concern for children. Dingle does not have the infrastructure to handle the increase. The Firth's inquired what they could do to help manage this issue. Commissioners mentioned the Idaho Code on rentals, and their bigger concern of the campground would need to go through a process of a public hearing. Prosecutor Hayes helped draft ordinances for the cities of St. Charles and Paris to help regulate the rental properties. They would like one that would cover the entire county which would require anyone trying to rent out a property to have a permit. Hayes and Sheriff Heslington have been looking at the Devin Skinner matter.

Poulsen mentioned the Kunz property being split into two (2) lots, question on a reception center and would check with Davidson on that. Jared Skinner was concerned about all the properties being rented out and worrying about fire hazard. The traffic on Dingle Cemetery Road is an issue as it is narrow with no room to pass another vehicle. Commissioner Jensen will go and look at the property and where to put in a culvert. Commissioner Rasmussen indicated they are looking at an ordinance which will be for the safety and health of the County. There will be public hearings and there is a need to get something that can be enforced. Public hearings will always be on the website besides the paper.

BART MCKINNON – PETITION COUNTY to TAKE OVER ROADS in ASPEN CREEK MEADOWS

Bart McKinnon, Developer of Aspen Creek Meadows, would like to petition the County to accept the Aspen Creek Meadow roads. He has put fill in to take care of potholes, the engineers have said it is to county standards, gone through the process, ditches are good, culverts are good, pretty good asphalt and paying the same as others with county roads. They have one (1) more phase to go and it will be an H.O.A. (Homeowners' Association) and would like to know what to tell them and what they need. Commissioner Rasmussen informed McKinnon the petition would need to be in writing prior to holding a public hearing.

DOUG BARRETT – BEAR 100 ENDURANCE RACE

Leland Barker stood in for Doug Barrett, mentioning the Bear 100 Endurance Race began in 1999 and was all in Idaho back then. Now they start in Logan, Utah and finish in Fish Haven Canyon. They have about 300 participants. The permit has been submitted, they are off road and take care of themselves.

MOTION: Commissioner Jensen made a motion to approve the Bear 100 Endurance Race the last weekend in September on the 24th and 25th, seconded by Commissioner Rasmussen, motion carried.

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

Meeting adjourned at 2:30 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____

CINDY GARNER, Clerk