**Bear Lake County Commissioners' Meeting**
**November 24, 2025**
**Commissioners' Chambers – Paris, Idaho**

The Board of Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, November 24, 2025, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting was available via Zoom. Members present were Chairman Rex L. Payne, Commissioner Wynn S. Olsen, Commissioner Alan P. Eborn and Clerk of the Board Amy Bishop. Also in attendance were Planning and Zoning Administrator Mitch Poulsen, Deputy Clerk Paul Christiansen and various members of the public.

**APPROVAL OF AGENDA**

Commissioner Payne advised that one item needed to be added to the Board's meeting agenda. Bear Lake County citizen Kathi Izatt had filed a formal complaint against the Board and had alleged a violation of the Open Meeting Law under Idaho Code took place at the Board's recent special meeting, held November 20, 2025.

Any such complaints have to be addressed by a public agency within 14 days. Because the complaint had been filed with the county on November 21 – a day after the November 24 meeting agenda had been noticed and posted – the item could not be added to the published agenda before it was delivered to the public. Commissioner Payne advised that, due to the time sensitivity of the item, the commissioners could opt to add the item to its current agenda.

**MOTION: Commissioner Eborn made a motion to adopt the agenda for the November 24, 2025, meeting of the Board of Bear Lake County Commissioners, with the addition of the item to address the complaint against the Board that had been filed by Kathi Izatt. The motion received a second from Commissioner Olsen. The motion carried.**

Commissioner Payne advised that item was added to the end of the Board's meeting agenda.

**GENERAL BUSINESS**

**HOSPITAL BOARD APPOINTMENTS**

Commissioner Olsen advised that Gary Griffin had served on the Bear Lake Memorial Hospital Board for about five years. Because Griffin now had employment in Rock Springs, Wyoming, he had found it difficult to attend hospital board meetings and would step down from that board position.

The hospital board had presented several names as possible replacements for Griffin – including ex officio members Merri Johnson and Robert Bowman, and community members Quin Pope and Lisa Hillier. However, after some consideration, that board had recommended Johnson be appointed to that position. Commissioner Olsen said Johnson had served in an ex officio capacity for nearly two years.

Commissioner Payne, who personally knew Johnson, said he was confident she would be an excellent addition to the hospital board.

**MOTION: Commissioner Olsen made a motion to approve the Bear Lake Memorial Hospital Board's recommendation of Merri Johnson and to appoint her to serve on that board. The motion received a second from Commissioner Eborn. The motion carried.**

**FAIR BOARD APPOINTMENTS**

Commissioner Olsen reported that current Bear Lake County Fair Board Chair Lisa Transtrum, who had served on that body for several years, had asked to step down from the board due to some ongoing health issues. The fair board had nominated Jamison McPherson to serve as the new chairman, and that left a vacancy for board member over the livestock buildings.

Commissioner Olsen advised Lars Jensen had been approached and was willing to serve in that capacity for a three-year term.

Commissioner Payne recalled that Jensen had been considered in the past but due to a busy schedule had not been able to accept a position on the fair board. He said Jensen will make a good supervisor over that facet of the county fair.

**MOTION: Commissioner Olsen made a motion to appoint Lars Jensen to the Bear Lake County Fair Board to serve a three-year term. The motion received a second from Commissioner Eborn. The motion carried.**

**MITCH POULSEN – REVIEW OTHER CITIES AREAS OF IMPACT**

Bear Lake County Planning and Zoning Administrator Mitch Poulsen came before the Board to answer any questions the commissioners might have related to the progress made to establish new areas of impact for the county's incorporated cities.

Poulsen advised the impact area for the City of Montpelier had been worked through, as the representatives of the city had worked with Poulsen and with the Board of County Commissioners to better identify the boundary that best suited the city. A public hearing for Montpelier's impact area will be held in the near future and will be the first of the cities' impact areas to go through that process. That decision had been made to address the most intricate and difficult of the impact areas and had been made based on the suggestion offered by Adam McKenzie, the former county attorney who at the time had worked through this issue with the Board and with P&Z, Poulsen said.

Following the public hearing for the Montpelier impact area, Poulsen advised the other cities' impact areas will be worked through and also will go to public hearing. He advised he already had the maps prepared for those proposed impact areas and the corresponding draft ordinance for each. He advised none of the other cities had wanted to make any substantial changes to the way in which those areas are administered. However, the maps for each impact area – with the exception of that of the City of Georgetown – had changed significantly from how those boundaries had been drawn in the past, he said.

Poulsen advised that most of the cities' officials had a hard time understanding their impact areas should be designed to contain only areas that are annexable and likely to be provided city services in the near future. In working with various cities' officials as the impact area maps were drawn, he had a hard time making them understand those boundaries should not be so large if the intent is not eventual annexation of those areas.

Poulsen once again advised the Board had chosen to work on the City of Montpelier's impact area before proceeding to those boundaries for other cities, and he advised that made sense. The largest number of applications come from in and around the Montpelier area, he said.

Clerk Amy Bishop reminded the commissioners that, due to not having a county attorney in place following the November 4 recall election, they had postponed the hearing for the City of Montpelier's impact area. With the recent move to contract with Ronnie Keller to serve as county attorney, she advised the county can soon move forward to get that hearing rescheduled.

**MITCH POULSEN – FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR KYLE ALLRED COMMERCIAL REZONE**

Bear Lake County Planning and Zoning Administrator Mitch Poulsen presented P&Z's Finding of Facts and Conclusions of Law for the Commercial Rezone Application that had been submitted by Kyle Allred. Allred had requested approval to rezone a 4.4-acre lot from community expansion zoning to commercial zoning for the purpose of selling trailers, farm equipment and mowers.

Poulsen advised there was not much left to report. The required public hearing on this rezone application had been held, and P&Z recommended the P&Z Commission now recommended the commissioners approve the rezone request and approve the findings of fact report.

**MOTION: Commissioner Eborn made a motion to approve the Findings of Fact and Conclusion of Law for the Commercial Rezone Request that had been submitted by Kyle Allred. The motion received a second from Commissioner Olsen. The motion carried.**

**OPEN/AWARD BIDS FOR NEW AMBULANCE**

Commissioner Payne read into the record the call for bids for one new ambulance and a power load kit with an installed cot that had been published. Bids had been mandated to be delivered in writing and contained within a sealed envelope that was plainly marked as "New Ambulance" or "Load Kit." Bidders were able to bid separately on the ambulance and power load kit, or they could submit a bid for both items together by marking both "New Ambulance" and "Load Kit" on the envelope and itemizing the cost of each within their bids. A bid bond of 5 percent was required with a submitted bid, he said.

The public notice had stated sealed bids would be received until 5 p.m. on November 21. It further stated the Board of County Commissioners was to meet to open and award the bid at 10 a.m. on Monday, November 24, and reserved the right to accept or reject any or all bids deemed to be in the best interest of the county.

Just one bid had been received, although that had come in two separate envelopes that arrived prior to

the bid deadline and met all qualifications, Clerk Amy Bishop said. The bidder had forgotten to include the signed bid sheet within the bid offer, so that had been submitted in a separate secondary envelope, she said.

The commissioners proceeded to open the bid, which had been submitted by Jason Barrett on behalf of Professional Sales and Services, LLC, based out of Salt Lake City. The bid was for both the ambulance and load kit at a total cost of $407,469.00.

As factored out by equipment facets of the bid, the cost of the ambulance was bid at $252,260.00; a Dodge Ram chassis, estimated at $80,000.00; a graphics package at $9,200; shipping at $4,800; Stryker power load system at $31,184; and a Stryker Power-PRO 2 mid-configuration cot at $30,026. The remaining cost was to go toward the labor to construct the order.

The bid included a note stating the chassis price had been estimated for model year 2027. Bear Lake County will be responsible for any price increases issued for the model by Ram up until the chassis is ordered.

The lead time for delivery to the Bear Lake County Ambulance Service building in Montpelier was 24 months. That estimate was dependent on the chassis, its availability and production.

Bear Lake County Clerk Amy Bishop suggested the Board, if it chose to approve the bid, include in the motion a statement that the bid was approved contingent on the ambulance service committee's review to ensure it was consistent with that agency's specification needs.

**MOTION: Commissioner Eborn made a motion to award the new county ambulance and power load kit bid to Professional Sales and Services, LLC, with an approximate delivery of 2027 for the emergency vehicle, contingent on a review and approval by the Bear Lake County Ambulance Service Board to ensure specifications and costs match the agency's requirements. The motion received a second from Commissioner Olsen. The motion carried.**

Commissioner Payne advised it was his understanding that the ambulance board had money to purchase this vehicle.

Tyson Boehme, who served on the ambulance board committee for this project, reminded the Board that the agency had been the recipient of grant funding that will cover the costs of the load system and cot.

**REVIEW AND APPROVE CONTRACT TO FILL PROSECUTOR VACANCY WITH RONNIE KELLER**

The Board next had to review a contract, drafted by Caribou County Prosecutor S. Doug Wood on Bear Lake County's behalf, to be signed and enacted between the county and Bear Lake County Deputy Prosecuting Attorney Ronnie Keller, who had been selected by the commissioners to serve as Bear Lake County Prosecutor.

Commissioner Payne asked that Clerk Amy Bishop read the full contract into the public record, which she proceeded to do. The contract outlined the attorney services for which Keller or his designee would be

responsible for. These included commissioner meetings; prosecution of criminal offenses, pursuant to Idaho Code (§) 31-2604 and 31-2607; appointment of a deputy prosecutor, pursuant to Idaho Code (§) 31-2602, and the delegation of assignments to that deputy, pursuant to Idaho Code (§) 31-2604; advising of county officials in accordance with Idaho Code (§) 31-2607; and the review and preparation of documents of a legal nature.

The contract outlined Keller's annual salary as $82,500, divided in single monthly payments of $3,875. However, the county would be under no obligation to provide the attorney with insurance or other benefits, as those instead would be offered and provided to Keller's deputy.

Under the contract, the county – having found a deputy prosecuting attorney is necessary for proper conduct of the prosecuting attorney's office – provided that Keller would be granted the ability to appoint a deputy prosecutor. Per the contract, that individual was set to be compensated with insurance, benefits and a starting annual salary of $36,500. That compensation was to be paid monthly, less any taxes and necessary deductions, with the option that the deputy could choose to waive the insurance and benefits.

Until the time Keller appointed a deputy, he would continue to be employed as both prosecuting attorney and as deputy prosecutor. During that interim period, Keller would be compensated as deputy prosecutor in addition to any compensation incurred in his position as Bear Lake County Prosecutor. At any point Keller served as Bear Lake County Prosecuting Attorney without a deputy prosecutor, his total annual salary would increase to $119,000 to be paid in monthly installments of $9,916.66, less any taxes and necessary deductions. At the time a deputy was appointed, Keller's position as deputy prosecutor would be terminated.

The county agreed to maintain a budget for and to provide Keller with an office; all standard and necessary office and operating materials; and the currently employed county personnel which are necessary for accomplishing the duties of the office. Additionally, the contract stated the county would provide necessary funds for Keller to attend conferences and trainings relate to his duties as Bear Lake County Prosecuting Attorney, including but not limited to trainings and conferences provided by the Idaho Prosecuting Attorneys Association. The county would cover the costs of registration fees, hotel accommodations, travel expenses and per diem to ensure Keller's continuing education, training and inter-agency assistance was provided to more effectively and fully represent the county's interests.

The agreement stated that Keller would be fully responsible for any incidentals or costs not typically provided by the county to an elected or appointed county prosecuting attorney or for which not otherwise addressed in the agreement.

The agreement stated Keller's term as Bear Lake County Prosecuting Attorney was to be effective from the date the agreement was adopted and signed, and it automatically would terminate at the time when the results for the elected office of prosecuting attorney for Bear Lake County are officially proclaimed after the 2028 general election. Either party may terminate the contract by providing 30 days' written notice.

With the adoption of the contract, the attorney will be considered a public official and will function as the Bear Lake County Prosecutor pursuant to Idaho Law. Additionally, Keller, at that time, shall qualify for

membership in any elected official organizations.

The contract further detailed the degree of defense and indemnification the county will provide to Keller and his staff – pursuant to Idaho Code (§) 6-903 in the event any negligent or otherwise wrongful acts or omissions are performed within the course and scope of their duties. However, the county shall not be entitled to any contribution, reimbursement nor indemnification from Keller for any acts or omissions which he performs unless a court finds that any such act or omission was outside the course and scope of his employment, or included malice or criminal intent.

Per the contract, the attorney would agree not to bring suit against Bear Lake County except for nonpayment or intentional wrongful conduct by the county. Additionally, the agreement stated Keller would not engage in any conduct that would qualify as a conflict of interest.

The contract also stated Keller agreed to comply with all legal and ethical obligations of representing the county and would comply with the Idaho Rules of Professional Conduct. Additionally, Keller would be responsible to maintain good standing with the Idaho State Bar and the costs of his membership therein.

Nothing in the agreement shall be construed to limit nor restrict Keller's ability to engage in employment or provide services outside his employment with Bear Lake County as long as such outside employment or services do not create a conflict of interest with his responsibilities and duties with Bear Lake County.

After Bishop concluded her reading of the contract in full, Commissioner Payne commented that he felt it would be appropriate for the commissioners to approve the contract for Keller's deputy prior to that being accepted.

Additionally, Commissioner Olsen clarified for those in attendance that Keller's term as Bear Lake County Prosecutor was to be done via contract and not as an appointment to serve.

Reading through the contract, Bishop advised the Board the contract stated Keller would have the right to appoint a deputy prosecutor of his choosing, pursuant to Idaho Code (§) 31-2602, and that individual would be under the direction and supervision of Keller in his capacity as Bear Lake County Prosecutor. Commissioner Payne clarified that language needed to be added to assure that deputy's selection was contingent upon the approval of the Board of County Commissioners.

Bishop also advised the term of the contract was set to automatically terminate upon the proclaiming of the 2028 general election results. However, that would leave the county without a prosecuting attorney from early November 2028 until January 2029. After some discussion, the commissioners advised that term language needed to be corrected to state Keller would serve until the swearing in of elected officials in January 2029. Per the calendar for that time, the swearing in of elected officials will take place on January 8, 2029, at the first regular meeting of the Board of Commissioners for the year.

Bishop advised that Wood had sent to Keller a copy of the draft contract the Board had reviewed. Keller had advised he felt all things he needed had been addressed within the contract.

**MOTION: Commissioner Eborn made a motion to approve the employment contract with Ronnie Jace Keller, as printed to include the two changes the Board had discussed. The motion received a second**

**from Commissioner Olsen. The motion carried.**

**KATHI IZATT COMPLAINT OF AGENDA AND OPEN MEETING LAW VIOLATION**

Commissioner Payne reminded his fellow commissioners and those in attendance that the Board had added a single item – a complaint by county citizen Kathi Izatt that had been lodged against the Board and alleged the commissioners had violated the Idaho Open Meeting Law – to its November 24 meeting agenda. He asked that Clerk Amy Bishop read the complaint into the public record.

Bishop advised Izatt's complaint had been delivered to the commissioners, via hand delivery and email to her office, on November 21, 2025. Izatt had alleged a violation of Idaho Code by the Board of County Commissioners had taken place on one or more occasions and Izatt personally had brought such violation to the commissioners' attention following the conclusion of the Board's special meeting, held November 21. At that time, she had asserted the Board's action to select and appoint a prosecuting attorney at that meeting had been contrary to Idaho Code 74-204(4) because the agenda for that meeting had specifically stated the meeting would be held to "Open and Review Prosecutor Proposals."

Izatt further alleged the public had been provided no notice of the commissioners' intent to both select and appoint a county prosecuting attorney at that meeting and the prosecutor selection was in violation of the provision in Idaho Code 74-204(4), which required the agenda to include "all items known to be probable items of discussion. An agenda item that requires a vote shall be identified on the agenda as an 'action item' or provide notice that action may be taken on that item... ."

Izatt's complaint noted that Bishop, during the November 20 special meeting, had told the commissioners that four additional applications had been received from submitters that had not followed the instructions that had been outlined within the county's prosecutor solicitation statement. Izatt bemoaned that the commissioners had failed to review, evaluate or affirm Bishop's comment was accurate and, as a result, had failed to "open and review" all the applications that had been acknowledged as received by the county.

The complainant was firm in her belief that four applications were incorrectly eliminated from the commissioners' consideration and alleged the Board did not "open and review" said applications during the meeting as would have properly aligned with the published agenda notice.

Izatt next called attention to Idaho Code 74-208(3), which indicated that upon an occurrence when county commissioners knowingly violate Idaho law, a civil fine of $1,500 shall be assessed upon them. She said the commissioners were well aware of the violation because she personally had pointed out their error at the time it had occurred and had instead refused to acknowledge her request to speak prior to the meeting's conclusion. Having not been afforded the time to speak, Izatt said she informed the Board of its mistake at the earliest opportunity after the meeting, making her statement in full view and hearing of the public and the commissioners.

Additionally, Izatt's complaint stated she had attempted to contact both Commissioner Payne and Commissioner Eborn in early November to discuss the prosecutor vacancy that had resulted from the November 4 recall election; however, Izatt stated she had not made contact with either commissioner.

She next said that, prior to November, she had begged the commissioners to consider opinions that may differ from their own. However, she alleged those requests had been ignored and the commissioners had willingly discounted the opinions of taxpayers and voters, choosing instead to violate Idaho Code.

Izatt's complaint noted the 14-day period in which the commissioners were required to respond, under Idaho Code (§) 74-208(7)(a)(ii).

Following Bishop's reading of the full complaint, Commissioner Payne asked that Commissioner Eborn read into the record the response of the Board of Bear Lake County Commissioners.

The Board's response recognized Idaho's commitment to open government through the enactment of the Idaho Open Meeting Law more than 50 years ago. That law was built upon the simple, fundamental Idaho value that the public's business should to be handled in view of the public. In accordance with that belief, Bear Lake County strives at all times to comply with those parameters outlined by the Idaho Open Meeting Law.

The response acknowledged Izatt's complaint had been received on November 21 and that it had alleged a violation of Idaho Code had taken place because the commissioners chose to "select and appoint a prosecuting attorney" despite the action item stating they would just "Open and Review Prosecutor Proposals" at that meeting.

From the Board's statement, Commissioner Eborn read that it was important to note several things relevant to the complaint. Firstly, the commissioners had opened and reviewed prosecutor proposals at that meeting. Secondly, the agenda specifically had listed that topic as an action item – something that indicated the commissioners likely would hold a vote based on deliberations had in relation to that action item. Third, the commissioners had reviewed and deliberated about the presented proposals, and that had resulted in the commissioners' decision to have a contract drafted for prosecuting attorney services. Fourth, while one proposal was specified to serve as the basis for the contract, a prosecuting attorney was not appointed at that meeting. Lastly, the decision as to whether the county will actually enter into that contract was fully and properly noticed as an action item for the Board's meeting on Monday, November 24, at which time a final disposition was expected.

As defined by Idaho Code (§) 74-202(6) and by the open meeting law, a "meeting" is "the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter." The term "decision" is then defined in Idaho Code (§) 74-202(1) to include "any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present... ."

The term "deliberation" is defined in Idaho Code (§) 74-202(2) to be "the receipt or exchange of information or opinion relating to a decision... ." This receipt of information – or a measure on which the governing body would have to vote – amounted to deliberation and therefore triggered the definition and requirements of a "meeting" under the Idaho Open Meeting Law. The exact purpose of the special meeting held November 20 was to receive information relating to a final decision.

It must be noted that the agenda for the November 20 special meeting was posted on Tuesday,

November 18, and that timeframe met the 24-hour requirement for the notice. That agenda had contained just two items – "Approval of Agenda" and "Open and Review Prosecutor Proposals" – and both had been identified as action items.

In alignment with that notice, the November 20 agenda had been read and approved, Commissioner Eborn said. Following that, in relation to the second agenda item, Bishop had read into the record the commissioners' request for proposal (RFP), which had stated the criteria and requirements for said proposals. The RFP clearly stated that, upon review of the submitted material, the commissioners may select a proposal based on the submitted material, or reduce the list of applicants for oral presentation.

The commissioners' statement explained that two of the five solicitations that had been received by the county had received a response and met the criteria to deliver four copies of the required material within a sealed envelope to the County Clerk's Office's by no later than 5 p.m. on November 17, 2025. It also was noted that four emails had been received by the clerk on the topic of the vacant prosecuting attorney position, but those email communications – having no sealed envelopes with the necessary copies of required materials provided – did not meet the requirements stated within the RFP. Because there was nothing for the commissioners to open and review relevant to those email communications, those emails simply were kept on file but were not read into the record. That is consistent with bids for equipment or as ballots not meeting eligibility.

The two eligible proposals were opened, read and discussed by the Board. As those proposals met the eligibility criteria, questions were asked of the two applicants and the commissioners engaged in collective discussion, acquisition and exchange of facts relevant to an ultimate decision. That fell in alignment with the definition of "deliberation" under the Idaho Open Meeting Law, specific to the agenda item listed as "Open and Review Prosecutor Proposals."

The Open Meeting Law does not set forth what constitutes an "agenda" to satisfy the posting requirement. However, the term "agenda" is defined in general legal sense as a "list of things to be done, as items to be considered at a meeting, [usually] arranged in order of consideration." The agenda notice for the November 20 meeting had specifically outlined the meeting's purpose and the items to be addressed, and those items had been listed with specificity as primary items and had not been listed under catch-all categories. Furthermore, the item "Open and Review Prosecutor Proposals" was something that clearly would result in a vote for action and had been clearly indicated as an action item, successfully providing notice that action would most likely be taken.

After the conclusion of their deliberation, the commissioners had proceeded to take action, with each commissioner verbally expressing their No. 1 choice for the candidate to fill the vacant prosecutor position. The commissioners had unanimously ranked Ronnie Keller as their first choice.

A motion had been made to contract with Keller through the end of the current prosecutor term of office, which will be the first regular meeting in January 2029, but no contract existed for the county to enter into with Keller. Therefore, a motion had been made to have Caribou County Prosecutor S. Doug Wood draft a contract for which a final decision would be made at the commissioner's next scheduled regular meeting on November 24.

The county commissioners determined no violation of Idaho's Open Meeting Law occurred and no cure

was necessary, Commissioner Eborn said.

**MOTION: Commissioner Eborn made a motion to respond to the letter of complaint, as submitted by Kathi Izatt, by stating the Board of Bear Lake County Commissioners had complied with Idaho Open Meeting Law, had made the necessary determination that no violation of Idaho Open Meeting Law occurred and found no cure is necessary. The motion received a second from Commissioner Olsen. The motion carried.**

**MOTION: Commissioner Eborn made a motion to adjourn the meeting. The motion received a second from Commissioner Olsen. The motion carried.**

The meeting ended at 10:44 a.m.

Rex L. Payne, Chairman

12/5/25
Date Approved

ATTEST: Amy Bishop

Amy Bishop, Clerk

AUDITOR AND RECORDER
BEAR LAKE
COUNTY
STATE OF IDAHO