

Commissioner Meeting

SEPTEMBER 12, 2016

The meeting opened at 9:00 a.m., with commissioners Rex Payne and Brad Jensen in attendance. Commissioner Vaughn Rasmussen and Clerk Cindy Garner were both excused to attend family funerals. Deputy Clerk Amy Bishop was in attendance to take minutes.

COMMITTEE ASSIGNMENTS, ELECTED OFFICIALS MEETING AND APPROVAL OF MINUTES

Treasurer Tricia Poulsen presented two tax issues. The first was in regards to the Direct Communications building. Beginning with the 2013 tax bill, the building was centrally assessed by the state, but since no form R was filed it was also assessed by the county. The taxes assessed by the county were not paid by Direct Communications, since the parcel was double taxed. Poulsen recommended that the commissions write off the 2013 and 2014 taxes for this parcel, since the taxes were paid with the central assessment, but has advised Direct Communications that they do need to pay the garbage fees for those years. The issue has been corrected for 2015 and going forward.

Commissioner Payne moved to cancel tax for the affected parcel. Commissioner Jensen seconded. The motion carried.

Next Poulsen presented a letter from Spencer Munyan, a homeowner who bought a home in Bear Lake County in 2014. They lived in the home for two years, and then sold due to a job transfer. At the closing of the sale they discovered that their application for a homeowners exemption was rejected by the assessor's office. They believed this was an error since they could provide proof that they were working in Montpelier and living in the home during that time. The notice of rejection of their application was sent to their previous home and they never received it. They requested a refund of the homeowners portion of last year's tax. Poulsen recommended the refund. Commissioner Payne moved to refund the taxes, and Commissioner Jensen seconded. The motion carried.

The commissioners asked for some corrections to the August 22 minutes. The motion to go into public hearing needed to reflect that a second was made. Also the minutes stated that the commissioners suggested that the Community Center consider reducing deliveries to the home bound. This was corrected to reflect that the commissioners are in support of delivery to the home bound, but would like the center to reduce deliveries to those who are not home bound.

The minutes for the regular meeting on August 8 were correct. Commissioner Payne moved to approve both sets of minutes, with the changes as outlined. Commissioner Jensen seconded. The motion carried.

Sheriff Brent Bunn presented his monthly report. The report did not include any information about days at Caribou County Jail, since the computer program the jail uses for tracking has

been broken since July, so the sheriff has not seen July and August's billing. The sheriff hopes this does not cause a budget problem, since it is getting close to the end of the fiscal year, and the expenses need to be paid in this budget year.

Bunn also asked the commissioners to sign the agreement for the Idaho Policing Manual. The cost for the manual is based on 6 officers. This is the ICRMP recommended policy manual. Commissioner Payne moved to sign the subscription agreement. Commissioner Jensen seconded. The motion carried.

Prosecuting Attorney Steve Wuthrich joined meeting in progress at this time.

Bunn noted that he had received notice that Caribou County would reduce their price per jail day for next year to \$60.00 per day. This would minimally change the total monthly, which is currently \$65 per day. He also noted that the Sheriff's department had received a donation from Chuck and Tami Swanson of which he was appreciative.

The commissioners asked for a clarification on the County Keg Ordinance, since they had received some questions about it. The ordinance requires a permit for anyone possessing/purchasing a keg (4 gallons or more of beer), regardless of where the keg was purchased. The ordinance does not apply in the cities, who can set their own regulations.

Bunn also reported that there had been some question as to how long they needed to keep digital media such as body cam footage. This problem had been solved inexpensively by purchasing some external hard drives for storage of the media.

Wuthrich reported that he had been asked by Clerk Garner to research disbanding a flood control district that is no longer used. Bishop reported that the issue arose when the district appeared on a list of entities that are not in compliance with registry requirements with the State Legislative Services Office. Wuthrich reported that the district cannot be dissolved by the county without a vote, but the district may be able to be dissolved by the Board of Water Resources. The Clerk's office will contact Water Resources for help.

Bishop presented the Grant Award documents for the Airport Grant for the AWOS and PAPI systems. The award amount was \$175,905. Commissioner Payne moved to sign the agreement. Commissioner Jensen seconded. The motion carried. Wuthrich also signed the agreement as required.

Payne reported that the runway project has been going well and is mostly complete. He had toured the airport with Steve Engelbecht from the FAA and Engelbrecht was very supportive of the airport's efforts to upgrade considering how remote of a location we are. The airport is open again. They were able to accommodate helicopters for the Peterson Hollow firefighting efforts despite construction activities.

WAYNE DAVIDSON - BUILDING INSPECTORS REPORT

Wayne Davidson presented the building inspection report. He is at about the same number of permits as he was for the last 2-3 years at this time. He continues to receive new applications. A couple of building projects will be starting before fall and the builders are busy.

He also assisted with preparing bid specs for a building at the landfill. The commissioners reviewed the specs and decided to make the garage doors 12x12 feet and add some columns on door frames to protect the sides of the doors.

Davidson also reported that, south of Georgetown along the highway, there is a house being built on a private drive. The drive needs to be addressed for ease of locating by EMS services, etc. He has spoken with the adjoining landowners and proposes to name it Goodcoll Lane. The county will assume no ownership or maintenance, but is just assigning a name. Commissioner Payne moved to name Goodcoll Lane, Commissioner Jensen seconded. The motion carried. The clerk's office was directed to notify the assessor's office to complete the naming process.

Davidson also presented a flier for the courthouse bond election that will be sent out soon. He mentioned some issues with the courthouse. One is that they believe items are being stolen from the storage area next to the women's bathroom, which cannot be secured without blocking access to the bathroom. Another issue was that there is a pipe leaking water into the men's bathroom which Davidson is fixing. Davidson is also making progress on the security door for the court.

Davidson also reported that his county vehicle, a Dodge Durango, has 214,000 miles on it and the struts are bad. The vehicle has a hard time staying on the road. The commissioners agreed that he should go ahead and have the struts replaced.

The commissioners received the Skinner Right of Way Encroachment Agreement, and reviewed the plat maps received. The agreement stipulates a 25 foot wide easement. The commissioners believed the discussion had been for a wider easement, and decided to review the previous minutes and readdress the issue at the next meeting.

DAVID COTTLE - UPDATE BEAR LAKE ISSUES

David and Claudia Cottle presented a summary on issues that Bear Lake Watch has been working on.

There was an Idaho Department of Lands meeting in the spring, which Commissioner Rasmussen attended, where the agencies presented and discussed issues around the lake. Two weeks ago in Boise the Idaho AIS working group had their first meeting, which mostly consisted of the department of education talking about their AIS plan. There is an invasive species working group coming to Bear Lake this fall (Sept 23). Shoreline issues continue. The Cottle's requested that the county prosecutor make a formal request to ask for clarification on the Land

Board Order. The commissioners requested this issue be scheduled to discuss further at their next meeting on September 21st. Bear Lake Watch is also planning a citizens workshop Oct 8th, with a working group. The commissioners requested the meeting be posted so they can all attend.

The four-county meeting will also take place in Soda Springs on September 21st.

MITCH POULSEN SHORT TERM RENTALS

Mitch Poulsen came to discuss short-term rentals. He brought along Bob Peterson, City Administrator for Garden City. Poulsen stated that last time they had talked about short term rentals, the discussion was mostly driven by complaints about problems caused by short term rentals. Rich County is preparing to adopt a new ordinance, and he wanted to present their ideas to Bear Lake County also, and to provide information about how short term rental permits could be used as a revenue source to help with a proactive approach to summer problems. Short-term rentals are an increasing phenomenon across the country. The Rich County ordinance will require a fire marshal inspection for minimum safety requirements once a year. There is a \$30 charge to the homeowner for this inspection. Rich County's proposal is close to what Garden City is doing. The current policy is that inspection takes places once a year. In Garden City, the Code Enforcement Officer (also City Admin.) got under 10 calls for enforcement this year. When locking up city parks, he drives through major neighborhoods to check for parking issues, etc. When they get their license the building inspector counts how much space is needed. Any fines for violation are billed to the homeowners. Rich County proposes \$200 to \$300 for an initial short term rental license, with subsequent years costing less. The commissioners asked how Garden City determines if a property is a short term rental. Peterson explained that they use a web crawler to look for advertisements. Garden City has 330 short term rentals. Rich County has 20 listed on the web. Bear Lake County currently has about 15 on the west side of the lake. Peterson spent 56 hours for the summer on the program. The program generated \$172,000. Poulsen presented projections for Rich County. The commissioners took no action on this issue.

ALAN EBORN - M HILL AND LIDAR

Alan Eborn reported that he had met with the surveyor regarding the building, roadway and area up top of M-Hill, but the survey was not yet complete.

He also proposed having LIDAR aerial photography done to help with earthquake and flood mapping. The LIDAR provides more detail than pictometry. He has arranged to get the rest of the county done for free, but requested \$500 for LIDAR of Montpelier Dam in next fiscal year.

He also discussed the need to have a mutual aid agreement for emergency management with the adjoining counties. The commissioners stated they would put the topic on the agenda for the four-county meeting on September 21st and for the October commissioner's meeting.

JOEY STOCKING AND MITCH POULSEN - INTERLOCAL LAW ENFORCEMENT

Joey Stocking talked with the commissioners about Interlocal Law Enforcement. Though Stocking is a member of some Rich County EMS groups, he expressed his concerns as an individual. The issue is that Rich County emergency responders are directed not to cross into Idaho. He was referred to the Bear Lake County Commissioners by the Rich County Attorney. The Idaho legislature acted a couple of years ago to extend protections to neighboring states up to what Idaho law allows. Wuthrich explained that liability protections afforded by the different states' laws are substantially different and that Rich County would like to receive protections based on their own state law. In order to do this, the Idaho legislature would need to have agreements with all surrounding states for reciprocity.

DEVIN SKINNER AND EVAN SKINNER 8 LOT SUBDIVISION JOES GAP ROAD

Devin Skinner explained that they are proposing a subdivision of 8 ten acre lots outside of the Montpelier City Limits on Joe's Gap Road. They would like winter maintenance to be extended along the top part of Joes' Gap road and would provide turn arounds and do some work to make the turn in the road better for the equipment. The road is a county road and, as such, would not be part of the subdivision plat. Devin Skinner, stated that that road meets the requirements of 18 feet wide. Poulsen reported he had been in contact with Road Superintendent Greg Skinner, who was of the opinion that the upper section doesn't meet standards. The commissioners stated that they would need to look into the matter further, but they may consider providing winter maintenance if the road met standards, and other conditions, such as drifting snow, were taken into consideration. They directed the Skinners to begin with P & Z.

Commissioner Payne reported that he had attended the tour with the Soil and Water Conservation District. There is another fuels reduction grant in the works. Also he complimented the new lighting at the airport. He has received good reports. He is looking into getting a different tractor for the Airport to make snow removal easier around the new, lower lights. Municipal leasing may be the best option.

PUBLIC COMMENTS

Craig Schaar represented the property owners association homeowners along Loveland Lane. He asked if the new vehicle registration fees that are being directed to roads would result in additional road projects in their area, such as Loveland Lane. Bishop reviewed the Road and Bridge budget with Schaar. Commissioner Jensen reported that he believes Greg Skinner does have some projects planned and directed Schaar to contact Skinner. Schaar also asked whether, if the POA was willing to levy POA fees, they could be given to the county and ear-marked for projects in their area. The commissioners stated they were willing to consider it, but would need to look into legal considerations.

Commissioner Payne asked Roy Bunderson to explain the City of Bloomington's involvement with the Paris stockyards. Bunderson explained that the Paris Stockyards Association is the owner of the Stockyards, and they needed a municipal sponsor to apply for a USDA grant. The City of Bloomington agreed to act as the sponsor since there was no cost to city or management obligation. Bloomington will be doing their sewer project through DEQ, since there is a consent decree in place. They will seek an election for revenue bonds in November.

Bunderson also spoke about the building code decree. A decree was issued by the Obama administration several months ago that was initially interpreted by the Idaho Association of Building Officials to mean that building inspection and codes would be required for all federal funding. That interpretation was later backed off and the Idaho legislators didn't want to push the issue. Bunderson requested that the commissioners try to keep government out of our lives as much as possible and to not jump into those situations too quickly. He said he does not believe Short-term rental ordinances are needed.

Commissioner Payne moved to go into executive session for indigent, personnel, and legal matters. Commissioner Jensen seconded. Voice vote. Rex, yes. Brad, yes.

Commissioner Payne moved to go out of executive session. Commissioner Jensen seconded. Voice vote. Rex, yes. Brad, yes. Commissioner Payne moved to back into regular session. Commissioner Jensen seconded. Voice vote. Rex, yes. Brad, yes.

Commissioner Payne moved to approve indigent case 2017-3. Commissioner Jensen seconded. The motion carried.

Commissioner Payne moved to suspend indigent case 2016-16. Commissioner Jensen seconded. The motion carried.

Commissioner Payne moved to deny indigent case 2017-2. Commissioner Jensen seconded. The motion carried.

Commissioner Jensen moved to release a lien for case 2006-32. Commissioner Payne seconded. The motion carried.

Commissioner Payne moved to deny a certificate of residency for Alleman for lack of information. Commissioner Jensen seconded. The motion carried.

Commissioner Payne moved to approve a certificate of residency for Lewis. Commissioner Jensen seconded. The motion carried.

ROAD AND BRIDGE ISSUES / SOLID WASTE ISSUES

Commissioner Jensen noted that he had received a letter from the sanitation department. They presented some good ideas that he hopes to see in the future, but we need to develop a funding plan/schedule.

OLD BUSINESS

The commissioners decided to table the P&Z board member appointment till next month because they wanted to get Commissioner Rasmussen's input. He was going to talk with the potential appointee.

Danny McClendon, chair of the airport board, reported that things were going well and wanted to check if the commissioners had any concerns for him. They responded that things were going well and they did not have any questions or concerns at this time.

Bishop presented the commissioners with copies of the current Waste Tire Ordinance and a model ordinance from Caribou County to review. The commissioners asked to put the issue on the 4 county meeting agenda.

The commissioners noted that Keller Engineers was supposed to prepare a letter regarding drainage in Paris Canyon to John Carter. The commissioners have not seen the letter and need to check with Kellers.

Bishop asked about transferring a 1995 pickup truck from the Waterways Department to the Road and Bridge Department. The commissioners said to go ahead.

Bishop reported that some cameras and security equipment would be adjusted in courthouse. A quote was received from Chuck Swanson.

Bishop asked about having the list of surplus property approved for the September 21st meeting so that advertising could take place and bids could be received at the October Commissioners meeting. The commissioners agreed with this plan.

A letter was received from Marc Gibbs regarding a letter he had letter received about preserving access to state lands and the lakebed. The commissioners directed the clerks office to send a letter back stating that they think this is an important concern.

The commissioners also received three letters regarding beach traffic and ATVs. They are working on this issue.

2016 EMPG Emergency Management Performance Grant Agreement was presented. Commissioner Payne moved to applicants the agreement. Commissioner Jensen seconded. The motion carried.

APPROVE BILLS/ MINUTES

Commissioner Payne moved to ratify the claims with exception of one small invoice due to conflict of interest with Jensen Lumber. Commissioner Jensen seconded. The motion carried.

Bishop reported that the Health Department would not be able to move until October and would pay an additional month of rent to the county.

Bishop presented information regarding a comment period for the Rasmussen Mine.

Bishop reported that the indigent defense grant was received. This will need to be on the agenda for the four-county meeting also.

Commissioner Payne moved to adopt resolution 2016-06 to formally adopt the FY17 budget. Commissioner Jensen seconded. The motion carried.

Commissioner Payne moved to approve the property tax levies as certified by the taxing districts and presented on the L-1 report. Commissioner Jensen seconded. The motion carried.

No proposals were received regarding the request for IT services. The commissioners will continue to seek IT services, but decided to sign the agreement with CAI as well. A smaller block of hour or hourly services can be selected in the contract. Commissioner Payne moved to approve the CAI Contract. Commissioner Jensen seconded. The motion carried.

PROSECUTOR ASSISTANT PHONE REIMBURSEMENT

The prosecutor's assistant sent a letter requesting reimbursement for use of her personal cell phone. The commissioners were concerned about legal issues and setting a precedent with other employees. They decided to table the issue until the next meeting. The clerk's office will check to see if ICRMP has a sample cell phone use policy.

The meeting adjourned.