

Bear Lake County Commissioners' Meeting
January 8, 2024
Commissioners' Chambers – Paris, Idaho

The Board of Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, January 8, 2024, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting was available via Zoom. Members present were Commission Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Amy Bishop, Clerk of the Board. Also in attendance were County Assessor Jannelle Jensen, Treasurer Tricia Poulsen, County Superintendent Todd Boehme, County Building Inspector Wayne Davidson, Deputy Clerk Paul Christiansen and various members of the public.

County Attorney Adam McKenzie was excused for the first portion of the meeting due to another obligation.

APPROVE AGENDA – ACTION ITEM

Commissioner Payne asked that the Board's executive session be moved to 9:45 a.m. so Bear Lake County Assessor Jannelle Jensen – who had to leave directly after the conclusion of her business in order to travel to meetings in Boise – could attend. If need be, the Board could hold a second executive session later in the meeting.

MOTION: Commissioner Payne made a motion to approve the meeting agenda, with the addition of an executive session at 9:45 a.m. The motion received a second from Commissioner Olsen. The motion carried.

ELECTED OFFICIALS UPDATES

Bear Lake County Treasurer Tricia Poulsen presented a few tax cancellations for Board approval. Two of these tax cancellations – for parcel Nos. 18 and 780 – were being asked for by owners who had signed up for Homeowner's Exemptions after the deadline. The difference taken off the two parcels was reflected as \$660.02 for parcel No. 18 and \$154.14 for parcel No. 780, Poulsen said.

The third cancellation, reflecting a cancellation for parcel No. 1142.01 of \$220 for a garbage fee, was asked for due to a home collapse from heavy snow accumulation in March 2023, Poulsen said.

MOTION: Commissioner Payne made a motion to approve the tax cancellations due to the home collapse on parcel No. 1142.01 and the reductions due to Homeowner's Exemption application for parcel Nos. 18 and 780, totaling a cancellation of \$1,034.16 altogether. The motion received a second from Commissioner Olsen. The motion carried.

With all the Homeowner Tax Reduction (HTR) and the Additional Property Tax Relief (ATR) that was awarded last year, Poulsen said she has had a difficult time balancing the taxes for 2023. She had been unable to account for \$168.47 that was in her records, but after some time she found an amount of HTR and ATR, in conjunction with \$0.45 of Property Tax Reduction (PTR), that accounted for the total that had been missing. Poulsen said that, despite finding the missing amount, the county numbers still will be

off balance.

All ATR, PTR and HTR numbers are a moving target, with every Homeowner's Exemption, tax cancellation or any other changes that affect the parcel also affecting the ATR and HTR, Poulsen said. She said she still needs to meet with County Clerk Amy Bishop to determine how to track and handle these types of discrepancies going forward. In June, if it is found the county still owes money to the state due to these discrepancies, the county will have to figure out a timeline and a way to pay that amount back.

Poulsen said she is waiting to begin a miniature tax drive related to the occupancy role, provided by the Assessor's Office. She said this year's role – totaling 68 parcels – is the largest amount she has ever dealt with in her 13 years with the county. She commended Chief Deputy Assessor Bailee Argyle for the system she has in place that is used to identify all parcels added to the occupancy role.

Poulsen can begin that tax drive after the Board of Equalization closes. Tax appellants had until end of business that day – 5 p.m., January 8, 2024 – to submit any appeals. No applications had been received by the county at the time of the meeting, and it was not expected the county would receive any before the deadline.

Commissioner Payne said he was impressed with the amount of interest that Poulsen had been able to get for the county from the COVID money that she had been able to invest and deposit into interest-producing accounts. Poulsen said she knows the current interest rates are going to drop before long, so she wanted to take advantage of the county's ability to make a higher amount while able.

Assessor Jannelle Jensen reported the Motor Vehicle Department in December had taken in \$94,938.21 through Idaho Transportation Department registration transactions. Additionally, in that time the department had taken in \$9,516.00 through Idaho Parks and Recreation transactions.

The Bear Lake County Assessor's Office had sent its files to Pro-West so that company could begin transferring the county's geographic information system (GIS) data into the new Esri mapping system the county will begin using in February, Jensen said. County mapper Naaman Dolence and Chief Deputy Assessor Bailee Argyle will take part in an online instructor-led training February 7-9. Due to a time zone difference, this training will require Argyle and Dolence to come to work early, and they will be unavailable to the public during those three days. Jensen said she will be in the office to assist with any customers' needs and walk-in traffic.

Kady Payne and Sammy Higley, who work in the department's Motor Vehicle division, will soon mail Property Tax Reduction reminders to those taxpayers who have asked for them, Jensen said. The Idaho State Tax Commission has moved the PTR program to the World Wide Web and it encourages the public to enter their applications online. The Assessor's Office staff will be available to help members of the public if they need assistance. The last day to sign up for the PTR program is April 15, 2024, she said.

Jase Cundick, who had been serving as Bear Lake County's consulting appraiser from the state, recently resigned from his position, and that position has yet to be filled, Jensen said. This leaves that department down two employees and short-staffed until the jobs can be filled. However, the state has promised Bear Lake County will have the help it needs during the approaching Revaluation Year. To

combat the vacancy issue, the state will split between two other consulting appraisers the district in which Bear Lake County lies, she said.

Jensen said she and Argyle would leave to Boise for Winter School trainings, following the conclusion of their business at the Board's meeting.

County Clerk Amy Bishop said she and Deputy Clerk Kellie Messerly had spent the previous week in Boise at the 2024 Idaho Association of County Recorders and Clerks Elections Conference. Bishop said the state's many clerks are preparing for a presidential election year and the environment and challenges that accompany the process. The Clerk's Office encourages any citizens who may have election questions to call so any concerns can be addressed.

Bishop said she also wants to ensure the public is aware there will not be a presidential preference ballot question on the primary ballots this year, as Idaho has chosen to go through the caucus process.

December was a busy month for the Clerk's Office, even through the holiday season and into January, Bishop said. Chief Deputy Clerk Mindy Williamson currently is working on January tax return statements for all county employees, Bishop said. Additionally, Certified Public Accountant Gary Teuscher began the county's annual financial audit and confirmed this will be his last year before he retires. The county needs to begin searching for another vendor for its future auditing needs, and Bishop said she already is discussing options with other counties' clerks.

Commissioner Olsen said he recently had been receiving emails regarding campaign finance reporting, and he asked if he needs to register with or report anything with any governmental entities. Bishop said the state is in the midst of a new campaign financial portal rollout but she did not believe any of the commissioners had carried over a balance. They should not need to register until they are ready to begin campaigning again. While all campaign financial expenditures and contributions should be tracked, the reporting threshold mandates that no reporting has to be done until the campaign meets the \$500 threshold, she said.

Sheriff Bart Heslington said work is continuing on the largescale county radio and communications project with vendor Day Wireless and equipment manufacturer Motorola. He will attend a meeting with both parties later in January to ensure the project is moving forward.

While the funds have been obligated to this project, Commissioner Payne asked for clarification for when that money has to be spent. Clerk Amy Bishop reported that all contracts have to be in place for this project by the end of 2024, and that funding for the project has to be spent in 2026.

Heslington said those project contracts are in place, and landmarks also have been established to ensure certain portions are paid at offset times in order to meet deadlines. Some of those benchmarks already have been met, he said.

In December, Deputy Zach Freeman graduated from the Peace Officer Standards and Training (POST) Academy and has returned to full-time service with the county, Heslington said.

The sheriff addressed some Board action items that were scheduled for later in the meeting. He said the

agenda items “Sheriff’s Office Grant Disclosures” and “Sheriff’s Office Non-Supplanting Letter for Edward Byrne Memorial Justice Assistance Grant” go hand in hand with the county communications project. The Bear Lake County Sheriff’s Office will use any grant funding it receives to update its equipment – including radios in response vehicles and handheld radios for deputy use – in order to bring the department up to the technological level it needs to be at in order to operate effectively with the county’s new radio system once it is implemented., Heslington said.

Commissioner Payne asked if the sheriff had any update on the human jawbone fragment that had been discovered in July on the east shore of Bear Lake. Heslington said he had no official announcement to deliver at the time and was waiting for a response from other involved law enforcement and investigatory parties.

COMMITTEE ASSIGNMENTS

Commissioner Payne said he, Sheriff Bart Heslington and Sen. Mark Harris on December 21 had taken part in a conference call with the Idaho Department of Lands, the Idaho Department of Parks and Recreation and Gov. Brad Little’s Office to discuss the ongoing issue of state lands and the public’s concerns that have been voiced about the pending memorandum of understanding between Bear Lake County and the state. The MOU, as it stands, outlines for the enforcement of regulations and restrictions in the areas surrounding Bear Lake that fall below the original high-water mark

The primary issues brought forward by the public include concerns about lateral travel on those lands around Bear Lake and who will be responsible for the cost burden associated with the necessary law enforcement patrols in those areas, Commissioner Payne said. The proposed MOU asks Bear Lake County law officers to conduct these enforcement efforts; however, the majority of the public believes if state land is being patrolled, the state should provide the funding for the efforts.

Commissioner Payne said that, during the conference call, not much was said about funding; however, concerning the issue of lateral travel below the original high-water mark, the group was told that area is considered as public trust land. The lake bed and banks are owned by the state, and thus the state facilitates that navigation – effectively privatizing public trust lands.

He said this was the first time in the year since this issue was first discussed that anyone had clarified this area was public trust land. Bear Lake is unique because the water level can change regularly and drastically. The littoral rights – or those that provide landowners’ the right to claim use of a body of water that borders their property, as well as the use of its shore area – effectively increase property boundaries, he said. In the case of property owners around Bear Lake, the littoral rights can greatly increase their property values and double the land available to them. Because of this, taxes for properties located around the lake could potentially increase significantly. The effect on other nearby properties is unknown at this time, but likely there would be some effect, he said.

Idaho Statutes Title 58 addresses the issue of public lands, and nothing within it is to be construed as a limitation on the power of the state to make decisions on what should be done with these lands in question, Commissioner Payne said. Certainly, if the state maintains these lands are public trust lands that are being privatized, property values around the lake will change, he added.

Susan Buxton, the director of the Idaho Department of Parks and Recreation, reported during the conference call that she is working to get more state lands funding for the North Beach area of Bear Lake State Park. Commissioner Payne said he had informed her some sort of access is needed on the west side of Bear Lake – which currently only has private beach access.

Senator Harris was scheduled to attend a meeting with the Idaho Department of Lands on January 8, 2024, in Boise and would relay any updates to Commissioner Payne.

Commissioner Payne said if the state holds up the privatization of public trust lands, he foresees most complaints will focus on trespassing issues. Property owners won't be able to erect border markers to designate where their land begins and where public trust lands end, so it is likely there will be trespassers – both accidental and intentional – that step foot onto private lands. The state's latest solution to law enforcement in these areas will be to deploy Idaho State Police to patrol these lands. Commissioner Payne said it is his view that at that point, the Bear Lake County Sheriff's Office really will not have to be involved unless an extreme incident requires.

Commissioner Payne said he planned to attend a Five-County Coalition and Idaho Transportation Department meeting with County Superintendent Todd Boehme on Thursday, January 11, in Pocatello.

Commissioner Payne said he had been contacted by a county citizen who has concerns about the intersection found in Montpelier at N. 4th Street and Clay Street – which also serves as the intersection of United States Highway 89 and United States Highway 30. This citizen has gathered signatures from quite a few other people who have stated they are in favor of putting a stoplight at that intersection as a safety measure. Throughout the years, there have been many accidents there. There also is a pedestrian crossing at that intersection that navigates from east to west across the four traffic lanes of Highway 89/North 4th Street – a dangerous crossing for any walkers who try to cross the roadway safely, he said.

He asked for the other commissioners' permission to present the petition to those gathered at the ITD meeting he will attend January 11. Commissioners Olsen and Jensen said they were both in favor of Commissioner Payne presenting it to that group, with Commissioner Olsen outright saying he also was in favor of the stoplight being implemented at the intersection.

Commissioner Olsen presented information to the board about a potential partnership Bear Lake County can join in with other counties in Southeastern Idaho. He said he had attended a meeting last month concerning the Eastern Idaho Forensic Pathology Center, a forensic lab that Bannock County officials have dedicated \$3.5 million from their American Rescue Plan Act funding to. The facility will be built in Pocatello and will offer the counties in the southeast part of Idaho a facility for their forensic needs, he said.

Currently, the only forensic lab in Idaho is located in Boise. There also is potential for the construction of this type of facility in Kootenai County. While the annual budget of the Eastern Idaho Forensic Pathology Center will be sizeable – estimated at about \$575,000 – Bear Lake County can join in as a partner in order to have access to the facility and help to take on part of that expense, Commissioner Olsen said. The idea is that each partner county will pay an annual fee based on its population, the National Autopsy Average Rate – which is estimated as one autopsy per 1,000 individuals in the population – and the facility's annual budget.

Initially, the plan asks Bear Lake County to provide \$6,000. This will allow for as many as nine autopsies to be conducted annually for the county, Commissioner Olsen said. Sheriff Heslington clarified that the Bear Lake County Coroner currently contracts with a forensic pathologist that conducts autopsies here locally. This helps alleviate the burden on the coroner, who otherwise would have to travel to Boise and stay for at least a week while any autopsy is conducted – something that can be quite costly to the coroner, as it can potentially reduce income that he would normally receive during that time through private sector mortuary duties in Bear Lake County.

There is a push for 17 counties in Southeast Idaho to partner with Bannock County on this project, and the effort would ensure there are forensic facilities available in this section of the state. Commissioner Olsen said he was in favor of Bear Lake County joining the partnership.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

County Building Inspector Wayne Davidson said he did not have many things to update the Board on. However, he said, it does appear that contractors are getting projects lined up for spring construction. These contractors have led Davidson to believe there will still be a lot of work at that time. Additionally, because of weather conditions that have been mild compared to the previous year, contractors have been able to keep work ongoing.

Davidson said he has received quite a few out-of-the-norm building permit and conditional use requests for projects such as condominiums, campsites and “glamping” facilities – which are designed to provide a style of camping with high-end amenities and, in some cases, resort-style services usually not associated with traditional camp sites. Bear Lake County Planning & Zoning Administrator Mitch Poulsen is addressing these types of conditional use permits, and they will have to go before the Bear Lake County Planning and Zoning Board for approval, Davidson said.

The county continues to work with Maverik, Inc. as it works toward construction of a new store that is planned to reside on the southwest corner of the intersection of Montpelier’s Washington and 4th Streets. However, because of some boundary issues the site is having with a neighboring property owner and an easement issue that is being worked through with the county, the company has withdrawn its rezone application with the City of Montpelier. It will resubmit once these issues have been remedied, Davidson said.

BOARD OF EQUALIZATION – ACTION ITEMS

Since it was first opened on June 26 of 2023, the session of the Bear Lake County Board of Equalization session had remained open, Clerk Amy Bishop said. No unaddressed appellant filings had been submitted for the Board’s review, and property owners had until end of business on January 8, 2024, to submit. Bishop said she did not expect any appeals to come in before that deadline, she said.

MOTION: Commissioner Olsen made a motion to close the Board of Equalization, with the option to reopen if any appeals were received before 5 p.m. on January 8, 2024. The motion received a second from Commissioner Payne. The motion carried.

EXECUTIVE SESSION – IDAHO CODE 74-206(1)

MOTION: Commissioner Payne made a motion to go into executive session according to IDAHO CODE 74-601(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.

The motion was seconded by Commissioner Olsen.

Roll Call Vote. Commissioner Olsen, Aye. Commissioner Payne, Aye. Commissioner Jensen, Aye.

The Board entered into executive session at 9:47 a.m.

MOTION: Commissioner Olsen made a motion to exit executive session and re-enter the Board's regular meeting. The motion was seconded by Commissioner Payne. The motion carried.

The Board re-entered its regular meeting at 10:04 a.m.

GENERAL BUSINESS / ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims before the Board. The motion received a second from Commissioner Olsen. The motion carried.

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve the minutes for the Board's December 11, 2023, regular and December 18, 2023, special meetings. The motion received a second from Commissioner Olsen. The motion carried.

ELECT BOARD CHAIRMAN

During the first Board meeting of each calendar year, a chairman is elected to preside over the Board, Commissioner Jensen said.

MOTION: Commissioner Olsen made a motion to elect Bradley D. Jensen to serve as chairman of the Bear Lake County Board of County Commissioners. The motion received a second from Commissioner Payne. The motion carried.

APPROVE COMMITTEE ASSIGNMENTS

In addition to his other committee assignments, Commissioner Olsen said he will attend meetings of the Southeastern Idaho Public Health Board. While this committee does not require a county commissioner to serve, he said he receives regular invites and, whereas he serves on the Bear Lake Memorial Hospital Board, would be very interested in attending. Vaughn Rasmussen will continue to attend in a citizen

capacity.

ADOPT ANNUAL BOARD MEETING SCHEDULE

In 2024, the Board will hold its regular monthly meetings at 9 a.m. on the second Monday of each month unless there is a conflicting holiday or courthouse closure. Clerk Amy Bishop said in 2024 there are two months when a holiday falls on the second Monday of the month – October and November. She proposed in those months to hold the regular meeting on the following Tuesday.

MOTION: Commissioner Olsen made a motion to adopt the 2024 Board regular meetings schedule and hold regular monthly meetings at 9 a.m. on the second Monday of each month, with the exceptions of the months of October and November. During those months, he moved those meetings to be held the following Tuesday. The motion received a second from Commissioner Payne. The motion carried.

SENIOR CENTER COMMUNITY DEVELOPMENT BLOCK GRANT

Clerk Amy Bishop reminded the Board that the Bear Lake Senior Center had applied for financial assistance to aid with some additional construction at the facility. The center had received an award of \$244,085 from the Idaho Community Development Block Grant. At the time of application, the county had agreed to act as the sponsoring entity, and all funds will now run through Bear Lake County.

Because an email announcement had not been received in time, and the award agreement had to be accepted before the Board's regular meeting, Commissioner Jensen had signed the agreement on the Board's behalf. The acceptance of the block grant agreement now had to be ratified, Bishop said.

MOTION: Commissioner Olsen made a motion to accept and ratify the Idaho Community Development Block Grant Agreement for the Bear Lake Senior Center. The motion received a second from Commissioner Payne. The motion carried.

2024 EMS EQUIPMENT GRANT

Clerk Amy Bishop said the Bear Lake County Ambulance Service had applied for grant funding through the State of Idaho, and an amount of \$55,260 had been awarded to them. Of that amount, \$51,260 was awarded for the procurement of a medical rescue vehicle; and \$4,000 had been granted to be used for an automatic transport ventilator. The subgrant agreement, which was before the Board for approval and signing, outlined the terms – one of which mandates once the vehicle has been titled, the Idaho Department of Health and Welfare will be listed as a lienholder until a period of five years has passed, Bishop said.

MOTION: Commissioner Payne made a motion to accept the State of Idaho Subgrant for the Bear Lake County Ambulance Service, in the amount of \$55,260. The motion received a second from Commissioner Olsen. The motion carried.

AVANGRID RENEWABLES SOLAR FARM POWERLINE PROPOSAL

County Superintendent Todd Boehme said the Avangrid Solar Farm proposed for the Pegram Flats area

of the county will require a major transmission line be installed to transmit the power that is generated and gathered. That company now proposes to put the corresponding power poles for that transmission line in the county right-of-way. Boehme said he wanted to make the Board aware of the plan so any stipulations the county may want to put in place can be known during the project planning process.

Boehme said he already has requested these poles be placed on the outer edge of the county right-of-way. However, he said he is concerned as the transmission line gets closer to Pegram, the narrowing right-of-way may inhibit future expansions as there already is a service line for the gas company that runs in that area.

Commissioner Jensen said he does not foresee an issue as long as Avangrid stays on the edge of that 60-foot right-of-way. Boehme said Avangrid has not submitted a formal encroachment permit application, but the county superintendent wants to be proactive rather than reactive in order to get any requirements put in place before the company breaks ground on the project.

MOTION: Commissioner Olsen made a motion to table any further discussion or action concerning the Avangrid Renewables Solar Farm Powerline proposal. The motion was seconded by Commissioner Payne. The motion carried.

SHERIFF'S OFFICE GRANT DISCLOSURES / NON-SUPPLANTING LETTER FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Clerk Amy Bishop told the Board the Bear Lake County Sheriff's Office plans to submit an application for the Edward Byrne Memorial Justice Assistance Grant. The submission requires the Board approval and signing of a Disclosure of Lobbying Activities form that shows the county follows the rules that mandate no lobbying activities can be conducted using federal funds. The grant application also requires the county submit a signed non-supplanting letter that states any funds awarded to the Sheriff's Office through the Edward Byrne Memorial Justice Assistance Grant will be used to supplement, not supplant, existing non-federal funds that otherwise would be available for activities under the award.

MOTION: Commissioner Olsen made a motion to approve and sign the Disclosure of Lobbying Activities form for the Bear Lake County Sheriff's Office's application for the Edward Byrne Memorial Justice Assistance Grant. The motion received a second from Commissioner Payne. The motion carried.

MOTION: Commissioner Olsen made a motion to approve and sign the Non-Supplanting Letter for the Bear Lake County Sheriff's Office's application for the Edward Byrne Memorial Justice Assistance Grant. Commissioner Payne seconded the motion. The motion carried.

The Board took a short recess at 10:29 a.m.

The Board reconvened its regular meeting at 10:33 a.m.

MAVERIK STORE CONSTRUCTION

Commissioner Payne said he had attended a few meetings of the Montpelier Planning & Zoning

Commission in order to gain some understanding and perspective on the planned construction of a new Maverik store location on the southwestern corner of Montpelier's 4th and Washington Streets. While there had been some discussions between Maverik, Inc. and Bear Lake County about an existing easement on the property, Commissioner Payne said the company has had some border issues with a neighboring property owner. That situation has led Maverik, Inc. to withdraw its rezoning and construction application with the City of Montpelier, but the company intends to work through those issues and, once they've been resolved, will resubmit its applications. In the meantime, he said, County Attorney Adam McKenzie will work with representatives for Maverik, Inc. to ensure the county's requirements are met.

The county wants to ensure an agreement and understanding is in place in regards to snow removal that will provide any snow removed from the Maverik, Inc. property is not placed onto the Bear Lake Memorial Hospital campus property, which is owned by Bear Lake County. Additionally, Commissioner Payne said, signage needs to be put in place in order to properly route semis and larger traffic that will travel behind the new Maverik building and keep those travelers off the hospital campus. The county and Maverik, Inc. plan to continue working with the Idaho Transportation Department to provide an entrance/exit to the store property that connects directly to U.S. Highway 30, located east of the store.

No county action is needed at this time, Commissioner Payne said.

Three attorneys – S. Douglas Wood for the City of Montpelier, Criss James for the unnamed property owner adjacent to Maverik, and Bear Lake County Attorney Adam McKenzie – are focused on resolving the related issues, he said.

Regarding the issue of the easement, McKenzie said the survey that had been supplied by Maverik, Inc. shows an overlap with Bear Lake County property. The county wants to resolve the overlap and put in place an agreement for the easement on the south side of the Maverik store. A property line discrepancy is at the heart of the issue between Maverik, Inc. and the neighboring property owner.

Although a representative for Maverik, Inc. said they will contact McKenzie soon to further discuss and resolve these issues, McKenzie said he has received no word. It does not appear Maverik, Inc. and its attorneys are ready to proceed forward yet.

APPROVE ROAD AND STREET ANNUAL FINANCIAL REPORT

Clerk Amy Bishop presented the annual Road and Street Financial Report for Board approval. That report mainly details money that comes from sales tax on fuel; however, she said, there have been some additional highway user moneys that have been appropriated by the Idaho Legislature in the past couple years.

This report has to be approved and submitted by all counties, cities and highway districts each year, and it provides breakdowns for how those moneys will be spent through highway funds and from where these funds are received. Bishop said she had worked with County Superintendent Todd Boehme to determine what funds had been expended in Bear Lake County and to place a number on the funding dedicated to employee worktime. In 2023, much of that funding was dedicated to winter maintenance efforts due to the long winter season in Bear Lake County.

MOTION: Commissioner Payne made a motion to approve the Annual Road and Street Financial Report. The motion received a second from Commissioner Olsen. The motion carried.

COUNTY VESSEL AND SNOWMOBILE REPORT

Clerk Amy Bishop said the County Vessel and Snowmobile Report could actually be revised so that the Board only need approve the vessel section. The county submits a lot of accounting records for this program, and an audit is conducted on water and snow fund expenditures, totals and uses. The Board's approval for the county Vessel Fund Reporting and Remittance Form – to be supplied to the Idaho Department of Parks and Recreation – is required to carry a fund balance from year to year. That balance currently sits at \$61,168.66.

The Bear Lake County Sheriff's Office is working toward buying another boat sometime in the next couple of years, and this vessel will be used for the office's marine patrol program. The department also has a goal to purchase an underwater drone to be used in recovery efforts during times when a dive team cannot go as deep underwater as is necessary.

The County Vessel Fund Reporting and Remittance Form for Fiscal Year 2023 showed no money under "Boat Safety Grant Revenue," Bishop noted. In fact, that money was received late and after the county had closed its books for 2023. In 2024, there should be two years' funding shown under that category, she said.

Sheriff's Deputy Tyee Graham is helping to administer the County Vessel Program now, she said.

MOTION: Commissioner Olsen made a motion to approve the County Vessel Fund total of \$61,168.60 be rolled over for funding year 2024. The motion received a second from Commissioner Payne. The motion carried.

APPROVE VOTER PRECINCTS

Clerk Amy Bishop said there were no proposed changes to voter precincts or polling locations, so all those parameters should stay as voters expect. At some point, the county may need to consider reducing its number of precincts or possibly combining its polling locations. For now though, there are no changes proposed.

The precinct list will be as follows:

Montpelier Precinct No. 1 votes at the Allred Center; Montpelier Precinct No. 2 votes at the Grace Thiel Community Center; Montpelier Precinct No. 3 votes at the Montpelier Fire Station; Bennington votes at the Bennington LDS Recreation Hall; Bloomington votes at the Bloomington City Office; Dingle votes at the Dingle LDS Recreation Hall; Fish Haven votes at the Reserve Club House; Georgetown votes at Georgetown City Hall; Paris votes at the Paris Tabernacle's rear annex; St. Charles votes at the St. Charles City Hall; and absentees can vote at Bear Lake County Courthouse.

MOTION: Commissioner Payne made a motion to approve the voter precincts for Bear Lake County.

The motion received a second from Commissioner Olsen. The motion carried.

CERTIFICATE OF RESIDENCY

A single certificates of residency for Talisa Dunford was before the Board for approval, Clerk Amy Bishop said. There had been some confusion concerning the submission deadline, so Dunford was asking the Board to approve her participation in the College of Eastern Idaho's spring semester, as well as retroactively for the college's fall semester.

MOTION: Commissioner Olsen made a motion to approve the certificate of residency for Talisa Dunford for the College of Eastern Idaho's Fall 2023 semester and the Spring 2024 semester. The motion received a second from Commissioner Payne. The motion carried.

FAIR BOARD APPOINTMENT APPROVAL

Commissioner Olsen reported that Tricia Woolstenhulme had agreed to serve on the Bear Lake County Fair Board and preside over vendor duties, pending Board approval.

The fair board still is looking for another individual to fill its remaining vacancy.

MOTION: Commissioner Payne made a motion to approve Tricia Woolstenhulme to serve on the Bear Lake County Fair Board. The motion received a second from Commissioner Olsen. The motion carried.

PROPERTY TAX EXEMPTION APPLICATION – FAMILY LITERACY CENTERS INC.

Clerk Amy Bishop said the county had received a property tax exemption application from Erik Weierholt, the owner of a land parcel located at 120 South Main in Paris. That property is being used as a Family Literacy Center and a food pantry.

County Treasurer Tricia Poulsen said the tax bill already had been paid for 2024, so the exemption, if approved by the Board, would not go into effect until the following tax year. Additionally, she said, the parcel will still be assessed translator and garbage fees, regardless of an exemption of the taxes.

Family Literacy Centers, Inc. and Weierholt had not supplied Bear Lake County with a copy of their 501(c)(3) tax exempt forms at the time of the meeting but had said they would be made available at the request of the Board, Bishop said.

MOTION: Commissioner Olsen made a motion to approve the tax exempt status for Family Literacy Centers, Inc., conditional on its provision of the proper 501(c)(3) status form. The motion received a second from Commissioner Payne. The motion carried.

TODD BOEHME – COUNTY SUPERINTENDENT

County Superintendent Todd Boehme said the work on the Jericho Loop Bridge has finally been completed and he has to now submit a letter of acceptance on the county's behalf. This letter will state that Bear Lake County accepts that everything the State of Idaho is paying for on the Jericho Loop Bridge

project has been provided and that the county will assume responsibility going forward. Boehme advised he is not sure if the Board has to approve that letter of acceptance or if it is something he as county superintendent can provide outright.

Whereas Boehme is the one that reviews the information and ensures all the project steps have been provided for, the Board directed him to approve, sign and submit to the state the letter of acceptance on the county's behalf.

Boehme said he is waiting for Keller Associates, Inc. – the county's chosen engineering firm – to send someone to assess the ongoing issues with roadways in Bear Lake West that have been discussed in the past two Board meetings. Additionally, he said, he had visited with representatives from Keller about the Camp Stewart Bridge project and they have provided him with some possible avenues forward.

He also informed Keller of the county's desire to get some projects to the shovel-ready phase, as this is a requirement that must be met before funding will be awarded on most grants.

Boehme said he will attend the Five-County Coalition meeting on January 11 in Pocatello. On January 18, he will meet in Blackfoot with supervisors from those five counties. The next meeting of the Five-County Coalition will be held in Bear Lake County. No date has been set at this time, he said, but once it has been set Boehme will schedule the event to be held at the National Oregon/California Trail Center.

Commissioner Jensen had previously requested Boehme compile a list of the pickup trucks within the county Road and Bridge fleet. Of the 10 pickups utilized by the department, two need new motors. If his department is able to purchase new trucks, Boehme said he plans to get rid of some of the less-efficient units that currently are in use. While all the Road and Bridge trucks do run, three have serious and ongoing issues that make Boehme hesitant to let his crews use them for projects distant from the Road and Bridge shop.

When his department is able to purchase new pickups, Boehme said he wants to find a truck that is capable of pulling a gooseneck trailer and able to haul a back hoe, as the method currently used by the county is not fully effective.

The Board directed Boehme to work with Deputy County Clerk Paul Christiansen to list those items on the governmental surplus property auction website and to advertise them, if necessary. Additionally, the Board directed Boehme to begin looking for a new pickup truck to meet his department's needs.

Boehme said he hopes to enroll many of his department employees in higher-level training and education programs so they can be better eligible to receive potential grant funding.

The Bear Lake County Road and Bridge Department's winter maintenance efforts have been minimal this year. This has allowed the crews to focus on other needs. Boehme has ensured some of his newer employees have received training on motor graders.

ROAD AND BRIDGE PUBLIC SURPLUS – ACTION ITEM

Boehme said he has found the Bear Lake County Road and Bridge Department and the Weed

Department own three pickup beds – two Chevrolet boxes and one Ford box, all off 3/4-ton trucks – that have not been used since they were removed from their corresponding vehicles and replaced with flatbeds upon purchase. He said he does not expect the beds to ever be reattached to the original truck frames. Because they are not being utilized, he said he would like to see the three boxes listed as county surplus property.

EMERGENCY SERVICES REPORT

Emergency Management Coordinator Todd Boehme said he had been steadily servicing the county's power generators in an attempt to winterize them.

He reported a G0402 National Incident Management Systems (NIMS) training for elected officials is going to be held in Soda Springs. A date has not been set yet, but Boehme reported he will forward that information to the Board once something has been scheduled.

Boehme will attend an Emergency Managers Workshop in Pocatello on January 23. Additionally, a tabletop training on the dangers of ransomware will be held at 11 a.m. on January 9 in Pocatello.

TYSON BOEHME – EXTENSION OFFICE REMODEL – ACTION ITEM

Bear Lake County Maintenance Professional Tyson Boehme provided the Board with an update of the ongoing remodel project of the Bear Lake County Extension Office building. He said he had received bids back for all the proposed small facets of the endeavor.

The project began with the performance of a survey to see what upgrades needed to be made in order to ensure the remodel is compliant with the Americans with Disabilities Act. In association with this survey, Boehme said, a new front sidewalk will be installed; doors will be retrofitted with lever-action doorknobs; and the bathrooms will be remodeled in order to provide space for wheelchairs to traverse under the facility vanities. Additionally, Boehme said, he had received bids for changing all fluorescent lights to LED fixtures. Rocky Mountain Power has rebates for the lighting portion as well.

Boehme said he currently is working with County Clerk Amy Bishop to apply for an energy efficiency grant. If that funding is received, it will likely be used to purchase energy efficient windows for the extension office. Boehme said he may try to bundle the application in order to provide for new windows and insulation for the Bear Lake County Road and Bridge Department building as well.

Boehme reported much of the extension's acoustical ceiling is water stained and the insulation above it has suffered from years of waterlogging. Because of the extent of the damage, all the ceiling will be replaced and spray foam insulation will be applied directly to the internal frame steel structure.

Boehme said he had been in contact with Bear Lake County Fire Chief Mark Parker regarding the installation of a fire alarm system in the office. Local electrician Dennis Bills, under his general electrician's license, can install that. Additionally, 12 cameras have been purchased and are set to be installed throughout the extension building.

The total project cost is about \$85,000 of the \$94,000 that have been dedicated by the county. That

total can be offset by any grant funding the county may receive, Boehme said.

MOTION: Commissioner Payne made a motion to approve the project quotes that have been provided for the project facets, pending review by the county attorney. The motion received a second from Commissioner Olsen. The motion carried.

County Attorney Adam McKenzie said he will sit down with Boehme and examine if the project qualifies as public works construction or procurement of services. McKenzie said that it appears to him that this whole project will require the county to go through the process of soliciting bids. In that case, the county will have to ask three providers to provide a bid. The two men will discuss the parameters that have to be met in order to satisfy the statutory requirements. However, McKenzie said, his initial feeling is that this qualifies as one large project that is over the \$50,000 threshold that requires the county to solicit bids.

BEAR LAKE BRAWL TRIATHLON PRESENTATION – JOSEPH COLES

Joseph Coles, the director of the annual Bear Lake Brawl Triathlon, appeared before the Board to give a recap of the 2023 event and ask for the Board's blessing to move forward in 2024.

In 2023, Coles said, the bicycling and running portions of the event went as well as could be imagined, despite a few minor setbacks. Unforeseen to the event participants and organizers, construction on the north side of Bear Lake had created some rocky terrain in the roadway. To combat that, plywood had been placed over the cracks and crags in order for competitors to successfully traverse the areas.

The swimming portion of the event dealt with other issues, Coles said. The event's lifeguards had taken some lifejackets from a nearby campground, mistakenly believing them to be put there for competition use. Additionally, some triathlon participants were not wearing the appropriate clothing needed to stay warm in the cool lake waters. To combat that, the event organizers are arranging to have wetsuits available going forward.

Coles said some smaller issues his team had worked through during last year's triathlon included a kayak provided for lifeguard use that had started taking on water and an event buoy that had required some adjustments.

Coles said that before his presentation to the Board he had spoken with Bear Lake County Deputy Sheriff Tyee Graham and Sheriff Bart Heslington. Going forward into the 2024 competition, Coles has been asked to create and provide a more in-depth safety plan.

Heslington told the Board that, as Coles had touched on, safety concerns – chiefly with the aquatic portion of the event – had been identified. The possibility of these issues recurring puts the sheriff in a position to ask the Board to deny the event permit. However, Heslington said, he recommends the Board require as part of the permit application that Coles and the Bear Lake Brawl Triathlon work with the Bear Lake County Sheriff's Office and Bear Lake Regional Commission Executive Director Mitch Poulsen to ensure the event meet more defined parameters placed on its safety plan. By establishing a permitting process that provides clear steps needed to ensure both the on-road and in-water portions of the triathlon provide for the wellbeing of all involved, Bear Lake County will be in a better position to

host these types of events, Heslington said.

Poulsen said he believes the event is out far enough – currently scheduled for September 14, 2024 – that these issues can be worked through so he and Sheriff Heslington can ensure all safety precautions and requirements are met. Similar concerns have been voiced in Rich County for the Utah portion of the triathlon.

Heslington said he would like to work with Poulsen to determine what requirements need to be put in place for the permitting process. Additionally, he said, if some sort of training is needed for the event directors and volunteers, the sheriff's office will be glad to help establish that.

Coles said he and the Bear Lake Brawl Triathlon rely on law enforcement's expertise on public safety. By establishing this partnership and by working together, Bear Lake County and the Bear Lake Brawl Triathlon will be able to hold a successful and safe event in 2024, he said.

PUBLIC COMMENT

Justin Hatch, the University of Idaho extension educator in Bear Lake County, thanked the Board for its continual support of the local program and his staff.

Commissioner Payne told Hatch that County Attorney Adam McKenzie is continuing his work to draft an agreement between the extension office and the Montpelier Mobile Pantry food bank. This agreement will ensure that during the busy summer months – when traffic and heavy use already fill the parking lot that is adjacent to Allinger Park and the Bear Lake County Fairgrounds – the mobile food bank will not distribute its commodities in the parking lot that neighbors the extension office. Instead, from May through July, the pantry will be relocated to the parking lot outside the Bear Lake County Ambulance Service building. In August, the effort will be moved to the parking lot outside the National Oregon/California Trail Center.

EXECUTIVE SESSION – IDAHO CODE 74-206(1)

MOTION: Commissioner Olsen made a motion to go into executive session according to IDAHO CODE 74-601(1) (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

The motion was seconded by Commissioner Payne.

Roll Call Vote. Commissioner Olsen, Aye. Commissioner Jensen, Aye. Commissioner Payne, Aye.

The Board entered its executive session at 11:49 a.m.

MOTION: Commissioner Olsen made a motion to leave executive session. The motion received a second from Commissioner Payne. The motion carried.

The Board exited its executive session at 12:17 p.m.

LUNCH

From 12:17 p.m. to 12:27 p.m., the Board held a short lunch period. It reconvened its regular meeting at 12:28 p.m.


Clerk Amy Bishop reported Bear Lake County Planning and Zoning Administrator Mitch Poulsen had asked that the Board provide some guidance on what it wants to be included in the county's short-term rental ordinance that the Bear Lake County Planning and Zoning Board currently is working through.

County Attorney Adam McKenzie suggested the Board hold a public hearing and take public comment on this issue before it takes any action or provides any direction to the Planning and Zoning Board.

The commissioners began discussing what they would like to see in the pending ordinance and their thoughts behind it. However, because this had not been set as an official agenda item for the meeting, Bishop said the Board needed to add the item to a future agenda before entering into any further discussion on the issue of a short-term rental ordinance. Commissioner Jensen directed Bishop to add discussion of the Bear Lake County short-term rental ordinance to the agenda for the February 12 meeting.

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

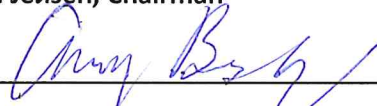
The meeting adjourned at 12:35 p.m.



Bradley D. Jensen, Chairman



Date Approved

ATTEST: 

Amy Bishop, Clerk

