

**Bear Lake County Commissioners' Special Meeting  
February 16, 2024  
Commissioners' Chambers – Paris, Idaho**

The Board of Bear Lake County Commissioners met for a special meeting at 9 a.m. Friday, February 16, 2024, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting also was available via Zoom. Members present were Board Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Amy Bishop, Clerk of the Board. Deputy Clerk Paul Christiansen also was in attendance, as well as a few members of the public.

County Attorney Adam McKenzie was excused due to other obligations.

**APPROVAL OF AGENDA – ACTION ITEM**

**MOTION:** Commissioner Olsen made a motion to approve the meeting agenda. The motion received a second from Commissioner Payne. The motion carried.

**FEE CANCELLATIONS – ACTION ITEMS**

Fee cancellations for Bear Lake County parcels No. 300.01 and No. 53006 had been presented by Bear Lake County Treasurer Tricia Poulsen and discussed by the Board during its regular meeting, held on February 12, 2024; However, the cancellations had not been listed on the agenda as action items, so the Board could not take action at that time, Clerk Amy Bishop said.

At that time, Poulsen had reported both cancellations were in relation to garbage fees. Bear Lake County Parcel No. 300.01 consists of two lots but had been inappropriately assigned three garbage can fees. TJ Thomas with the IDAWY Solid Waste District had been asked about this situation and had agreed the parcel needed only two cans, adding that only two of the three cans assigned to the parcel were being used. To remedy this error, Poulsen now requested the Board approve a cancellation of \$440.00 and a removal of one of the three cans currently at the property.

Similarly, parcel No. 53006 had been charged for two garbage cans when only one existed at the property. Poulsen requested the Board approve a cancellation in the amount of \$660.00.

**MOTION:** Commissioner Payne made a motion to approve the cancellation of fees for Bear Lake County Parcel No. 300.01 in the amount of \$446.00 and for Parcel No. 53006 in the amount of \$660.00. The motion received a second from Commissioner Olsen. The motion carried.

**DISCUSSION OF COUNTY SHORT-TERM RENTAL ORDINANCE – ACTION ITEM**

Prior to its regular meeting on February 12, the Board of Bear Lake County Commissioners had received a preliminary copy of a short-term rental ordinance that had been drafted by the Bear Lake County Planning and Zoning Commission.

Although the commissioners had been provided with a copy of the last ordinance draft formulated by P&Z, the draft had not been provided in order for action to be taken. Effectively, there had been no consensus by P&Z and further work on drafting the ordinance had been halted until the Board of County Commissioners had provided more direction, County Clerk Amy Bishop said.

Commissioner Payne reminded the Board that House Bill 506 is before the Idaho Legislature. If the legislature chooses to adopt that bill, the bill could nullify much of what would be required or stipulated within the Bear Lake County STR ordinance. It was his opinion the county should wait to see how HB506 plays out in the legislature before moving forward with adoption of any local STR ordinance.

If HB506 is passed as written, Commissioner Olsen said, it will only really allow Bear Lake County to require STR owners to hold a permit with the county and provide a local property overseer to serve as a point of contact. The bill – if supported and passed in the legislature – could go into effect as soon as July 1.

Bear Lake County Fire Chief Mark Parker encouraged the Board to write a letter to the legislature and its local representatives as a means of communicating what it hopes to be included in and addressed by HB506.

Bear Lake County property and business owner Paul Sousa echoed Parker's statements, adding that although this bill has been written, that does not mean changes cannot be made.

Bear Lake County Assessor Jannelle Jensen said while other counties and areas throughout Idaho are experiencing similar issues – including but not limited to trash left behind, noise complaints and trespassing occurrences – with STR properties, Bear Lake County's case is slightly different as its population is very small compared to most of those other areas. Jensen said STRs also affect property values – based on income – throughout the county, as someone that wants to use a property as a form of income is willing to pay more than a person who wants to use a property for a primary residence.

Kathi Izatt, a Fish Haven Citizen and reporter for the News-Examiner newspaper, told the Board the United States Census shows the county lost 100 homes in the past 10 years, although the reason was not indicated. She said the belief that STRs are responsible for impacting local housing stock does not have a good basis.

The legislation in HB506 applies the same regulations on housing properties across the board – including STRs, long-term rentals, and residential properties, Izatt said. Property rights – something Idaho has long been known to protect – are emphasized in that proposed legislation through the application of regulation for all residential use.

During the summer months, a large portion of Bear Lake County's resources are directed to the southern portion of the county where there is a high concentration of STR properties, Commissioner Olsen observed.

Izatt disputed this notion, adding that, unless there is an emergency situation that requires their response, sheriff's deputies do not come to the Fish Haven area. She said she thinks the public needs to

be presented the data outlining the number of calls that deputies respond to in certain areas of the county; at what times first responders are dispatched; and the reasons for which they are sent to those areas.

Commissioner Jensen asked Deputy Clerk Paul Christiansen – who had previously worked six years as a dispatcher with the Bear Lake County Sheriff’s Office – if it would be possible for the Sheriff’s Office to run a report detailing this information and separated by area of the county. Christiansen said that years ago the county had been separated into 10 law enforcement zones, and at that time the dispatch center had used a different type of software with which reports could be organized and run by location. In the past four years, the dispatch center had begun using a different software program and law enforcement no longer separated the county into zones. Instead, when reporting their locations and statuses, deputies speak plainly about their location rather than replying with a number designated to a certain area. Because of this, while reports could likely be run by the sheriff’s office, they would be very difficult to separate with a few keystrokes. Instead, he said, any data likely would have to be gone over manually and each line item separated to determine the information Izatt was interested in.

Izatt said she would be willing to assist the Sheriff’s Office with any efforts to pore through this data. This would be a decision made by Sheriff Bart Heslington, Commissioner Jensen said.

Commissioner Payne said he believes the county needs to address its STR concerns with its representatives and senators, as well as with Seth Grigg, the executive director of the Idaho Association of Counties, and local elected officials. Because HB506 could take affect so soon, it is unlikely the county could hold public hearings and go through the other processes necessary to enact its own ordinance before HB506 went into effect, he said.

Instead, Commissioner Payne said, the Board could direct either Clerk Amy Bishop or Deputy Clerk Paul Christiansen to draft a letter that outlines the county’s concerns with STRS and the many serious issues that come with their management – namely issues related to noise, parking issues, trespassing, trash abandonment, the impact on Bear Lake County services and safety concerns.

**MOTION: Commissioner Payne made a motion for the county to write a letter and address it to Idaho Association of Counties Executive Director Seth Grigg and each of the county’s representatives and senators; and to table any future action on a Bear Lake County short-term rental ordinance until the likely impact of Idaho House Bill 506 can be determined. The motion received a second from Commissioner Olsen. The motion carried.**

#### **PLANNING AND ZONING COMMERCIAL REZONE – BRIAN HIRSCHI, BEAR LAKE EAST SIDE – ACTION ITEM**

At its regular meeting held February 12, the Board heard information from Bear Lake County Planning and Zoning Administrator Mitch Poulsen regarding Brian Hirschi’s request to rezone a portion of beach development zone to a commercial zone. However, the Board could take no action at that time because the item had not been listed on the agenda for action.

Hirschi's request for commercial rezoning had first been requested a year ago, Poulsen reported at the February 12 meeting. Several years ago, Hirschi requested a similar property be rezoned from beach to commercial property so his watercraft rental business could legally operate, and the county opted in favor of that rezoning request.

Hirschi only plans to use this rezone to accommodate expanded parking for customers and his rental equipment south of his current commercially designated property, Poulsen had said. While there had been some opposition expressed, spurned by issues with lake access, and there had been some ongoing litigation between Hirschi and the Idaho Department of Lands, Poulsen reported he had received a letter from that department informing him that litigation had been dropped. Additionally, the U.S. Army Corps of Engineers informed Poulsen that Hirschi's parking plans will move forward.

Now conferencing into the meeting via Zoom, Poulsen told the Board he had provided them with a development agreement associated with the Brian Hirschi rezone. The agreement before the Board was very similar to the existing development agreement that already was in place between Hirschi and the county, Poulsen said, adding that Hirschi already had agreed with the information contained in this agreement.

The development agreement states Hirschi will use this rezoned area for overflow parking and the parking of additional commercial equipment, and Hirschi has agreed to not put any building on that property. Additionally, Poulsen said, Hirschi is not requesting another access be added, and the agreement specifies Hirschi must come back for a public hearing process should he ever wants to expand or change any of these points.

The Bear Lake County Planning and Zoning Commission recommended the Board of Bear Lake County Commissioners approve and adopt Brian Hirschi's rezone request, Poulsen said.

#### **DEVIN SKINNER / STEPHANIE BIRCH REZONE – ACTION ITEM**

At its regular meeting held February 12, the Board also had heard information from Bear Lake County Planning and Zoning Administrator Mitch Poulsen regarding the Devin Skinner / Stephanie Birch request for the rezoning of general industrial land – commonly referred to as M2 zone – to rural community land within the city of Montpelier impact area. However, the Board could take no action, as this item had not been listed for action on the February 12 agenda.

Poulsen had said he had received a letter from the City of Montpelier stating it was not in opposition to the county moving ahead with this rezoning request. This property is located North of Montpelier on North 8<sup>th</sup> Street but does not have the ability to be annexed into the city itself.

Poulsen reported a public hearing had been held by the Bear Lake County Planning and Zoning Commission, and that entity now recommended the adoption of this rezone request by the Board of Bear Lake County Commissioners.

**MOTION: Commissioner Payne made a motion to approve the Brian Hirschi Rezone request from beach development to commercial property; to approve the Brian Hirschi Development Agreement;**

**and to approve the Devin Skinner / Stephanie Birch rezone request. The motion received a second from Commissioner Olsen. The motion carried.**

#### **SALARY SCHEDULE REVIEW AND PRE-BUDGET PLANNING – ACTION ITEM**

Commissioner Jensen said the issue of county salaries had been breached in previous meetings and the Board had previously discussed the need to address the issue during its upcoming budget sessions. Any change to county salaries is going to be subject to the county budget, he said, adding that it is important the Board is fair to its employees. The county may even need to bring back a longevity consideration into its salary schedule going forward. Regardless of what is going to be done, Commissioner Jensen said, a committee likely needs to be formed to determine how these issues will impact the county salary schedule and if a potential salary schedule change will fit with the county's budget. It is vital that data be gathered and studied before any decisions are made, he said.

Commissioner Olsen said he takes issue with some situations. For example, he said he sees a problem with circumstances when an employee who has spent 20 years working for the county makes the same salary as someone who was hired just six months ago. Certainly, there should be differences in pay due to time served on the job and the ability to perform the work, he said.

At a prior Board meeting, County Assessor Jannelle Jensen had made her case for wage increases for members of her office. This request had been made because a longstanding Assessor's Office employee had retired and Jensen had determined it was not necessary to replace that individual, as another member of her staff already had been trained in that individual's former duties and seamlessly had stepped into that position. Commissioner Olsen said he saw Jensen's side of things, and whereas the money formerly paid to that retired individual's salary now was available for other uses, this may be a request the Board needs to consider at budget time.

In late 2023, the Board had hired Boost HR & Recruiting to conduct a wage study, and data had been provided, Clerk Amy Bishop said. Now the county needs to make a plan for how it is going to move forward.

A longevity incentive seems to be a good option and it may be time the county reinstated it into its wage scale, Commissioner Olsen said.

The commissioners reached a consensus that a committee needed to be formed in order to move forward. This committee can examine facts and figures in order to decipher the information needed for the Board to make a weighted decision. This process also will allow the Board to show the reasoning behind any decision, Commissioner Jensen said.

Jannelle Jensen said that in addition to longevity, the committee needs to examine the responsibilities of each county employee and the related certifications that are required to perform the duties of those jobs. While all jobs are important, not all jobs are the same, she said.

In the past, the county has explored the process of conducting employee evaluations, Commissioner Jensen said. However, while this process can be effective within a single department, it can create

inequitable ratings between offices and can create friction between departments.

Commissioner Olsen said standardized evaluations are not always fair, especially since some people are hired because they possess different skills in specialized areas. Everyone's skills are not the same, he said.

After some discussion, the Board decided Janelle Jensen, Bishop, Sheriff Bart Heslington and Commissioner Olsen should serve on this committee. Citizen Kathi Izatt suggested the committee also include a member of the community who possesses a financial background and employee/employer expertise; however, Commissioner Jensen said he believed this matter needed to be contained to county officials.

**MOTION: Commissioner Payne made a motion to appoint Assessor Janelle Jensen, Clerk Amy Bishop, Sheriff Bart Heslington and Commissioner Wynn Olsen to serve on a fact-finding committee which will inspect and address salary and budgetary reviews for Bear Lake County. The motion received a second from Commissioner Olsen. The motion carried.**

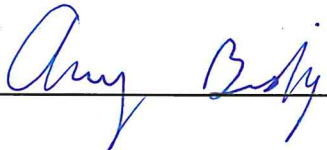
Though there was no public comment session scheduled for the February 15 special meeting, Izatt addressed the Board and told them she did not believe that any of the concerns the commissioners had expressed in regards to short-term rentals – specifically those to be addressed in the pending letter to be sent to Idaho Association of Counties Executive Director Seth Grigg, the county's local representatives and its senators – were not already addressed through existing county ordinances.

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

The meeting adjourned at 9:56 a.m.

  
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BRADLEY D. JENSEN, Chairman

3/11/2024  
Date Approved

ATTEST:   
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