

**Bear Lake County Commissioners' Meeting**  
**September 11, 2023**  
**Commissioners' Chambers – Paris, Idaho**

The Board of the Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, August 11, 2023, 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.

Commissioner Jensen was excused for the first half hour of the meeting due to another obligation.

Also in attendance were 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 due to a conflicting obligation.

**APPROVE AGENDA – ACTION ITEM**

Commissioner Payne said Clark Stock with the Fish Haven Cemetery District would not be able to attend his 11:00 a.m. scheduled appointment before the Board. Stock had asked to be added to the Board's next regular meeting agenda set for Tuesday, October 10.

**MOTION: Commissioner Olsen made the motion to approve the agenda for the September 11, 2023, regular Bear Lake County Commissioners meeting, with the removal of Clark Stock of the Fish Haven Cemetery District from the meeting agenda. The motion received a second. The motion carried.**

**ELECTED OFFICIALS UPDATES**

Bear Lake County Treasurer Tricia Poulsen said she had no updates to report to the Board.

Bear Lake County Assessor Jannelle Jensen said the county's Motor Vehicle Department in August had taken in \$109,103.45 in Idaho Transportation Department transactions; \$2,078.50 from Idaho Parks & Recreation transactions; and \$120.00 through reimbursements from online renewals.

Bear Lake County's online parcel map – which had experienced some technical difficulties in early August – was functional once again. Additionally, Jensen had attended an Assessor's convention in Kellogg. That convention had been attended by representatives from the Idaho State Tax Commission, who had discussed possible changes to Idaho counties' Tax Commission compliance requirements. As it stands now, Idaho counties' levels of assessment have to be between 90 percent and 110 percent of property market values; However, that figure may narrow in the future to between 95 percent and 105 percent. Jensen said it is unknown if and when that change will take place, but Idaho Code already requires assessments to be at 100 percent market value.

Jensen met with representatives from the Esri geographic information system (GIS) mapping provider to discuss a switchover from the county's current use of the GeoMedia GIS program. Esri partners with Pro-West Associates in order to transfer counties' GeoMedia data over to Esri products. Jensen said she had

sent them Bear Lake County's data in order to provide a scope of the work so Esri and Pro-West can provide information on what the process will entail. Additionally, she will attend a meeting with Esri on Wednesday, September 13, to take part in a demo of the mapping system and better understand how it will compare with the GeoMedia system currently used by Bear Lake County.

Interactions with other Idaho assessors and representatives from the Idaho State Tax Commission provided Jensen with positive recommendations for the Esri product and the support the company provides to its customers. The Tax Commission offers no support of GeoMedia, and that program lacks necessary customer support, Jensen said.

Jensen said she and Clerk Amy Bishop had reviewed the Assessor's Office budget, and the department currently has the funds to cover the cost of the switch – including licensing, transferring of data and training. However, she said, she will not receive the quote until after the meeting with Esri on September 13. Because of these circumstances, Jensen asked the Board for approval to move forward with the new mapping system, in the event it is not over the budget amount that can be paid from the Fiscal Year 2023 budget.

**MOTION: Commissioner Olsen made a motion to authorize Assessor Janelle Jensen to sign the contract with Esri if it is not over the Assessor's Office budget for Fiscal Year 2023, subject to review by the county attorney. The motion was seconded by Commissioner Payne. The motion carried.**

County Clerk Amy Bishop reported she had attended an Idaho Clerk's Conference in Salmon from August 15-18. Much of the convention centered around election discussions with the Idaho Secretary of State, whose office is working to clean up Idaho statutes in order to make them clear and more understandable.

Bishop said she had worked with County Superintendent Todd Boehme to submit an Idaho Strategic Initiatives Grant Program application for the East Shore Road project; however, she said, when examining the program's review scale, she had found Bear Lake County likely will not rank high. This is because the program seems to prioritize shovel-ready projects. Bishop said the application had been submitted anyway in order to make the program directors aware of the needs of smaller counties that are unable to budget enough funding for the engineering needed in order to get these large-scale projects to the shovel-ready stage.

Bishop provided to each commissioner a copy of the salary study review that had been conducted by Boost HR & Recruiting for Bear Lake County. The study had found Bear Lake County's starting wages are good – even a little higher than other employers within the area. However, as employees gain more experience through time with the county, the wage scale is not as competitive as other employers in the area. Bishop said the county needs to examine what it can do to help remedy this issue as it moves forward with future plans.

The Board also needs to examine the county's existing COVID-19 policy and determine the proper course of action for the coming months, Bishop said. There have been recent reports of the illness circulating through Bear Lake County again, and Bishop requested the Board address this before winter takes effect. The current policy pays employees five days of COVID leave if they can provide a positive COVID test and submit a doctor's note that authorizes them to return to work. Commissioner Payne

requested this item be added to the Board's agenda for the October 10 meeting, which will allow for discussion and action to take place.

The Clerk's Office recently has been busy managing candidate filings for the upcoming November 7 election. The primary races include city government officials and the local fire district, she said.

## **BUDGET HEARING**

**MOTION: Commissioner Olsen made a motion to enter into the Fiscal Year 2024 budget hearing. The motion received a second from Commissioner Payne. The motion carried.**

The Board entered the public budget hearing at 9:18 a.m.

Clerk Amy Bishop said the budget for Fiscal Year 2024 had been published in the local newspaper, The News-Examiner, and several public workshops had been held. The proposed budget of \$12,965,414 includes \$500,000 awarded to the county through the American Rescue Plan Act (ARPA) and which have yet to be expended, she said.

The public comment portion of the budget hearing was opened, but no comment was offered.

**MOTION: Commissioner Olsen made a motion to approve the proposed Bear Lake County budget of \$12,965,414 for Fiscal Year 2024. The motion received a second from Commissioner Payne. The motion carried.**

**MOTION: Commissioner Olsen made a motion to close the budget hearing. The motion received a second from Commissioner Payne. The motion carried.**

The board re-entered its regular meeting at 9:19 a.m.

## **COMMITTEE ASSIGNMENTS**

Commissioner Olsen reported he had been informed the Bear Lake County Fair Board would need two new members and a new secretary to be appointed going forward due to resignations.

Commissioner Payne reported the Bear Lake County Airport recently had been approved for some grant funding. Part of that money had been used to help build the snow removal building on the premises, and the airport board had sent out bids on a 6x6 drive snowplow. One of those bids had been accepted; however, the airport board was informed that party could not provide this equipment for about six years. Whereas the need for this machine is imminent, the airport board had elected to get a tandem drive plow.

Whereas the airport board had originally bid for a 6x6 drive, the Federal Aviation Administration (FAA) informed the board it cannot enter into a contract for a tandem drive plow until it has gone through the proper bidding process for that type of equipment, Commissioner Payne said.

The president of the National Oregon/California Trail Center, located in Montpelier, had contacted

Commissioner Payne and expressed concerns over the center's financial difficulties due to a water line that had broken at the junction box that connects it to the center. This had damaged the basement of the center and had affected the Rails and Trails Museum – located in the lower level of the trail center and overseen by the Bear Lake County Historical Society.

Because the water line break and damages are found on trail center property, the City of Montpelier will not pay for the damages and the bill is not being covered by the center's insurance, Commissioner Payne said. This has left the center with a bill of nearly \$40,000, and it is looking for ways to pay it. The National Oregon/California Trail Center's president plans to get on the Board of County Commissioners' regular meeting agenda for October so he can come speak to the Board about the issue. It is likely the center will provide its financial information and ask for some assistance at that time, he said.

### **SET LEVIES**

Clerk Amy Bishop said each local taxing district had provided its budgetary paperwork and held its hearings. Following this, Bishop had compiled a list of levy rates for the districts. She provided to the Board a list of levies for the different taxing districts.

**MOTION: Commissioner Olsen made a motion to approve the list of levies for Fiscal Year 2024. The motion received a second from Commissioner Payne. The motion carried.**

### **ELECTED OFFICIALS UPDATES (CONTINUED)**

Sheriff Bart Heslington had informed Clerk Amy Bishop he would not be in attendance at the meeting. Chief Deputy Ryan Larsen had been asked to deliver the sheriff's report on his behalf.

Larsen reported the Bear Lake County Sheriff's Office in August had issued 118 infractions and 13 warnings. The number of warnings had reduced over previous months, and the majority of the citations had been issued during the active Raspberry Days weekend, from August 4-6. That weekend, Bear Lake County had received assistance from law enforcement officers that had traveled from Bingham and Jefferson Counties.

Reserve Deputy Gregg Knutti, who serves as court bailiff and chief transporter of prisoners to and from jail, had worked 30 hours during the month of August. Knutti had accrued 665 travel miles during this time, Larsen said.

In the coming week, the Sheriff's Office will hold interviews to fill one empty deputy position vacated by a deputy who recently resigned. The department is short staffed due to one deputy being out of service on medical leave. Additionally, another deputy is enrolled in the Peace Officer Standards and Training (POST) academy and will be out of service during the next four months as he completes the required certification.

### **SUSAN BUXTON – IDAHO DEPARTMENT OF PARKS & RECREATION**

#### **UPDATE ON STATE LANDS DISCUSSIONS**

Susan Buxton, director of the Idaho Department of Parks and Recreation, began her presentation to the Board by stating her department has been a collaborator with pertinent agencies and counties as they work to ensure Bear Lake County is on equal footing with the other counties throughout Idaho.

Buxton said her department is required by state law and the National Parks Service to have a statewide recreation strategic plan in place. A study is conducted every five years to determine the economic impact on Idaho's parks. A recent study had been conducted by Boise State University, and the governor's office will use that data and look at the state parks program to be a leading economic driver in Idaho, she said. These economic impacts are a result of the parks, boating, snowmobile, off-highway vehicle, invasive species and other programs that fall under the recreation banner.

The Department of Parks and Recreation provides about \$10 million through grants each year that are provided to local governments and sub-entities, Buxton said. Most recently, the program in March 2023 had provided Bear Lake County with \$148,000 for the purchase of a Sno-Cat trail groomer to be used as part of the county's snowmobile program. This is especially important, she said, as outdoor recreation in Idaho – which includes snowmobile activities – brings in about \$4 billion dollars annually.

During 2020 and 2021, at the height of the COVID-19 pandemic, Idaho parks saw a boom of visitors who had been relegated to indoor, isolated activities. There had not been a lot of opportunity or much money available for needed improvements and infrastructure prior to this time, but the Coronavirus Aid, Relief and Economic Security (CARES) Act had helped make those changes possible. At Bear Lake, CARES Act funding had affected construction at day-use areas on East Beach and had benefited about 300 sites, she said. Additionally, the online site reservation program had been implemented at that time for the North Beach State Park area. This helped entice visitors to the park while also reducing traffic congestion along North Beach Road.

These changes have resulted in a calmer public and have significantly reduced the calls for law enforcement to the state park, Buxton said. Data for 2023 is not yet available, but data from 2022 showed a total of 55 calls for emergency service to the state park, with only two of those designated as law enforcement calls. This was a far smaller number than in past years, she said.

Buxton said she and her department are very interested in what goes on at and around Bear Lake, and she works to serve to community in any way she can.

Commissioner Payne said Bear Lake County Superintendent Todd Boehme had proposed a way to eliminate congestion problems on North Beach Road, and this effort could possibly be funded – either partially or fully – through the Idaho Parks and Recreation Department's grants program. Boehme's proposal is to build a bypass road and possible inlet bridge structure, beginning in the area of Camp Lifton, that will allow traffic to circumvent the busy area of North Beach State Park and better arrive on Mud Lake Road for travel, either north on that roadway or south along East Shore Road.

Andy Stokes, manager for Bear Lake State Park, said any infrastructure improvements are always welcome, but the park reserve program has helped to limit the congestion along North Beach Road. In fact, he said, there have been no traffic delays resulting in cars backed up to the Camp Lifton area – something that used to be very common during the busy summer months – for a few years. However, Stokes said he anticipates visitor influx to the park will only continue to grow in the coming years.

Buxton said there may be some federal funding available, as well as funding through the Idaho Transportation Department (ITD) to help implement some sort of bypass effort. She said she would like to look further into these options and then speak more to Bear Lake County's representatives about these possibilities. She said Stokes was correct in thinking recreation is only going to increase. In fact, she said, recreation has increased in the past couple years by more than 30 percent, with the annual number of visitors to Idaho's parks totaling between 7.5 million and 7.7 million.

Additionally, she said, there may be some funding available for the implementation of a seasonal stoplight at the intersection of Highway 89 and North Beach Road. This addition would be designed to reduce traffic hazards and liability.

Commissioner Payne and Boehme reported ITD had proposed putting a roundabout at that intersection, but this would likely be an issue for wintertime snow removal efforts. Additionally, there are a lot of large loads and big machines – including commercial truck traffic, boat trailers, RV' and agricultural equipment – that travel this area, and these likely will not be able to pass through a roundabout. While there have never been ITD flaggers stationed in that area to help limit traffic congestion, the Bear Lake County Sheriff's Office has responded to assist with traffic control during times when congestion on North Beach Road was backed up 5 miles or more.

Buxton opened her presentation up to questions from the public.

Bear Lake County Treasurer Tricia Poulsen said local citizens are finding it has become more and more difficult to access the beach areas – especially those on the east side of the lake. She wondered if there was the possibility for a "locals only" time to be enacted sometime in the future.

Stokes said the reservation system for the North Beach area becomes available about nine months out and is open several months in advance. There also are plans to expand the East Beach Campground. These efforts will double the number of campsites available to the public. However, at this time there are no plans to change the reservation system for the East Shore area.

Through recent public input and state lands discussions, the lack of public access on the west side of Bear Lake frequently has been brought up, Commissioner Payne said. He asked if there is any way the Idaho Department of Parks and Recreation would be willing to purchase property that could be made into another state park on the west side of the lake. Buxton said she will look into the idea and report back to the Board.

#### **PRESENTATION OF CETIFICATE OF APPRECIATE TO ANDY STOKES**

Buxton read a letter she had received from Jim Fredericks, director of the Idaho Department of Fish and Game (IDFG). In the letter, Fredericks expressed his appreciation for Bear Lake State Park Manager Andy Stokes and his staff for the assistance, collaboration and support that had been offered to IDFG's mule deer emergency feeding efforts during the harsh winter months of 2022-2023.

During this effort, Stokes and his staff had facilitated the feeding of about one ton of deer pellets per day, between February 3 and April 21, and had offered IDFG access to the Bear Lake State Park garage,

located in St. Charles, for the storage of deer pellets. Through subzero temperatures and frequent winter storms, Stokes and his staff worked tirelessly to perform the duties they had volunteered to undertake. After the winter season had ended, these individuals had disposed of deer that had died in the campground.

Without the assistance from Stokes and his staff, IDFG would not have been able to get as much food delivered to starving deer during this difficult time, Fredericks wrote, and IDFG was incredibly grateful for the help.

On behalf of the Idaho Department of Parks and Recreation and the IDFG, Buxton presented Stokes with a certificate of appreciation for his efforts to go above and beyond the call of duty.

## **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**

Commissioner Payne said he had spoken to Deputy County Clerk Paul Christiansen about a discrepancy that had been found in the minutes from the August 14, 2023, meeting concerning an agreement the county had made with the Montpelier Mobile Food Pantry. Christiansen already had corrected the error prior to the final presentation of minutes to the Board.

**MOTION: Commissioner Payne made a motion to approve the minutes for the August 14, 2023, and August 28, 2023, Commissioners Meetings. The motion received a second from Commissioner Olsen. The motion carried.**

### **AIRPORT MAINTENANCE RESPONSIBILITIES**

Commissioner Payne said there had been some debate on who is responsible for making repairs to the Bear Lake County Airport's facilities and if these duties fall under Bear Lake County Courthouse Maintenance Professional Tyson Boehme. A job description for the airport manager – a position currently filled by Trevor Keetch – had been examined, and it does say maintenance falls on that person. However, the scope of what duties this person can conduct themselves and which duties will be assisted was left vague, he said.

There does not appear to be a written job description for Boehme's position, but it is clear he cannot be responsible for the janitorial upkeep and maintenance of all county buildings, Commissioner Payne said. Because of this, the county needs to clearly outline what Boehme's responsibilities are.

Bear Lake County Building Inspector Wayne Davidson – who served as a member of the interview panel at the time the county hired Boehme – said that during the interview process, no duties outside the courthouse and the former Bear Lake County Sheriff's Office building had been mentioned. To be fair to

Boehme, Davidson said, it is important the county note his responsibilities were outlined at that time to include those buildings only.

Clerk Amy Bishop asked if, in the case of the airport, the hired manager should do what he can himself and then reach out to Boehme for assistance.

Commissioner Payne added that Keetch's job description as airport manager states his duties are to provide a safe and secure airport; to oversee airport operations and maintenance; and to oversee tasks set by the airport board. Recent upkeep at the airport stems from damages incurred this winter when snow slid off a building, wiped out some rain gutters, a flag pole and damaged some of the building face. Keetch thinks he can fix these issues, even with his limited experience; however, Commissioner Payne said, Keetch also has not been able to get a contractor to provide a bid because the job will be so minor and most contractors do not want to take on small-scale projects.

Boehme said he had visited the airport to examine the maintenance issues. He also had discovered a leaking air conditioning unit that had caused paint blistering along a wall in the pilot lounge. He said this issue, as well as the other maintenance needs that previously had been identified, can be easily fixed. The only issue will be the time necessary to make the repairs and the time associated with obtaining the necessary materials.

Commissioner Payne recommended a committee be put together to formulate a proper description for Boehme's job. The Board asked Bishop to form and manage this committee.

#### **LIBERTY ROCK AGREEMENT**

Clerk Amy Bishop reported Bear Lake County Attorney Adam McKenzie and County Superintendent Todd Boehme had created an improvements agreement between the county and Liberty Rock, LLC, to allow the company to implement several roadway improvements to the Mill Farm Road – a roadway the entity uses to access an existing gravel pit that it has only used thus far for private purposes but hopes to now utilize for commercial purposes. These improvements were discussed at length during the Board's July 10 regular meeting.

Bishop said McKenzie had worked to address the issue of timing for these roadway improvements as a means to ensure the agreement, upon being entered into, is not prolonged. Both parties had been supplied a draft of the agreement and it now was ready for the Board's approval, she said.

Aaron Stafford, a representative for Liberty Rock, had conferenced into the meeting via Zoom. He said the agreement appeared to benefit both parties and he was in favor of fulfilling the project completion timeline within one year from date of signing, during which all materials will be processed, screened and provided for county access.

**MOTION: Commissioner Payne made a motion to accept the Mill Farm Road Agreement with Liberty Rock, LLC, with the inclusion of a one-year limited project timeline from date of signing. The motion received a second from Commissioner Olsen. The motion carried.**

#### **FOSSIL CANYON UPDATE**



Commissioner Jensen said he planned to visit the Fossil Canyon area in the afternoon, following the conclusion of the Board's regular meeting. He said he will visit the area with County Superintendent Todd Boehme, former-Bear Lake County Commissioner Vaughn Rasmussen and concerned citizen Craig Shuler in order to gain a better understanding of the situation that has affected the area.

Over the past few months, the Board has listened to Shuler's concerns regarding a county right-of-way that has been mistakenly and improperly marked with "No Trespassing" signage by a neighboring property owner. This project has been a longstanding concern and Rasmussen, before leaving office at the end of 2022, had worked to address the issue.

Commissioner Olsen said there is a mud hole at the gated access to the private property. With a little work by that gate and the erection of a fence in the proper place, there will be a benefit to all parties. Additionally, if this is going to be maintained and regarded as a proper county road, upon resolving the issue there will likely be roadway grading needed.

#### **BERN HILL COMMUNICATIONS LEASE UPDATE**

Clerk Amy Bishop reported that Sheriff Heslington had informed her he had no updates at this time.

#### **CERTIFICATES OF RESIDENCY**

Clerk Amy Bishop reported five certificates of residency had been verified by Chief Deputy Clerk Mindy Williamson. These certificates – for Corey King, Jackson Pratt, Tiarra Harwood, Ethan Moss and Madelyn Phelps – were through the College of Southern Idaho and were before the Board for approval.

**MOTION: Commissioner Payne made a motion to approve the certificates of residency for Corey King, Jackson Pratt, Tiarra Harwood, Ethan Moss and Madelyn Phelps in relation to the College of Southern Idaho. The motion received a second from Commissioner Olsen. The motion carried.**

#### **APPROVE ENVIRONMENTAL ASSESSMENT FOR SENIOR CENTER GRANT PROJECT**

The Southeast Idaho Council of Governments (SICOG) – the entity that performs grant management for the Bear Lake Senior Center's applications for the Idaho Community Development Block Grant – had provided an environmental assessment for Board approval. This assessment, once approved by the Board, will be submitted as part of the senior center's grant application package, Clerk Amy Bishop said.

**MOTION: Commissioner Olsen made a motion to approve the environmental assessment, as provided by SICOG, for the Bear Lake Senior Center's application for the Idaho Community Development Block Grant. Commissioner Payne seconded the motion. The motion carried.**

#### **AUTHORIZE CLERK TO SIGN PARIS FISH PASSAGE PROJECT FUNDING APPLICATION**

The Bear Lake County Road and Bridge Department plans to begin a project in the Paris Creek area that will replace a bridge with a culvert, and the county is in the application process now, Clerk Amy Bishop

said. The department has done this type of project in the past, and it plans to work with the Idaho Fish and Game, Rocky Mountain Power and the United States Forest Service as it puts together an application package for official submission.

Bishop now asked the Board to authorize her to sign the application on the county's behalf at the time when it is ready to be submitted. This will effectively eliminate the need to call a special Board meeting to address this issue or delay the signing until the Board can convene in a regular monthly meeting, she said.

**MOTION: Commissioner Olsen made the motion to authorize Bear Lake County Clerk Amy Bishop to sign and submit the Paris Fish Passage Project funding application on the Board's behalf. The motion received a second from Commissioner Payne. The motion carried.**

#### **RENEW PUBLIC DEFENSE CONTRACT**

Clerk Amy Bishop reported the county's current public defense contracts expire on September 30. It was her recommendation the Board renew its public defense contract with S. Criss James. The conflict public defender – who serves as public defender during times when James has to recuse himself due to a conflict of interest – position can be extended to and filled by several candidates. Aside from the dates of the contracts, no changes had been implemented, she said.

**MOTION: Commissioner Payne made a motion to approve Bear Lake County's Indigent Defense Provider Services Contract with S. Criss James and the Bear Lake County Conflict Public Defender contract. The motion received a second from Commissioner Olsen. The motion carried.**

#### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT**

Bear Lake County Building Inspector Wayne Davidson said contractors still are building and the area as a whole is growing at a fast rate. Still, some building supplies – including concrete – currently are affected by supply chain delays.

Residential building permits still are in demand and are increasing, with 53 new residential starts in 2023, Davidson said. At the first of the regular construction season, most in-progress dwellings were modest homes. However, that changed as summer progressed. There now have been several starts on fairly expensive, larger homes – concentrated heavily around Bear Lake. New home starts in the north part of the county have slowed, likely due to the onset of higher interest rates.

In 2022, contractors on average were keeping their building costs to \$250 per square foot, but that figure has risen in 2023, he said.

The contractor that was hired to construct the new dairy barn building at the Bear Lake County Fairgrounds plans to get footings engineered and concrete poured this fall, Davidson said. That contractor cannot begin until they have received their valid public works license, but this is a process that is actively being worked through.

#### **KELLY KUNZ – BERN RECREATION DISTRICT PETITION**

Clerk Amy Bishop said Kelly Kunz of Bern had gone through the process to collect signatories in favor of the creation of a recreation district for the Community of Bern. Should the recreation district ballot measure pass and move forward to the Idaho State Tax Commission, a more complete map of the impacted district will be required. Bishop said she will work in conjunction with Bear Lake County Mapper Dale Thornock to assist Kunz through this process.

Under Idaho Statute 31-4304, Kunz has provided the needed signatures and is prepared to pay the estimated election costs in order to get the measure added to the ballot for November 7, 2023, she said.

**MOTION: Commissioner Olsen made a motion to approve the Bern Recreation District Petition to be added to the ballot for the November 7, 2023, election. The motion received a second from Commissioner Payne. The motion carried.**

#### **TODD BOEHME – COUNTY SUPERINTENDENT**

Bear Lake County Superintendent Todd Boehme reminded the Board that the roadway impacted by the Paris Fish Passage project and the corresponding agreement between the county and the United States Forest Service (USFS) is the Paris Park roadway. This agreement will see work on the bridge that leads into Paris Park. After visiting with Corey Lyman, the county's contact with the USFS, Boehme said the project's goal is now to address two small bridges rather than one single bridge. The Forest Service wants the county to manage all monies and complete work on both bridges, which will effectively take two small projects and complete them simultaneously as one larger project.

This effort will fall in line with the decommission of the Paris power plant. At the present time, some water flows that feed the power plant can be diverted downward from that area. Addressing these issues now in conjunction with this Paris Fish Passage project will minimize the risk of future road washout, Boehme said.

Boehme told the Board that if the county wants to continue using radar signs to help monitor and enforce traffic speeds along local roadways, there are some units that will likely need to be replaced in the near future. The signs the county had purchased six years ago are battery powered, he said, and these require more maintenance than the newer solar-powered models. Although everything is functioning on the existing battery-powered radar signs, they will reach end-of-life shortly. At that point, the county can continue to use them as a tool but should start purchasing replacements – likely within a year. Boehme said he recommends the county migrate to solar signs at that time.

The in-use signs are due for reconditioning, and because they are battery-powered units that are widely being phased out, these types of upgrades may not be available.

Commissioner Payne asked how often the batteries have to be changed on the in-use units. Boehme reported the battery life on these signs originally lasted about a week, with Road and Bridge Department crewmembers installing and changing batteries each Monday. However, some units' battery efficiency has begun failing, and these signs now require twice-weekly battery changes – on Mondays and Thursdays.

Boehme said he continues to work in tandem with Direct Communications as plans are made for the East Shore Road trunk expansion and county road improvement projects. Additionally, he will meet with the Williams Corporation about its plan to route power from Pegram to its pump station. Boehme said this project is heading in the right direction, and the Williams power line should be out of the way in case there is county expansion in the right-of-way.

In order to get future projects to the shovel-ready stage – which often is required before grant funding can be applied for or received – Boehme is considering working with an engineering firm. While this will possibly be a costly endeavor, few projects will be eligible for grant funding without this consultation, he said.

The Board directed Boehme to continue working with the engineering firm the county has worked with in the past. This effort will provide the county with a better idea of what steps it needs to take in order to become eligible for these types of funding.

Boehme said he recently has been concerned about the number of large loads being moved on county roads – including a few projects that saw entire houses relocated from one area to another. He reported he believes it is vital the county have some way to collect some sort of fee if any damage is done to the county roads in the process of these moves.

Commissioner Payne said there should likely be a permitting process involved in these large load hauls, and that needs to include information about damages, responsibilities, road closures and other requirements.

#### **PURCHASE GRADER – LEASE BUY BACK – ACTION ITEM**

Boehme said the Bear Lake County Road and Bridge Department is in a position to purchase one of the road graders it has had a lease on. The final purchase price on the grader in question is \$187,838.59. Boehme said his department has just received a replacement grader at the conclusion of this lease, and by choosing to purchase the formerly leased machine, the county will increase its fleet so it can be better prepared in the event of harsh winter conditions, such as those that affected the area in winter 2022-2023. This also will provide the department with a backup machine for use if another grader experiences a breakdown, he said.

Because the delay between purchase and delivery of new equipment is between a year and 18 months, purchasing this grader as part of a lease buyback program could be very beneficial, Commissioner Olsen said. Several of the county's graders will be reaching the end of their leases, and there is no guarantee replacement equipment will be available at that time.

Boehme said the grader can be purchased using available funds from his department's capital for Fiscal Year 2023, with the payment remainder coming out of Road and Bridge budget for Fiscal Year 2024.

**MOTION: Commissioner Payne made a motion to approve the purchase of this grader under the lease buyback program. The motion was seconded by Commissioner Olsen. The motion carried.**

#### **BALD MOUNTAIN ROADWAY ADOPTION – ACTION ITEM**

The Board determined all the steps had been completed and all requirements met so Bald Mountain Road can be adopted by the county, Clerk Amy Bishop said.

In the work done on the roadway, the developer had created a loop connected to Red Canyon Road as a means to aid in more efficient snow removal efforts, Boehme said.

However, he continued, if the county adopts this roadway as a county road that will receive year-round maintenance, there will need to be verbiage added to ensure maintenance for the widened Red Canyon Road. This will allow snowplows to make a loop in their duties rather than having to turn around or having to back up.

**MOTION: Commissioner Olsen made a motion to accept the adoption of Bald Mountain Road. The motion received a second from Commissioner Payne. The motion carried.**

#### **TODD BOEHME – EMERGENCY MANAGEMENT COORDINATOR**

Bear Lake County Emergency Management Coordinator Todd Boehme said he will attend an emergency managers workshop in Pocatello later in September. In the meantime, he is working to ensure backup generators are in working order and prepared for the winter months ahead.

Boehme said he plans to use his time at and connections formed during the emergency managers workshop to help find funding that can be used to help upgrade and update Bear Lake County's hazard mitigation plan. He plans to examine the federal funding options that will be available to the county in the event of a largescale earthquake.

**The Board adjourned for a short recess at 11:21 a.m.**

**The Board reconvened its regular meeting at 11:26 a.m.**

#### **GENEARL BUSINESS/ACTION ITEMS (CONTINUED)**

##### **HEAT TAPE/BUILDING MAINTENANCE UPDATES**

Tyson Boehme, maintenance professional for the Bear Lake County Courthouse, said he had reached out to two contractors – Dennis Bills and Trevor Neal of Bear River Electric – to get estimates for the installation of heat tape to the courthouse roof.

Bills had provided an estimate of \$36,777 for the installation of 6-watt tape. For the installation of 8-watt heat tape, Bills had provided an estimate of \$38,484.

Bear River Electric had provided an estimate of \$42,921 for installation of 8-watt tape. For 6-watt tape, the company had estimated an installation cost of roughly \$42,500. These estimates were verbal agreements, and no written printout had been provided by Bear River Electric, Boehme said.

Boehme recommended the county opt for 6-watt heat tape. This is the same wattage of the tape that

currently is installed on the courthouse's west side and it melts the gathered snow and ice without problem. He also said he recommended the county hire Dennis Bills to complete the job at a lower cost to the county. Additionally, he said he had spoken with the courthouse architects – Myers Anderson – and has discussed with Bills the task of pulling 75 amps of power from a conduit in the courthouse basement to power the heat tape.

The heat tape will be self-regulating and will have the ability to shut down at times when the ambient air temperature rises above a certain degree. Likewise, the heat tape will begin heating when that temperature falls below a certain point.

**MOTION: Commissioner Payne made a motion to approve Dennis Bills' estimate of \$36,777 for the installation of 6-watt heat tape on the courthouse roof. The motion received a second from Commissioner Olsen. The motion carried.**

Boehme asked the Board if it wanted him to continue the purchase and installation of exterior rain gutters at the courthouse. Because the heat tape installation is believed to remedy any snow and ice buildup issues and effectively provide for the drainage associated with the building's architecture, the Board recommended Boehme halt further work on rain gutter installation.

Boehme reported the annual Bear Lake County Courthouse fire alarm and sprinkler system inspection will be held on September 27.

#### **DESIGNATE POLLING PLACES**

Clerk Amy Bishop provided a list of polling locations for the upcoming November 7, 2023, election. The list of polling places included the LDS Recreation Hall for the Bennington Precinct; the Bloomington City Office for the Bloomington Precinct; the LDS Recreation Hall for the Dingle Precinct; the Reserve Club House for the Fish Haven Precinct; Georgetown City Hall for the Georgetown Precinct; the Allred Center for Montpelier Precinct No. 1; the Grace Thiel Community Center for Montpelier Precinct No. 2; the Montpelier Fire Station for Montpelier Precinct No. 3; the rear Paris Tabernacle Annex for the Paris Precinct; St. Charles City Hall for the St. Charles Precinct; and the Bear Lake County Courthouse for absentee voters and anyone from a mail ballot precinct who did not receive a ballot.

There will be a few districts that will not have an election, so some of these polling places will be cancelled for the November 7 election, Bishop said.

**MOTION: Commissioner Payne made a motion to approve the Bear Lake County polling place designations for the November 7, 2023, election. The motion received a second from Commissioner Olsen. The motion carried.**

#### **EXTENSION OFFICE NEW HIRE INTRODUCTION**

Kari Ure, who has been hired as the new agent for the Bear Lake County Extension Office, was introduced to the Board. She has worked as an extension educator in Utah for the past two and a half years. She said she looks forward to getting to know the Bear Lake County area better and getting community and political leaders' input on the extension office programming.

Ure said her areas of focus will be family consumer sciences and the 4-H program. Whereas Bear Lake County's current 4-H programming focuses on youth ages 12 and younger, she said she hopes to expand the programming to include more options for youth between the ages of 12 and 18.

### **COMMITTEE ASSIGNMENTS (CONTINUED)**

Commissioner Jensen said he had attended meetings with the Bear Lake Regional Commission and the Bear Lake Valley Convention and Visitors Bureau.

Commissioner Payne updated the Board on the proposed verbiage for the memorandum of understanding (MOU) between Bear Lake County and the Idaho Department of Lands. Sen. Mark Harris is working on a proposal to fund the needed law enforcement efforts on state lands around Bear Lake – an estimated annual cost of about \$200,000 – through a statewide recreation tax. This will shift the cost to the entire state rather than just the people of Bear Lake County, he said.

There has been some opposition from the Idaho Attorney General's Office, but Commissioner Payne said the public lands committee and Senator Harris are working through that. Additionally, he said, there will be more public meetings held as more information on the proposal is received.

### **PUBLIC COMMENT**

Dave Cottle of Fish Haven – who serves as a member of the Bear Lake County Public Lands Committee that has been working with the state on the much-debated memorandum of understanding for law enforcement efforts around Bear Lake – said he had appreciated the informational meetings and the public interest and attendance. However, he said, there had been some misleading information supplied in the local newspaper.

One item of contention was the inference that access to the lake had changed. Cottle said this is incorrect, and no change in access had been included in the proposed MOU. Activity on the lands below the high-water mark is proposed to change and be enforced, but the means of getting there and the activities on the lands above the high-water mark will be unimpacted, he said.

Realistically, Cottle added, the Idaho Department of Lands can go another route and do away with the MOU altogether. That department can, if it so chooses, do away with driving of any kind below the high-water mark. It will be in the county's best interest to make that MOU work, because otherwise it will send the message that there are no issues on the lands surrounding Bear Lake. That is false, he said, because there is a well-documented issue with trespassers on private property.

Cottle said he has asked Susan Buxton, director of the Idaho Department of Parks and Recreation, to push PacifiCorp to allow public access to its property located west of the fish ladder on North Beach Road. However, it is his belief that PacifiCorp has been reluctant to allow this access because of power lines in the area that could be impacted by recreation and boating.

Commissioner Olsen said he has wondered why anyone is allowed to park on the beach, as it must lead to pollutants and negative impacts on the environment. It is his belief all vehicles should be parked in a

designated lot, regardless of how far away the water is.

Cottle said studies have been done that show the quantity of these pollutants is so small that it biodegrades in the sunlight and offers no major impact. However, he said, he is in favor of revisiting that study.

Ed Izatt, of Fish Haven, said he was appreciative of Andy Stokes and the work he does with the Bear Lake State Park.

Concerning the issue of state and public lands, Izatt said it is vital to have public hearings about these issues. It certainly sounds like an improvement to have the state participate in and take care of the funding of law enforcement for the public lands around Bear Lake, rather than placing that burden on the citizenry of Bear Lake County, he said.

Additionally, Izatt said it had appeared a handful of special interest groups were the ones driving the proposed actions and MOU. However, he said he was glad to see more groups and individuals getting involved with the process.

#### **TODD BOEHME – COUNTY SUPERINTENDENT (CONTINUED)**

Bear Lake County Superintendent Todd Boehme reported he had spoken to Corey Lyman, Bear Lake County's contact with the United States Forest Service, and the two men had visited some project sites last week. They had discussed the expansion of the Mill Canyon snowmobile parking lot. A preliminary field survey had been conducted, and the two men are working to address the appropriate entities with concerns of doing away with ditches and the moving of streambeds.

This project will involve the implementation of a double culvert bridge. Lyman said the USFS has no current funding that can be used for this project, but he is willing to help Bear Lake County get in touch with the appropriate parties and draw up plans. This is intended to help bring down the overall costs, Boehme said.

Lyman did say there is funding available to aid with a bridge in the Stauffer Canyon area. Boehme and Lyman will visit that site sometime in the next few weeks.

Boehme said the Bloomington City Council had approved work on the Bloomington Canyon snowmobile parking lot. However, one of the Road and Bridge Department's bulldozers recently experienced a breakdown and that has delayed any work. However, Lyman has provided some ideas for how the project can move forward and address a narrow dugway situation in that area, he said.

#### **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; (d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; (f) to communicate with legal counsel for the public agency to discuss the legal



ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

The motion was seconded by Commissioner Olsen.

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

The Board entered executive session at 12:03 p.m. and left executive session at 12:44 p.m.

From 12:08 p.m. to 12:20 p.m., the Board discussed records exempt from public disclosure.

From 12:21 p.m. to 12:25 p.m., the Board discussed pending litigation.

From 12:25 p.m. to 12:30 p.m., the Board again discussed records exempt from public disclosure.

From 12:30 p.m. to 12:42 p.m., the Board conferred on an employee issue.

The Board left executive session and re-entered its regular meeting at 12:44 p.m.

**INDIGENT MATTER DECISIONS – ACTION ITEMS**

**MOTION:** Commissioner Payne made a motion to allow a discount of 10 percent off the owed total of an indigent case balance if paid in full within 30 days by the concerned party, David Allen. The motion received a second from Commissioner Olsen. The motion carried.

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

The meeting adjourned at 12:48 p.m.

  
\_\_\_\_\_  
Bradley D. Jensen, Chairman

10/16/23  
\_\_\_\_\_  
Date Approved

ATTEST:   
\_\_\_\_\_  
Amy Bishop, Clerk

