

Bear Lake County Commissioners' Meeting
October 11, 2022
Commissioners' Chambers – Paris, Idaho

The Board of the Bear Lake County Commissioners met in its regular meeting at 9 a.m. Tuesday, October 11, 2022, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting also was available via Zoom. Members present were Commission Chairman Vaughn N. Rasmussen, Commissioner Bradley D. Jensen, Commissioner Rex L. Payne and Board Clerk Amy Bishop. Also in attendance were Attorney Adam McKenzie, Assessor Heber Dunford, Sheriff Bart Heslington, Superintendent Todd Boehme, Treasurer Tricia Poulsen, County Building Inspector Wayne Davidson, Planning and Zoning Administrator Mitch Poulsen and Deputy Clerk Paul Christiansen.

APPROVE AGENDA – ACTION ITEM

Commissioner Rasmussen advised an addition to the agenda needed to be made before the board could approve the agenda for the meeting. He requested the Sales of Surplus Property be discussed during the General Business portion of the meeting.

He also said a typo had been made regarding the name of a subdivision plat the board would be taking action on. On the published agenda, the subdivision was listed as "DS Farms." Rasmussen said the correct name should be written "BS Farms."

MOTION: Commissioner Jensen made a motion to approve the meeting agenda with the addition of Sales of Surplus Property to the General Business section and the correction to the BS Farms name. The motion was seconded by Commissioner Payne. The motion carried.

ELECTED OFFICIALS' UPDATES AND COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen said her office is preparing for a tax drive and for the State of Idaho to approve levies. She also said she needed to certify the Fish Haven Sewer District, which will add to the tax roll \$9,652.56 that has not been paid through the district.

Assessor Heber Dunford said the past month's activity had resulted in about \$140,547 of income from titles and registrations, up from the previous month's \$137,138. Registrations numbers continue to rise, with the number of online registrations inconsequential compared to other formats, he said.

Dunford said the commercial appraiser has been making his way through the county and already has completed appraisal of 28 commercial properties and buildings of about 300 found in the Bear Lake County area. The appraiser intends to get as much field work completed as possible before the next assessment notices are sent out. The completed appraisal information has been sent to Clerk Amy Bishop, Dunford said, and the appraiser updates the county with a new list of the appraised properties with each bill provided.

Revaluation efforts are on schedule, Dunford said. His office is working to verify the past year's sales and monitoring report provided by realtors. Property values in Bear Lake County still are measuring at 20 to 30 percent below the market, but Dunford said he also has noticed the market itself is slowing down and coming closer to alignment with local figures than it has been.

Dunford said this is the time of year when Assessor's Office staff attend meetings and training conferences, with some trainings already attended and more on the employees' schedules. He also said his office had received many applications for the open Motor Vehicle Clerk position and he hoped to begin the interview process in the coming week.

Commissioner Jensen said engineers of the new landfill have been monitoring wells for the past month and had been scheduled to install the geotechnical drilling equipment for the new landfill site. These steps were paid for by the funds designated for this project's use, he said.

Commissioner Payne said he had received a telephone call from a concerned citizen in regards to the recent Bear Lake Brawl Triathlon event, held Saturday, September 17. The individual told Commissioner Payne a large amount of trash had been left around the lake – something that has become more and more common with each large event that brings out-of-state foot traffic to our county. Commissioner Payne said he had notified Bear Lake Regional Commission Executive Director Mitch Poulsen, who proceeded to clean up the littered areas and contacted the citizen to better understand what needs to be done to better enforce control during these events and what can be done to improve the benefit to the local population.

At the board's September meeting, Commissioner Payne had been authorized to approve up to \$16,000 for a contract for heating cable installation used to mitigate the problem of ice buildup on the Bear Lake County Courthouse roof. Payne said the project received a single bid from Dennis Bills in the amount of \$15,828.61. The project will go forward, with Bills saying the project will be completed within 10 days of the delivery of materials.

Payne said he had recently had an expert gauge the health of several large pine trees at the Bear Lake County Fairgrounds due to concern they might have been infested by pine beetles. It was determined that no pine beetle infestation was present, with one of the trees suffering from a mild, noncommunicable sickness.

Due to the discovery of an existing right-of-way designated to Utah Power & Light, the Bear Lake County Airport has revised a plan for new construction that will allow 20 feet between buildings, Payne said. The original plan would have put the final building directly in the path of the right-of-way. The airport board had contacted Bear Lake County Fire Chief Mark Parker to ensure this would not be in violation of county or state fire code. Parker advised he will check with the state fire marshal. Payne added that Bear Lake County Building Inspector Wayne Davidson also had evaluated the area and had signed off on it, barring any issues with the fire code. Payne said the airport board is drafting a revised contract and will get it to the county in the near future.

Commissioner Rasmussen said he had recently attended a Southeastern Idaho Board of Health meeting.

He said the entity is making additional flu and Covid vaccines and boosters available, and these are now available to the public through the local health department. He said the Board of Health has some concern there could be another Covid infection peak this winter once people are back inside, but it's too early to tell. He also said there have been no reported cases of Monkeypox in our local health district, but vaccines are available.

Rasmussen said he recently attending meetings for ICRMP and GemPlan health care, but neither meeting yielded any reportable changes. He also commended Chief Deputy Clerk Mindy Williamson for organizing the October 6 end-of-summer gathering for all Bear Lake County employees. Rasmussen said he felt these kinds of events are important for morale and that this one in particular went very well.

Clerk Amy Bishop said her office is continuing preparation for the upcoming November 8 General Election. In-person voting will begin on October 24 at the Clerk's Office, she said, with mail-in ballots scheduled to go out to recipients the week of Oct 17.

Bishop said interviews had been held for the open court clerk position. She hoped to have someone hired before week's end. She said she continues to work with the Idaho State Tax Commission for the processing of levies. After those levies are processed and go through the Clerk's Office, they will then be returned to the tax commission for certification, she said.

Another round of Covid-relief funding is expected to be received by Bear Lake County as part of the state's aid to natural resource counties, Bishop said. That money can be used as needed.

Bishop told the board that, going forward, she has directed Deputy Clerk Paul Christiansen, whose duty it is to take minutes during the commissioners' meetings, to send copies of the minutes to each commissioner as soon as they have been completed. She encouraged the commissioners to read them, note any changes or errors, and return them to Christiansen for revision. After revisions are made, the commissioners will receive a final draft before approval at the public meeting.

Due to detailed written minutes being kept, it may not be necessary to record audio of the board's meetings, Commissioner Rasmussen said. At a recent four-county meeting he had attended, there had been a discussion on transparency, the use of Zoom and the taking of minutes. An attorney who spoke at the meeting told those in attendance that, while a form of minutes must be kept, audio recordings can be problematic in the event of technical errors that produce gaps in recording or – in the worst cases – no recording at all.

Bear Lake County Attorney Adam McKenzie said audio recording errors have been a problem for Bear Lake in the past. Bishop suggested the board look at its existing records retention policy in regards to these types of recordings. If nothing is specific to audio recordings of meetings, a new policy may need to be implemented, she said. The board decided to table the issue for further discussion and possible action at its December meeting.

The board decided it is necessary to reschedule the four-county meeting to be hosted by Bear Lake County on December 6, due to a scheduling conflict with an Idaho Association of Counties Fall County Officials Institute training in Idaho Falls. The commissioners directed Bishop to see if scheduling works

for either December 13 or 14. Commissioner Rasmussen said legislators for the area should be invited as well.

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims for Fiscal Year 2022 and Fiscal Year 2023. The motion was seconded by Commissioner Jensen. The motion carried.

APPROVE MINUTES

MOTION: Commissioner Jensen made a motion to approve the minutes for the board's September 12, 2022 meeting. The motion was seconded by Commissioner Payne. The motion carried.

PUBLIC DEFENSE CONTRACTS

Clerk Amy Bishop said only one person – current Public Defender Chris James – had applied for the county's main Public Defense contract. She said she recommended the board continue with him in the position for the coming fiscal year.

During times when the regular public defender could not represent a client due to a conflict of interest, Bishop said, seven individuals had been used in the past to fill the conflict defense contract. She recommended the board allow her to contact and then authorize one of those seven individuals to fill that vacancy if necessary.

This could be Bear Lake County's last year to handle its own public defense contracts, Bishop said. The Idaho Legislature has been considering implementing a state-run public defense model next year.

MOTION: Commissioner Payne made a motion to – pending review by County Attorney Adam McKenzie – approve Chris James for the public defense contract and, when necessary, to allow Clerk Amy Bishop to contact and authorize a conflict attorney. The motion was seconded by Commissioner Jensen. The motion carried.

SALE OF SURPLUS PROPERTY

The county has three vehicles not being used anymore that should be sold, if possible, Commissioner Rasmussen said. These include a 2003 GMC Envoy with a Kelly Blue Book value of \$3,500; and two 2007 Dodge Durangos, valued at \$2,500 each.

MOTION: Commissioner Payne made a motion to list three vehicles – a 2003 GMC Envoy and two 2007 Dodge Durangos – for sale at minimum bid, set between low and high Kelly Blue Book values. The motion was seconded by Commissioner Jensen. The motion carried.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

County Building Inspector Wayne Davidson said new construction is continuing throughout the county, but may be slowing slightly. He said he receives regular requests from two different companies that track the number of building permits issued. This data showed there were only three or four permits given out for new houses in September, rather than the usual three or four permits a day that had been the norm.

Davidson said that most new residential construction in the county is for larger homes, with many reaching sizes as high as 3,000 square feet. Some of these larger houses – many of which are designed to be short-term rental properties – include features such as gymnasiums and swimming pools, he said, with many of these found south of Bloomington. Most modular homes are being built in the north end of the Bear Lake valley as permanent residences, Davidson said.

Most of the new construction includes a lot of high-end value items, such as custom woodwork, expensive cabinets and custom countertops. Bailee Argyle, from the Assessor's Office, has been accompanying Davidson on his final inspections and getting the measurements she needs for her job, he said.

Despite the decrease in permit issuances, Davidson said he has a backlog of paid permits that are ready to go once the builders are ready to begin on those properties' construction. There appears to be so much work that more builders are needed, he said.

Davidson said he had observed a large dent in the metal shed panel on the Bear Lake County storage shed, located northeast of the courthouse. He said the damage is found above the bay door used by the Bear Lake County Sheriff's Office Marine Deputy Patrol for its boat storage and may require the filing of an insurance claim through ICRMP.

The commissioners decided that, because the meeting was ahead of schedule, they would break for a few minutes to go examine the damage with Davidson. The board left its regular meeting at 9:56 a.m. to examine the equipment storage shed northeast of the courthouse. The board returned to its meeting at 10:12 a.m.

ELECTED OFFICIALS' UPDATES, CONTINUED – SHERIFF REPORT

Sheriff Bart Heslington said his office had been very busy lately, due largely to the arrest of multiple suspects in a widespread string of burglaries. These burglaries had been committed in several types of large containers – including construction sites, storage sheds and cargo trailers – upon which locks had been cut. Heslington said his office, with the arrests of the suspects, had recovered a 20-foot trailer full of stolen items that had connected the suspects to thefts and burglaries in Utah, including some in neighboring Rich County, within Cache County and as far away as West Jordan, Utah. The Bear Lake County Sheriff's Office continues to document evidence and coordinate with other law enforcement agencies to identify and return property to the rightful owners, he said.

Heslington also said the longstanding emergency radio communications system replacement project is making headway. He said he believes the committee overseeing the project has reached a consensus on what it believes is needed, and he now is waiting for a vendor to provide final details and cost quotes to him so that information can be reviewed and the committee can take the next step.

The Sheriff's Office continues its staffing efforts, he said. Heslington has advertised two open positions – for a deputy and a dispatcher. He said that law enforcement agencies across the state are currently undergoing staffing issues because these types of positions require unique people who have the right mentality, temperament and ambitions.

Heslington said that Caribou County Jail, where Bear Lake County's prisoners are housed, is near capacity right now. Bear Lake's contributions include a large number of felony cases that not only put people in jail but also keep them there for extended periods of time due to the nature of their crimes or their inability to pay higher jail bond fees, he said.

SHERIFF BART HESLINGTON – VACATION ACCRUAL – ACTION ITEM

Sheriff Heslington said that, because his office currently is understaffed and the agency is small by nature, he has several Sheriff's Office employees who have accrued vacation amounts over what county policy allows for holdover at year's end.

MOTION: Commissioner Jensen made a motion to allow Sheriff Heslington to manage the amount of vacation his employees are allowed to carry over at year's end, with the caveat that once his department is fully staffed the amount of vacation will be brought in alignment with county policy. The motion was seconded by Commissioner Payne. The motion carried.

MITCH POULSEN – SUBDIVISION PLATS FOR BOARD CONSIDERATION AND/OR ACTION

Planning and Zoning Administrator Mitch Poulsen presented several subdivision plats for board consideration and/or action. All final plats had gone through the proper channels, had been found to meet all county requirements and had received Planning and Zoning's recommendation for approval by the Board of Bear Lake County Commissioners, he said.

BS FARMS PRELIM / FINAL PLATS – ACTION ITEM

MOTION: Commissioner Jensen made a motion to approve both the preliminary plat and final plat for BS Farms Subdivision. The motion was seconded by Commissioner Payne. The motion carried.

ROCKWELL RIDGE FINAL PLAT – ACTION ITEM

MOTION: Commissioner Jensen made a motion to approve the final plat for the Rockwell Ridge Subdivision. The motion was seconded by Commissioner Payne. The motion carried.

ASPEN CREEK MEADOWS, PHASE SIX PRELIM PLAT – ACTION ITEM

This is the final phase of the Aspen Creek Meadows subdivision, Poulsen said. Pending board approval, the final subdivision plat is ready for review at the Planning and Zoning Commission's next meeting in November.

MOTION: Commissioner Payne made a motion to approve the preliminary plat for Phase Six of the Aspen Creek Meadows subdivision. The motion was seconded by Commissioner Jensen. The motion carried.

JUSTIN HATCH – EXTENSION OFFICE

At the board's September meeting, a project proposal from the University of Idaho's Extension Education Department was accepted that would bring Justin Hatch, one of the program's educators, to the Bear Lake County Extension Office two days a week. Hatch, who had previously served as U of I's full-time extension educator in Caribou County, came before the board to commend Bear Lake County's strong 4H, FFA and Family Consumer Science interest.

Hatch said 2022 had been a good year for the local 4H program. More than 100 animals were sold during the Bear Lake County Fair 4H sale this year, with many local businesses supporting and sponsoring the children involved. Hatch said he also has been trying to get more 4H involvement in public school programming, and that can now happen with him spending more time in Bear Lake County.

Hatch told the board he needed them to sign the cooperative agreement between Bear Lake County and the University of Idaho, discussed at length during the board's September meeting. Commissioner Payne said action could not be taken until the November regular meeting because the action item had not been placed on the agenda for the October 11 meeting.

The signing of the cooperative agreement will be added to the November 14 regular commissioners' meeting, Clerk Amy Bishop said.

TODD BOEHME – COUNTY SUPERINTENDENT

County Superintendent Todd Boehme said he had recently been part of a video conference with Keller Associates to discuss needed repairs to the Dingle Hot Springs roadway. The road, he said, has needed some reconstruction and oiling for a while, and a plan for graveling it is developing. Boehme said a more up-to-date report providing a timeline and breakdown of costs will be brought to the board's November meeting.

Boehme said that the cost of doing business has pushed the project back. He said he has been in contact with the state and they are trying to coordinate the project for a time when the state has another project in the valley so the effort can be combined to make one large improvement in an attempt to drive costs down. The county's addition of gravel to the area will benefit the project as an in-kind share,

Boehme said.

A new dump truck should be in the county's possession by week's end, Boehme said, but maintenance and upkeep on other equipment continues to be a major issue for his department. As part of a continued effort, Boehme said his department is working to supply to the public a draft of the county road map before the public mapping information meeting, scheduled for 7 p.m. on October 27.

Boehme said work on the Jericho Loop bridge is on track to be done in November, per the engineer's last report. However, Boehme said he is skeptical of this timeline. Pylons were to be installed by September 26 but the process only just began last week, he said.

Regarding business discussed in previous months' board meetings, Boehme said he is continuing follow-up to address the rough condition of Early Road. He also said that Bear Lake County Road and Bridge employees have been unable to locate any sort of sign in the Jacobs Canyon area making claim of an unapproved road closure, previously reported by a concerned citizen.

ROCKY MOUNTAIN POWER UPDATE

Several representatives for Rocky Mountain Power came before the board to provide an update on the company's Gateway West transmission line project. The Gateway West project is proposed to build and operate approximately 1,000 miles of new high-voltage transmission lines in Wyoming and Idaho. A portion of the project's Section D.3 – which will be comprised of a 500-kilovolt line running approximately 200 miles between the new Anticline substation near Point of Rocks, Wyoming, to the existing Populus substation near Downey, Idaho – will run through Bear Lake County, Rocky Mountain Power Regional Business Manager Steven Liechty said.

New infrastructure, including towers and about 37 miles of transmission line, will be built in Bear Lake County, said Aleata Brown, Rocky Mountain Power preconstruction project manager. Of that 37-mile total, 6 miles will be constructed on Bureau of Land Management lands; 6 miles will cross Forest Service lands; 1 mile will be on State of Idaho land; and 24 miles will be on lands held by private owners.

The new infrastructure will include the implementation of self-supporting lattice steel line towers that will require access routes to each structure, Brown said. These routes will measure between 14 and 22 feet, depending on the terrain, and will be comprised of new and existing road construction. The initial access routes will consist of temporary and permanent maintenance and access roads, she said.

Brown said Rocky Mountain Power is in the process of reaching out to the private landowners in order to conduct the necessary required studies – including wetland, plant, wildlife, cultural and paleontological studies. Beginning in 2023, Rocky Mountain Power will enter 250-foot right-of-way acquisition discussions with landowners, with this process believed to last approximately two years. Construction is planned to begin in 2025, with a completion and in-use date of 2027, she said.

Brown said that Rocky Mountain Power will contact the Bear Lake County Planner to determine what county permits will be required for this project. Commissioner Payne told the representatives from

Rocky Mountain Power that the general public would likely benefit if the company chose to hold some public meetings to present information about the impact and scale of the project in Bear Lake County.

PUBLIC COMMENT

No individuals chose to make public comment at the October 11 meeting.

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; (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 motion was seconded by Commissioner Jensen. Roll Call Vote. Commissioner Jensen, Aye. Commissioner Payne, Aye. Commissioner Rasmussen, Aye.

The board entered executive session at 11:43 a.m. and left executive session at 12:22 p.m.

From 11:43 p.m. to 12:22 p.m. the commissioners discussed likely litigation. Section (b) of IDAHO CODE 74-601(1) had been added to the agenda for the discussion of an issue that was resolved in the public portion of the meeting before the board entered executive session. No further discussion was necessary.

Following lunch, the commissioners reconvened their regular meeting at 1:06 p.m.

MILLS ADLER AWARD

At the recent Idaho Association of Counties Annual Conference, held the week of September 26, Commissioner Vaughn Rasmussen was recognized for his countless hours of service to the Bear Lake County community and work with Idaho Legislators, the Bear Lake County District Board of Health, Bear Lake Memorial Hospital and other bodies. However, at the time of this presentation Commissioner Rasmussen had left the conference to address an issue with the GemPlan health care program on which he serves as a member of its board of trustees. Because of his absence at the original award presentation, he was presented the award at the October 11 meeting of the Bear Lake County Board of Commissioners.

Clerk Amy Bishop said Commissioner Rasmussen was being recognized especially for his statesmanship and advocacy for employees.

JIM SHELTON – TAX APPEAL REQUEST – ACTION ITEM

Jim Shelton came before the board to request a hardship property tax forgiveness be granted for his 2019 business property taxes. Shelton – the owner of Sidekick Sporting Goods & Auto located in

Montpelier – said he is the primary caregiver for his disabled wife. If granted by the commissioners, an amount of \$705 comprised of penalties and interest would be forgiven, Treasurer Tricia Poulsen said.

Commissioner Rasmussen said this was the third consecutive year Shelton had requested forgiveness. While the board does what it can to aid those in special circumstances, Rasmussen told Shelton that something needs to be done in order to end this ongoing issue and lessen the burden to other Bear Lake County taxpayers.

Shelton said he has the business listed for sale but has not had any response from interested buyers so far.

MOTION: Commissioner Jensen made a motion to approve Jim Shelton and Sidekick Sporting Goods & Auto for hardship property tax forgiveness for the 2019 tax year, with a subtraction of the interest and tax penalty in the amount of \$705, if Shelton paid the owed amount of \$1,948.83 to the Treasurer's Office on October 11, 2022. The motion was seconded by Commissioner Payne. The motion carried.

LEASE TERMS / DEPARTMENT OF LANDS FOR SNOWMOBILE TURNOUT AND WINTER MAINTENANCE OF MINNETONKA CAVE ROAD – ACTION ITEM

In the board's September meeting, the creation of a snowmobile turnout on Minnetonka Cave Road was discussed. Attorney Adam McKenzie reported the area of ground on which it was suggested a turnout be constructed is owned by the Idaho Department of Lands. He said that communication with Joshua Wiscombe – a resident of St. Charles who at the board's September meeting spoke about his desire for the turnout's implementation – has shown the Department of Lands has offered a five-year lease for the land in the amount of \$500, with an option for renewal.

McKenzie said he has attempted to contact representatives for the Department of Lands but has been unsuccessful. He advised that he is not sure the lease, with its proposed terms, would be beneficial for the county to accept. Commissioner Jensen said that he had previously been aware of long-term leases offered by the Department of Lands in the amount of 99 years, but Wiscombe said he was told the longest legal agreement the department will issue is a 25-year lease – and these are only offered rarely in special circumstances.

The trouble with a short five-year agreement, McKenzie said, is that if in five years the Department of Lands decides it no longer want to lease the land to Bear Lake County, it leaves the county in a difficult position in regards to winter maintenance efforts. If access to the constructed turnout is the reason the county conducts winter maintenance, there will no longer be a reason to maintain the roadway if and when the Department of Lands no longer wishes to lease the turnout area to Bear Lake County, he said. With no commitment from the Department of Lands, the cancellation of the lease will affect anyone who relies on the winter maintenance of that roadway, he said.

Commissioner Rasmussen encouraged Wiscombe to continue his talks with representatives from the Department of Lands and ask them to get in touch with McKenzie's office so proper negotiations can

take place so both parties can benefit if and when this turnout is implemented.

KERRY HONG – SUPREME COURT UPDATE

Idaho 6th District Court Administrator Kerry Hong introduced two new court employees to the Bear Lake County Board of Commissioners. Jason Dow will provide language access for all parties attending court, Hong said. Dow will work to ensure interpreters and other resources will be widely available to those requiring these services.

Taylor Gutierrez, the 6th District IT field tech, will be available for all problems or concerns requiring a hands-on response, Hong said. Gutierrez will coordinate with all 6th District counties' IT departments for installation of any Idaho Supreme Court equipment or software.

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

The meeting adjourned at 2:07 p.m.

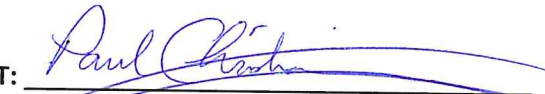


VAUGHN N. RASMUSSEN, Chairman

11-14-2022

Date Approved

ATTEST:


PAUL CHRISTIANSEN, Deputy Clerk