

**Bear Lake County Commissioners' Meeting**  
**November 13, 2023**  
**Commissioners' Chambers – Paris, Idaho**

The Board of Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, November 13, 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. Also in attendance were County Attorney Adam McKenzie, 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.

**APPROVE 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.**

**ELECTED OFFICIALS UPDATES**

Bear Lake County Treasurer Tricia Poulsen said her office had been preparing tax bills for the past two weeks, but it has been a difficult process. Errors in the computer systems across the state have caused many issues and delays. Of Idaho's 44 counties, only 13 use the same programming as Bear Lake County. While the state does its best to offer support to the counties, it is lacking with its ability to offer all the support needed, she said. Furthermore, the state has yet to begin its support of the counties that use the software implemented by Bear Lake County.

Poulsen said she does not feel ready to print the bills for county taxpayers due to errors found in the past two weeks. The high number of tax exemptions appearing on this year's bills – three new exemptions, the homeowner's exemption and regular property tax reduction – has caused the program to experience glitches. This has led to reporting errors.

Poulsen said she appreciated attempts made by the Idaho Legislature to reduce the burden on taxpayers, but there has to be a way to provide this relief that will not cause multiple issues with county treasurers' computer programming across the state.

Upon receiving their tax bills, county taxpayers will notice a lower bill over the previous year, Poulsen said. This reduction stems from a state surplus of about \$8 million that has been divided among the 44 Idaho counties. The state waited until all counties had provided their budgets before determining how much each county would receive. Because of this, if one county made an error on its budget, that mistake affected all other Idaho counties.

From Bear Lake's portion of the surplus money, Poulsen said the county had paid off some of the existing school bond. Additionally, every parcel in the county received a small amount – a few dollars. The larger part of the reduction comes from additional credits received through the homeowner's exemption, she said. These will result in about \$200 off each tax bill. It is important to note this is not an

increase in the homeowner's exemption.

Again, Poulsen said she will wait to print county tax bills until she is confident all computer errors have been resolved. She said she had published a few items in the local newspaper that had been provided by the Idaho Association of County Treasurers. These materials are designed to educate the public on why they will see a reduction in their tax bills this year and why they will receive their tax bills later than usual. However, she said, most calls to her office have been from property owners who have their permanent residences in Utah or other states. Those individuals are often used to paying property tax in November, so they have been curious why they have not received their Bear Lake County bills yet.

Bear Lake County Assessor Jannelle Jensen said her office in October 2023 had taken in \$135,826.15 through Idaho Transportation Department transactions and \$958.00 through Idaho Parks & Recreation transactions. No money had been received through mail-in vehicle registration renewals, as that reimbursement ended on September 30, 2023, she said.

Additionally, Jensen said her office had been working to complete occupancy rolls and assisting the county treasurer with the tax drive as needed.

Sheriff Bart Heslington was unable to appear before the Board. However, he had provided a written report to be examined at the Board's discretion.

Clerk Amy Bishop said Bear Lake County Fire Chief Mark Parker had recently conducted a fire inspection of the Bear Lake County Courthouse. A copy of that fire inspection report had been provided to the Board, and it outlined things that need to be addressed. The chief concerns were space heaters located in the individual offices. These heaters need to be plugged directly into wall outlets and not plugged into power strips, surge protectors or extension cords, Bishop said. Additionally, there is no fire break found above the service window areas of the Department of Motor Vehicles and the Drivers License Office. These window rollups have voided spaces into the attic space, and Parker advised these need to be sealed. Courthouse maintenance professional Tyson Boehme will be working on a solution for that situation, Bishop said.

Parker had requested a fire evacuation plan for the courthouse be completed and property displayed. Boehme will help put this together.

Commissioner Payne expressed concern for the south side of the building, as the windows on that end are bulletproof and those inside the inner offices would be unable to break the glass in the event of an emergency. Parker said the hallways in those areas are wide enough for evacuation purposes, Bishop said. However, her main concern is knowing who is in the building and in the individual offices each day. This is a factor that will be accounted for during the design of the evacuation plan, she said.

Bishop told the Board that in the past the state's clerks had between six and eight weeks to set the levies; however, this year that time was shortened to just six days. That compressed timeline also was accompanied by more required calculations. She said she hopes the Idaho legislature can find a way going forward to make this process easier for the clerks.

The November 7 election was successful and included elections for cities and taxing districts, she said.

Bishop said new poll workers who are willing to serve always are sought after. Interested individuals can contact the Clerk's Office for more information. Bishop said she wanted to recognize her staff for all the hard work they put in during the eight weeks leading up to the election. These contributions – even in a very small election – are invaluable to the process.

Bishop said she had attended the investiture for Judge Cody Brower, who has been appointed to serve as District Judge to the Sixth Judicial District, which encompasses Bear Lake County. She said she looks forward to working with him.

The Bear Lake County Courts Office lost Civil Case Clerk Kailey Kunz, whose last day was November 9. Taking her place is Becky Solum.

### **COMMITTEE ASSIGNMENTS**

Commissioner Olsen said he had attended several meetings and learned of several items he plans to follow-up on with his different committee assignments. Maggie Mann, the district director of Southeastern Idaho Public Health, spoke at a recent meeting of the 4-County Alliance of Southeast Idaho (4-CASI) and provided suggestions of how counties can best use their received opioid settlement funds. Commissioner Olsen said he plans to create a subcommittee that will include representatives from Bear Lake Memorial Hospital and the Bear Lake County Sheriff's Office to help work through some of those ideas.

Clerk Amy Bishop said the county has received about \$80,000 through the opioid settlement. Another suit is upcoming, she said, and Bear Lake County will have to decide if it wants to join. Some of the funds from that will come as annual payments. If it chooses to join, Bear Lake is likely to received about \$150,000, she said.

Commissioner Olsen said he liked the idea of purchasing Naloxone – a nasal spray commonly referred to as NARCAN that can be administered by first responders in emergency cases when someone has overdosed on narcotics – with that money. While the sheriff's office and the Bear Lake County Ambulance Service vehicles are supplied with NARCAN, Ambulance Service President Ed Izatt said purchasing doses that can be carried by the individual responders could be very beneficial.

Commissioner Olsen also said he wants to look into the purchase of home-use lockboxes in which individuals can seal their medications safely in order to keep members of their household and neighbors from accessing them inappropriately.

Proper storage and disposal of prescription medications is a serious issue and, if done improperly, can have a very negative effect on water supplies, Commissioner Jensen said. Sewage treatment facilities function using a certain chemical mixture to purify the water; however, if some of these prescription drugs hit that water supply it can create a series of problems that can lead to a complete shutdown of the system – resulting in a large, multimillion-dollar expense.

Commissioner Payne said Franklin County subscribes to an insurance package through Blomquist that provides a resource to children living in homes affected by substance abuse, allowing them to get help without notifying their parents. While not an inexpensive resource – at a cost of about \$6,200 per year –

it can be a beneficial tool. Bishop said she will check with the county's governmental insurance provider, the Idaho Counties Risk Management Program (ICRMP), and determine if this is a service it can offer.

Molly Beseris, the executive director for 4-CASI, spoke at the organization's recent meeting, Commissioner Olsen said. Beseris recently has helped the City of Montpelier with its efforts to implement crosswalks and secure the needed funding for those projects. Commissioner Olsen said he hopes to have Beseris speak to the Bear Lake County Fair Board about its needs and projects it is working toward.

Additionally, he said, a lot of groups throughout Bear Lake County are proposing the establishment of a public recreation center. He said he believes if those individuals will form a committee and speak with Beseris, there is a good chance she will be able to help them find funding opportunities that will pay for part of or all the costs associated with that development.

The Bear Lake Senior Citizens Center has put out for bid its kitchen remodel project, Olsen said. The center is examining grant funding opportunities that Beseris has found, and it also continues to work with Mariah Lancaster, who on the center's behalf has applied for grant funding in the past.

Commissioner Payne said any grant funding coming in to the Senior Center will go toward upgrading facilities projects. However, he said, the administrative costs increase because there are no funds coming in to help offset the costs of food – a chief expense.

Commissioner Olsen reported he had received word a foodbank was planned to open in Paris, and he had wondered if this might be a good opportunity for Micah Jensen and the Montpelier Mobile Pantry to work alongside this new location. Commissioner Payne said those discussions had taken place. Unfortunately, there is not a good place for a semi to make deliveries to the pantry and then turn around. Because this new food bank will be a small brick-and-mortar location, if the mobile food pantry moved its operation to Paris its clientele also would have to move from Montpelier to a less-centralized area.

Commissioner Payne said the National Oregon/California Trail Center had held a retirement party for its former director Becky Smith, thanking and recognizing her for her 17 years of service in that capacity. The mural paintings – which have been on loan from the J.R. Simplot Company – that have decorated many parts of the center for years may soon become a permanent fixture. The company plans to first have the paintings appraised for tax purposes.

During the recent 4-CASI meeting it was decided those participating counties' representatives will have dinner together on Tuesday, January 30, 2024, during the Idaho Association of Counties Midwinter Legislative Conference in Boise. Bear Lake County will provide refreshments of pie and ice cream during the District V legislative meeting, he said.

Commissioners Jensen, Payne and Olsen plan to attend the IAC Midwinter Legislative Conference, to be held January 29 through February 1, 2024. Bishop said she also will attend, and she will get hotel reservations made.

Commissioner Payne said Franklin and Oneida Counties had recently discussed combining their emergency response dispatch centers. This suggestion had come from Franklin County, which pays out \$362,769 annually for the center, its maintenance and the dispatchers' salaries.

Commissioner Jensen asked Deputy Clerk Paul Christiansen – who, prior to working in the Bear Lake County Clerk's Office, had worked six years as a full-time dispatcher for the Bear Lake County Sheriff's Office – if that is something that, down the line, could possibly be done between Bear Lake County and another county. Christiansen said that, in theory, it could be done and even has been done in the past. The Spillman Computer Aided Dispatch (CAD) System used by Bear Lake County and nearby counties, including Oneida and Caribou, allows those dispatch centers to interact and interface with each other for quick collaboration and dissemination of information. There also have been times, such as during times when a radio or telephone service outage affected the Bear Lake County Dispatch Center, when calls for emergency response were dispatched over the radio to Bear Lake County deputies by Caribou County's dispatch center.

Christiansen said this process becomes difficult when a dispatcher is unfamiliar with the area, to which they are dispatching. For instance, he said, if a Caribou County dispatcher is unfamiliar with where an outlying area is in Bear Lake County, they could mistakenly send a deputy to an incorrect location.

Izatt said with modern CAD systems, locations of emergencies can be forwarded to responders and GPS coordinates can be included.

Commissioner Olsen said Idaho's Launch Program – which aims to prepare Idaho's students for Idaho's workforce needs through training opportunities – was discussed at the 4-CASI meeting. Additionally, Bishop said, Idaho State University was scheduled to hold a local open house for its College of Technology. This event was designed to show its offerings to potential students and was scheduled to begin at 7:30 p.m. on November 13 at Bear Lake High School.

Gov. Brad Little's Capital for a Day event was held in Montpelier on October 25, said Commissioner Payne, adding that the topic of public lands in Bear Lake County had been discussed. Sen. Mark Harris, who has been actively working with the Bear Lake Public Lands Committee, wants to hold a meeting at which the group can work on solutions for the issues of restricted lateral travel on state lands around Bear Lake that fall below the high-water mark. Senator Harris also wants to hash out the issue of funding, as many members of the public have voiced concern over this, Commissioner Payne said.

## **GENERAL BUSINESS**

### **RATIFY CLAIMS**

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

### **APPROVE MINUTES**

**MOTION: Commissioner Olsen made a motion to approve the minutes for the October 10, 2023, Commissioners Meeting. The motion received a second from Commissioner Payne. The motion**

carried.

#### **RESOLUTION #2023-06: ACCEPTANCE OF ITD AERONAUTICS GRANT OFFER**

Clerk Amy Bishop said the Board already had accepted The Idaho Transportation Departments Aeronautics Grant offer at its October 10 meeting; However, the ITD requires these types of offers to be accepted via resolution anytime funds are committed.

Commissioner Payne said the funds being provided by ITD will serve as a match for federal grant moneys that are being dedicated to the taxiway project at the Bear Lake County Airport.

**MOTION: Commissioner Olsen made a motion to adopt and accept Bear Lake County Resolution No. 2023-06, accepting the Idaho Transportation Department's Aeronautics Grant offer for the Bear Lake County Airport. The motion received a second from Commissioner Payne. The motion carried.**

#### **RESOLUTION #2023-07: LIQUOR LICENSE / FEE**

Clerk Amy Bishop provided the Board with a list of fees associated with beer, wine and liquor sales in Bear Lake County for the 2024 calendar year. She also included a list of license applicants. Most of the applicants are carryovers from the 2023 calendar year, with the exception of Glady's Pizza – a new restaurant establishment located in Fish Haven. This license had been transferred from Glady's Place, which had been owned by the same parties, she said.

**MOTION: Commissioner Payne made a motion to adopt and accept Bear Lake County Resolution No. 2023-07, setting the fees for beer, wine and liquor sales and approving the list of applicants for the 2024 calendar year. The motion received a second from Commissioner Olsen. The motion carried.**

#### **CANVASS ELECTION**

Clerk Amy Bishop presented to the Board the local results of the November 7, 2024, General Election for canvassing. She said these results had been reviewed and checked against the numbers that had been reported on election night. Additionally, each of Bear Lake County's precincts had broken up the statistics by the individual races to better show results, showcase turnout for the different ballot questions and make the data more understandable.

**MOTION: Commissioner Payne made a motion to approve the canvass for the November 7, 2023, General Election. The motion received a second from Commissioner Olsen. The motion carried.**

#### **ORDER ORGANIZING BERN COMMUNITY RECREATION DISTRICT**

Clerk Amy Bishop said the county had received a petition to organize the Bern Community Recreation District and follow steps to place the issue on the ballot for the November 7, 2023, election. That measure had passed, with 49 votes in favor of the district's creation and 15 votes against. The process now required an order from the Board organizing creation of the district. The district's boundaries will follow those already established by the Bern Cemetery District, she said.

Bishop said the first part of the order documents that the Board reviewed the petition and ordered the measure be added to the election ballot for November 7, 2023. The second portion of the order documents the mailing of the notice of election to all eligible voters living in that proposed district boundary. The third section of the order details the question as it appeared on the ballot and the result. Finding more than half of the votes cast for this election were in favor of the creation of the Bern Community Recreation District, and finding the district had met all the requirements, the Board could now order, in accordance with Idaho Code 31-4304, the creation of the Bern Community Recreation District and its division into three subdivisions, as nearly equal in population as possible, to be known as directors' subdistricts one, two and three.

Once the Board approves this order, the district is presented to the Idaho State Tax Commission, Bishop said. The district's levy will be set next summer at the time all other taxing districts set their levies; However, she said, the three district subdivision directors need to be appointed now to serve in staggered terms, she said.

County Attorney Adam McKenzie said these subdivision directors' terms, going forward, will be four-year terms. Under Idaho statute, appointees for subdistricts No.1 and No. 2 shall serve until the first election thereafter – a period of two years – and the director of subdistrict No. 3 shall stay on until the second election following the formation of the district. That period will be four years, he said.

The subdistrict divisions had been set as follows: From Bern's North Street and to the North will be subdistrict No. 1 and will be overseen by Eddy Kunz; the area from North Street and running south to Church Street will be subdistrict No. 2 and will be overseen by C. Blake Phillips; and subdistrict No. 3 will run from Church Street and proceed south and will be overseen by Kelly Kunz.

**MOTION: Commissioner Olsen made a motion to adopt the order to organize the Bern Community Recreation District. The motion received a second from Commissioner Payne. The motion carried.**

**MOTION: Commissioner Payne made a motion to adopt the three subdistricts – with subdistrict No. 1 compiling the area from North Street to the North; subdistrict No. 2 proceeding south from North Street to Church Street; and subdistrict No. 3 consisting of the area south of Church Street – for the Bern Community Recreation District. The motion received a second from Commissioner Olsen. The motion carried.**

**MOTION: Commissioner Olsen made a motion to appoint Eddy Kunz to serve as director of subdistrict No. 1 of the Bern Community Recreation District; C. Blake Phillips to serve as director of subdistrict No. 2; and Kelly Kunz to serve as director of subdistrict No. 3. The motion received a second from Commissioner Payne. The motion carried.**

#### **FAIR SECRETARY / EXTENSION ADMIN POSITION**

Clerk Amy Bishop said her office had been exploring the possibility of combining the positions of Bear Lake County Fair Board secretary and Bear Lake County Extension administrator into a single position while still keeping the two positions' duties separate. This combination could allow one individual to serve in both capacities under two different offices.

As it stands, the two individual positions are part-time employment; however, allowing one person to take on both jobs would provide that employee with enough hours to be considered a full-time worker and thus would make them eligible to receive PERSI benefits. Additionally, Bishop said this could essentially create a liaison to the two groups and could improve communication between the fair board and the extension office.

The Board said it supports this change, if the employee currently serving as the extension office administrator is willing to take on more duties outside that role. Bishop said she will follow-up with that individual and report back to the Board.

### **ED IZATT AMBULANCE SERVICE – DISCUSS REDOING ARPA FUNDS FOR AMBULANCE SERVICE – ACTION ITEM**

Ed Izatt, who currently serves as the president of the Bear Lake County Ambulance Service, said the agency, at the end of 2021, had been asked by the county to provide a list of items American Rescue Plan Act (ARPA) funds could be used to help purchase. At that time, Izatt said, the ambulance service provided a list of 10 tools and products to the Board. The commissioners had agreed to use ARPA funds to help with seven of those 10 things.

Since that time, the Board also had approved the purchase of a few additional items which are invaluable to the ambulance service, Izatt said. These included Lifepak portable defibrillators, extrication tools and LUCAS automated cardiopulmonary resuscitation (CPR) machines – all of which have been used multiple times since.

Izatt said the ambulance service now has some items – including automated external defibrillators (AEDs) that are outdated and for which necessary components cannot be allocated – that need to be replaced so the agency can continue to effectively serve outlying areas. Three of these units will cost about \$4,200, he said. Additionally, the ambulance service needs ventilators. Those units have long been needed, and would have been very beneficial to the agency at the height of COVID-19. Because COVID is still present and is being exacerbated by other respiratory illnesses this season, the ambulance service has estimated it needs four units with an estimated total cost of \$13,000.

The ambulance service currently has two rescue response units that are in need of replacement. One unit – a 1994 model – has been used for nearly 30 years, while the second has been used since 2004. Izatt said he has been able to look at quick-response vehicles and has placed these for potential ARPA spending of \$40,000. He also said he was able to find grant funding through the state but has not seen the final paperwork yet. Unfortunately, the county's 30-year-old rescue unit does not have enough mileage to warrant grant funding to aid in its replacement, he said.

Izatt said these three items – AEDs, ventilators and rescue vehicles – are a critical need for the Bear Lake County Ambulance Service. Commissioner Payne said the Board needs to have another ARPA meeting to determine how funds should be spent. This will be added as part of the December 11, 2023, Board meeting.

Clerk Amy Bishop said \$271,913 from ARPA funds previously had been dedicated to the ambulance service, with much of that – nearly \$82,000 – used for the purchase of LUCAS devices. Much of the ARPA



funds available to the county are now set to be used for the largescale communications project. Whereas the county has received the first bill from that project, Bishop said the county can see if any ARPA funding is left over that could be used for the ambulance service's needs.

Whereas the City of Montpelier helped pay a portion of the costs for the communications tower upgrade, additional funding may be available, she said. Izatt said the ambulance service will have a budget meeting prior to the December 7 Commissioners Meeting and will have a better idea of where the agency's funding is at.

Ada DeClark, who serves as a medic with the ambulance service, inquired if ARPA funding could be used for the mental health portion of the ambulance service's employee assistance program (EAP). This needs to be coordinated with the Bear Lake Memorial Hospital Board, and Commissioner Olsen said he will take this question to the hospital board for the needed discussion.

#### **PUBLIC HEARING – END OF YEAR BUDGET ADJUSTMENTS RESOLUTION #2023-08 – ACTION ITEM**

**MOTION: Commissioner Olsen made a motion to enter a public hearing concerning end-of-year budget adjustments, to be put into Bear Lake County Resolution No. 2023-08. The motion received a second from Commissioner Payne. The motion carried.**

**The Board left its regular meeting and entered public hearing at 10:35 a.m.**

Clerk Amy Bishop said the county had some funds that were over the budget, with most due to additional revenues that had been received after the budget had been established. The fair board had expended more than \$93,000. Additionally, expenditures for heat tape from the Courthouse Capital Fund had been approved by the Board.

Bishop said the county had received some extra payments in lieu of taxes (PILT), and the Sixth Judicial District had provided money to be used to establish the treatment court coordinator position as a multi-county position. The Parks & Recreation Golf fund had some minor changes, and Bishop said these should be discussed with the Montpelier Golf Course board. There is revenue – taken in from private donations – available to cover these extra expenses, but the golf board prefers to earmark donations to help fund certain projects rather than day-to-day maintenance expenses, she said.

Lastly, because the county had received grant funding used for the purchase of a new trail groomer, the snowmobile program and grooming fund had received some additional money, Bishop said. Additionally, the airport coffers still are waiting for money to be received through expected grant funding.

The budget figures that had been published in the News-Examiner were slightly less than how they appear on the actual budget. This is due to a miscommunication – between Bishop and Chief Deputy Clerk Mindy Williamson, who serves as the clerk over accounts receivable – about when checks had been cut.

Bishop said she has an upcoming appointment with the county's software vendor. Afterward, she will finalize reports, at which point Certified Public Accountant Gary Teuscher will begin the county's annual

auditing process.

No one in attendance offered statement during the public comment section of the hearing.

**MOTION: Commissioner Olsen mad a motion to leave the public hearing and re-enter the Board's regular meeting. The motion received a second from Commissioner Payne. The motion carried.**

**The Board re-entered its regular meeting at 10:43 a.m.**

**MOTION: Commissioner Payne made a motion to approve Bear Lake County Resolution No. 2023-08 concerning the end-of-year budget adjustments. The motion received a second from Commissioner Olsen. The motion carried.**

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

Bear Lake County Building Inspector Wayne Davidson said construction throughout the county remains busy, likely due to the favorable weather.

The difficult weather and heavy snowfall during winter 2022-23 had yielded damage to many buildings. This has led to a lot of repairs and rebuilds in the county. There have been many decks built throughout the year – 22 in total, with many being rebuilds, Davidson said. There have been 14 commercial building projects started in 2023, which is significantly more than the norm. Among these was the Montpelier Golf Course cart building, which collapsed earlier in the year due to strain from a heavy snow load. Additionally, 29 garages have been built throughout the county, although most of these were not rebuilds due to collapses, he said.

There also have been starts on 65 new residences in Bear Lake County during the 2023 calendar year, Davidson said. That high number factors into the many buildings that are being built with the intent to be used as short-term rentals (STRs). While most STRs being added to the area are for large homes, more modest residences are beginning to appear as well. In The Reserve, six new homes, averaging about 3,500 square feet each, have appeared recently, so there must be a market for that type of dwelling as well, he said.

The county currently is faced with a housing shortage that is impacting people who want to either buy or rent. In Montpelier, people are trying to rent anything that is available, and that is leading some property owners to renovate spaces above the old stores in downtown Montpelier and other older locations. Some of these offerings have not been given any attention or maintenance for decades, with many having been built in the 1920s and '30s. Because these are old construction, most are not in compliance with the current building codes, so Davidson said he is trying to work with and educate the property owners as they work through the process of updating the spaces.

Davidson also conducts building inspections for the City of Montpelier; however, these inspections fall under that city's building ordinances, not the county's ordinances. The biggest issue Davidson identifies with these properties is zoning ordinances that affect the setbacks from property lines. Many of the buildings on Washington Street in Montpelier allow for no setbacks from building to building, he said.

Concerning the county's work on drafting and implementing an ordinance that will help with the enforcement and management of STRs in the county, Davidson said the state has never put a cap on how big a single- or two-family dwelling can be. Essentially, some of these residences that are being built for STR purposes are filling the purpose of commercial-sized buildings that can sleep upward of 50 people. These fill the purpose of a hotel but are classified as residential dwellings, and this creates concern with fire suppressant requirements and other safety management efforts.

Commissioner Jensen asked Davidson if he believed the number of STRs in Bear Lake County diminishes the chance of a hotel or motel chain coming into the area and offering competition. Davidson said the competition from a commercial vendor can still happen – and may even be likely to happen – depending on the amenities offered and the location where it may reside. However, the big draw of STRs seems to be that they provide a large group an area to be separated from the general public while also offering a central site where they can dwell temporarily, Davidson said.

#### **MICHAEL GROAT – SNOWPLOWING CANYON ESTATES / FISH HAVEN CEMETERY ROAD – ACTION ITEM**

Michael Groat, who is a resident of the Canyon Estates area of Fish Haven, reported the Bear Lake County Road and Bridge Department was in the process of grading Fish Haven Canyon Road. Groat told the Board he wanted to check to see if any updated decision had been made concerning the winter snow maintenance on Fish Haven Cemetery Road. The issue had been discussed at the Board's meeting on October 10, but had been tabled until further investigation could be done.

Commissioner Jensen said the county, at this juncture, has no plans to conduct regular plowing on that roadway. Commissioner Olsen added that the only time Fish Haven Cemetery Road has been opened during the winter is when the cemetery needed to be accessed, such as for a burial.

Groat said Rick Thomas has been hired as a private contractor to plow that area on the residents' behalf.

Groat said he also had questions about drones that are being flown in the Canyon Estates area and have been known to hover just outside his home windows. He asked what steps he is legally able to take in order to ensure his privacy. Because discussion about drone activity was not on the meeting agenda, County Attorney Adam McKenzie encouraged Groat to contact his office and the Bear Lake County Sheriff's Office outside of the meeting to discuss the matter further.

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

Bear Lake County Superintendent Todd Boehme said regular maintenance and grading is taking place on Fish Haven Cemetery Road and will be completed prior to the onset of winter weather. Additionally, Boehme said his department was working to get snowplow routes ready for the upcoming winter season. The crews also are continuing to grade roads and will have some oil for patch projects.

Boehme said the Bunn Lake Culvert project on the edge of the Bear Lake National Wildlife Refuge had been completed and approved, and the patching that had been applied was hardly noticeable. The longstanding Jericho Loop Bridge project is in its final stages. Overlay had been placed on the top concrete, but some spots had not adhered completely. This issue was being worked through and Boehme said he hoped the project would be completed by week's end.

Concerning future and ongoing largescale projects, Boehme said there are a lot of firms available to complete the necessary engineering and design steps required to get projects to the shovel-ready stage. Unfortunately, these engineering costs are very extensive and expensive, and most grant funding available is only to be used on projects that already are at the shovel-ready phase.

Clerk Amy Bishop said it could be a good idea to begin setting aside money annually to be dedicated to these capital improvements projects. This would allow the county to stockpile money to go toward these expensive engineering costs and the steps necessary to be completed prior to projects being shovel-ready.

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

County Emergency Management Coordinator Todd Boehme said he had recently attended a week of emergency management workshops in Boise. The workshops had highlighted cyber security as a major concern, and in the near future there will be some funding available that Idaho's counties can use to help increase their cyber security protections.

Cyber security fraud is the third-largest lucrative business in the world right now, Boehme said. As Idaho cracks down on the threat and tries to increase its protections, Bear Lake County's information technology (IT) professionals might be tested more or be required to attend more trainings before the county will be eligible to receive any of these potential grant funds, Boehme said.

A National Incident Management System (NIMS) G0402 course will be held November 15 in Pocatello for any elected officials that wish to take part, he said. The class will serve as a crash course for elected officials and help prepare them with training and education on what their roles will be during a countywide emergency situation.

### **RON HARPER – PROBATION OFFICER ANNUAL REPORT**

Bear Lake County Probation Officer Ron Harper presented his annual report to the Board, adding it was very similar to the report presented in 2022.

In 2023, 23 juveniles – 15 males and 8 females – with an average age of 14 to 16, were in Bear Lake County's probation program. The Court filed seven probation violations in 2023, up from four violations the previous year. While one juvenile was discharged by the judge from the program due to noncompliance, 14 others were discharged successfully, Harper said.

Bear Lake County had a single juvenile in state custody at the juvenile detention center in St. Anthony, but that individual is scheduled to be released in December. County Prosecutor Adam McKenzie filed seven juvenile petitions during the year – for five felonies and three misdemeanors – that resulted in convictions.

Four juveniles that were already or had previously been on probation were convicted of a new crime in 2023, Harper said. A total of 62 juvenile detention days were served in 2023 – less than half the number served in 2022.

The supervised adult misdemeanor probation program for Bear Lake County had 63 probationers in 2023, which was an increase over the previous year. Probation violations for the year totaled 12, most of which were due to substance abuse violations resulting from possessions found during in-home visits or through failed drug and alcohol urinalyses.

Unsupervised probationers – those that do not have to check in every month and do not have to pay a supervision fee – totaled 22 for the year, Harper said.

More than 200 drug/alcohol tests were performed on probationers in 2023, with approximately 20 of those tests yielding positive results for alcohol or illegal substances.

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

### **COUNTY SURPLUS PROPERTIES**

Clerk Amy Bishop said the county's departments had submitted a list of items that are no longer needed and can be declared as surplus property.

The Bear Lake County Fair Board has a Case 680-E backhoe that has some transmission issues and a 1984 Ford water truck that has a leaky water tank; The Extension Office has several pieces of miscellaneous office equipment and a 2004 Ford Explorer; and the Road and Bridge Department has a 1981 Mack 10-wheel cab and chassis, as well as a 2000 Dodge pickup truck.

Whereas the county only had a few surplus items to declare, Bishop said she hoped to use a governmental public surplus auction website for their disbursement. Per Idaho Code § 31-808, items not exceeding \$250 in value may be sold at private sale without notice or public auction. By using the public auction website, the Clerk's Office will not have to keep track of the incoming bids, and the county and its employees can be separated out of the proceedings, thus limiting their responsibility. Additionally, Bishop said, other Idaho counties that have used this public auction website have reported they generally receive more profit from sales because the auctions reach a wider audience.

For items valued less than \$250, if no bid is received the statute allows the county to dispose of these items as so deemed fit.

After some discussion, the commissioners agreed, because of the high amount of interest shown by the public, the water truck should be set with a minimum bid of \$1,000. They also agreed a minimum bid of \$500 should be set for the Ford Explorer. All other items were to be given a 60-day auction window.

**MOTION: Commissioner Payne made a motion to list the surplus property items on the governmental public surplus auction website, following local advertisement, for a 60-day auction window. Additionally, Commissioner Payne moved a minimum bid of \$1,000 be attached to the 1984 Ford water truck and a minimum bid of \$500 be attached to the 2004 Ford Explorer. The motion received a second from Commissioner Olsen. The motion carried.**

### **NACO CENTER FOR PUBLIC LANDS**

At the recent 4-CASI meeting, the subject of the National Association of Counties (NACo) Center for Public Lands had been discussed, Clerk Amy Bishop said. NACo had requested all counties contribute a voluntary amount based on population and tax base in order to help set up an endowment fund. Once those funds have been provided to NACo, enough money should be available for the organization to invest and deposit in order to use the interest to handle its needs, she said.

Bear Lake County had been asked to provide a one-time contribution of \$9,207.53.

**MOTION: Commissioner Olsen made a motion to accept the National Association of Counties' voluntary funding assessment and provide a one-time contribution of \$9,207.53 to be used for the NACo Center for Public Lands. The motion received a second from Commissioner Payne. The motion carried.**

#### **NATIONAL APPRENTICESHIP WEEK PROCLAMATION**

In a display of statewide solidarity, the Idaho Department of Labor, in conjunction with Gov. Brad Little's office, had asked the Board to adopt a proclamation for Bear Lake County that recognizes the importance of registered apprenticeship programs and their role in expanding opportunities in the Idaho workforce, Clerk Amy Bishop said. This proclamation would declare November 13, 2023, through November 19, 2023, as National Apprenticeship Week in the County of Bear Lake.

**MOTION: Commissioner Olsen made a motion to proclaim November 13, 2023, through November 19, 2023, as National Apprenticeship Week in Bear Lake County. The motion received a second from Commissioner Payne. The motion carried.**

#### **PLANNING & ZONING – BEAR RIVER ESTATES FINAL PLAT**

Bear Lake County Planning & Zoning Administrator Mitch Poulsen could not attend the meeting but had provided the final plat for the Bear River Estates subdivision for Board approval. He said everything with Bear River Estates was in order and the Planning & Zoning Board had given it a positive recommendation.

Despite the final plat meeting the standards set by the Planning & Zoning commission, Commissioner Olsen said he was concerned with the number of approaches to the subdivision. The county ordinance provides for four approaches within a mile; however, Commissioner Olsen said he had counted eight approaches within a half mile. One of the approaches – corresponding to lots No. 1 and No. 2 in the subdivision – is found within a dip in the road, an area where there is no clear line of sight, and could lead to safety issues.

County Superintendent Todd Boehme said in the near future he will be asking the Board of County Commissioners to withhold any refund of this subdivision's encroachment permit fees. He said when the preliminary plat for Bear Lake Estates had been presented the county had argued with developer Devin Skinner about the inclusion of a necessary utility easement – something Boehme said Skinner had refused at first. In the aftermath, there now is a half mile of ditch directly on the shoulder of the roadway that has been backfilled within six weeks of being opened and which has never been

compacted. This creates a hazard in the county right-of-way, Boehme said.

On its current encroachment permit, the county has one year to retain fees. At the one-year mark, Skinner can come back and request a full or partial refund of those funds, Boehme said. Additionally, the approach issue breached by Commissioner Olsen is concerning because one of those approaches lies in the middle of a swell. This provides a limited sight distance. Additionally, there is a drainage area from the west that runs directly through this approach, and a culvert is needed to mitigate that problem.

Commissioner Olsen said he too was concerned over drainage in the area. The approach he had expressed concern about lies in the path of the natural drainage flow from uphill property located to the west.

One option to remedy these issues is to have the county engineer visit the site and conduct a first-hand check of the subdivision before the acceptance of the final plat, Boehme said.

**MOTION: Commissioner Olsen made a motion to send the final plat for Bear River Estates Subdivision back to Bear Lake Planning & Zoning until the discussed approach issues have been addressed. The motion was seconded by Commissioner Payne. The motion carried.**

#### **BOARD OF EQUALIZATION / PROPERTY TAX REDUCTION ROLL**

Clerk Amy Bishop presented to the Board an abstract of the county's property tax reduction roll and a schedule of deadlines for November and December. This item required no action.

#### **PUBLIC COMMENT**

Tari Jensen, a Fish Haven resident who lives at 362 Lewis Loop, said she serves on the beach committee for the Bear Lake West Amenities Committee. In that capacity, Jensen has been gathering opinions about the pending memorandum of understanding between Bear Lake County and the Idaho Department of Lands. The MOU concerns the management of public lands surrounding Bear Lake that fall below the high-water mark.

Jensen said she would provide to Clerk Amy Bishop a written copy of her opinion and a signed petition in opposition to the MOU. The signatories have concerns over two chief issues: the burden of enforcement costs being placed on the citizenry of Bear Lake County and the ban on parallel movement along the public lands below the high-water mark.

Many residents of Bear Lake West are disabled or elderly people and can only access the beach with their families. Because these residents have a difficult time walking, they previously have been able to access the beach via vehicle. The proposed MOU also will limit parking spaces in those areas, Jensen said.

Richard Barako, a member of the Bear Lake West Board of Directors, said he wanted to make the county aware of a couple of safety issues affecting the Bear Lake West area.

When drivers turn onto Fremont Road from Lake West Boulevard and proceed east down the hill, they

encounter an embankment. In the wintertime, road conditions make it difficult for drivers to stop, and last winter at least five cars went over the top of that embankment, Barako said. While there have been no bodily injuries up to this point, he said it is just a matter of time before someone gets hurt, adding that he would be grateful for the commissioners' input on how to address this issue safely.

Barako also said there is a portion of that roadway – referred to as “The Triangle” – where it is very dangerous to proceed westward up the hill when another driver is traveling down. The roadway is not very wide, and the Bear Lake West Board has cut bushes back at its own expense in order to help mitigate this problem. A stop sign might be needed in that area, said Barako, adding that the area may be better suited to work in conjunction with Lakeside Drive with one road leading up the hill and the other leading down.

Barako said Bear Lake West is prepared to share the cost with the county in order to improve the safety conditions in the area. He suggested a ditch be dug and filled with large boulders to create a man-made barrier.

Commissioner Olsen said this has long been an issue in that area. Unfortunately, putting in a guardrail or protective boulders will only further narrow the roadway.

County Superintendent Todd Boehme said he had spoken to Jeff Frederick, who also serves on the Bear Lake West Board of Directors, about supplying sand to the Bear Lake West area. That sand can be applied to roadways during the winter months by Bear Lake West's crews in an attempt to mitigate slick conditions before the Bear Lake County Road and Bridge plows can get on site.

County Attorney Adam McKenzie said he will confer with Boehme to determine potential mitigation factors and solutions; to determine the cost; and best decide how to reach some sort of resolution. Commissioner Olsen also will work with Boehme to help determine a resolution.

Ed Izatt, a resident of Fish Haven's Loveland Lane, said in the past few weeks a few different groups of reckless drivers had been speeding in the area where he lives. His concerns over traffic in the Loveland Lane area are not only limited to speeding, he said, adding that several of the vehicles appear to be unlicensed.

Concerning the issue of drones that had been broached by Michael Groat earlier in the meeting, Izatt also said drones are becoming an issue and violating the privacy of residents in Fish Haven. Commissioner Payne said he will speak to the Bear Lake County Airport Board and determine what protocols have to be followed in order to resolve the issue of drones in public airspace.

#### **EXECUTIVE SESSION – IDAHO CODE 74-206(1)**

**MOTION:** Commissioner Olsen made a motion to go into executive session according to IDAHO CODE 74-601(1) (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 mere presence of legal counsel at an executive session does not satisfy this



requirement.

The motion was seconded by Commissioner Payne.

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

The Board entered executive session at 12:47 p.m. and left executive session at 1:21 p.m.

From 12:55 p.m. to 1:01 p.m., the Board discussed employee matters

From 1:01 p.m. to 1:21 p.m., the Board conferred with legal counsel.

**MOTION: Commissioner Olsen made a motion to leave executive session and re-enter the Board's regular meeting. The motion received a second from Commissioner Payne. The motion carried.**

The Board reconvened its regular meeting at 1:24 p.m.

#### **BERN PROPERTY OWNERS GROUP – COUNTY ROADWAY BOUNDARIES ISSUE – ACTION ITEM**

Earlene Johnson and Lana Christiansen – on behalf of their mother, Ramona Johnson, of 458 Main in Bern – appeared before the Board in order to resolve a boundary and deeding issue affecting Johnson's residential property. Perkes said her mother has been a resident of the Bear Lake Memorial Skilled Nursing Facility for the past 22 months, and in that time, Johnson has paid \$220,000 from her lifesavings for her medical care and needs. As funds deplete – and because Johnson wants to remain as independent as possible and does not want to receive aid from the state – Perkes said the next step is for the family to try to sell Johnson's home.

Perkes said the family currently is having an issue getting a clear title to the land. To help with this process, the family has hired surveyor Cardon Payne of Global Land Works, LLC. In his surveying, Payne had come upon a possible solution to satisfy all affected parties.

Payne told the Board he had found a few issues that were affecting the Johnson property, as well as the neighboring property to the north, which is owned by Tyson and Jaclynn Fry. The current deeds for both properties do not match current or historic occupation lines, Payne said. This issue has caused sale of the Johnson home to be put on hold as there is not a clear title to the land the house was built upon. Both the Fry and Johnson homes and properties have been built and occupied for more than 70 years, and in that time fences and other infrastructure have largely stayed the same, Payne said.

Additionally, Payne said, the county right-of-way of Bern Main Street runs through the front several feet of the Johnson home. This 99-foot right-of-way also presents an issue for the Fry property, as it reduces that property below its deeded acreage.

Both properties lie east of Main Street. When the survey line to the west of Main Street is examined and in turn is offset to the east, all fence lines line up, said Payne, adding that he had spoken to Scott Scherbel – another surveyor working on a property located a couple blocks north of the Fry property – and he has encountered a similar problem. It appears the issue affects much of Bern Main Street.

Concerning the Johnson and Fry properties, Payne said the county could narrow the right-of-way of Bern Main Street from the existing 99 feet to 70 feet. This will keep occupation lines and deeded acreages intact while also clearing the title for the Fry and Johnson properties. He said the Johnson family requested that Bear Lake County vacate or deed the easterly 29 feet of Bern Main Street to the adjacent landowners – Ramona Johnson and Tyson and Jaclynn Fry.

County Attorney Adam McKenzie said that, firstly, the county will have to go through the proper process for vacating that part of the roadway. Concerning the north side of the Fry property, which at some point was deeded over by the county with an incorrect legal description, McKenzie said a corrected quit claim deed will need to be filed by the county in order to remedy the issue of acreage.

A vacation of a public roadway requires a public hearing, and a notice of said hearing must be mailed to any owners of property abutting the portion of the public right-of-way proposed to be abandoned and vacated, as well as to any owners and operators of any underground facility, at least thirty days prior to the hearing date. Clerk Amy Bishop said her office would send those notices once a public hearing had been scheduled.

**MOTION: Commissioner Payne made a motion to set the public hearing, concerning a vacation of a portion of the Bern Main Street public right-of-way, for 9 a.m. on December 18, 2023. The motion received a second from Commissioner Olsen. The motion carried.**

#### **FAIR BOARD – POWER ISSUES AT FAIRGROUNDS – ACTION ITEM**

Lisa Transtrum of the Bear Lake County Fair Board told the commissioners there had been some concerning issues with electrical power during the 2023 Bear Lake County Fair. A few times many vendors had lost power, largely due to modern food trucks using more power than the fairgrounds can provide. During these tense moments, emergency electricians were brought on scene to help temporarily remedy the issues. However, the fair board wants to address the issues before the 2024 county fair, she said.

Local electrician Dennis Bills has been working with the fair board and with Rocky Mountain Power to formulate a solution for the ongoing issues. In order to run the necessary electricity loads, the fairgrounds will implement a three-phase electrical system and outfit many of the power posts with the proper equipment. This will provide enough power to run the carnival while also supplying food trucks and vendor stations with the power they need. The new system also will allow the fair board to bring on some additional vendors if it so chooses, Transtrum said.

The estimated cost of the electrical system upgrade project is \$150,000. This pricing also includes additional electrical lighting to be added behind the arena grandstands and in the fairgrounds parking lots as a means of upgrading safety, she said.

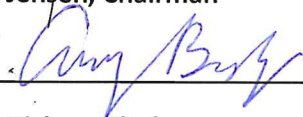
Commissioner Payne suggested this project be added to future discussions for ARPA and COVID funding that will be coming up. Transtrum said that any help from the county will be appreciated, but the fair board is prepared to tackle this project in smaller chunks if necessary.

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

The meeting adjourned at 1:55 p.m.

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

12-11-23  
\_\_\_\_\_  
Date Approved

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

