

BEAR LAKE COUNTY COMMISSIONERS' MEETING

MARCH 8, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, March 8, 2021 at 9:00 a.m., in the Commissioners' Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. The meeting was able to be accessed via Zoom. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others present were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford, County Superintendent Scott Esquibel and Kathi Izatt, Reporter for The News-Examiner.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the agenda as posted for March 8, 2021, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen reported still working on the three (3) year delinquent taxes, down to about forty. Inquired about a phone or stipend for Maintenance/Janitor as using personal phone a lot. Commissioners encouraged looking at cost and go with the lessor.

Sheriff Bart Heslington reported working on antenna issues, possibly some moisture, needing to replace some parts, hope to be set soon. In transition stage beginning from snow program to getting the marine program ready. Business at the jail is getting closer to normal operations, some warrants being addressed without overwhelming them.

Assessor Heber Dunford reported the daily work in each area of his office, staying busy, frustrations with new system and length of time to accomplish tasks. Treasurer Poulsen reminded Assessor Dunford of a new piece of legislation that removed the April 15th deadline for the homeowner's exemption, they can apply at the time of occupancy, so they will have to do more tax cancellations. They will need to work this process out together.

GENERAL BUSINESS/ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Jensen, motion carried.

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve the minutes for February 8, 2021, seconded by Commissioner Jensen, motion carried.

SPENCER BAILEY – FISH HAVEN CANYON ROAD – MAINTENANCE and PARKING

Spencer Bailey met with the committee which included Commissioner Jensen, Sheriff Heslington, Superintendent Esquibel, to review the proposed acre of land that Bailey would deed to the County for a parking lot. Bailey will develop and improve the road, parking lot would be moved to the trailhead, County would accept and do maintenance. Commissioner Jensen agreed it would be an improvement, it clears up traffic and helps with dumpsters. There will be an M.O.U. signed prior to beginning construction on the road.

MOTION: Commissioner Jensen made a motion to accept the proposal of Spencer Bailey to move the trailhead to the new location as soon as possible, the road and trailhead will be accepted after being brought up to standard, seconded by Commissioner Payne, motion carried.

APPROVE COUNTY AUDIT

MOTION: Commissioner Payne made a motion to accept the Bear Lake County 2020 Audit, seconded by Commissioner Jensen, motion carried.

PARKER GRAVEL PIT TERMINATION

Superintendent Scott Esquibel received a letter from the Archie and Mary Parker Family Trust requesting to terminate the lease of the gravel pit with the Bear Lake County Road and Bridge Department, as they are looking at selling the property.

MOTION: Commissioner Jensen made a motion to terminate the gravel pit lease between the Archie and Mary Parker Family Trust and Bear Lake County Road and Bridge Department, seconded by Commissioner Payne, motion carried.

LLOYD PROPERTY

First American Title Company's, Carrie Hemmert, informed Clerk Garner of a small amount of footage being owned by the County which has been in the Larry Lloyd property. As the property is being sold and in doing the title report, it looks as if years ago on a tax deed an exception was inadvertently left on the deed. It would be easily taken care of by the County preparing and recording a corrected tax deed taking that exception off and the title would be cleared up.

MOTION: Commissioner Jensen made a motion to have Prosecuting Attorney Joe Hayes draw up a corrected tax deed and record it, clearing title, seconded by Commissioner Payne, motion carried.

SET DATE – CANVASS MARCH 9, 2021 ELECTION

MOTION: Commissioner Payne made a motion to set Monday, March 15, 2021 at 9:00 a.m. to canvass the Supplemental School Levies for both School District #33 and School District #150, seconded by Commissioner Jensen, motion carried.

SENIOR CENTER GRANT COMPLIANCE

Chief Deputy Amy Bishop presented the Commission with further documents required to complete the Senior Center Grant compliance.

Notice under the Americans with Disabilities Act

MOTION: Commissioner Payne made a motion to adopt the Notice under the Americans with Disabilities Act, seconded by Commissioner Jensen, motion carried.

Fair Housing Month Proclamation

MOTION: Commissioner Payne made a motion to declare April 2021 as Fair Housing Month, seconded by Commissioner Jensen, motion carried.

Appoint Fair Housing Coordinator/ADA Grievance Procedure

MOTION: Commissioner Payne made a motion to assign Amy Bishop as ADA Grievance Coordinator and adopt ADA Grievance Procedure, seconded by Commissioner Jensen, motion carried.

Limited English Proficiency Analysis

This is an analysis to review how frequently we encounter people who speak other languages and complete a plan to address service. Clerk Haddock did write an analysis in 2013. Currently use the sources the courts have.

Approve ADA Transition Plan

Bishop informed the Commission of the ADA Transition Plan, to be used as a self-evaluation tool and encouraged a training they can view to assist in ensuring we are in compliance. Attorney Hayes has reviewed. It does not need to be signed off on, the coordinator does that. Bishop mentioned that SICOG did come and go through the courthouse and other county buildings to show compliance. Do not have the last information so will have to finish in next month's meeting. While reviewing the plan, could bring other people in to help evolve the plan.

'M' HILL CONTRACT

Sheriff Heslington reported working with vendor, Teton Communications, on the radio problem. They made a request to lease some of the space at the 'M' Hill site, so the 'M' Hill Contract allows them to use a small portion of the rack space for the equipment. It has been discussed with Superintendent Esquibel and the School District, part of process would be some radio equipment would be specifically designed to help with some communication problems the Road and Bridge has had with inter personnel communications. The School District could also take advantage of that. At this time, it is not real reliable, possibly have to change the radio system.

MOTION: Commissioner Jensen made a motion to accept the 'M' Hill Contract with Teton Communications, seconded by Commissioner Payne, motion carried.

MAPPING CONTRACT

Sheriff Heslington discussed before, when we made the transition in the dispatch center and the updated CAD system, it has a mapping capability. This contract is with Bonneville County who has the staff to help build the communications loop through Southeast Idaho. This agreement will help build it into the mapping program will help as it will pull up a view and the map for emergency response, especially helpful in more rural or less traveled areas with more detail which is a real benefit for emergency services response. The funding is under a communications grant.

MOTION: Commissioner Payne made a motion to sign the M.O.U. between Bonneville County and Bear Lake County regarding the NG911 mapping system, seconded by Commissioner Jensen, motion carried.

AIRPORT – CRRSAA (Airport Coronavirus Response Grant Program)

Commissioner Payne informed the Commission about a continuation on the Airport Coronavirus Response Grant and even a small one helps with maintenance. The airport board does an excellent job in applying for these grants.

MOTION: Commissioner Payne made a motion to accept the Federal Assistance Grant, SF-424, seconded by Commissioner Jensen, motion carried.

COMMITTEE ASSIGNMENTS - CONTINUED

Commissioner Rex Payne reported the Fair Board is working forward on a carnival for the Fair, possibly the week of August 16-21 or 23-28, depending on securing the carnival. The Airport board is working on the building for the snow removal equipment. Commissioner Payne is working with Big D on the issues with the millwork company to find a cure, the swinging doors are in and done and working well. Big D, Myers and Anderson and the millwork company will be meeting with Commissioner Payne soon. We will be approaching the one (1) year warranty date of June 8th.

Commissioner Brad Jensen met with the Regional Commission regarding their audit. IDAWY is getting their budget together. Commissioner Jensen met with the Bear Lake West HOA on site on some road issues, they are working together on possible ideas.

Clerk Cindy Garner had various housekeeping items including information on the time capsule from the 1990 News-Examiner mentioning being buried five (5) feet deep and to be opened one hundred years later in 2090.

OPEN HAY BIDS – PARCELS ‘A’ and ‘B’ – Action Item

There were five (5) bids for Parcel ‘A’ and Parcel ‘B’ as follows: Parcel ‘A’ Bids: Clay Lloyd - \$5750.00, Max Bunderson - \$4489.00, Brad Woolstenhulme - \$5570.00, *Payne Livestock LLC - \$6026.00, Jason and Valerie Crane - \$4450.00. Parcel ‘B’ Bids: Clay Lloyd - \$4250.00, Max Bunderson - \$3206.00, Brad Woolstenhulme - \$4310.00, Jason and Valerie Crane - \$3300.00, *Payne Livestock LLC - \$5041.00.

MOTION: Commissioner Jensen made a motion upon review of Prosecutor Hayes and himself, to award the high bid for Parcel ‘A’ of \$6026.00 by Payne Livestock LLC and Parcel ‘B’ of \$5041.00 by Payne Livestock LLC, seconded by Commissioner Rasmussen, motion carried. Commissioner Payne abstained from voting due to relationship.

Prosecutor Hayes will be drafting a lease agreement to be reviewed and signed, needing some additional wording according to FAA language and the Airport Board to follow the minutes and bylaws of the Airport.

JOHN and HOLLY WILLIAMS – PERMIT for SNOW REMOVAL on COUNTY ROADS WITHOUT WINTER MAINTENANCE

John and Holly Williams met with the Commissioners to request a permit to plow snow on Bear Hollow Road according to Ordinance #78-01. There was discussion on road damage on the county roads and

fences being knocked down, the attorney will look further into the Ordinance. As it was not on the agenda as an action item, it will be studied and put on April's meeting. Commissioner Rasmussen appreciated them coming, it will be reviewed and they will work on it.

BRANDEE WELLS – SOIL & WATER CONSERVATION DISTRICT ANNUAL UPDATE

Brandee Wells with the Soil and Water Conservation District gave the annual update of the projects being worked on and more to come. Wells presented the Board with a handout showing the various projects, which include Harris Ditch to Pipe Project, Crane Ranch Project and the Parker Ditch to Pipe. The Smith Ranch Project and Perkes Project changed to the Georgetown Irrigation Project, which is done. Another is the Bear Lake Water Improvement Project which is new, with landowners participating. They are working on the Bennington Irrigation Project and St. Charles Creek Project. The Dyers Woad program went really well and hope to have the County's support again this year. The Fuels Reduction over in Williamson Canyon is going well, working over to French Dutch Canyon. Paul Etcheverry is handling that project. CWMA money received is \$23,625.00. Brandee is working out of the Allred Center Board room as not allowed into the Federal Building at this time. Wells reported the tree sales have started.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector, Wayne Davidson, presented his monthly report, noting the month of February is ahead at this time. Getting lots of calls, furnace replacements, fire places, including a new type of construction of a Cobb house made of clay, sand and straw. Individual was out of Vancouver and wants to use it as a rental. Davidson has been meeting with the City of Paris working on their ordinances. Bloomington and St. Charles invited him to their meetings, not a decision yet to adopt the building code at this time. Davidson does not see the new homes slowing down.

PUBLIC COMMENTS

Bear Lake County Fire Chief, Mark Parker, inquired of the Commission about road maintenance, concerning the widths at the bottom of the canyon, for save access for emergency vehicles above Fish Haven Cemetery. Commissioner Rasmussen will work with the Prosecutor on the ordinance.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent, Scott Esquibel, presented his monthly report, roads being the biggest issue and discussed maintenance and working with Davidson on any permits issued on new houses. There is some language on the deeds when there is no winter maintenance, or no house is permitted. They are busy hauling chips.

COMMITTEE ASSIGNMENTS - CONTINUED

Commissioner Vaughn Rasmussen reported on the projected runoff from PacifiCorp is 27% of average, falling behind. Lake level may go below 5917.70, come up a foot, then drop three (3) to four (4) feet. In meeting with the Board of Health, cases in Bear Lake have not got down to the green level yet. Every two (2) weeks about five (5) cases, right now there are nine (9) cases, one (1) in the hospital, but it is going down. Need to still be careful. Gem Plan hoping rate will not go up, at least not more than five (5) percent. ICRMP has had lots of cases, especially cyber, but doing okay. 4-H is going well, the shooting range is doing okay and will hold a meeting on March 24th at 7:00, electing new officers and other

matters, check out the webpage. There is a Board of Guardians meeting on Wednesday and a Simplot meeting will be coming up.

STACE GEARHART – JUVENILE JUSTICE YEARLY UPDATE

Stace Gearhart, Juvenile Justice District 6 Liaison, presented the Commission a handout regarding the annual report generated by Juvenile Probation Officer, Ron Harper's activities through the past year. Numbers have dropped because of Covid, with lockdown and as could not use facilities, did mediate in different ways. Worked with parents and working on a diversion program with the Prosecutor. Probation numbers going down, recidivism rate is low here. The budget is going down from the State to 25% at this point.

EXECUTIVE SESSION – IDAHO CODE #74-206 (1) (b) and (f)

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (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,'

seconded by Commissioner Jensen.

Roll call vote: Commissioner Jensen – 'I', Commissioner Payne – 'I', Commissioner Rasmussen – 'I', voting unanimous in the affirmative.

Board went into executive at 12:05 p.m., those invited to attend were Sheriff Heslington, Prosecutor Hayes and Clerk Garner.

Board out of executive at 12:52 p.m. Items discussed were personnel with recommendations from the attorney and some contractual issues that could create possible litigation if not taken care of.

MITCH POULSEN, PLANNING and ZONING ADMINISTRATOR – RECOMMENDATION of DOUG ARMSTRONG REZONE

Mitch Poulsen, Planning and Zoning Administrator, informed the Commission of Doug Armstrong's rezone application and request from rural to agricultural on the remaining seventy acres. The Armstrong's want to rezone from rural to agricultural for the purpose of putting a gravel pit on it. It would need a second permit for conditional use. Montpelier City felt the rezone should not be approved with the residential interest in the area. There were two (2) other four (4) lot subdivisions that went in on the Joe's Gap Road. There was opposition from a group attending the hearing. Planning and Zoning opened back up, Armstrong would only use the north forty acres for gravel extraction. Planning and Zoning recommended approval of the rezone. Commissioners discussed the road maintenance. They would still have to come to apply for permit and environmental permits, reclamation, etc. if they applied for gravel pit. Commissioner Rasmussen reminded the group the

discussion was about a rezone from rural to agricultural, not a gravel pit and as it was not on as an action item, no decision could be made at this time.

BRYCE THOMPSON, WYMAN RAY, TORI SOMMER and DON DECKER – PROPOSED GRAVEL PIT – JOES GAP ROAD

Bryce Thompson wanted to voice opposition on the rezone change with the rumor of the proposed gravel pit, noting the heavy truck traffic, dust control, narrow and culvert bottlenecks which may affect the water rights. Commissioner Rasmussen gave four options that they could make on the rezone, approve, disapprove, call for own public hearing or send back to Planning and Zoning.

Wyman Ray expressed opposition of the rezone as he has six (6) children and there are twenty on that road.

Tori Sommer opposed the rezone if the intention was a gravel pit as there is growth on prime real estate and if zoned different, would backtrack rather than move forward. The housing would go down along with the prices.

Don Decker indicated they had purchased property and it was a proposed subdivision, residential and farming accepted, but opposed to the rezone if gravel pit as invested to lean toward residential. Commissioner Jensen mentioned they have approved some of these things over the years and did rezone but more attention towards residential. Do not control but manage for safety of county. Sommer and Decker submitted a letter to the Commissioners.

Commissioner Rasmussen informed the group they would look at the information and look at making a decision at the April meeting.

BLAINE NEWMAN-BLM UPDATE – ACCESS TO PUBLIC COUNTY ROADS and LAND GRAZING

Blaine Newman, BLM (Bureau of Land Management) Assistant Field Manager, Mike Kuyper, 2nd Assistant Field Manager, Cindy Jernigan, Realty Specialist and Adrian Hoskins, Rangeland Management Specialist appeared via Zoom. The new Field Manager, Melissa Warren was unable to attend. BLM would like to update those County roads leading to the access of BLM and work together to clarify and consolidate into one (1) Right of Way file. Commissioner Jensen remarked having files and trying to update maps, have in digital format, encourage a side meeting to compare notes. Newman specified the road to the landfill and other thing was a priority to push for access to public lands. They are in the early stages of putting together a map of the right of ways, will reach out to Fish and Game, any other user groups and all work together. Need to work on all the little landlocked parcels, there are twenty-six parcels just in Bear Lake County. Commissioner Rasmussen inquired about the snowmobile parking lot up North Canyon as they need to get the traffic off the highway. Newman informed the Commission it is still in the plan, a thirty year right of way.

BEAU WILLIAMSON – APPROVE SPECIFICATIONS and PUBLICATION for NEW AMBULANCE BID – ACTION ITEM

Beau Williamson, EMT and committee member, presented the Commissioners with the specifications and requested to have it published for a new ambulance bid. They had formed a committee, decided the specifications, safety features and looked at other county's models. They will combine their funds

with the grant money for one (1) new ambulance and the power load kit with cot. If they bid on both, it needs to be itemized. The grant is nearly three quarters (3/4's) of the cost.

MOTION: Commissioner Jensen made a motion to approve the request for publication of bid specs for a new ambulance and, or power load kit, seconded by Commissioner Payne, motion carried.

MARK PARKER – BEAR LAKE COUNTY FIRE – BUILDING ADDITION – ACTION ITEM

Fire Chief Mark Parker met with the Commission informing them of the storage issue and looking at adding on an extension to the fire station. It sits on county property and they would like to extend to the south with three (3) doors to the south and one (1) door to the north. Commissioner Payne and Prosecutor Hayes will work on an agreement.

MOTION: Commissioner Payne made a motion to allow the Bear Lake County Fire Department to add an extension up to three (3) bays for additional storage, seconded by Commissioner Jensen, motion carried.

Commissioner Payne reported on the State Fair Budget which includes sixteen counties, will have the same budget as last year. The Fair gets larger every year, making improvements, know things can happen but plan on holding the Fair this year.

Commissioner Rasmussen expressed appreciation to all who helped with the avalanche victim back in February, it was handled professionally, they got there quickly. The Search and Rescue did a great job, which both Caribou and Franklin Counties also appreciated the help, as well as the family.

CHRIS SURIAN – TRIFECTA MARATHON – NORTH BEACH – ACTION ITEM

Chris Shurian and Kate Anderson appeared via Zoom, presented the Trifecta Marathon to be held in Bear Lake County on June 10th which is a Thursday. The Commissioners expressed how well it went last year.

MOTION: Commissioner Jensen made a motion to approve the Trifecta Marathon on June 10, 2021 starting at North Beach, with application fees and insurance paid, seconded by Commissioner Payne, motion carried.

Commissioner Rasmussen has been tracking the bills that are going on in Boise, a lot will affect the counties, with the health board, property tax. Representative Gibbs' weekly update is good, the transportation money will be allocated this year and he and Senator Harris work together with the Four-Counties. Snowmobile permits are going up, but some money is going to State lands, not sure why. The blood drive is this week, can go online or call, a great service. Commissioner Rasmussen indicated the hospital received a great compliment from Governor Little's office, with a call to thank them personally and reaching out to Broulim's also. They were very impressed with the great job done on getting the vaccines administered at the POD and Emergency Manager, Alan Eborn was recognized for it.

PARCEL 'C' HAY BID

This was the final year of the five (5) for Parcel 'C' at the Airport with Fred and Diane Nate. With notice of Fred Nate's passing, the Commission confirmed with legal counsel and it will continue as is, then be up for bid the following year.

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

Meeting adjourned at 2:30 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____
CINDY GARNER, Clerk