

## BEAR LAKE COUNTY COMMISSIONERS' MEETING

AUGUST 9, 2021

### COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, August 9, 2021 at 9:00 a.m., in the Commissioners Chambers, in Paris, Idaho. 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, Prosecutor Joe Hayes, 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 August 9, 2021, seconded by Commissioner Jensen, motion carried.**

#### ELECTED OFFICIALS' UPDATES / COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen just got back from attending the annual Treasurer's conference. There were lots of new treasurers, so back to basics, very good training. She discussed parcels that belong to Gerald Johnson, who is deceased. He owned 6 parcels that are minerals, total tax on all is \$70.50. It would be the only tax deed we have, would cost more to publish than ask the landowner if they wanted it. Poulsen asked Deputy Assessor to look up who owns those minerals and he will bring down to the \$24.99 per acre. Will call landowner, 18 years of taxes, if do not want, would Commissioners be okay with waving it to get off the books. Another matter, Ramaa Iyer, legally blind, total penalty & interest is \$33.57, purchased in November, said she did not get the tax notice and will be calling in later. First half was paid during purchase, it is the 2nd half due and she does want to make payment. Not sure if someone assists and reads her mail, Treasurer would like Commissioners' help.

**MOTION: Commissioner Payne made the motion to notify property owner on the minerals and give opportunity to pay, seconded by Commissioner Jensen.**

Assessor Dunford gave his report, busy in DMV. The ratio study indicates the county will be out of compliance again and will have to increase again. Mapping, Naaman is working with Dale, Dale has been to Summer School for his certification. Cross training to keep up with motor vehicle is not working as all are so busy. Word from the State is the Commissioners are going to need to approve the homeowners' exemptions. Budget submitted is the minimal that they need. Commissioner Jensen inquired about being out of compliance if it is because values changing so quickly, but more resources will not help. Commissioner Payne indicated if they are only doing 1/5 of county, they will always be behind. Dunford informed the Commission, the Tax Commission has recommended more resources.

Prosecutor Joe Hayes, trying to work on M.O.U. on the lake, they are not responding to him. Commissioner Rasmussen suggested cc'ing him on the emails. Commissioner Rasmussen inquired also about the Maverik agreement and would request reviewing and will have it on the agenda for the next meeting.

Assessor Dunford informed the Commission he would be losing an employee for three (3) months for maternity leave.

Clerk Garner had the information on the Bear River National Heritage Area requested by Commissioner Rasmussen to present to the other commissioners and attorney. The letter is one that is opposing, showing the risks and what door it opens, but how many it closes. Also gave information on Juvenile Regional Detention Center. Commissioner Rasmussen mentioned there is a proposal from Bannock County, they are looking at something different, he has asked them to look at percentage of ownership, data is out of date. Franklin County is still the big hit. Ownership and bed usage will be the new numbers from the year past, with new proposal, would own 6 % of the juvenile center, not a bed. Commissioner Payne indicated there are four (4) or five (5) different proposals at the 4-County meeting. Clerk Garner left at 10:00 for Clerk's meeting in Tamarack, Chief Deputy Amy Bishop will fill in for the rest of the meeting.

Commissioner Payne discussed the trade with the city and fair grounds. They need to look at doing a survey. It is only 6 feet but the fence needs to be replaced. DeMar Romrell contacted Payne regarding the cattleguard on the road up to Poverty Flat. It needs replaced. The owner would pay for it, but Esquibel needs to look at a different location that may be better. It is at the South end over Indian Creek. There is an issue at the Fair Grounds, with restrooms, Senator Harris helped take care of and also for Franklin County. Maryanne Stevens applied for a grant, for \$80,000, hire 1 & 1/2 employees for 1 year. The commissioners asked if it includes Persi? Rasmussen stated that the last workshop on the open meeting law was 3-13-2019. The extension service held interviews for an agent. Three were interviewed. They hope to have an agent soon. Rex spoke about Ag figures, and the extension's efforts to fill a gap left by Boy Scouts with 4-H programs.

Commissioner Jensen reported that the Regional Commission met and the budget was set. He also reported IDAWY is looking good. He met with the communications group. A salesman was there. There were lots of good ideas. There are many radios in the county. Hell Hole repeater is the main issue. Rasmussen brought up the trunk system. We would own and then no monthly fee. Jensen would like to see that.

## **GENERAL BUSINESS/ACTION ITEMS**

### **RATIFY CLAIMS**

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

### **APPROVE MINUTES**

**Commissioner Payne made a motion to approve the minutes for June 28, 2021 and July 12, 2021, including the B.O.E. minutes, seconded by Commissioner Jensen, motion carried.**

### **APPEAL FORM INSTRUCTIONS**

Rasmussen stated they were not ready to do the appeal forms.

### **FISCAL YEAR 2022 INDIGENT DEFENSE FINANCIAL ASSISTANCE AGREEMENT**

The Clerk presented the Indigent Public Defense Agreement for signature.

**MOTION: Commissioner Payne made a motion to sign the 2022 Indigent Defense Financial Assistance Agreement, Commissioner Jensen seconded. Motion Carries.**

**AGREEMENT – MINI-CASSIA JUVENILE DETENTION CENTER**

Commissioner Rasmussen presented the Agreement on the Mini-Cassia Juvenile Detention Center. If they are out of beds in the other, they can use it as a backup.

**MOTION: Commissioner Payne made a motion to sign the Mini-Cassia Juvenile Detention Center Agreement, Commissioner Jensen seconded. Motion Carries.**

**REVIEW/APPROVE BUDGET FOR PUBLICATION**

Prosecutor Joe Hayes reviewed his budget request. He shifted some of the money from other categories, to capital. They need to reconfigure their cabinets. He requested an increase in the budgeted salary. He has been receiving the contracted wage. The commissioners had based the wage in the proposed budget matching the other elected officials. Hayes, showed what the salary was prior to going to a contracted prosecutor, as well as what other prosecutors are making. The commissioners will set the salary at \$72,000.

The commissioners reviewed the proposed county budget, making some minor updates.

**MOTION: Commissioner Payne made a motion to approve the budget for publication, seconded by Commissioner Jensen, motion carried.**

**WAYNE DAVIDSON - BUILDING INSPECTOR REPORT**

Building Inspector Wayne Davidson gave his report. Building is still at a high pace. He has issued 49 permits so far this year. Most permits are still in the lake area. He is seeing a lot of sheds and other ways to go around the system to avoid building to code for a house. He is seeing composting toilets in sheds, campers parked year-round in the hills, etc. Commissioner Rasmussen asked some questions about snow loads. Davidson also reported that the fair-grounds restroom issue is now resolved.

**RAMAA IYER – WAVE PENALTY AND INTEREST – ACTION ITEM**

Treasurer Poulsen addressed the tax issue for Ramaa Iyer, requesting that the commissioners wave her penalty and interest. The commissioners called Iyer, to review the issue, but were unable to reach her. Poulsen reported that Iyer bought the property (parcel 00305.00) in Nov 2020. She paid the 1st half of taxes, but never got her tax bill. The bill was not returned to the county. Iyer is blind.

**MOTION: Commissioner Payne made a motion to cancel penalty and interest on this parcel, in the amount of \$33.57. Commissioner Jensen seconded. Motion carries.**

**KENDRA PENRY – STOKES NATURE CENTER EVENT - ACTION ITEM**

Kendra Penry from Stokes Nature Center spoke. The center is holding a fundraiser, but because of the small nature of the event, it may not need a permit. They will have three tables set up with water and snacks. There were no issues last year.

**MOTION: Commissioner Jensen made a motion have the event complete a permit, but to waive the application fee. Commissioner Payne seconded. Motion carries.**

The Commissioners took a short break.

Sheriff Bart Heslington presented his Monthly report. Raspberry Days went well. 15 additional deputies came to help from Jefferson, Bingham, Caribou and counties. State Troopers helped as well. The assisted with streets patrols, calls, and Marine. Friday was not as busy on the water as usual, due to the weather. Saturday was busier. They issued 65 citations + those issued by the forest service and BLM. The citations were for drug, fire, vehicle registrations, sanitation, and alcohol. The sheriff's office is active getting the reserve program running. They are doing joint forest patrols, which are working well. Search and Rescue responded to a fatality recovery over weekend. The Communications Committee is holding follow up meetings.

**CRAIG SHULER, DEAN BARKER, DANIEL LAKEY  
– FOSSIL CANYON ROAD-POWER LINE TO DRY CANYON**

Craig Schuler gave a presentation on Fossil Canyon Road, from the power line to dry canyon. Dean Barker was also in attendance, and assisted with the presentation. He presented a long history regarding the road. Both Schuler and Barker are land owners in the area. Schuler presented a 1910 map, showing the road. Commissioner Rasmussen has a meeting set up in 2 weeks with attorney Randy Budge on this road also. The sheep industry likely used the road a lot. He also presented the Original land plat. The earliest patent was 1918 and the road was in existence before that, and being used by the public. This established a right of way (RS2477). Schuler and Barker believe Fossil Canyon is a right of way. He presented a statement by Robert Anderson, raised in that area, which tells of the use of the road. The area has been used for over 100 years. He also presented pictures of the gate in question on the road in 2009, with a NO trespassing sign skewed at an angle. It makes it look like the road is a private property. Roger Jones sent letters directing barriers to be removed when he was the county attorney. Commissioner Rasmussen says their agreement was the gate could be closed, but people could open and close the gate. The gate is on a bypass around a muddy area of the road. They believe the county needs to fix the muddy area of the county road back so the bypass is not needed. The gate is currently locked. The Original road is not on the property of the landowner who has locked the gate. Commissioner Rasmussen will meet with land owner and then the commission can make an action.

Barker noted that the power line road is also being used. The landowner put a gate chained between two trees. Power Line Road is not a county road. They realize this is not a county road, but want to illustrate that the land owner is trying to close access.

Schuler is asking the commissioners to Validate the road. Vaughn: Idaho rural law handbook has process for validating a road. Commissioner are willing to proceed, but will wait until after the meeting with Budge. Commissioner Rasmussen noted he has some other maps also which show similar items.

## **PUBLIC COMMENTS**

Raliegh from Fish and Game spoke regarding Fossil Canyon. He was not asked to come by Schuler or Barker. He has spoken to all property owners. He stated that access to forest service land would help resolve a lot of issues. He is working with Elquist in resolve other issues also.

Jean Alleman then spoke, she asked about the boundaries of St. Charles City. She asked because someone who lives on the East Side of the Lake stated their address was in St. Charles, and she wanted to know where the city limits were. The commissioners responded the postal service uses the St. Charles zip code for the east side of lake, but it is not in St. Charles city limits.

## **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Superintendent Scott Esquibel gave his monthly report. He is out of Magnesium Chloride budget for this year, so they will not be able to apply the dust retardant to any more roads. He stated that encroachment permits requests are busy also. The 5 County Transportation Coalition Meeting will be October 7th. He provided traffic counts in his written report. Dam Road will be done by Pacific Corp. The road will be closed. Commissioner Rasmussen talked to Simplot and they will work with the County and City of Georgetown on radar signs. Esquibel will get Rasmussen a cost for the signs. They need a discussion on speed limits in the area also.

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

**MOTION: Commissioner Jensen made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code 74-206 (1)**

(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 Payne.**

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

Board went into executive at 12:07 p.m., those invited to attend were Prosecutor Hayes, Sheriff Heslington, and Chief Deputy Clerk Bishop.

Board out of executive, back to regular meeting at 1:04 p.m.

Discussion during executive session was concerning several road issues in the valley with pending litigation on one.

## **RAYMOND ROAD – ACTION ITEM**

The commissioners reviewed the request to narrow Raymond Road from 132 feet to 60 feet, inside parcel 9. Rex, stated he had no problems with that, and the acreage needs to be adjusted for taxation.

**MOTION: Commissioner Payne made a motion to make the requested adjustment and to approve Raymond Road being narrowed in Parcel 9. Commissioner Jensen seconded. Motion Carries.**

Hayes will draft up document to record, the clerk's office will find a sample.

Rasmussen asked to add to the General Business Actions Items Next Month to set a date for the Road Map Update and Public Hearing.

#### **LIBERTY TOWNSITE PLATTED RIGHT OF WAY – ACTION ITEM**

A land owner has asked to vacate from the platted right of way of Liberty townsite, 200 feet from the highway, between blocks 5 and 6. Commissioner Jensen stated that he was not sure if the vacation is in the public benefit or not. If it was to be vacated, they would need a survey and split the property 50/50 between the lots. Commissioner Payne asked if the road could ever be built with the highway the way in its current configuration. Roy Bunderson was in attendance at the meeting as stated he believes the highway department would not be able to prevent access. Commissioner Rasmussen stated sewer lines may need to be moved. Jensen stated again that it is not really in the public benefit to vacate. Hayes stated he sees no legal issues with it, or no adverse effect later. Bunderson alleges it is a taking if they change the property from a corner lot to a cul-de-sac. Payne asked if they could they vacate a narrower portion? Rasmussen stated they could not under the current request, but the applicant could amend the request.

**MOTION: Commissioner Jensen made a motion to not vacate. Commissioner Payne seconded. Motion Carries.**

#### **PORTNEUF ROAD VARIANCE – ACTION ITEM**

Rasmussen read a letter from Travis McKinnon regarding the Portneuf Road Variance. McKinnon stated he is just asking for access. Rasmussen stated he went and looked at it and he thought it would create a runoff issue if the county made McKinnon to bring it to grade. Rasmussen is supportive of making a variance for McKinnon, the county just needs to make sure it does not impact Mr. Webster. If a variance is granted, the county could grant an encroachment permit, and Superintendent Esquibel, could add terms and conditions. The terms would be to not add drainage to Mr. Webster and to make sure the slope is correct.

**MOTION: Commissioner Jensen made a motion to approve a variance to the grade and slope of Portneuf Road for McKinnon, with an encroachment permit. Commissioner Payne seconded. Motion Carries.**

#### **JEAN ALLEMAN & RICHARD YEOMAN – SENIOR CENTER REPORT**

Jean Alleman and Richard Yeoman gave a report for the Senior Center. The County owns the land, but the Senior Center is run independently. Yeoman stated that the Status Quo is untenable. If nothing changes, the center will be forced to close the doors in 9-12 weeks. The center has asked for donations but has only received one. They have talked to some other senior centers, but all of them have different operations. Home delivery is very important, and is a lifeline for seniors. Some other centers have some good partnerships with other businesses. The center has seen a 65 to 70% drop in meals served. Commissioner Payne stated that the commissioners support what the center is doing. Rasmussen asked about their annual budget, and asked them to get budget figures to the clerk's office. The center has

about \$8,000 per month in costs. They have raised prices, but the numbers of patrons can not cover the costs. Rasmussen asked the clerk's office to see what neighboring counties budget is for Senior Centers.

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

Meeting adjourned at 2:12 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

**ATTEST:** \_\_\_\_\_

**CINDY GARNER, Clerk**