

BEAR LAKE COUNTY COMMISSIONERS' MEETING

SEPTEMBER 9, 2019

SCHOOL DISTRICT

The Board of Bear Lake County Commissioners met in their regular session on Monday, September 9, 2019, at 9:00 a.m., in the School District #33 Board Room 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 in attendance were Treasurer Tricia Poulsen, Sheriff Bart Heslington, Inspector Wayne Davidson, County Superintendent Scott Esquibel, Pamela Harmon, The News-Examiner Reporter, citizens Joan Maiorana, Jean Alleman and Robin Owsley. Assessor Heber Dunford was out with a hip surgery.

APPROVE AGENDA

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

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen stated there was only one property for tax deed later, as the other one had been redeemed. Poulsen had requested the bank statements from the districts, most had been responsive. Commissioner Payne mentioned the County employee party, Big D will help sponsor and the Commissioners set October 3rd for the date at 5:30 p.m. Poulsen will take charge of the party.

Sheriff Bart Heslington mentioned the LoToJa race Saturday and met with organizer Chambers on a couple of issues, but overall not too many problems. Commissioner Payne stated coming back from Wyoming, the support vehicles causing some problems than the riders. Sheriff Heslington stated the generator was delivered which will work for the new courthouse and the new equipment is scheduled to be installed from the 11th – 15th so they can utilize it now and work out any issues prior to moving to the new courthouse. They are working on getting the new CAD system, partnering with Caribou County and County but will probably not ready till 2020.

Commissioner Payne stated they are now looking at one (1) large window for the drivers' license department, it should be able to operate two (2) stations, he and Ryan with Big D are reaching out to ITD to be sure. Commissioner Payne also state Big D had negotiated on the ballistic glass and have the price back where it was. Sheriff Heslington stated the generator was delivered which should work for the new courthouse and the new equipment, dispatch, 911, and training, is scheduled to be installed from the 11th – 15th so they can utilize now and work out any issues prior to moving to the new courthouse. They are also working on the new CAD system, partnering with Caribou County and Oneida County, but will probably be working the first part of 2020. Commissioner Jensen talked with Deputy Ryan Larsen regarding the grooming equipment and heard back from Deputy Larsen and it looks like things are handled at this time, but appreciated the offered support and help from the Commissioners, Senator Harris and Representative Gibbs, if needed.

Commissioner Rasmussen mentioned the shooting club had their first shoot and they had a good turnout. Commissioner Rasmussen reported again that Commissioner Jensen will be the new representative for the Bear Lake Regional Commission.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector Wayne Davidson presented his monthly report, stating that building still going well, a few code complaints but nothing serious. Davidson mentioned the Health Clinic are moving forward with an expansion, so ready for their second phase. Regarding the new courthouse construction, an unknown water pipe was broken, but they are still on schedule. Ryan Judd with Big D felt they were doing good and asphalt should be coming by October 15th. Commissioner Rasmussen and Commissioner Jensen expressed appreciation to Davidson and Commissioner Payne for all the work on keeping on top of the construction of the courthouse.

Clerk Garner inquired when the next Four-County meeting was scheduled, to which the Commissioners reported November 13, 2019 at 9:00 a.m., location to be verified later. Fire Chief Mark Parker had given a flyer regarding a Wildfire Safety meeting on September 20, 2019, 6:30-8:00 p.m. at the Bear Lake County Fire Station, which will be posted. Commissioners had been asked about several roads and will do work meetings possibly in November and December to get started with the required five (5) year update coming up in 2020.

APPROVED MINUTES

MOTION: Commissioner Jensen made a motion to approve the minutes for 8-12, 8-13, 8-19 and 8-28-2019, seconded by Commissioner Payne, motion carried.

RATIFY CLAIMS

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

POLLING PLACES/PERSONNEL FOR NOVEMBER ELECTION

MOTION: Commissioner Payne made a motion to accept the following polling places: Montpelier #1 – Allred Center, Montpelier #2 – Grace Thiel Community Center, Montpelier #3 – Montpelier Fire Station, Bloomington – Bloomington City Hall, Georgetown – Georgetown City Hall, Paris – Paris Tabernacle Annex and St. Charles – St. Charles City Hall, seconded by Commissioner Jensen, motion carried.

JARED RICKS - PUBLIC DEFENSE COMMISSIONER UPDATE

Jared Ricks, Representative from the Public Defense Commission, came to give an update and let the Commissioners know that the PDC (Public Defense Commission) were not ready with the rules this year and would be working on them for next year. Ricks mentioned the grant and the additional monies were earmarked for attorney expenses and a reminder it could not be rolled over or used for other means. Commissioner Rasmussen mentioned the county had a new contract, had two (2) apply and would be making that decision soon as the contract ends this month.

JEREMY JIRAK – US FISH & WILDLIFE – ROAD DISCUSSION

Jeremy Jirak with the US Fish & Wildlife had been requested by Commissioner Jensen to come and discuss the Hot Springs to Dingle road. Commissioner Jensen stated the county needs a 24' area so it is an additional 4" and would like to work with them to achieve that road surface. Jirak stated the engineering office ordered a cultural resource review and there are ways, particularly to look at turnouts and safety for approval. Superintendent Esquibel asked what they would need from the county. Jirak stated maps of the plan, overview maps and the kind of material for the road so it is compatible with the refuge. There is some selenium issues from old mines that would require a minimal environmental analysis and look at the speed limit to protect wildlife. Policy vs. state policy. Jirak mentioned a different matter of phragmites and working with Dave Cottle and trying to treat different areas. It is better to spray the second or third week in August for more effectiveness to the roots. Cottle stated most area is on state lands, which they will not treat, but have been working with the Department of AG and they are getting more involved. Weed Supervisor Todd Transtrum has worked well with them, along with the Soil Conservation District.

ELECTED OFFICIALS/SUPERVISOR'S REVIEW OF COUNTY POLICIES

Deputy Clerk Mindy Williamson joined the meeting to discuss the county policies. Sheriff Heslington stated he had been working with his department and knocking down the time by using the payout option. Superintendent Esquibel stated it was hard to get the time down without extra employees to balance that out. It was suggested to encourage employees to utilize the payout option and work with Williamson this month. They will work to get cash handling and cell phone policies to review. Sheriff Heslington mentioned doing performance evaluations and incentives.

CERTIFICATE OF RESIDENCY

MOTION: Commissioner Payne made a motion to approve the Certificate of Residency for Shaelyn Ramsey for CSI (College of Southern Idaho), seconded by Commissioner Jensen, motion carried.

RICHARD YEOMAN, JEAN ALLEMAN – SENIOR CENTER QUARTERLY UPDATE

Richard Yeoman, Jean Alleman and Robin Owsley from the Senior Center came to give a quarterly report and mentioned they got a new accounting program and felt efforts went well at the fair. Their 'Adopt a Senior' program is going pretty well and the Commission suggested to promote again prior to the Christmas season. Commissioner Payne stated they a letter to Governor Little and they will present it to IAC (Idaho Association of Counties) at the conference the end of the month. They have proposed a formula to help keep the funding regarding meals and will meet with the Senior Center board. Donations are good, but when used are gone, need the formula to help sustain, but would urge the state to contribute. Commissioners are very supportive of the center and the board.

BETH COLEMAN – PETITION TO VACATE ROAD IN WARDBORO – NAME CHANGE 5TH SOUTH IN WARDBORO

Beth Coleman and sister, Pearl Kunz, met with the Commission to discuss vacating a road that dead ended into Bischoff Lane and so the house built in 1955 is in the middle of the easement. Coleman would also like to change the address of 5th South in Wardboro as it is confusing with so many 5th South addresses and no one can find them, especially for deliveries. Commissioners stated they would have to go through the right of way vacation process, which takes a little more than 30 days, so the public

hearing would be in November. They will work on the addressing issue at the same time as the public hearing.

PUBLIC COMMENTS

Attorney Joseph Hayes asked the Commissioners if they would create a Board of Guardians pursuant to Idaho Code #15-5-601, 15-5-602, as he has a young man that is in need of that service at this time. After some discussion, it was suggested that Prosecutor McKenzie and Commissioner Rasmussen will work on this matter.

Roy Bunderson asked about an updated estimate of cost on the new courthouse, which can be calculated and given later. Bunderson asked about the Bear River Heritage Area item that was coming up later and concerns he had regarding the national aspect of it and how it may affect the relicted lands. Commissioners have not signed yet and will be listening to their presentation and have their own questions. Bunderson asked about the lock on Floyd Marshlain's gravel pit that was up for tax deed auction, Esquibel stated they had, then did unlock as equipment was in there. Bunderson stated there was a recorded lease agreement that was not voided by the tax deed. Bunderson asked about the history of the sale of the Elk Country Sports building. Commissioner Rasmussen stated it went back and forth on both sides, but there has been a quit claim deed done and recorded. Bunderson questioned executive sessions, understands the need, but challenged attorney/client privilege on several issues and Prosecutor McKenzie stated anytime he is giving legal advice to the Commission that is what it is. Bunderson will have his counsel give a brief, which McKenzie will review.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent Scott Esquibel presented the monthly reports on the Road & Bridge and Landfill. LHTAC had given Esquibel the news of being approved on the grant for the Jericho Bridge, which will be fully funded. It is now on the list and hope to be done next year. They had an MSHA inspection and the report was good. They sprayed out \$70,000 worth of magnesium chloride over all the roads they could do.

EXECUTIVE SESSION

MOTION: Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1) (a), 'To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general', (b), 'To consider the evaluation, dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student', (d), 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code', (f) 'To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement', seconded by Commissioner Jensen, motion carried.

Roll call vote: Commissioner Jensen – Yes, Commissioner Payne – Yes, Commissioner Rasmussen – Yes. Let the minutes show that Prosecutor Adam McKenzie, Deputy Clerk Mindy Williamson and Clerk Cindy Garner were also invited to attend.

Board out of executive.

TAX DEED AUCTION

Commissioners and Clerk walked to the front steps of the courthouse for the tax deed auction. Commissioner Rasmussen read the legal notice for Parcel #03932.01, the landlocked property with the minimum bid of \$2,000. No one was present to bid, so the property went back to the county. Commissioner Rasmussen closed the auction and they walked back to the board room at the school.

Commissioner Rasmussen stated they discussed the public defender position, an indigent medical claim and a complaint against an employee in the executive session prior to going to the tax deed auction.

INDIGENT PUBLIC DEFENSE CONTRACT

MOTION: Commissioner Payne made a motion to correct and clarify the previous motion regarding the public defender contract, and that the proper motion is that the Chairman be authorized to discuss the revisions to the public defender contract with the applicants prior to extending an offer and that the final decision will be made at a special meeting to be held at a later date, seconded by Commissioner Jensen, motion carried

Commissioner Rasmussen will present the current contract with all the figures to the two (2) applicants for the Public Defender position for them to review and have a special meeting at a later date to make the decision on who will be awarded the contract.

FISH HAVEN MOSQUITO ABATEMENT – APPOINT BOARD MEMBERS

Fish Haven Mosquito Abatement board member, Jan Kearn sent a letter stating that she and board member Larry Loveland would be stepping down and need the Commissioners to appoint new members. There was also a list of other citizens they recommended. Commissioner Jensen will approach those and see if they would accept prior to appointment.

The indigent item from the executive session was a release of medical indigent lien.

MOTION: Commissioner Payne made a motion to have Commissioner Rasmussen sign the Release of Lien on Indigent Medical Lien #2B-2016-1004 , seconded by Commissioner Jensen, motion carried.

LISA DUSKIN-GOEDE, COORDINATOR – BEAR RIVER HERITAGE AREA UPDATE

Lisa Duskin-Goede, Coordinator for Bear River Heritage Area, along with Brian Carver and Dan Lau, appeared to update the commission on their program and others that are signing on. The Commissioners would like to wait till after the Franklin County meeting on September 23rd prior to making any decision. They have concerns as a lot of the area is on state lands, which presents some concerns.

DEAN STUTZMAN – BPS PHONE SYSTEM

Dean Stutzman, with BPS Phone Systems, came to inquire about an opportunity to put in a proposal for the phone system in the new courthouse. He was told prior to work with the Sheriff as he was taking lead on that part of the project, felt he had difficulty getting a meeting with the Sheriff. Sheriff Heslington stated he had met with Stutzman a couple of times and stated what they were looking at which including integrating with the 911 system. Heslington stated they were looking at going with a one stop shop proposal that others are using. Heslington then expressed to Stutzman the other departments, along with his, being dissatisfied with the service over the years. Clerk Garner confirmed departments not getting any technical help over the years and were not happy with the system. Stutzman stated he could save \$300-\$400 per month, Commissioner Rasmussen wondered why we had not seen a proposal prior. Stutzman showed a proposal, stated they could put in the old building, but move to the new courthouse free. Stutzman did not bring a copy to give to the Commission, Sheriff Heslington took and made copies. The Sheriff and Commissioner Payne will look at and get back with him.

JIM SHELTON - CANCELLATION OF TAXES

Jim Shelton came to the Commission to request a cancellation of taxes due to hardship. He did not have an application and was told the Commission would get back with him after seeing a sworn statement. Commissioners told him to apply for the homeowners' exemption for the next year.

BILL STOCK – PLANNING & ZONING BYLAWS

Bill Stock mentioned to the Commissioners about the secretary for Planning and Zoning for the Planning and Zoning meetings and getting the minutes out quicker or having the secretary for the Regional Commission, who did the emails, etc. do it. He stated the bylaws are outdated and thought they had been working on them. Commissioner Jensen will look in to where they are on the updates.

LHTAC TRUCK ROUTING & PERMITTING AGREEMENT

Commissioners agreed to assign Commissioner Jensen to work with Superintendent Esquibel on which roads and bridges need to be addressed with the 125,000 lb. weight limit and permitting process.

2019 STATE HOMELAND SECURITY SYSTEM

This grant had been applied for previous and now have received it and needs to be signed.

MOTION: Commissioner Payne made a motion to have Commissioner Rasmussen sign the 2019 State Homeland Security System Program for \$22,803, seconded by Commissioner Jensen, motion carried.

APPROVE BUDGET & SET LEVIES

Deputy Clerk Amy Bishop presented the final budget and levies and wanted it to be clear that the budget did include the 5% increase of garbage fees and assessor administrative fees. Commissioners asked Bishop to create a quarterly report on the new courthouse construction costs.

MOTION: Commissioner Payne made a motion to approve the FY2020 Budget, seconded by Commissioner Jensen, motion carried.

MOTION: Commissioner Jensen made a motion to accept the levy rates as presented, seconded by Commissioner Payne, motion carried.

MOTION: Commissioner Jensen made a motion to leave the regular meeting and go back to an executive session pursuant to Idaho Code #74-206 (1) (d), 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code', and (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, motion carried.

Roll call vote: Commissioner Jensen – Yes, Commissioner Payne – Yes, Commissioner Rasmussen - Yes. Let the records show that Prosecutor Adam McKenzie and Clerk Cindy Garner were also present.

Board out of executive.

The board needed to continue discussion on an employee complaint.

After the auction and prior to going into executive, Commissioners questioned once the auction was done and no bidders, if they had to have an appraisal. Prosecutor McKenzie researched and pursuant to Idaho Code #31-807, if less than \$5,000, an appraisal is not required, and they can offer to sell to adjoining landowners. Commissioner Jensen inquired on tax deed property if it was appropriate to lock a gate or house and not leave unsecured till auction was final. May be a case by case situation.

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

Meeting adjourned at 3:25 p.m.