

Bear Lake County Commissioners' Meeting
February 12, 2024
Commissioners' Chambers – Paris, Idaho

The Board of Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, February 12, 2024, 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 Assessor Jannelle Jensen, Treasurer Tricia Poulsen, Sheriff Bart Heslington, County Superintendent Todd Boehme, County Building Inspector Wayne Davidson, County Attorney Adam McKenzie, Deputy Clerk Paul Christiansen and various members of the public.

APPROVE AGENDA – ACTION ITEM

While the Board discussed the meeting agenda, it was discovered that one item was placed on the agenda without being designated as an action item. Because the item itself had been listed, discussion about the rezoning still could be had but the Board could take no action, County Attorney Adam McKenzie said. Under Idaho statute, this item – during which Bear Lake County Planning and Zoning Administrator Mitch Poulsen was set to recommend two parcels for rezoning – could not be updated to an action item for the February 12 meeting. The Board could set a special meeting to address it more quickly or schedule it as an action item for its next regular meeting in March.

Clerk Amy Bishop said she also had received information on two tax cancellations that Treasurer Tricia Poulsen was set to bring toward the Board. Because these cancellations had not been listed on the agenda, McKenzie said he would rather see them addressed at a future date when adequate public notice could be posted.

The commissioners decided to set a special meeting to address these items and take appropriate action. It opted to set a time and date for the special meeting after it had gone through more of the February 12 agenda and determined if any other items would need to be added to that schedule.

MOTION: Commissioner Payne made a motion to accept the agenda for the February 12 Bear Lake County Commissioners Regular Meeting as written. The motion received a second from Commissioner Olsen. The motion carried.

ELECTED OFFICIALS UPDATES

Although no action would be taken on the two pending fee cancellations County Treasurer Tricia Poulsen had brought to the Board, she still presented the pertinent information so the Board could take action in the future. Both cancellations were for garbage fees, she said.

Bear Lake County Parcel No. 300.01 consists of two lots but had been inappropriately assigned three garbage can fees. TJ Thomas with the IDAWY Solid Waste District had been asked about this situation and had agreed the parcel only needed two cans, adding that only two of the three cans assigned to the parcel were being used. To remedy this error, Poulsen now requested the Board approve a cancellation

of \$440.00 and a removal of one of the three cans currently at the property.

Similarly, parcel No. 53006 had been charged for two garbage cans when only one existed at the property. Poulsen requested the Board approve a cancellation in the amount of \$660.00.

The commissioners said they saw no issues with the cancellations but, under the advisement of the county attorney, action on these fee cancellation requests will have to be tabled until a future date.

Poulsen reported the recent supplemental tax drive had added 68 new homes to the tax rolls and had brought in an additional \$90,000 in tax deeds. Poulsen said she also is working with a lot of property heirs who are finding mineral rights attached to land they have inherited. Because many of these individuals do not want to keep these mineral rights, they have been requested to supply a letter that indicates they are giving these rights back to Bear Lake County. Poulsen said this will likely continue until June 1, at which point there should be no more of these cases trickling in.

Bear Lake County Assessor Jannelle Jensen reported her office's Motor Vehicle Department in January had taken in \$98,635.84 in Idaho Transportation Department transactions and \$6,137.50 through Idaho Parks and Recreation transactions.

The Pro-West company is scheduled to move Bear Lake County's parcel fabric into the new Esri mapping system from February 26-29. Additionally, County Mapper Naaman Dolence and Chief Deputy Assessor Bailee Argyle completed a required Esri training on February 7-9.

In January, Deputy Assessors Sammy Higley and Kady Payne mailed out Property Tax Reduction packets and have gone to the Bear Lake Senior Center once to help get people signed up for the program, Jensen said. Employees from the Bear Lake County Assessor's Office will go to the center several more times before the program's April 15 cutoff date. The Assessor's Office will do this as a means to assist those citizens who cannot travel to Paris to sign up for the Property Tax Reduction program.

Jensen said she had spoken with Courthouse Maintenance Professional Tyson Boehme about an issue with the heating system in the Assessor's Office. Several mornings a week, when the staff comes into the office, the heat has been off and has not functioned. Boehme is working on the issue, but Jensen added she wanted to make the Board aware of the problem.

Clerk Amy Bishop said that Boehme has scheduled a technician to come look at the entire courthouse heating and furnace system in the spring.

Jensen reminded the commissioners that she had discussed with them the importance of paying employees fairly and well as a means to retain them. She said she did not want to see this idea fall by the wayside come budget time and she hoped the Board was considering a reexamination of employee wages. Without this move, Jensen said she fears the county will lose good employees, thus reducing the efficiency of its offices.

Sheriff Bart Heslington said he is continuing work with the ongoing county communications project and conferring with the other emergency response agencies and members of the communication board. One issue has been discovered with Motorola, he said, adding that a fiber line connection from the Bear Lake

County Courthouse to the state core in Meridian will be required in order to get the communication system operational. Heslington said he currently is determining the cost of this effort.

Heslington said he has identified an organization – the Iron Network – to help with this endeavor, and a meeting had been held the week before the Board met. Heslington said he is waiting to hear what options the Iron Network can provide for the county. How the Iron Network will assist with the project is by reaching out to different vendors – such as Direct Communications and Syringa – who already have some fiber in place. By doing this, the Iron Network can work out what existing fiber line can be shared between Bear Lake County and the service providers as a means of reducing costs to the county.

Heslington said the new communications equipment will be arriving in the county in the near future and it would be good to be able to test all those connections as a means of ensuring everything meets the requirements. It does not appear that a new fiber line will have to be physically routed to the Bear Lake County Courthouse, as there seems to be enough line at the building's existing connection point.

Bishop said the Idaho Supreme Court has discussed doing something similar in the near future, so it may be an option to join with them in order to fulfill this task. It is possible a new fiber line will have to be pulled to the Bear Lake County Courthouse for the Supreme Court project, she said, and this may or may not impact what is needed for the Bear Lake County Communications Project.

Heslington said he is examining potential legislation that will apply to Idaho's 911 fees, with an emphasis on the ability to increase those funds gathered. There currently is no mandate to increase those fees, he said, but the legislation he has looked at does offer the ability. Bear Lake County's 911 infrastructure is at its end of life and in the near future will need to be upgraded to next-generation technology. That will carry a heavy cost, and this is something that is being addressed across Idaho, he said.

The Idaho 911 fees currently sit at \$1.00 per month from each user, and that number has never changed in the time since the fees were first collected, Heslington said. This legislation offers a chance to put a mechanism in place to address future changes and upgrades that will be necessary to keep the 911 systems across Idaho functioning properly and at the highest efficiency, he said.

COMMITTEE ASSIGNMENTS

Commissioner Olsen reported he had attended a budget meeting for the Eastern Idaho State Fair. That event's board had purchased new property and was currently building a new shop and barn. This effort will total a fairgrounds expansion totaling about \$4 million, he said. Last year, the fair had set new attendance records despite being impacted by heavy rainfall during its first two days. In order to recover from the impact of last year's weather conditions, the Eastern Idaho State Fair Board this year will need to haul sand to the fairgrounds to help build up its arena and track. When the haul date is scheduled, that board is asking any counties willing to help with the effort to send at least one dump truck to assist with the move – only a short distance of about 3 miles, Commissioner Olsen said.

Commissioner Olsen reported that Bear Lake Memorial Hospital is exploring options to acquire property within Montpelier. New land acquisitions will be used for the immediate future to accommodate new office space for its growing number of health care providers. Additionally, Commissioner Olsen said, the hospital is planning for growth over the next 10-20 years.

Commissioner Olsen said Bear Lake Memorial plans to build a new skilled nursing facility in the future and has begun looking at possible location options. It is illegal in the State of Idaho for a skilled nursing facility to be a part of the regular hospital. Bear Lake Memorial Hospital has been able to circumvent this restriction by dividing the two portions of the building with a locked door that cannot be opened by patients from the Bear Lake Memorial Hospital Skilled Nursing Facility side, thus preventing its residents from accessing the hospital at large.

Brad Nelson has been selected as the new Bear Lake Memorial Skilled Nursing Facility administrator, Commissioner Olsen said. Nelson grew up in Bear Lake County before moving to Cache Valley. The new administrator is excited to have the opportunity to return home, Commissioner Olsen said.

Commissioner Olsen said he had received some information from Molly Beseris, the executive director for the Four County Alliance of Southeast Idaho. Beseris had presented information for grants that Bear Lake County and other agencies within the area may be interested in applying for, including details about slide-in water tank units that can be used in firefighting efforts. These grant funds are available to counties, cities and townships, and statements of interest are due March 21, Commissioner Olsen said.

Bear Lake County Fire Chief Mark Parker said these slide-in water tanks can hold about 250 gallons. They can be slid onto any flatbed truck, chained down, filled and then dispersed for firefighting needs. They can be a valuable tool to firefighters, Parker said.

Commissioner Olsen said the largescale electrical project at the Bear Lake County Fairgrounds was underway and is moving along quickly.

Commissioner Payne reported the Bear Lake Area Historical Society and Museum has determined it is in need of an update to its website. The society has made a tentative agreement with Little Pines, Inc. – a website design and hosting company out of Smoot, Wyoming. Little Pines, Inc. provided the historical society with a demonstration of the website services that can be offered and has provided an initial quote of \$4,000 to design the site and train the historical society volunteers/employees on its proper use. Additionally, Little Pines, Inc. will charge an annual hosting, maintenance, upkeep and support fee of \$1,000, Commissioner Payne said.

Whereas the historical society is a county entity, and whereas there will be ongoing expenses, a contract will need to be put in place, he said.

County Attorney Adam McKenzie told Michelle Higley – who sits on the Bear Lake County Historical Society Board – to contact his office and make an appointment to meet with him. At that time, he said, the particulars and needed inclusions of the contract can be discussed. Additionally, McKenzie said he is working on composing a lease agreement between the historical society and the National Oregon/California Trail Center, which allows the society to rent part of its building.

Commissioner Payne said headway is being made on the memorandum of understanding between the Idaho Department of Lands and Bear Lake County. He reported that Sen. Mark Harris has tentatively struck a deal that, if the MOU is agreed upon and signed, will see the Department of Lands provide funding to Bear Lake County for law enforcement efforts on state lands surrounding Bear Lake and

located below the high-water mark. This funding will be provided for the busy period between Memorial Day and Labor Day and will be coordinated through Sheriff Bart Heslington and Idaho State Police Col. Kedrick Wills. This has only been established through a verbal agreement and nothing has been put into writing or formally committed to as of yet, Commissioner Payne said.

Idaho Department of Parks and Recreation Director Susan Buxton had recently told Commissioner Payne that she is making headway on an effort to get an additional state park added to the area surrounding Bear Lake, and she had asked if the county was still in favor of that.

Assessor Jannelle Jensen said her office had been contacted by Buxton concerning an area of land on the west side of Bear Lake, so it is possible this is the proposed area for the additional park.

Commissioner Jensen said the addition of state park land would potentially open up the ability of locals to access the lake during the busy summer months. There always is a struggle with lateral movement on the lake shore – something that is a contentious talking point featured in the previously discussed MOU – and this could either add to or alleviate that problem.

Commissioner Olsen said he could not commit to being for or against the addition of state parks land until he knew exactly what was being proposed. However, if the addition was done in the right way, he said he could see it providing a real benefit to local people who continually ask for more access to the lake.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Bear Lake County Building Inspector Wayne Davidson reported no new building permits had been provided so far in February, and only one – a small job for construction on a deck – had been applied for in January. Although this might seem like a very low amount, Davidson said this is fairly typical for this time of year. However, his office still is receiving many calls from people who have purchased property and are interested in building homes in the county – specially around Bear Lake and in the Stauffer Canyon area.

Davidson said it may be of interest to the Board that Montpelier seems to be growing, with several new businesses showing interest in coming to the area. In fact, Davidson said, Domino's Pizza plans to put a restaurant in the old Suburban Propane location at the southwest corner of Montpelier's 8th Street and Washington Street intersection.

Davidson said the average size of new homes constructed south of Paris has shrunk in the past two years, now averaging about 5,000 square feet. He said in that time he has not seen any home built with in that area with a smaller square footage; however, this is certainly a change from what the valley is used to, he said.

Commissioner Jensen said he had received some code enforcement complaints regarding property owners who have been pushing snow across the public roadway. This has made some areas of Bear Lake County roadway very narrow in spots. Davidson said he had heard similar complaints and planned to address them following his report at the February 12 meeting.

Commissioner Olsen said he had advised County Superintendent Todd Boehme to put a notice on the radio and in the paper as a means of reminding the public the Bear Lake County ordinances strictly bar the pushing of snow across a public roadway.

GENERAL BUSINESS / ACTION ITEMS

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

Before the Board were two sets of minutes – for the Board’s regular meeting held on January 8, 2024, and the special meeting held on February 2, 2024 – for approval.

MOTION: Commissioner Olsen made a motion to approve the minutes for the Board’s January 8, 2024, regular and February 2, 2024, special meetings. The motion received a second from Commissioner Payne. The motion carried.

DISCUSSION OF COUNTY SHORT-TERM RENTAL ORDINANCE

Clerk Amy Bishop reminded the Board that, at its January 8 meeting, Bear Lake County Planning and Zoning Administrator Mitch Poulsen had reported that P&Z requested more input from the commissioners on any potential short-term rental (STR) ordinance for the county and direction on what the Board would like to see included within said ordinance.

Although the commissioners had been provided with a copy of the last ordinance draft formulated by P&Z, the draft had not been provided in order for action to be taken. Effectively, there had been no consensus by P&Z and further work on drafting the ordinance had been halted until the Board of County Commissioners had provided more direction, Bishop said.

County Attorney Adam McKenzie said any effort to adopt an ordinance pertaining to STRs that is thought to prevent or discourage that use from happening will be met with public scrutiny. However, if the ordinance is tailored to address issues of public safety, Idaho statute will uphold any county or city’s effort to pass and enforce it.

McKenzie suggested the Board collect more public input and take that into consideration before it decides to move forward or not with an ordinance. The Board should hold a public hearing to allow the members of the public to present their concerns, thoughts and solutions. Additionally, he said, local law enforcement, emergency response agency officials and private landowners can provide their own input. Only after all that information has been supplied should the Board choose to move forward or step back, he said.

Commissioner Payne said some of the concerns that have been brought forward by both the public and Bear Lake County officials are addressed by ordinances that already are in place, and those types of laws

should be easily enforceable as they have precedent.

Commissioner Olsen said it was his belief that the Board mainly wanted to get an idea of how many STRs already are operating in Bear Lake County so public safety and welfare can be ensured. He added that he would like to see each STR registered with the county and provide information for a local caretaker who, in the event of an emergency, can be notified and be on scene to assist local first responders – including those with local law enforcement, fire and ambulance services – by providing requested information during emergency events.

County Treasurer Tricia Poulsen and Assessor Jannelle Jensen said they had attended a demonstration provided by the Deckard company. Deckard, for a nominal fee, goes through all STR booking websites – such as VRBO and Airbnb – in order to track and collect STR operational data for local governmental institutions.

Jensen said she had learned that Deckard had recovered information on about 400 STR properties located around Bear Lake. The Bear Lake County Assessor's Office can use this data only based on the value of income for revaluation purposes. Idaho statute provides that any STR designated as a residence cannot be deemed a commercial property. Deckard had quoted an annual cost of \$6,000 a year to provide this STR data to Bear Lake County, a price Jensen said she did not believe to be exorbitant.

McKenzie suggested the commissioners review the ordinance draft that had been provided by P&Z and bring that input to a public hearing at a future meeting.

MOTION: Commissioner Olsen made a motion to table further discussion and action concerning any Bear Lake County short-term rental ordinance in order for the Board of County Commissioners to review the ordinance drafted by the Bear Lake County Planning and Zoning Board. The motion received a second from Commissioner Payne. The motion carried.

AIRPORT BOARD APPOINTMENTS

Commissioner Payne said the Bear Lake County Airport Board needed to update its appointments, as some of the sitting members' term limits had expired. Kip Motta's term expired in 2022 and Danny McClendon's term expired in 2023. It was the airport board's recommendation for the Board of County Commissioners to reappoint these individuals retroactively, with their new term limits set to expire four years from the date of their original term expirations.

MOTION: Commissioner Payne made a motion to follow the recommendation of the Bear Lake County Airport Board and retroactively reappoint Kip Motta and Danny McClendon, for new terms set to expire four years from their old terms' expiration dates. The motion received a second from Commissioner Olsen. The motion carried.

BLOOMINGTON SNOWMOBILE PARKING LOT MOU AND GRANT

Bear Lake County Sheriff's Chief Deputy Ryan Larsen, who oversees the Bear Lake County branch of the Idaho Tri-County Snowmobile Program, and County Superintendent Todd Boehme came before the Board to discuss the pending memorandum of understanding between the City of Bloomington and Bear

Lake County that would see the dedication of a parking lot at the mouth of Bloomington Canyon to be used for snowmobile recreation.

This MOU, if agreed upon, will provide additional parking for individuals accessing United States Forest Service Land for winter backcountry use while also establishing a safe turnaround location for emergency responders and county snowplows.

Per the MOU, the City of Bloomington owns property located in Bloomington Canyon that currently is used as a small parking lot. The MOU establishes the City of Bloomington as agreeable to expansion of said parking lot for winter sport enthusiasts and emergency responders; however, at no time will the City of Bloomington be called upon to provide any financial support and financial input up front or going forward.

Under the MOU, the City of Bloomington, as the property owner of the specified land, agrees to apply for a grant through the Idaho Department of Parks and Recreation for funding to cover a portion of the materials necessary for the parking lot expansion project. Matching funds will be provided by the Tri-County Snowmobile Program. Bear Lake County will provide the equipment and manpower to excavate the site, oversee the dumping of clean fill, level the site and prepare it for top fill of road base and gravel. Bear Lake County also will provide all ongoing maintenance of the parking area as the need arises for the foreseeable future.

County Attorney Adam McKenzie said he had read the MOU and deemed the duration of the agreement as an important part that had been omitted from the original draft. He added that he personally did not think the county should put itself into a position where it would be invested in the project without a timeframe explicitly stating at what time the City of Bloomington could decide it no longer wanted this occupation of its land for that purpose.

Within the Idaho Department of Parks and Recreation grant, the lifespan of the project is deemed to be between six and 10 years, Larsen said. McKenzie said language needs to be added to the MOU itself to indicate that project lifetime.

Because this takes place on City of Bloomington property, and because the city has to be the applicant for the grant funding, it has to commit to that six-to-10-year lifespan period in order to receive any funding, Larsen said.

Commissioner Payne echoed McKenzie's statements, adding that some sort of long- or mid-term agreement has to be included in the MOU in order to help ensure this investment benefits both the City of Bloomington and Bear Lake County, not just one party.

Bloomington Mayor Roy Bunderson – who conferenced into the meeting via Zoom – said that, due to time constraints, he was eager to establish a term agreeable to all parties so the MOU could be amended and put into effect.

Larsen said grant applications are set to be approved in March, so it would behoove all parties to have this agreement in place before that time.

Boehme told the Board that a proper estimate of the project costs has been calculated for the county's planned road improvements project in conjunction with the United States Forest Service further to the west of this planned snowmobile parking area, and which costs will be included in the grant application has been determined. Larsen added this application will only cover the costs of gravel.

Boehme reminded the Board that Bloomington Canyon is very narrow, and it will only be a matter of time before a major accident occurs on that roadway. Part of the scope of the bigger project will be to use some materials to widen these narrow areas by creating an area to deposit the materials in order to defray some of the costs.

Bunderson said he understands the county attorney's concerns over costs to the county being met with the longevity of use of the parking lot, adding that he believes the biggest consideration is with the initial cost of the lot project. The costs should be covered by grant and donation funds, with residual fill extracted from the roadway above the lot. Bunderson said there should not be much extra cost going forward, either for additional maintenance or plowing efforts – a point Boehme agreed with.

Bunderson said he believes it is important to both Bear Lake County and the City of Bloomington that a term limit is placed on this agreement.

It is not likely that Bloomington will want to do away with this snowmobile parking lot in the near future, Commissioner Olsen said, adding that if the city opted out of the agreement any trailers or snowmobile haulers that had used the lot would now be forced to park farther down alongside the city roadway.

With more property owners wanting to build west of the City of Bloomington, Boehme said he wondered how long it will be until the parking lot needs to be moved.

Commissioner Jensen suggested a 25-year time period be placed upon this agreement; however, Bunderson said he was more amenable to a 20-year agreement. If the Board approved the limit, Bunderson said he would quickly take this to the Bloomington City Council for its approval.

MOTION: Commissioner Olsen made a motion to accept the memorandum of understanding between Bear Lake County and the City of Bloomington for the Bloomington Canyon snowmobile parking lot, for a term of 20 years and pending approvals of MOU updates by County Superintendent Todd Boehme, Bear Lake County Sheriff's Chief Deputy Ryan Larsen, the county attorney and the City of Bloomington. The motion received a second from Commissioner Payne. The motion carried.

FOREST SERVICE USE AGREEMENT

Bear Lake County Sheriff's Chief Deputy Ryan Larsen, who oversees the Bear Lake County branch of the Idaho Tri-County Snowmobile Program, presented the annual agreement the county has with the United States Forest Service. The only changes made to the agreement from the previous year included a mandate that patrol of the Copenhagen Parking Lot and the Albert Moser Trailhead will now be conducted by the Franklin County branch of the Idaho Tri-County Snowmobile Program, Larsen said.

Bear Lake County also had been asked to maintain avalanche beacons – placed in snowmobile parking lot areas – within its patrol area. These beacons house a transceiver that, as snowmobiles pass, alerts

the rider if their avalanche location beacon is in working condition.

The USFS agreement also will require signatures from Caribou County and Franklin County officials, Larsen said.

MOTION: Commissioner Payne made a motion to accept the United States Forest Service Agreement with the Tri-County Snowmobile Program. The motion received a second from Commissioner Olsen. The motion carried.

JEFF FREDERICK BEAR LAKE WEST HOA – DECISION ON ROAD ISSUE – ACTION ITEM

Jeff Frederick, vice president of and compliance officer with the Bear Lake West Homeowners Association, was scheduled to speak to the Board about roadway concerns within the HOA that had been discussed at recent meetings. These issues – which include a substantial drop-off at a “T” intersection found at Lake West Boulevard and Fremont Drive; dangerous traffic flow levels at the intersection of Lake West Boulevard and Clark Avenue; and narrow, rough roadways in the area of Holiday Drive – involve county roads which cannot be maintained or improved by the HOA without county approval.

Frederick did not appear at the meeting, but Bear Lake County Superintendent Todd Boehme said he had spoken with Frederick prior to the meeting and believed the issues had been addressed. Boehme said he has begun working with the county’s chosen engineering firm, Keller Associates, and has requested they conduct some on-site reviews of the problem areas in order to best determine proper solutions. Additionally, Boehme said he hopes to work with Keller Associates to find some grant funding to assist Bear Lake County with whatever projects will be needed to address Frederick’s concerns.

JEFF FREDERICK BEAR LAKE WEST HOA - DISCUSS REQUIREMENTS FOR HELIPAD – ACTION ITEM

The county superintendent had no information regarding the Bear Lake West Homeowner’s Association’s future plans for implementation of a helipad in that area of the county. Whereas Frederick had not appeared at the meeting, no further discussion was held on the issue.

TYSON BOEHME – EXTENSION OFFICE PROJECT BIDS – ACTION ITEMS

County Maintenance Professional Tyson Boehme said in the time since the Board met to consider bids on February 2, he had received an updated email from Hatch Flooring, out of Preston, that reflected a full flooring bid for the upcoming Bear Lake County Extension Office remodeling project. Boehme said he had printed and provided the Board on February 2 with the incorrect bid that did not include rubber base molding. The incorrect, partial Hatch Flooring bid had totaled \$12,396.83; the updated bid, which now included rubber base molding, totaled \$14,364, Boehme said.

The updated full bid for the WireTech fire alarm system, which had been discussed February 2, had totaled \$11,689.75. This bid included electrical wiring and installation by local electrician Dennis Bills. The bid for the WireTech equipment only was provided as \$7,944.

Commissioner Payne said he had concerns about accepting a combined bid submitted by WireTech and

Bills. Whereas no full bid had been provided by Bills at the time of the February 2 special meeting, and whereas the bid now provided came in below the offer submitted by the previous lowest-bidding vendor – Geary Electric of Smithfield, Utah – who had submitted a full bid on time, he said he did not believe the Board could accept the bid from WireTech and Bills.

Boehme reported that Bills had previously included the installation of the WireTech equipment in his full electrical bid but had not provided, by the February 2 special meeting, an itemized cost breakdown for the electrical project and the WireTech installation. Bills had updated his electrical bid to include that itemized breakdown, so in the event the county chose not to hire him for the fire alarm system portion it could separate that cost from the rest of his electrical project bid, Boehme said.

MOTION: Commissioner Olsen made a motion to accept the low bids for the fire alarm system of \$12,000 – a combined total for equipment and installation – that had been provided by Geary Electric; the carpeting/flooring bid of \$14,364 from Hatch Flooring; The bathroom vanities and countertop installation bid of \$2,828.33 from EZ 2 Plez Floors / Bear Lake Interiors LLC; the painting bid of \$10,487 from Nicholls Brothers Painting; the acoustic tile ceiling bid of \$16,585 from Acoustic Specialties Inc.; the cement work bid from Sims Construction for \$10,950; the insulation installation bid of \$14,945 from Argyle Bros Insulation; and the electrical project bid of \$29,461.41 – which did not include the WireTech fire alarm installation – provided by Dennis Bills. The motion received a second from Commissioner Payne. The motion carried.

All project facet bids that fell below the \$25,000 threshold do not require the vendor to hold a public works license, Clerk Amy Bishop said.

VACATION OF REMAINING SECTION OF BERN MAIN STREET – ACTION ITEM

Clerk Amy Bishop reminded the Board that, at a special meeting held December 18, 2023, it had held a public hearing and, following no dissent, had voted to vacate the easterly 29 feet of a small section of Main Street in Bern to the adjacent landowners, Ramona Johnson and Tyson and Jaclynn Fry. This had been done as a means of lining up the county right-of-way with existing fence lines that had been in place for decades.

The issue affecting the Fry and Johnson properties had first been identified by surveyor Cardon Payne of Global Land Works; however, Bishop said, another surveyor – Scott Scherbel – also had been working on surveys for neighboring properties located to the north of the Fry and Johnson properties. Scherbel had agreed to work with the county to address the issue of the county road vacation in order to follow suit with existing property fence lines located to the north. Those fence lines appear to match up with the Fry and Johnson properties, Bishop said.

The proper procedure for any county road vacation needs to be followed, Commissioner Jensen said. The county will have to schedule a public hearing and publish notice. Per Idaho Code 40-203, the commissioners need to prepare a public notice stating their intention to hold a public hearing to consider the proposed abandonment and vacation of a public right-of-way, and this notice has to be made available to the public no later than 30 days prior to the hearing. Whereas the next regular meeting of the Bear Lake County Board of County Commissioners – scheduled for March 11, 2024 – does not allow for notification 30 days prior, the Board will need to hold the public hearing either at a future

regular meeting or schedule a special meeting.

There may be some right-of-way adjustments needed for the properties located south of the Johnson and Fry parcels, Commissioner Olsen said. While Scherbel already had provided a map and description for the correction to the north, the Board encouraged Bishop to inquire if Scherbel already had addressed any properties to the south and what his fee will be in the event he has not.

MOTION: Commissioner Payne made a motion to hold the public hearing regarding further vacation of Bern Main Street at the Board's April 8, 2024, regular meeting. The motion received a second from Commissioner Olsen. The motion carried.

LEASE AGREEMENT WITH NATIONAL OREGON / CALIFORNIA TRAIL CENTER AND HISTORICAL SOCIETY

County Attorney Adam McKenzie said he is continuing work on a lease agreement between the Oregon / California Trail Center and the Bear Lake County Historical Society for the provision of rental museum quarters for the historical society within the trail center. He said the Board would not need to take any action at its February 12 meeting.

FAIR BOARD APPOINTMENT

Commissioner Olsen said the Bear Lake County Fair Board was asking the commissioners to approve Glen Gillies to serve as the fair arena director and Mindy Williamson to serve as the fair treasurer.

MOTION: Commissioner Payne made a motion to approve Glen Gillies to serve as the Bear Lake County Fair Board Arena Director and Mindy Williamson to serve as the Bear Lake County Fair Board Treasurer. The motion received a second from Commissioner Olsen. The motion carried.

TODD BOEHME – COUNTY SUPERINTENDENT REPORT

County Superintendent Todd Boehme reported he had submitted a letter to the Local Highway Technical Assistance Council informing the organization of Bear Lake County's satisfaction with the construction of the St. Charles Creek Bridge project and assuming future responsibilities by the county.

Boehme and Commissioner Payne attended a meeting of the Five-County Coalition on January 11 in Pocatello, and Commissioner Payne had presented a local petition in favor of placing a stoplight at the junction of Highway 89 and Highway 30. The Idaho Transportation Department plans to conduct some studies of traffic at this junction, as well as the traffic impact near Bear Lake High School at the intersection of Montpelier's 4th Street and Boise Street, to determine the feasibility of placing a light in one or both of these areas, Commissioner Payne said.

The organizers and participants associated with the local hill climb event community had extended their thanks for the county's support, and many businesses in Montpelier and throughout the county had been busy during the recent event that had been held February 9-10, Boehme said.

Boehme said he had taken inventory of some roof leaks in the Road and Bridge building – on both the Weed Department and Road and Bridge sides. Some of these leaks are minor and can be temporarily

addressed, but he wanted the Board to be aware so if any funding for a major repair project becomes available in the near future or at budget time, the commissioners can have a roof replacement in mind.

Commissioner Olsen said that building is over 40 years old and its corrugated metal roof has never been replaced. He suggested Boehme get a bid on the replacement so the Board can have an idea of the costs come budget time.

Commissioners Payne said he has been made aware of some fencing issues in the lower area of Montpelier Canyon that are being debated by the United States Forest Service and ITD. An increasing amount of range cattle in that area have breached the roadway and been struck by vehicles, so the Bear Lake County branch of the Idaho Cattlemen's Association also has entered these discussions, he said.

At the recent Idaho Association of Counties Midwinter Legislative Conference, held January 29 through February 1 in Boise, Commissioners Payne and Olsen attended one meeting at which the state encouraged counties to update their long-term road plans. Counties were encouraged to complete a plan for five years while also looking forward to the next 20 years, Commissioner Payne said.

Boehme said work on the first two miles of the Dingle Hot Springs road is still slated for 2027. There had been a couple of hiccups in the planning and development stages, but Boehme said he hopes to present to the Board a formal project update within the next few months. He also encouraged the commissioners to think about any ideas for the additional five miles of hot springs road so these options can be looked at before the completion of the remaining roadway.

TODD BOEHME – EMERGENCY SERVICES COORDINATOR

Bear Lake County Emergency Services Coordinator Todd Boehme reminded the Board of an upcoming National Incident Management System (NIMS) training course to be held specifically for elected officials. This course will be held in Soda Springs, but no date has been set as of yet.

KALEN PHELPS – COUNTY PROPERTY OWNERSHIP QUESTION

Bear Lake County citizen Kalen Phelps – who also represents Phelps Brothers, LLC – came before the Board to speak about a small, triangle-shaped strip of land adjacent to the property on which his home resides. Phelps said he had been told in the past that his relative, Grove Phelps, had met with the Board in the early 1970s to discuss purchasing the land. County Clerk Amy Bishop said she had found evidence in copies of past county meeting minutes that Grove Phelps had spoken to the Board, but no action had been taken and the discussion had been tabled.

This matter had been made more confusing, Kalen Phelps said, as Allyn Phelps – Grove Phelps' son – had reportedly told him the family had paid the county for that property a couple of separate times in the 1980s. Bishop said she had found no evidence in any past county minutes that this property had been further discussed, nor had she found any record indicating payment had been taken.

Kalen Phelps said it makes no difference to him if the property had or had not been purchased by another Phelps; rather, he said, he wanted to get it resolved now to serve his own needs.

The property had originally been deeded in 1924 to Bear Lake County by then-owners William and Nellie Perkins, Phelps said. He described the property as a small triangle of land located northwest from his house and next to an old, unused state gravel pit. The property is smaller than an acre, and Phelps has a driveway and an access.

Because no record of a transfer or sale had been found, County Attorney Adam McKenzie was concerned of the possibility that, if the commissioners agreed to now vacate the property and turn over ownership to Phelps, an untold number of similar cases within Bear Lake County may spring up.

The Board has to determine if the property is being used for any county purposes before it moves forward with any action, he said. Following this determination, an appraisal should be done in order to determine the value of the property. If the county decides to sell the property, the Board can include the cost of the appraisal in the final sale price.

Bishop said the county will follow this direction and keep Phelps informed on the process and next steps.

MITCH POULSEN – COMMERCIAL REZONE – BRIAN HIRSCHI EAST SIDE AND DEVIN SKINNER / STEPHANIE BIRCH REZONE

During approval of the meeting agenda, the Board had found the two rezoning requests, scheduled to be presented by Bear Lake County Planning and Zoning Administrator Mitch Poulsen, had not been listed as action items. Because of this oversight, no action could be taken on the proposed rezonings. However, the Board could still hear the information presented by Poulsen.

Poulsen said the Devin Skinner / Stephanie Birch request involved rezoning general industrial land – commonly referred to as M2 zone – to rural community land within the City of Montpelier impact area. Poulsen said he had received a letter from the City of Montpelier stating it was not in opposition to the county moving ahead with this rezoning request. This property is located North of Montpelier on North 8th Street but does not have the ability to be annexed into the city itself.

Poulsen said a public hearing had been held by the Bear Lake County Planning and Zoning Commission, and that entity now recommended the adoption of this rezone request by the Board of Bear Lake County Commissioners.

Brian Hirschi's request for commercial rezoning had first been requested a year ago, Poulsen said. This request, if approved by the Board, will see beach development zone recategorized as a commercial area. Several years ago, Hirschi requested a similar property be rezoned from beach to commercial property so his watercraft rental business could legally operate, and the county opted in favor of that rezoning request, Poulsen said.

Hirschi only plans to use this rezone to accommodate expanded parking for customers and his rental equipment south of his current commercially designated property, Poulsen said. While there had been some opposition expressed, spurned by issues with lake access, and there had been some ongoing litigation between Hirschi and the Idaho Department of Lands, Poulsen said he had received a letter

from that department informing him that litigation had been dropped. Additionally, the U.S. Army Corps of Engineers informed Poulsen that Hirschi's parking plans will move forward.

The Board opted to set a special meeting for 9 a.m. on February 16 so it could take proper action on these rezoning requests. Additionally, the Board instructed Clerk Amy Bishop to include further discussion of the county's short-term rentals ordinance and the two fee cancellations the Board had tabled earlier in the meeting.

COREY LYMAN – EXTENDING SCHEDULE A ON PARIS PARK ROAD FROM EXISTING TURNAROUND TO INCLUDE NEW BRIDGE CONSTRUCTION – ACTION ITEM

Corey Lyman, forest fisheries biologist for the United States Forest Service's Intermountain Region, came before the Board to request the extension of the county's Schedule A agreement with the USFS and support for ongoing and upcoming collaborative projects between the county and the USFS.

Lyman, who has been in his position since 2005, said he had worked with Bear Lake County Superintendent Todd Boehme, Road Supervisor Greg Skinner and Scott Esquibel, the former superintendent, for several years to bring in external funding for fish passage projects and other developments designed to benefit both the USFS and the county.

Decommission of the Paris hydroelectric plant will have profound impacts on water passage going forward, and the USFS and county will need to work to update road crossing infrastructure in the Paris Canyon area. Lyman showed the Board a map depicting the upper part of Paris Creek, near a property owned by Joan Hulme. This area is near the Forest Service boundary, as well as the Paris Springs Campground and access.

Federal funding from the United States Fish and Wildlife Service, as well as funds from the PacifiCorp electric power company, are being raised to improve the lower water crossing that flows beneath Paris Canyon Road. Lyman said the USFS has some internal money dedicated to the crossing farther up the road in the vicinity of Paris Springs Campground.

The Schedule A agreement between the USFS and Bear Lake County documents which roads will be maintained by which party, Lyman said.

Lyman said he will bring to the Board later in the year some discussion of the Paris Canyon Road water crossing and budget as the USFS reaches out for structure bids. As it stands, the existing waterflow takes a sharp 90-degree turn less than half a mile from the USFS boundary. That road crossing culvert serves as a dam and is in need of updated infrastructure to a five-foot culvert, he said.

Lyman said the culvert crossing near the Hulme property is estimated to cost about \$150,000, and he requests the Schedule A agreement to accommodate the 0.7 miles of roadway on Forest Service Road 427 that provides access to the Paris Springs Campground. There is close to \$370,000 available for that forest crossing project, so it will be fully funded, he said.

The water that had been supplied to the hydroelectric plant – formerly used for irrigation and to generate electricity – will soon be released by PacifiCorp back into the channel of Paris Creek, and that

should provide increased water flow and improve habitat for fish populations, Lyman said.

Boehme, who was on hand to answer any Board questions regarding the county's involvement in these crossing update projects, said that by building both bridges simultaneously, it will help to defray costs for both the county and the USFS.

MOTION: Commissioner Payne made a motion to support the Schedule A agreement between Bear Lake County and the United States Forest Service and to support the planned water crossing bridge projects on Paris Canyon Road. The motion received a second from Commissioner Olsen. The motion carried.

PUBLIC COMMENT

Kathi Izatt, a citizen of Fish Haven and a reporter for the local News-Examiner newspaper, addressed the Board via Zoom. She thought it would benefit the Board to know House Bill 506 – which addresses short-term rental properties in the state – was before the Idaho Legislature. Izatt said she recommended the county hold any public hearings concerning its own STR ordinance after HB506 has run its course in the legislature.

Izatt said that, during Commissioner Payne's comments on the pending memorandum of understanding between Bear Lake County and the Idaho Department of Lands, she was left without clarification whether a decision had been made and if the MOU was moving forward. Commissioner Payne told her that no decision had been made regarding the MOU or law enforcement efforts around Bear Lake and below the high-water mark. The state has tentatively agreed – although, without providing a formal agreement to the Board – to supply funding to the county for law enforcement efforts in those state lands areas between Memorial Day and Labor Day.

Izatt said she thinks the public should have the opportunity to weigh in on all these issues before the county takes any action or shows approval in favor of this MOU. There still are many members of the public who would like the state land order to be modified, she said, and suggested the Board leave this MOU in abeyance until the Idaho Department of Lands agrees to allow lateral movement below the high-water mark.

County Attorney Adam McKenzie clarified that the Department of Lands already has signed that order into effect. The only thing Bear Lake County can make a decision on is whether its law enforcement officers enforce the provisions set forth by that order.

Roy Bunderson, mayor and resident of the City of Bloomington, also offered comment via Zoom. He said that in the meetings he has attended and through his conversations with members of the State Board of Land Commissioners, that body had not reached a consensus and action had been taken by just a few members of the committee. Even if that order has been signed into effect, it is not exempt from discussion and possible change, he said, but the only way the county can present and address the concerns of the taxbase is by refusing to support that order by not signing nor supporting the MOU.

Bunderson encouraged the Board to hold further public hearings and discussions in order to determine the wishes of its constituency. Whereas he could determine no consensus from the State Board of Land

Commissioners on the order that had been put in place, the Board should refuse to enforce the order, he said.

McKenzie said the discussed order was nearly identical to an order that had been adopted by the state in the 1990s. However, he said, that original order gave the county the authority to take action that, once signed, had been deemed by attorneys for the state in excess of the authority of the State Board of Land Commissioners. While the most recent order reflects much of what was contained in the former order, it does not include anything to prohibit a community effort to push for the order to be changed, he said.

Concerning STRs and any related Bear Lake County ordinance, Bunderson complimented McKenzie for his levelheaded approach to the issue. Bunderson said that, other than efforts concerning health and safety, there does not appear to be much that can be done to restrict these STRs because state law allows for no impediment of this type of use.

Bunderson said he took issue with something that could be affecting economics, fairness and equity within the county's workforce. He said that he had been advised prior to the meeting that one deputy sheriff had been placed on paid leave some 14 weeks ago and had remained on full salary for that period. Bunderson said he did not want to go into detail by naming names or discussing the specific circumstances, but did offer that the deputy was on leave due to a pending investigation. Whereas the individual had not been charged with a crime, keeping that individual on paid leave rather than putting them back to work does not seem like an appropriate use of public funds, nor does it seem like speedy justice, he said.

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) (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.

The motion was seconded by Commissioner Payne.

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

The Board entered its executive session at 12:17 p.m. and left executive session at 12:31 p.m. A short lunch followed.

LUNCH

From 12:31 p.m. to 1:01 p.m., the Board held a short lunch period. It reconvened its regular meeting at 1:02 p.m.

LYNC DEVELOPMENT / MICHAEL ZURN – VACATION OF PORTION OF COUNTY RIGHT-OF-WAY IN ST. CHARLES

Prior to the meeting, Michael Zurn with Lync Development had supplied the Board with copies of Bear Lake County Instrument No. 89131 – a right-of-way deed from 1966 – and an American Land Title Association survey pertaining to a section of North Beach Road in St. Charles.

Zurn said that when the survey was conducted, and through the surveyor's communication with the title company, a section to the south of North Beach Road was identified where the county right-of-way starts at about 200 feet wide and narrows to 198 feet wide. A small rectangular piece located to the west also had been discovered to be included in the right-of-way as well. Zurn said he had originally thought this right-of-way issue affected most of the southern portion of North Beach Road, but it had been discovered that it only affected this single 5.4-acre parcel that Lync had hoped to develop.

Zurn said Lync Development wanted to better understand what the county's future intention is with that area and if it would be possible to reduce the size of that right-of-way. Lync wants to explore options to revert boundaries back to the original parcel or to determine what Bear Lake County has planned for future use of the right-of-way, Zurn said.

Bear Lake County Attorney Adam McKenzie said the map needed to be examined in order to determine what part of the discussed property is located within one of the three rights-of-way depicted. If the piece of property is inside the right-of-way, a specific statutory procedure has to be followed in order for the county to vacate that section. If that is the case, he cautioned, the county might not want to give that area up.

McKenzie said he had identified the total easement of Highway 89 is 83 feet, so there is an additional width aside from just North Beach Road. If there was additional space that the county needed, or if it felt it would be beneficial to hold on to that space in the future, the proper process for moving forward could be identified at that time, he said.

Whereas Bear Lake County has no place in that area at which to house a grader or a snow plow, Commissioner Olsen said it could behoove the county to work out an agreement with Lync Development that would see the right-of-way vacated in exchange for a piece of land where this county equipment could be held. There never has been a good place on the southern end of the county to park snow equipment, he said. As it stands, if a plow leaves the Road and Bridge shop in Montpelier and heads southbound, it has to return to Montpelier to refill its load of cinders – a material placed on roadways to build up snow and ice traction – before it can complete its full trek to the southernmost part of the county.

Zurn said this trade is something Lync Development would be open to discussing.

The Board decided the county will have to examine the area of the right-of-way and determine if it follows the distinctions that Lync Development's surveyor had found. Commissioner Jensen told Zurn the county will keep him updated with what is found and to direct communications to Deputy County Clerk Paul Christiansen.

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

The meeting adjourned at 1:22 p.m.



Bradley D. Jensen, Chairman

3/11/2024

Date Approved

ATTEST: 

Amy Bishop, Clerk

