

Bear Lake County Commissioners' Meeting
May 8, 2023
Commissioners' Chambers – Paris, Idaho

The Board of the Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, May 8, 2023, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting was available via Zoom. Members present were Commission Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Board Clerk Amy Bishop. Also in attendance were Attorney Adam McKenzie, Assessor Jannelle Sparks-Jensen, Treasurer Tricia Poulsen, County Superintendent Todd Boehme, County Building Inspector Wayne Davidson, Maintenance Professional Tyson Boehme, Deputy Clerk Paul Christiansen and various members of the public.

APPROVE AGENDA – ACTION ITEM

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

ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen said House Bill 292 will provide various new distributions of funds to counties, taxing districts and urban renewal agencies effective in tax year 2023. This will require new tax reduction rolls, lists of properties receiving homeowner exemptions and information to be included on tax notices.

Poulsen provided an example tax statement from Bonneville County that illustrated how tax statements will need to change in order to reflect credits in the categories of Homeowner's Property Tax Relief (HTR), Additional Property Tax Relief (ATR), and Property Tax Reduction (PTR) resulting from the Circuit Breaker program.

Additionally, the new tax statements will have to include information in a "School Savings" category that will reflect the School District Facilities (SDF) fund. The SDF amounts are to be distributed to each school district, with the Idaho State Tax Commission providing these amounts to each county clerk for disbursement in early September. SDF assets will be used to pay off whatever bonds are in place for each school, but these funds cannot be used for this until all levies are certified, Poulsen said. Each county is responsible for this, and as a result it is expected this year's tax drive will be late. Because the tax drive will be pushed back, Bear Lake County may have to move its tax deadline as well.

Bear Lake County's tax bills only include 17 individual line items, with 25 funds possible on a tax bill. Because ATR, HTR, PTR and School Savings will need to be included on tax statements going forward, Poulsen said she is working with the software engineers of the county's chosen tax program, Aumentum, to add those line items in.

Poulsen said the Treasurer's Office and the Assessor's Office have begun using a new computer server and it has been working very well thus far. This has been implemented to help alleviate some of the

trying conditions that are bound to come with this year's work.

Poulsen said she will attend a budget and levy training later in the week, accompanied by Assessor Jannelle Sparks-Jensen and Clerk Amy Bishop. This will add to the number of trainings Poulsen said she had already attended or will be taking part in this year. The many changes that will be coming to the counties and the state have resulted in more trainings than she has ever taken part in during a single fiscal year, Poulsen said.

Because next year's property assessments will include information about the previous two years' values, the tax amounts the property owner paid the previous two years and the percentage of difference between the years, new property assessments for next year will likely be confusing for many who receive them, Assessor Jannelle Sparks-Jensen said. Although the Assessor has nothing to do with the county's collection of taxes, the changes may result in property owners believing they have received a tax bill from that office.

The county's Motor Vehicle Department in April collected \$70,925.87 through in-office Idaho Transportation Department vehicle registrations; \$1,711.50 through Idaho Parks and Recreation registrations and permits; and \$173.70 through renewals made through the mail and via QR codes. Property Tax Reductions/Veteran applications had to be received by the Assessor no later than April 18. Sparks-Jensen said she received 186 applications.

The Assessor's Office has been working on the assessment drive and almost is ready to certify values, she said. Currently the office is waiting on some information from the consulting appraiser, but once that has been received values can be certified. The office staff will then get assessment notices mailed to property owners by the first Monday in June. Sparks-Jensen said she had looked into next year outsourcing the stuffing of assessment notice letters and had found it will likely be more time- and cost-effective than if her office does it internally.

In regard to House Bill 85 – which allows counties to add for the collection of a title administration fee – Sparks-Jensen said she had contacted the surrounding counties' assessors and asked what they planned to do. Oneida County will raise its registration administration fees to \$5 and add a \$6 title administration fee; Franklin County plans to keep its registration administration fee at \$6 and has not decided what it will do with title admin fees; Caribou County has an existing registration admin fee of \$3.50 and that county's assessor does not believe there will be a change.

Bear Lake County has in place a registration admin fee of \$3.86. Originally, Sparks-Jensen had suggested lowering that fee to \$3. However, she said, information from other counties shows Bear Lake County's registration admin fee is lower than most others, with the exception of Caribou County. Because of this, Sparks-Jensen said she proposes Bear Lake County raise its registration administration fee to \$4.00 and add a title administration fee of \$6.00.

Sparks-Jensen said the addition of the \$6.00 title admin fee will require a public hearing. However, the increase in the registration admin fee, from \$3.86 to \$4.00, does not meet the 3-percent threshold that requires a public hearing for that item.

MOTION: Commissioner Olsen made a motion to set a public hearing at 10 a.m. on Monday, June 12, 2023, in the Commissioners' Chambers, during the commissioners' June regular meeting, The motion was seconded by Commissioner Payne. The motion carried.

Bear Lake County Clerk Amy Bishop said she has been working with the county's other elected officials, as well as with the clerks of Idaho's other 43 counties, to determine the best option for a financial software provider going forward. The provider Bear Lake County has used since 2005 – Computer Arts, Inc. (CAI) – was bought a few years ago by Harris, a global software provider and acquirer.

When Harris bought CAI, it found the program had been written in a now-outdated program language, making it difficult to find developers able to fix the issues. To simplify things and get over the hurdle, Harris had decided to put forth a new financial software program under the CAI banner. Bishop said most Idaho clerks have used CAI's financial, payroll and recording software up to this point, and some counties' assessors and treasurers – including Bear Lake County Treasurer Tricia Poulsen – use it for their purposes as well.

Bishop said she and Poulsen had demoed another software program, as well as the new CAI program. While the other program had some nice features, Bishop and Poulsen both said they were inclined to continue using CAI. Additionally, the county's previous historical documents and files that have been used in the previous version of CAI will be retained. Because all the county's existing data will need to be imported, another company will not be able to bring over the data. Additionally, CAI already is built for the needs of Idaho counties – unlike other software options that would need to be tailored to fit those needs.

Between 10 and 15 other Idaho counties already have signed on to the new CAI program, and it helps for Idaho's counties to work together to address the vendor issue in a unified front. With many customers banding together to ask for resolution to a potential software issue, CAI is more likely to respond quickly than if only one county voices concern, Bishop said.

If Bear Lake County signs on to the CAI program, the purchase costs will be spread out across five years rather than taken as a one-time lump sum, Bishop said. Additionally, payment of a monthly subscription fee for access to the program will be required.

Currently, Idaho's clerks are just in the negotiation stage with Harris and Computer Arts, Inc., and no contract has come across Bishop's desk. Still, Bishop said, if the Board of Bear Lake County Commissioners feels comfortable with the information she would like to tentatively go forward with CAI. This needs stems from the old software's inability to be maintained going forward.

Commissioner Payne said he was in support of moving forward with CAI. Technology is something that is always changing, and it is important to stay as up to date as possible, he said.

MOTION: Commissioner Payne made a motion to move forward with the intention to join the new Computer Arts, Inc. program and explore the contracting options when they are presented by Harris. The motion received a second from Commissioner Olsen. The motion carried.

Bishop said the new tri-county treatment court coordinator position had been filled and the program is online. The employee already has been to each of the three counties – Caribou, Oneida and Bear Lake – a couple times and everything appears to be going well. Additionally, the Bear Lake County Courts Office now is fully staffed and doing well, she said.

Commissioner Payne said had attended the Idaho District 5 Elected Officials Meeting on April 20 in Malad. That meeting included legislative updates from State Senator Mark Harris, State Senator Jim Guthrie, State Representative Richard Cheatum and Josh Sorenson speaking on behalf of United States Representative Mike Simpson. Nominations had been received for the H. Sydney Duncombe Award for Excellence in County Service, but those were being kept undisclosed for the moment, Commissioner Payne said.

The next Idaho District 5 Elected Officials meeting will be held on July 27 at the Bear Lake County Courthouse, and Commissioner Payne encouraged Bear Lake County Clerk Amy Bishop to attend. At the April 20 meeting, several county clerks had discussed upcoming changes to Idaho's counties, and it would be valuable knowledge for Bishop to have, Commissioner Payne said.

Commissioner Payne said he and County Attorney Adam McKenzie had been working with the Idaho Department of Water Resources to address and file water adjudications for water rights at the Bear Lake County Airport, two for the county Road and Bridge Department, and one in the county's name at Allinger Park.

Commissioner Payne and Bear Lake County Maintenance Professional Tyson Boehme had met with Big-D Construction and other contracting specialists to discuss possible renovations to the Bear Lake County Courthouse roof. During the meeting, it was discovered the existing heat tape only extends 2 feet and needs to go all the way out to the roof drain.

Big-D had named several different options to meet the courthouse roof's snow management needs, he said. One option allows for heat tape application on the rooftop eaves, but that could possibly come with another issue – melting too much water, too quickly, that then turn to ice. Adding insulation to the upper ceilings could help mitigate this issue. Another option is to build a cold roof over the current roof and install extensive insulation between the two layers. Commissioner Payne said he is waiting to receive cost bids for spray insulation from Big-D but has not received anything yet.

The county airport's new snow removal equipment building is under construction, with the frame already erected, Commissioner Payne said. This building will be used to house the equipment – a 6x6 snowplow – purchased in fall 2022. However, the chosen plow is on backorder until 2025. The airport may opt to change models in order to get the equipment sooner and to avoid not having it next winter, he said.

At its next meeting, the Bear Lake Memorial Hospital Board will discuss the procurement of a deicer to be used at the airport during times when fixed-wing aircraft are called in for emergency transportation during bouts of inclement weather.

The Rails and Trails Museum, which is located in the basement of the National Oregon/California Trail

Center and is operated by the Bear Lake Historical Society, had incurred a \$2,500 bill for carpet cleaning due to flooding in the building, Commissioner Payne said, adding that he had discussed the issue with Bishop and had asked her to check if this will be covered under the Idaho Counties Risk Management Program (ICRMP). Bishop said she had not heard back from ICRMP about covering this bill, and Attorney Adam McKenzie said that whereas the basement space is rented by the county from the National Oregon/California Trail Center, the contract between the center and county, as well as the county's policies, should dictate what damage is covered.

Bishop said the county's Historical Reimbursement Fund has some money available in its coffers that could possibly be used to reimburse the museum. This issue will need to be added to a future agenda for full discussion and action.

Commissioner Payne said the Trail Center is planning a public auction during its fundraising day as a means to sell some museum property and publicly donated items, with profits to go toward the total needed for a new roof. This event will be sponsored by Bear Lake Memorial Hospital and will be held June 10. McKenzie said any auction should be posted well and county policy dictates that anything valued at more than \$50,000 has to be bid out. Although items specifics are not known fully at this time, Commissioner Payne said he does not believe any of the auction contents will come near that threshold.

Still, McKenzie encouraged the Board to ensure the advertising procedure is followed. Despite the items not reaching the value threshold that requires full notice of auction be given, its best to post the event just the same. The event has to be published no less than 10 days prior to auction, and the value mark on personal property is \$250. Anything over that has to be open to bid, McKenzie said.

Commissioner Payne said he had been concerned about the county's need to host online Zoom access for its public meetings and give proper notice of meetings. He said he wants the county to be covered legally and to not run afoul of state statutes that dictate proper meeting posting etiquette – something that had recently been an issue for the City of Paris. He said he had prepared a short disclaimer message that could possibly be added to agendas, and he asked for feedback from the county attorney and his fellow commissioners. The statement read:

"Our Zoom presentation is a public service and is not required. In the event of signal disruption or failure of Zoom notification, the meeting will continue live at the courthouse. This may require events to be rescheduled."

McKenzie said the issue with Paris had not centered on Zoom broadcasting, but had resulted from that entity not posting proper meeting notice on its city website. Additionally, McKenzie said he is not entirely sure what is required if and when Bear Lake County loses Zoom connectivity during a live meeting. If the connectivity issue is caused by an error on the county's side, McKenzie said he's not sure if the proper response is to cancel the entire meeting. He said he would check and get back to the commissioners with the answer.

Prior to the COVID-19 pandemic, Zoom meetings had not been implemented in Bear Lake County. In order to take part in the meeting, citizens and stakeholders had to be present. Now, McKenzie said, it is uncertain whether the county is required to keep the service in place. If Zoom meetings continue, as

long as the service is in working order and the county is able to broadcast, no error will have befallen the county, he said.

Commissioner Payne said the Bear Lake County emergency services will hold an active shooter drill on Saturday, May 13. He said he was aware that representatives from the county's emergency response agencies and the Bear Lake County Clerk's Office had put a lot of time and effort into the preparations.

There will be a combined marine rescue drill between Rich and Bear Lake Counties on June 6 at Bear Lake, he said.

TRICIA POULSEN – TAX DEED HEARING – ACTION ITEM

Treasurer Tricia Poulsen presented to the Board two properties – parcel No. 27302.00 belonging to John Horsley and wife; and parcel No. 00152.00 belonging to David Schreiber – that may need to go to tax deed hearing.

Poulsen said she had made multiple attempts to contact the Horsley family about the delinquent tax balance for their property and had even sent a certified letter to the family's address in Centerville, Utah. She had received certified delivery notice from the United States Postal Service informing her the letter had been signed for and left with an individual with the last name of Horsley at 10:10 a.m. on March 25, 2023.

The Treasurer's Office must receive \$570.86 – a delinquent amount from 2019 – in order to remove the Horsley property from tax deed hearing consideration for another year. In total, the Horsleys must pay \$1,022.76 to the county in order to get current on their delinquent property tax bills, Poulsen said.

Concerning the Schreiber property, Poulsen said she had been in contact with David Schreiber's daughter who is working to put together the owed sum of \$5,450.29 in order to get the delinquent property tax bill completely caught up. Because she is confident the Schreiber family will be able to at least procure enough money to put off a hearing for another year, Poulsen said she believes the only parcel to go to tax deed will be the Horsley property.

The property will be taken for tax deed on June 1, with a sale in September. The property owners will have until the time of sale to redeem the property – a step that requires the owner to pay the full amount of delinquent taxes, interest, fines and fees, and to prepay the next year's taxes in full. However, after the sale is complete, there is no grace period and no redemption after that time, Poulsen said.

MOTION: Commissioner Olsen made a motion to take parcels 00152.00 and 27302.00 to tax deed on June 1, 2023, barring the delinquent payment requirements be met to stay the seizure. The motion received a second from Commissioner Payne. The motion carried.

The Board adjourned the meeting for a short recess at 10:06 a.m.

The meeting resumed at 10:14 a.m.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

County Building Inspector Wayne Davidson said new building permitting has begun picking up at his office but has not reached as high a rate as at this time the previous year. However, he expects the supply of permit requests to increase over the next few weeks. Contractors are showing interest in building new residences, and several have reported to him they already have booked their summer building projects.

Surprisingly, Davidson said, there have been no updates to the construction timeline for the 7-Mile Ranch subdivision project that is located at the south end of St. Charles. However, once that project begins it is expected to move along quickly.

Davidson said there are a lot of building collapses – mostly contained to agriculture buildings and sheds exempt from county building code – still being identified within the county as a result of the extreme inclement weather the past few months. Few house roofing collapses have been reported in the county, and most of the snow throughout the area has either been cleared or melted off roofs. This has prevented many homes' roof leaking issues.

As the flood coordinator for the county, Davidson said he is watching the groundwater issues closely and documenting any reported issues. Bear Lake County is part of the National Flood Insurance Program's (NFIP) lowest tier and, although the area does have a few floodplain maps, it bases most of its data off history throughout the valley, he said.

GENERAL BUSINESS/ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Olsen made a motion to ratify the claims before the Board. The motion was seconded by Commissioner Payne. The motion carried.

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve the minutes from the April 10 Commissioners Regular Meeting. The motion received a second from Commissioner Olsen. The motion carried.

KATY BERGHOLM & ALAN JOHNSON – DEPARTMENT OF ENVIRONMENTAL QUALITY ANNUAL REPORT

Katy Bergholm, regional administrator for the Idaho Department of Environmental Quality, appeared before the Board to introduce Alan Johnson. A DEQ engineering manager, Johnson does a lot of work with wastewater systems and water management systems. Recently, Johnson has worked with the City of Georgetown on a project. Additionally, Johnson provides input on planning and zoning project proposals as well.

Commissioner Jensen asked if Johnson or Bergholm could offer any guidance or help for getting local municipalities and cities to follow the county's impact zone. Johnson said this has been identified as an issue across the state, not only in Bear Lake County.

Bergholm said projects throughout the state contain site-specific issues that DEQ tries to address. Johnson works to prioritize wastewater projects to at least make sure sewer issues can be addressed, but DEQ urges local governments to provide written documentation as a means to keep track of areas and people in need of services. This helps DEQ provide grant opportunities and assistance in areas that most need it.

Commissioner Payne wondered what DEQ's working relationship with the Army Corps of Engineers was like, if it had one at all. Bergholm said that when DEQ works on wetlands or stream channel alteration projects, the Army Corps of Engineers works with the Idaho Department of Water Resources to ensure the proper permits are received. DEQ then gets involved when needed in order to determine the project activities will follow water quality standards, she said.

TODD BOEHME – COUNTY SUPERINTENDENT

County Superintendent Todd Boehme said work on the Paris Park Bridge is planned to begin in fall 2024, and some grant money had been acquired. Boehme said he was working through the proper channels to ensure that money is provided to the county for disbursement once the need arrives.

Work on the longstanding Jericho Loop Bridge project is expected to be completed by the end of the second week in May. The remaining work may require some soft road closures during the daytime hours, Boehme said. Because the project has exceeded the assured timeframe, each day it is worked on the project costs the county less.

Boehme said the Bear Lake County Road and Bridge Department has begun its spring road maintenance efforts and is grading the road where it can. However, flooding is an issue all over the county – with three known roads that already have incurred damage.

Boehme said he had met with a group about the proposed Mill Canyon snowmobile parking project. He is working with Corey Lyman of the United States Forest Service on both this proposed project and the ongoing Paris Bridge project to determine what agencies need to be contacted in order to get the project moving. If and when the project begins, an existing ditch will be used to guide the creek in, Boehme said.

Boehme next asked the Board for direction for where it would like the county's portable digital radar speed signs placed for the upcoming busy late spring and summer travel months. Commissioner Payne urged him to work with the Bear Lake County Sheriff's Office to determine areas throughout the county where traffic speed is of highest concern.

Additionally, Commissioner Payne said, the county had previously obligated \$2,000 last year to each township for its own mobile radar speed sign. He said he was not sure which towns had decided to use

that money for that purpose.

After the Board's April 10 meeting, Boehme was approached by a citizen who had inquired about removal of the cattleguard on East Shore Road. However, Boehme said, the people who either live in or run cattle in that area are not in favor with that idea. It may be an issue the county needs to address in the future when roadway improvements are made to the East Shore Road, but for the time being it should stay, he said.

Commissioner Payne said that an Open Range sign along that road may need to be put in place, if one isn't there already.

In regards to collisions with mailboxes, winter 2022-23 was a bad season for the Road and Bridge Department. Boehme said he plans to visit with the local postmaster to explore options for clustering some rural communities' mailboxes and move them farther back from the roadway as a means of avoiding plow collisions in the future.

Boehme said he is continuing his work with Todd Transtrum to procure a map of all culverts in the county so they can be more easily located in times of flooding or when they eventually need to be replaced. Heavy frost and ice buildup in these culverts contributed to major flooding issues in 2023, he said, so he is examining ways to mitigate that in the future.

TODD BOEHME – EMERGENCY MANAGEMENT COORDINATOR

Boehme said he had taken part in tabletop preparation meetings for the county's emergency services active shooter training, scheduled for Saturday, May 13, at Bear Lake High School. He also had attended Deputy Tye Graham's Civilian Response to Active Shooter Events (CRASE) public forum on April 29.

The Idaho Office of Emergency Management (IOEM) is still in contact with Boehme about work on the state's hazard mitigation plan. Boehme said IOEM personnel will arrive in the county by month's end to evaluate certain areas of concern.

With warmer weather arriving in the area, Boehme said there is concern for children and families who may try to use the playground equipment located outside the collapsed Bern Schoolhouse. Currently there is no signage urging the public to stay away from the area, and no parts of the property have been taped off as a means of limiting access. Because discussion of the Bern Schoolhouse collapse was on the agenda for discussion later in the meeting, this subject was tabled until then.

Filling sand and sandbags still are available throughout the county for the public's needs, he said. While flooding is expected to continue in our area, Boehme said the ditches that had previously been an issue due to ice buildup have melted and water now is pushing through. Gradual warmth throughout the days paired with cooler temperatures at night will help prolong heavy melting in the mountains, he said.

Boehme will be involved with the combined marine rescue drill between Rich and Bear Lake Counties on June 6 at Bear Lake.

AIRPORT BOARD RELEASE/APPOINTMENT

Commissioner Payne said Scott Naegle had resigned from the Bear Lake County Airport Board and Daniel Kurek was being presented as his replacement. Kurek serves on Rich County's Planning & Zoning Board and is involved in the current hanger building efforts at the airport.

MOTION: Commissioner Payne made a motion to appoint Daniel Kurek to serve on the Bear Lake County Airport Board. Commissioner Olsen seconded the motion. The motion carried.

FAIR BOARD APPOINTMENT

Commissioner Olsen said an individual had not been chosen to serve on the Bear Lake County Fair Board and asked the issue be tabled until the Board's June 12 meeting.

MOTION: Commissioner Olsen made a motion to table the acceptance of an appointment to the Bear Lake County Fair Board until the Bear Lake County Commissioners' June 12, 2023, meeting. The motion received a second from Commissioner Payne. The motion carried.

BEAR LAKE MARATHON PERMITTING REVIEW – ACTION ITEM

Aubrión Marie, a representative of the Bear Lake Trifecta Marathon, came before the Board via Zoom to present an update on the event and secure final Board approval.

The marathon has been held in the region for four years and is scheduled this year to be held June 8, 9 and 10 in Idaho, Wyoming and Utah, respectively. About 600 runners have registered for the marathon across the three-day period, and that figure aligns with past years' participation numbers, Marie said.

The Idaho portion of the three-day event will begin June 8 at North Beach and will skirt around the east side of Bear Lake and move southbound before dropping into Utah. Runners will journey 13 miles south before turning around and running 13 miles north, she said. All participants will travel on the same side of the roadway – heading both north and south – as a means to limit any traffic congestion or hazards. Because the runners will use the shoulder of the road, traffic will stay open and no road closures will be necessary.

Marie said all permits have been obtained through Mitch Poulsen, the executive director of the Bear Lake Regional Commission. Permitting payment has been made, she said, and course maps and insurance have been submitted. Participants will have access to water stations about every 1.5 miles along the route and portable toilets will be staged in three areas.

Commissioner Payne said with similar events in the past the county has received complaints from the public about the amount of waste left on the side of the roadway. Marie said the marathon will have volunteers moving through the area on foot and working throughout the event's entirety to ensure trash is picked up. After the conclusion of the marathon, the event's course management team will gather all collected trash and garbage before leaving the area.

MOTION: Commissioner Payne made a motion to approve the Bear Lake Trifecta Marathon, pending the securing of all pending insurance, fees and deposits. Commissioner Olsen seconded the motion. The motion carried.

BOARD OF GUARDIANS APPOINTMENT

Clerk Amy Bishop said Sheriff Bart Heslington could not be at the meeting but had asked her to present Marcie Hunt's application to serve on the Bear Lake County Board of Community Guardians. Heslington had given his full support to Hunt, Bishop said.

MOTION: Commissioner Payne made a motion to approve Marcie Hunt to serve on the Bear Lake County Board of Community Guardians. The motion received a second from Commissioner Olsen. The motion carried.

KEVIN FRANCK – COMMERCIAL APPRAISALS REPORT

Kevin Franck has served as a consulting commercial appraiser to Bear Lake County since 2022 and in that time has been able to review all commercial property in the area – a process that had not been done in several years. Through that effort, Franck said he was able to locate some assessment instances that contained some errors – figures that needed to be updated to either reflect additional or decreased values. In Bear Lake County, values will generally increase this year, he said.

Through his work, Franck was able to look at the market approach and examine comparable sales. He said he examined properties through the lens of new construction costs to replace them. He narrowed income approach to properties that specifically produce products that generate income and can be used to determine overall property value. The amount of income varies by type of commercial property and its use, he said.

In June, when taxpayers receive their assessment notices, they may be surprised by the increase in commercial values. Franck said he will be in Bear Lake County and available to defend the values he has set and speak with those property owners who are not in agreement. He also will be available for any potential Board of Equalization hearings.

TYLER BUTLER, MAGGIE MANN AND VAUGHN RASMUSSEN – SOUTHEASTERN IDAHO PUBLIC HEALTH DISTRICT BUDGET

Representatives for the Southeastern Idaho Public Health District (SIPH) came before the Board of County Commissioners to present the budget request for Fiscal Year 2024. Vaughn Rasmussen, who serves as chair and trustee on the SIPH Board, reminded the commissioners that as property taxes and market values go up, so too does the amount the county pays with the board of health.

SIPH District Director Maggie Mann said a budget hearing will be held as part of the Board of Health meeting at 9:30 a.m. on Thursday, May 18, 2023, at the Southeastern Idaho Public Health Office in Pocatello. That section of the meeting will only last a short time, but the Bear Lake County Board Chairman or a designated proxy is required to be in attendance – either in person or virtually via options

made available.

Mann said House Bill 316 – which went into effect March 1, 2022 – removed any state aid to public health districts and replaced that funding with additional aid provided by the district’s counties – \$1,142,300 in additional county aid combined with the FY2023 pledge of \$2,358,408 and resulting in a grand total of \$2,370,096 for FY2024.

This amount helped shape SIPH’s FY2024 budget to be comprised of 55.9 percent contracts; 25.6 percent County Aid; 16.9 percent from fees; and 1.5 percent from the Opioid Drawdown, Mann said.

Bear Lake County’s population increased by only 2.7 percent between 2021 and 2022 – from 6,545 residents to 6,722 residents. However, its total county property market values increased by more than 47 percent, from \$1,223,389,229 to \$1,803,007,750 – the highest market value change in the district, Mann said.

These changes resulted in SIPH’s budgetary request of an additional \$62,625 from Bear Lake County – resulting from the combined \$29,211 computed from the population numbers and \$33,414 from the change in market value. Those figures will be added to the original pledged amount and will result in a total request from Bear Lake County of \$129,937, making up 5.5 percent of the total aid provided to SIPH by the counties and 1.4 percent of the total overall SIPH FY2024 budget.

DESTRUCTION OF RECORDS – ACTION ITEM

Clerk Amy Bishop said Bear Lake County Resolution No. 2023-03 – which permits for the destruction of certain records that have been retained beyond the statutorily required time – was before the Board for discussion and adoption, should the commissioners approve it. The records to be destroyed contain items from the Bear Lake County Clerk, Assessor and Sheriff’s Offices.

County Attorney Adam McKenzie suggested the resolution language be amended to contain information indicating that all records to be destroyed are older than five years.

MOTION: Commissioner Payne made a motion to approve and adopt Bear Lake County Resolution No. 2023-03, pending final review by the county attorney. The motion received a second from Commissioner Olsen. The motion carried.

INDIGENT DEFENSE FINANCIAL ASSISTANCE AND COMPLIANCE APPLICATION – ACTION ITEM

Clerk Amy Bishop said the Indigent Defense Financial Assistance and Compliance Application before the Board was in regards to funding for the public defender. The application provided for \$31,500 from financial assistance and \$9,000 for workforce retention, resulting in a total of \$40,500.

MOTION: Commissioner Olsen made a motion to approve the Indigent Defense Financial Assistance and Compliance Application. The motion received a second from Commissioner Payne. The motion carried.

PUBLIC COMMENT

No public comment was provided at the May 8 meeting.

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) (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.

The motion was seconded by Commissioner Payne. Roll Call Vote. Commissioner Olsen, Aye. Commissioner Jensen, Aye. Commissioner Payne, Aye.

The Board entered executive session at 12:16 p.m. and left executive session at 1:05 p.m.

From 12:30 p.m. to 12:44 p.m. the Board communicated with legal counsel regarding potential litigation.

From 12:45 p.m. to 12:49 p.m. the Board discussed records exempt from public disclosure.

From 12:50 p.m. to 1:04 p.m. the Board again discussed legal matters.

The Board reconvened its public session at 1:07 p.m.

INDIGENT CASE ASSIGNMENTS – ACTION ITEM

Clerk Amy Bishop said as the county's indigent program is phasing out, no future cases will go forward due to Idaho's Medicaid expansion. The existing cases will continue, but the state currently is auditing these cases to ensure the necessary processes are in order. The Idaho Catastrophic Fund, known as the CAT Board, will not collect money going forward. However, in its audit of Bear Lake County's indigent cases, the state found a handful of cases in which the appropriate portion of money had not been assigned to CAT.

Those case assignments had been set at the Board's April 10 meeting. However, one past case – designated as 2B-2014-00001 – had not received an assignment and was before the Board now, she said.

MOTION: Commissioner Payne made a motion to approve the assignment for CAT case 2B-2014-00001. The motion was seconded by Commissioner Olsen. The motion carried.

SNOWMOBILE PARKING – ACTION ITEM

County Superintendent Todd Boehme said that over the years, parking in snowmobile lots had changed considerable – from small trailers and single sleds loaded into small pickups, to large toy haulers and

extended cab trucks. The frequency of snowmobiler excursions and the lots' lengths of use have contributed to conditions that have made it difficult for the Bear Lake County Road and Bridge Department to keep those areas plowed, he said.

Boehme said he had been approached by a citizen this year who was adamant the county is purposely plowing his vehicle in when parked in these lots and preventing its exit. While that certainly is not the intention of the Road and Bridge Department, Boehme said how people park in those spaces dictates how the Road and Bridge Department has to plow in order to best clear the lot and at what times that plowing can be done.

At the Board's April 10 meeting there had been extensive discussion of the Georgetown Main Canyon snowmobile parking lot. Whereas that area is used by those traveling via snowmobile to and from their workplaces in Soda Springs, and because the county often is not there at the shift change times, Boehme said there often are issues in that area.

County Attorney Adam McKenzie said that, in his mind, the question of who is allowed to use those snowmobile parking areas and for what purposes is no different than setting rules for a public park. In the case of a park, the Board has the ability to restrict what can go in there – e.g., firearms, dogs and motorized vehicles all can be limited in a public park. If the Board chooses, it can limit parking in those areas to only those who are hauling snowmobile trailers. However, he said, that may come with some pushback and a bevy of other issues.

Instead, McKenzie said, the Board can designate the only people allowed to use those parking lots as those who have obtained an access permit. At that point, the permit will need to be created and made available to those who request it.

McKenzie suggested Boehme work with people who live in or use those areas and come up with a plan to better expand the lots or limit their direct use. Following that, a public hearing should be held to get full input on what the use should be so the Board can make its decision.

BLAKE PHILLIPS & KELLY KUNZ – BERN SCHOOL COLLAPSE

Blake Phillips and Kelly Kunz, citizens who live in Bern, came before the Board to discuss the recent collapse of the Bern Schoolhouse due to inclement weather and snow buildup. The men said they were concerned about safety issues, particularly for children who use the neighboring playground and may begin to explore the building debris as warmer weather develops.

Commitments from several community members have been obtained and will provide for the removal of the playground equipment so as not to entice children to the area, Phillips said. The town of Bern intends to tear down the school but wanted to ensure there is nothing within the school structure that has any value to the county, as some county materials had been stored there years ago. Whereas the county had used the schoolhouse as a storage area for years, Phillips wondered if the county is willing to now wave the dump fees if the community of Bern tears down the remaining structure and removes the debris.

There is nothing of value to the county within the structure, Commissioner Jensen said. The decision to waive the dumping fees will have to be made by the landfill district, but he offered to speak to that entity on Bern's behalf.

Whereas there has been a question of who legally owns the property, Kunz said the community intends to bring a petition before the commissioners in order to form the Bern Recreation District, which will follow the boundaries of the Bern Cemetery District and can then take ownership of the schoolhouse property.

County Attorney Adam McKenzie said the people of Bern will need to follow what is set forth in the Idaho statute concerning the formation of districts in order to file a petition and get approval from the commissioners in order to get added to a future election ballot.

Clerk Amy Bishop said she will work with Kunz and Phillips in order to provide them the information they will need for this effort.

COMMITTEE ASSIGNMENTS, CONTINUED

In April the Bear Lake Senior Center was approached by the operator of the Caring Heart of Gold Thrift Shop and Donation Center about his intention to establish a food pantry at the location, Commissioner Olsen said. That individual had voiced interest in running the food bank out of the parking lot at the thrift store – located at the old King's department store building in Montpelier – and this could remove the disbursement of food from that area the third Thursday of each month, he said.

The concern is that the individual only rents that building and his lease may be let go at any time, Commissioner Olsen said.

Since Gary Teuscher – the individual who conducts the county's yearly audit – already is the Senior Center's accountant and bookkeeper, Commissioner Olsen said he had been approached about the auditing process and the potential estimated cost set by other auditors. The Senior Center is interested in this information because it may be required to have an audit conducted in order to apply for certain grant funding. The Board estimated that cost likely will range between \$6,000 and \$10,000.

Commissioner Olsen said two contractors have looked at the dairy barn reconstruction project at the Bear Lake County Fairgrounds, but he has not received any offers or bids at this time. A private sector individual had asked Commissioner Olsen if it would be possible to come tear down the barn and remove it for useable materials.

Commissioner Payne questioned if a volunteer can be considered a private contractor under such an agreement and would thus not have to be maintained under the county's liability insurance or workers' compensation coverage.

County Attorney Adam McKenzie said that an agreement can be written that states the county is going to hire the individual simply for the removal of materials. A value will need to be set for the materials that will be taken in exchange for the labor, and that will be the set amount of payment. This action will

cover the individual's workers' compensation and the liability insurance under the county, McKenzie said.

Commissioner Olsen inquired if there were any ordinances in place that ban alcohol or tobacco use at the fairgrounds. Clerk Amy Bishop said it is likely the county will have to at least amend an existing ordinance or create a new one in order to be able to enforce those types of policies.

Commissioner Jensen said cleanup week in Bear Lake County has been postponed to June 5-10. During that time, county residents will not have to pay fees for their dumping needs at the landfill. However, regular dumping rules apply, he said, and fees for certain special care items will still be paid.

EMERGENCY DECLARATION EXTENSION – ACTION ITEMS

After much discussion between County Attorney Adam McKenzie, County Superintendent Todd Boehme and the Board of County Commissioners, it was determined the county met the emergency nature criteria in order to add a last-minute item to the meeting agenda. The original declaration – set at the Board's April 10, 2023, meeting – was set to expire on May 8, 2023, and needed to be renewed in order to carry on with the state, Boehme said. This notice had not been provided to the Board or the Clerk prior to the meeting.

Boehme said he anticipates there will still be a lot of spring runoff to affect the area, and that is only in the very early stages at this time.

MOTION: Commissioner Olsen made a motion to amend the in-progress May 8 meeting agenda to include an action item to extend the inclement weather disaster declaration. This motion was a result of county oversight on the original declaration expiration, as well as ongoing concern for damage resulting from the inclement weather conditions. Commissioner Payne seconded the motion. The motion carried.

McKenzie said there are conditions necessitating the immediate action by the Board. The emergency situations that allow for voting on this item included the timely expiration of the original declaration, the ongoing nature of the springtime runoff concerns and the ongoing flooding and emergency conditions resulting from the inclement weather.

MOTION: Commissioner Olsen made a motion to extend the inclement weather disaster declaration until June 12, 2023 – the date of the Board's next regular meeting. The motion received a second from Commissioner Payne. The motion carried.

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

The meeting adjourned at 2:07 p.m.

Bradley D. Jensen
Bradley D. Jensen, Chairman

June 12th 2023
Date Approved

ATTEST: Amy Bishop
Amy Bishop, Clerk