

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, July 9, 2018 at 9:00 a.m. in the School District #33 Board Room in Paris, Idaho. Members present were Commissioners Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Also attending were Sheriff Bart Heslington, Prosecutor Adam McKenzie, County Superintendent Scott Esquibel, Building Official Wayne Davidson and The News-Examiner Reporter Pamela Harmon.

#### APPROVE AGENDA

Commissioner Payne made a motion to approve the agenda, seconded by Commissioner Jensen, motion carried.

#### ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Commissioner Jensen stated they had been working with Bear Lake West on the roads, finding some weak spots after the latest rain storm. Regional Commission was working on their budget and talked about the local agreement. Rich County stated they were not going to change and Bear Lake County said they would still come across and help when contacted and needed.

Commissioner Rasmussen mentioned an upcoming legislative rendezvous they are setting up that would include Idaho and Utah legislators and other state and county elected officials on August 3, 2018. There will be discussion on quagga mussel along with the future management of the volume of people at the lake. Clerk Garner was instructed to post that outing along with the tour of the Bear Lake County courthouse with Lincoln County, Idaho on July 17, 2018 at 2:00 p.m. and July 23, 2018, a Simplot tour of Smokey Canyon Mine from 9:00 a.m. - 4:00 p.m.

Commissioner Payne stated the Rails and Trails Museum had asked about expanding their facility in the basement of the Oregon Trail Center and Executive Director Becky Smith stated they would not be opposed. Payne asked Prosecutor Adam McKenzie to put together an agreement between Bear Lake County and William Robison regarding some rock needed for securing the river bank. Payne also mentioned there had been discussion at the airport board meeting about the possibility of having a gun range on the west side of the airport, which would have to be approved by the FAA. A concern they had was that Fish & Wildlife had contacted them about over a year ago about putting in a visitor's center on the southwest corner of the airport, and as it looks, they would only be able to shoot south.

Sheriff Heslington presented his monthly report and stated high winds had created another boat issue close to the state line and they had received no communication until late from Rich County and the boat had sunk on the Idaho side and now he was being asked to file a report with no information. Not sure what Department of Lands may want to do with it since it is at the bottom of the lake and if they want to try and bring it up. The 4<sup>th</sup> of July was very busy with motorcycle accidents and five (5) or six (6) accidents near Ovid. Heslington mentioned that Deputy John Martinez would be retiring, his last day in uniform was the 4<sup>th</sup>, his last day would be the 18<sup>th</sup> of July and they would be hosting a retirement luncheon at the courthouse on July 20<sup>th</sup> to express appreciation for his dedicated service for so many years. Fire Chief Mark Parker asked the Sheriff to relay and put notice out that he had suspended any burn permits, no fireworks but allowed to have fires in designated campgrounds and at your own homes. Heslington stated there had been a lightning caused fire on the west side during the latest thunderstorm. He also stated they were working on funding for the dispatch and radio equipment and

that there were record numbers for the breakfast and parade, which causes extra stress during the parade.

#### WAYNE DAVIDSON – BUILDING OFFICIAL REPORT

Wayne Davidson, Building Official, presented his monthly report stating there were seventeen new homes located on both sides of the valley. Davidson stated that the equipment storage building sewer line should be laid today, graded out, ready for gravel and the bank will have a gentle slope. The power can then be hooked up, the electrician could get everything connected and the garage doors will be working. Bear Lake Construction has been in correcting the partition walls. Davidson and Commissioner Payne met with the architects on the courthouse and in looking at costs, they are changing from a steel building to wood with a brick veneer and cement floors. Time is critical and BIG D will be meeting here at 3:00 p.m. to discuss the bidding, and checking with all their contractors, no one wants to bid until January. Commissioner Payne mentioned we would want to keep the administrative costs down as well and start in spring. They would like the county to go ahead with the initial ground work and work on the power. Commissioner Payne stated the engineers requested a Geotech soils report which can help keep cost down and they are not over constructing. Davidson has contacted a few companies. Commissioner Payne mentioned it was asked at the last meeting, who pays the utilities during this construction, and it is all included in the cost.

#### LAMAR MERRILL – SAVING THE COURTHOUSE BUILDING

Lamar Merrill from Alabama is in Paris restoring the old Stucki home and does not want to see the courthouse torn down and asked why a new courthouse was needed. Commissioners discussed with him the ADA compliance and they have worked on this for years, had meetings and are representing the majority of the citizens of Bear Lake County. Commissioners have stated several times that if any group could come up with a valid option, they would listen. At this point, no decision has officially been made on the current building.

#### APRIL MATTHEWS – LEASE A BUILDING

April Matthews cancelled.

#### APPROVE MINUTES

Commissioner Jensen made a motion to approve the minutes for the June 11, 2018 meeting, seconded by Commissioner Rasmussen, motion carried. Commissioner Payne abstained as he was out of the county for that meeting. Commissioner Payne made a motion to approve the minutes for the June 27, 2018 meeting, seconded by Commissioner Jensen, motion carried.

#### RATIFY CLAIMS

Commissioner Payne made a motion to ratify the claims, seconded by Commissioner Rasmussen, motion carried. Commissioner Jensen abstained for a conflict.

#### MICHAEL FAELIN – DUTCH CANYON RANCH PROJECT STATUS

Michael Faelin appeared by phone and had emailed his request for updates and approvals on his subdivision. Commissioner Rasmussen stated the county would work with Faelin regarding Dutch Canyon Ranch to build out Mountain Way to less than county road standards, but first needs a written

agreement with Bear Lake West POA. The county would work with Faelin to allow subdivision development, utilities and road to be done in three (3) phases. Commissioner Rasmussen stated that the county does not have any jurisdiction in regards the sewer hook-up or fees and he would need to go the Fish Haven Recreational Sewer District. Craig Schaar, Bear Lake West POA President stated he was under the understanding some of the roads were private. As there was some confusion, Commissioner Rasmussen asked that they bring something from the board to the next meeting to clarify whether the POA roads are private or public. The responsibility to build the roads to county standards is the developer. The county will work with them in the August meeting.

#### KADE GRUNIG – EPHRAIM HOGE SUBDIVISION & CAMPGROUND ORDINANCES

Kade Grunig expressed his concern about the Hoge Subdivision and the road. He went to Planning & Zoning meeting and the only thing denied was the waiver of septic system. Grunig asked the county to upgrade the road or they will move it onto Michelle Riley's property. Commissioner Rasmussen stated the county has no jurisdiction over that road and it was between property owners and to try and get an agreement. Commissioner Jensen stated that the subdivision ordinance also includes zones to be considered and this one would be in the city zoning for the road. Prosecutor Adam McKenzie advised the Commissioners to follow procedure and deny the subdivision and send back to Planning & Zoning and also for a waiver. Grunig also asked about the White Sands Subdivision north of Fish Haven and stated it says nothing about renting. Davidson stated there have been partners in a family on these properties, but there were problems as one didn't know the other had been letting campers come in and they have put in camper pedestals, but the owner states it is so they can have it while they build their houses. Their statement to Davidson, is they are not renting, just friends and family. Grunig stated the ordinances should be changed, Commissioner Jensen mentioned they are working on them.

#### MITCH POULSEN -PLANNING AND ZONING – EPHRIAM HOGE WAIVER RECOMMENDATION

Mitch Poulsen, Planning and Zoning Administration, stated, in regards to the Ephriam Hoge Subdivision, that they contacted Attorney Stephanie Bonney and she suggested the waiver in regards to the septic or sewer system and she stated that the ordinance has to state that specifically. Commissioner Rasmussen stated there was confusion, but he stated it was denied for the subdivision, not just the waiver, as Kade Grunig was not properly notified. Commissioner Jensen made a motion to deny the Ephriam Hoge Subdivision and send it back to Planning and Zoning to start over and to hold a public hearing for the whole subdivision and any waivers that may be needed by the applicant as required, seconded by Commissioner Jensen, motion carried. Commissioner Jensen asked about anything happening with the Joe's Gap Subdivision, Poulsen stated the engineer hasn't seen anything.

#### DEVIN SKINNER – STREET RACING

Devin Skinner cancelled. Commissioner Rasmussen stated they would need more information, but the FAA would have a concern on damage to the runway.

#### BID OPENING – PARIS CANYON BRIDGE

Commissioner Rasmussen stated they had decided to rebid as there was confusion and it had been changed from a fifty foot bridge to a sixty foot bridge at the pre-bid inspection meeting, also need to be clear on the time the bid would be open, and one bid for project, so there was a rejection letter done and Commissioner Rasmussen stated he made the decision to rebid. Commissioner Rasmussen opened

the bid from L&M Farm Industries, Inc. for \$90,493.00, and Bear Lake Construction, Inc. bid was \$125,000.00. These need to be reviewed by Commissioner Jensen, Superintendent Esquibel and Corey Lyman, Fisheries Biologist with the Forest Service.

#### PUBLIC COMMENTS

Roy Bunderson stated his frustration with the federal government and inefficiencies on this bidding process that has taken place and the rejection decision should have been made in open meeting. Do not want to have it delayed, but hope it can proceed with advice from legal counsel and rebid as to not violate the open meeting law. Bunderson would like to go on record about the courthouse as being opposed to preservation of the courthouse, he was there years ago when the courtroom was done, he saw how it was put together in three (3) pieces. He stated he and his wife, Shannon, feel the new courthouse needs to be a focal point, not an old rundown building and that location would be useful for parking and access. Bunderson suggested those wanting the building should move it.

Dan Fallion asked if the Commission had made any headway with the snowmobile program, Commissioners stated that it will still go forward with groomers as is and help from the State Parks and the Sheriff's department will help with a backup plan. Fallion, with the Property Owners Association, mentioned the condition of Loveland Lane was in poor shape from track hoe damage during a barn being built about  $\frac{3}{4}$  of the way up and wondered about holding the person responsible for road damage that's been done. It will be looked at.

#### SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Superintendent Scott Esquibel presented his Road & Bridge and Landfill reports, which can be requested, listing all the work being done on the roads and at the landfill. Esquibel asked if the wooden bridge in St. Charles on Jericho Loop was worth proceeding forward for a grant. Commissioners felt he should move forward with it as a lot of the locals use it.

Commissioner Rasmussen gave Adam McKenzie the oath to be the acting Prosecutor for Bear Lake County, State of Idaho.

#### EXECUTIVE SESSION

Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1) (b,d,f), for personnel, records and legal matters, seconded by Commissioner Jensen. All Commissioners stated "Here" in a roll call vote. Also attending were Prosecutor Adam McKenzie, Deputy Clerk Jamie Humpherys and Clerk Garner. Commissioner Jensen made a motion to leave the executive session and go back into the regular meeting, seconded by Commissioner Payne, motion carried.

#### AMBULANCE BUDGET

Heather Jensen was representing the Ambulance stated they would be needing a new computer software system at approximately \$10,000.00. Commissioner Rasmussen asked Jensen to bring in an estimate. The Commissioners also encouraged the Ambulance Board to apply for grants for new ambulances, as Caribou County applied and has received one for each year the past three (3) years. Jensen stated she understood that they could only apply every third year. They are planning on paying for their portion of the equipment building out of their fund, doing half this budget year and the other

half next year. Commissioners suggested an August payment and then the second be a January payment.

#### LAURIE RICH – FRIENDS UNITED FOR BEAR LAKE – UPDATE

Laurie Rich, representing Friends United for Bear Lake, would like to hire architect Jerry Myers to have them in their goal of rehabilitate the courthouse. The group would like to paint the tower and pay for utilities to keep the light on. The group hopes to raise \$500,000 by December. Commissioner Rasmussen stated some of the longtime citizens are urging them to tear the old building down or move it. Commissioner Jensen stated they would need to see an agreement with funding goals and time limits to achieve by a certain timeframe. Commissioner Rasmussen mentioned again, they could have the building if they moved it and do what they want with it.

#### T-O ENGINEERS – APR-16 AIRPORT GRANT APPLICATION-DESIGN RUNWAY RFEHAB

As T-O Engineers were not able to attend, Chief Deputy Amy Bishop presented the APR-16 Airport Grant Application to be signed for the repaving of the runway. The engineering fee will be \$20,000, it is 100% match with no strings attached. Commissioner Payne made a motion to give Commissioner Rasmussen authority to sign the contract AIP-16-ST-424, seconded by Commissioner Jensen, motion carried.

#### BOE – (BOARD OF EQUALIZATION)

Commissioner Payne made a motion to leave the regular meeting and go into a Board of Equalization hearing, seconded by Commissioner Jensen, motion carried. /////Assessor Lynn Lewis and Deputy Appraiser Paul Day presented information on a couple of properties.

Bette and Wynn Hubrich, Hayley representing them, stated that the property had been divided and felt the assessment was on all the property and structures and was too high. Assessor Lynn Lewis and Deputy Appraiser Paul Day stated they had to assess as of January 1, 2018 and the property was divided in April, so it would change next year.

Tax #RP16S43E029300, Parcel #05733.00

Terry Thatcher did not appear, was attempted to be contacted at 2:16 p.m., but his mailbox was full. His appeal showed his concern regarding property values on the following parcel:

Tax RP16S43E029350, Parcel #05733.01

His main concern was the mobile home which was not shown on the appeal, but is Tax #MH0000060186, Parcel #60186.00, so there may have been confusion on the figures discussed, but Deputy Appraiser Paul Day contacted the family to explain the appeal only showed the property parcel, not the mobile home parcel.

Assessor Lynn Lewis and Deputy Appraiser Paul Day stated they were bringing up mobile homes on foundations to closer to the current market value as the rating standards show.

Commissioner Jensen made a motion to leave the Board of Equalization and return to the regular meeting, seconded by Commissioner Payne, motion carried.

The Board acted on the following appeals:

Bette and Wynn Hubrich asked the Board to reduce the value of Tax #RP16S43E029300, Parcel #05733.00 from \$313,863 to \$199,573. The Board upheld the Assessor's valuation on this parcel.

Terry Thatcher or Marjorie Dickson did not show on the appeal to the Board any actual figures on value of Tax #RP16S43E029350, Parcel #05733.01. The Board upheld the Assessor's valuation on this parcel. Side note, the real concern was the mobile home value on Tax #MH0000060186, Parcel #60186.00, which was brought up to current market value, but the appeal used the property parcel.

David Byg asked the Board to reduce the value of Tax #RP074000004040, Parcel #24404.00 from \$359,830 to \$302,250. The Board upheld the Assessor's valuation on this parcel.

Kelly Shaw asked the Board to reduce the value of Tax #RP073000001240, Parcel #24124.00 from \$452,730 to \$330,000. The Board approved the new value of \$439,840 based upon the Assessor's recommendation.

Jeffrey S. Forsberg asked the Board to reduce the value of Tax #RPP00000116960, Parcel #01704.00 from \$340,382 to \$320,012. The Board approved the new value of \$338,227 based upon the Assessor's recommendation. He also asked the Board to reduce the value of Tax #RPP5840015001B, Parcel #01470.00 from \$157,330 to \$151,450.00. The Board upheld the Assessor's valuation on this parcel.

Lee and Cindy Raymond asked the Board to reduce the value of Tax #RPM4840008005A, Parcel #00061.00 from \$101,450 to \$68,000. The Board upheld the Assessor's valuation on this parcel.

Delsa and Randall Feil asked the Board to reduce the value of Tax #RP075400000040, Parcel #47504.00 from \$325,655 to \$253,400. The Board upheld the Assessor's valuation on this parcel.

Commissioner Jensen made a motion to leave as is recommended by the Assessor on Parcels #05733.00, 05733.01, 24404.00, 01470.00, 00061.00 and 47504.00 seconded by Commissioner Payne, motion carried. Commissioner Payne made a motion to accept the approved changes to Parcels #24124.00 and 01704.00, seconded by Commissioner Jensen, motion carried.

#### ASSESSOR BUDGET

Assessor Lynn Lewis stated his concern over workload in his office and salaries. Commissioners felt the need to leave the budget as is and would like to have a meeting when the new assessor takes over and review then. Assessor Lewis mentioned putting the mapping online for easier access for the public. It was suggested he check with other counties and see what they are doing.

#### BIG D CONSTRUCTION – SIGN CONTRACT

John Giles, Chief Estimator, Ryan Judd, Project Manager/Superintendent, Ben Williams, Sr. Estimator with BIG D Construction and Architect Jerry Myers, by phone, met with the commission regarding the CMAR (Construction Manager at Risk) contract. Prosecutor Adam McKenzie had reviewed the contract and had three (3) changes, to satisfy language of Idaho statutes concerning reaching maximum budget, the construction manager's role and contractor bidding, in which BIG D agreed with those changes. Commissioner Payne made a motion to move ahead and give authority for the chairman to sign the contract, after being approved, based upon the changes requested by both parties, seconded by Commissioner Jensen, motion carried.

After coming out of executive session, we have a chance on the bidding that has been done. Commissioner Jensen made a motion to declare the decision to re-advertise and accept the bids today to be void as it violated the open meeting law according to Idaho Code #74-208 and all bids from June and July meetings are not accepted and start clean with a new bidding process, seconded by Commissioner Payne. Motion carried. The new bid should go out on the July 18<sup>th</sup> & 25<sup>th</sup> and bids would be accepted by 5:00 p.m. on August 3<sup>rd</sup> and opened in a special meeting on August 6<sup>th</sup> at 10:00 a.m.

Commissioner Jensen made a motion to approve an indigent cremation, not to exceed \$1,200, seconded by Commissioner Payne, motion carried.

#### AGREEMENT FOR MUNICIPAL ADVISORY SERVICES – ZIONS BANK

Commissioner Payne made a motion to give Commissioner Rasmussen authority to sign the Zions agreement for Municipal Advisory Services, seconded by Commissioner Jensen, motion carried. This gives us authority to move through the bonding process and Mr. Tippets is working with Stephanie Bonney, who is a bond attorney.

Treasurer Tricia Poulsen was out of the county, so Clerk Garner presented the taxes to be certified to the 2018 Real Property Roll and accept minerals back to the county as they were tied to a subdivision. Commissioner Jensen made a motion to certify Receipt #61030, Stacie Porter, \$28.66, Receipt #61031, Stacie Porter, \$27.88, Receipt #61041, Jay Williams, \$47.33 and Receipt #61042, Lisa Pagett, \$18.08 be certified and transferred to the 2018 Real Property Roll, seconded by Commissioner Payne, motion carried. Commissioner Payne made a motion to give minerals back to the county on Receipts #2258 for \$2.16, \$6.62, \$6.70 and \$7.38. Receipt #61029 in the amount of \$17.16, seconded by Commissioner Jensen, motion carried.

Prosecutor Adam McKenzie stated he was still working on the subpoena and they had given a little more time for a response.

Clerk Garner presented the Treasurer/Auditor Quarterly Report to be reviewed and accepted by the Commissioners. Commissioner Payne made a motion to accept the quarterly report as presented, seconded by Commissioner Jensen, motion carried.

Clerk Garner stated there had been a complaint out at Bear Lake Sands regarding old tractors and junk outside the subdivision north of the St. Charles fire station and wondered if the county could do anything about it. Commissioner Rasmussen stated he would go out and look and take pictures.

#### EXECUTIVE SESSION

Commissioner Payne made a motion to leave the regular meeting and go into an executive session pursuant to Idaho Code #74-206 (1) (b,f), for personnel and legal matters, seconded by Commissioner Jensen. All Commissioners stated "Here" in a roll call vote. Prosecutor McKenzie and Clerk Garner were also invited to attend. Commissioner Payne made a motion to leave the executive session, return to the regular meeting and adjourn, seconded by Commissioner Jensen, motion carried. Meeting adjourned at 5:50 p.m.