

BEAR LAKE COUNTY COMMISSIONERS' MEETING

FEBRUARY 8, 2021

COMMISSIONERS' CHAMBERS – PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, February 8, 2021 at 9:00 a.m., in the Commissioners Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. The meeting was also able to be accessed by Zoom. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others present were Treasurer Tricia Poulsen, Assessor Heber Dunford, County Superintendent Scott Esquibel and Kathi Izatt, reporter for The News-Examiner. Sheriff Bart Heslington appeared via Zoom.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Payne made a motion to approve the agenda for February 8, 2021 with a possible legislative update, information only, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Treasurer Tricia Poulsen had an occupancy the Assessor's office showed too long, so need to take off three (3) months tax, so request cancellation of the amount of \$894.15 on Parcel #44070.00. Three (3) year tax deeds were about seventy, now down to around forty.

MOTION: Commissioner Jensen made a motion to cancel three (3) months tax on the Occupancy Tax Roll on Parcel #44070.00 in the amount \$894.15, seconded by Commissioner Payne, motion carried.

Sheriff Bart Heslington joined the meeting by Zoom, his report was given to the Commissioners for review. Sheriff Heslington reported they had a number of accidents with the wind and road issues, the infrastructure cannot keep up with that kind of weather. The diving team is working on certification. The generator is working very well. Notification system is letting them know when there is an issue, so working well. The wreck on Friday kept them busy, appreciate all the work they did and the community that is willing to come in and help.

Assessor Heber Dunford presented his monthly report on Motor Vehicle, Parks and Recreation and Revaluation and how busy it has been. Former employee, Lanette Wilks has been brought back with Covid monies to help with the Circuit Breaker.

Clerk Cindy Garner had a few housekeeping items, reports on the asbestos testing and removal. Commissioner Payne informed the group of the LeGrand Johnson Construction bid for demolition at \$189,455, the Atlas asbestos testing at \$3,813.80 and the Servpro asbestos removal at \$6,700.03, plus finding a small additional layer below a section will add between \$300-\$500, the total will be just under \$200,000.

Commissioner Brad Jensen reported the Regional District Landfill is working well, just a few hiccups, but very busy. There was discussion on roll-off containers regarding the extra C & D (Construction and Demolition) debris that is placed in all other garbage collection sites. Contractors are required to hire

dumpster from somewhere. Commissioner Jensen indicated they have that as an option in the contract and will work with them on understanding the impact of summer in Bear Lake.

Commissioner Rex Payne reported on the Idaho State Fair Board Budget Meeting, noting that Covid did hit them hard financially. They did hold a modified fair, wind blew off the roof of two (2) buildings but as numbers were low, no one was injured. They did hold a State Rodeo as it was the first year for the Professional Small Market Rodeo, did receive Small Rodeo of the Year award and it was broadcast on a TV channel. They lost about \$465,000, but still in good shape, learned a lot, no clarity for the new year but moving forward as you can turn it off, but cannot just start at a late date. Airport is getting lots of requests for hanger space. An individual met with the board requesting to build a seven (7) space hanger, would be a severance agreement, the County owns the land, they would own the hanger. Westfork Water meeting, by statute, is meeting today, Kirk Rich has retired as Water Master, so they would be electing a new one today.

Commissioner Vaughn Rasmussen reported attending the ICRMP Board meeting, looking at an increase, cyberattacks are the big item. Gem Plan meeting went well, set the rates in April, looks good, should be less than five (5) percent. The Rich Building was sold, as the hospital does not ask for tax dollars, would suggest donating the amount of the appraisal. There will be a Four (4) County meeting by Zoom on Wednesday, February 17th at 10:00 a.m.

GENERAL BUSINESS/ACTION ITEMS

RATIFY CLAIMS

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

APPROVE MINUTES

MOTION: Commissioner Payne made a motion to approve the minutes for January 11 and February 1, 2021, seconded by Commissioner Jensen, motion carried.

CERTIFICATE of RESIDENCY

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

COUNTY VESSEL FUND REPORT

MOTION: Commissioner Payne made a motion to accept and sign the County Vessel Fund Report to retain surplus funds, seconded by Commissioner Jensen, motion carried.

M.O.U. with CITY of PARIS on BUILDING INSPECTIONS

Commissioner Jensen made a motion to approve and sign the M.O.U. (Memorandum of Understanding) with the City of Paris to use the County Building Inspector for building permits, seconded by Commissioner Payne, motion carried.

ADDITIONAL ITEMS – OLD COURTHOUSE

Commissioner Payne would be the contact prior to obtaining additional items from the old courthouse. All bid items are to be removed by February 12, 2021. Commissioner Rasmussen reported someone was donating equipment to level the ground, another donating seed and the power company will disconnect the power at the old courthouse. There was also an offer to do a sprinkler system and will honor that when ready. Have received some letters and email opposing and several letters of support of the demolition of the old courthouse. Commissioner Payne has had eight (8) people contact him and want the building demolished.

SUB (SUBSEQUENT) ROLL CLOSURE – RATIFY

Commissioner Rasmussen inquired of Assessor Dunford about the Sub Roll Closure which should have closed at the January meeting. Assessor Dunford informed the Commission it is property being occupied after the Occupancy Roll is finished.

MOTION: Commissioner Payne made a motion to ratify the Sub (Subsequent) Roll be closed, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen informed he did meet with the City of Montpelier on the land trade, it would be an equal for equal trade, the County receiving approximately a 200' X 9' foot strip at the east end of the fairgrounds and Montpelier City will tear down the old Mental Health building for a parking lot, it will be the hospital's donation to the City. Decision will be on the March meeting.

HAY BID NOTICE

Commissioner Payne reminded the Commission it was time for hay bids for Parcel 'A' and Parcel 'B', property out near the airport, to be opened at the March meeting. It is a five (5) year lease, with five (5) percent bond deposit and full payment for one (1) year due in thirty days. There will be a separate lease agreement for each year and timeframe, which Prosecutor Hayes will prepare.

MOTION: Commissioner Payne made a motion to publish the hay bid notice, with changes clarifying one (1) year payment due in thirty days, for Parcel 'A' and Parcel 'B' property for a five (5) year lease, seconded Commissioner Jensen, motion carried.

Commissioner Rasmussen reported he had been to the Hospital Board virtual meeting, they have had losses with Covid with less surgeries. The Governor moved Idaho to Stage 2, but will continue to do what we have been doing, still encourage masks, but can have bigger group. Will decide whether to continue to do Zoom meetings as they have had very positive comments having that access.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector Wayne Davidson joined the meeting on Zoom due to a recent accident and surgery. Slower this time of year, but he is working from home, the Treasurer is helping turn the money that comes in and scanning and sending him any applications that come in.

Commissioner Payne mentioned a few warranty items with the new courthouse, so no cost, working with Big D. Commissioner Jensen commented the door opener is working well. They are working on a sound issue, still waiting on the swinging doors. The City of Paris had said they appreciate the new building and they worked with the County on the land.

Commissioner Rasmussen reported that Senate Bill 1048 on property tax is coming up, urged contacting Senator Harris.

Commissioner Payne mentioned Bruce Olenick with DEQ reported our building is the best building he visits, which is a nice compliment.

Commissioners had Superintendent Esquibel report on the snow plowing and road conditions. Esquibel reported they had been going out at 4:00 a.m. the last three (3) mornings trying to keep up. He gave the Commission copies of the Snowplowing Policy, remarking it was very well written. Commissioner Rasmussen mentioned how different the conditions can be all over the valley. Esquibel mentioned the crew works hard to keep the roads open, has been a mild winter so far.

SPENCER BAILEY – FISH HAVEN CANYON ROAD – MAINTENANCE and PARKING LOT

Spencer Bailey, President of Spekto Investment Holdings, LLC, reminded the Commission he came in about July, has an eighteen acre property up Fish Haven Canyon, wanted to do multiple homes but the sewer was a major problem to run all the way down the road. Still wanting to do something, will split the property and do two (2) homes, the challenge is the current trailhead, parking is now in front of Canyon Estates but would like to allocate an acre to the County to develop a parking lot and adjust as it becomes so congested. If they could access and pay to improve the road, in turn have it maintained for another 1,000 feet, Parcel #05858.06 is right next to the BLM property. Bailey gave a presentation showing the parking area, the other lots shown will go away and just have parking lot and the two (2) homes. Full disclosure, they would be rentals. Current trailhead is about 1,200 feet up, would donate the acre and it could accommodate up to fourteen trucks with trailers to ease up the congestion. Their expense would improve the road, goal is to get approval to finish the road to County standards, improve and make access better and in return have maintenance. Bailey had contacted Deputy Larsen who feels it would be a lot safer and would work with Road and Bridge on snowplowing and maintenance. Bailey has sent the current road standards to their engineer. They have a full-on grant program, want to continue to invest in the County, gave out funds to St. Charles City, did their Christmas lights this year. Would make it a safer road, not a single lane and would not slide off. Commissioner Rasmussen encouraged Bailey to get with Superintendent Esquibel, Commissioner Jensen, Sheriff Heslington and Deputy Larsen to look over the property and road area. Recommends bringing the information back, set up another meeting for an action item for them to act on. Commission appreciates them bringing a possible solution.

MITCH POULSEN, PLANNING & ZONING ADMINISTRATOR – UPDATED PLANNING & ZONING APPLICATION FEE SCHEDULE – Action Item

Mitch Poulsen, Planning and Zoning Administrator indicated the fee schedule needed to be updated. With some legislation regarding publishing notices in the paper, it may change things. Commissioners will relook at it after the session ends, bring the fee schedule up at the April meeting.

MITCH POULSEN, PLANNING & ZONING ADMINISTRATOR – ASPEN CREEK MEADOWS PHASE 4.1 PRELIMINARY PLAT – Action Item

Mitch Poulsen, Planning and Zoning Administrator brought the recommendation from the Planning and Zoning Board to approve the Aspen Creek Meadows Phase 4.1 preliminary plat. Would remove the statement of roads being dedicated to the county.

MOTION: Commissioner Jensen made a motion to approve the Aspen Creek Meadows Phase 4.1 preliminary with the removal of the 'dedicated road to the County' being removed, seconded by Commissioner Payne, motion carried.

PUBLIC COMMENTS

Dillon Rich, Bear Lake Dumpster Service, inquired about the Regional Landfill District buying roll-offs. Rich does not feel a government program should be competing with private enterprise. Rich grew up knowing do not complain unless you have a solution, so hire part time help, give a copy of the form customers fill out, it still is tracked at the landfill, if they do not pay for it, he pays and feels there is private industry that does work. Commissioner Rasmussen recommends Rich should get with Commissioner Jensen and meet with the District Landfill and appreciated the public coming with a suggestion or solution.

Commissioner Payne reported from the State Fair Budget meeting, Bear Lake County's share will stay the same at \$1,500.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent, Scott Esquibel, presented the Road and Bridge report, the Jericho Loop Bridge is still proceeding, Keller is suggesting a waiver of public hearing as it does not affect any private homeowners. When it is time Esquibel suggested to Keller Engineering they inform the public well enough in advance about the road closure during bridge work. The timeframe on the bridge is scheduled from June to November in 2022. In the process of looking at availability to purchase and replace worn out equipment as they are no longer making parts for some. Will be facing issues with the gravel trucks, looking at a lease option on used dump trucks, trying to lessen the maintenance amount we pay out. Esquibel appreciates Caribou County working with them when they need support and can help each other.

Commissioner Jensen mentioned the conference call he, Howard Hill with USDOT, Tyler Stuart with Jones & DeMille and Clerk Garner had regarding the grant application on the road from the Hot Springs to the Utah border. Hill gave some suggestions to help the county get a better chance to get that awarded.

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

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

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public-school student.

(d) 'To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code'.

(f) 'To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but

imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement’,

seconded by Commissioner Payne.

Roll Call Vote: Commissioner Jensen – ‘I’, Commissioner Payne – ‘I’, Commissioner Rasmussen – ‘I’, voting was unanimous in the affirmative.

Let the records show that Treasurer Tricia Poulsen, Prosecutor Joseph Hayes, Deputy Clerk Jamie Humpherys and Clerk Garner were in attendance.

Executive session began at 11:25 a.m. and the board left the executive session at 12:14 p.m., take lunch break before resuming agenda items at 1:00 p.m.

There were medical lien releases and assignments from the Executive Session needing to be taken care of, Commissioner Payne will meet with an employee on an issue and concern and the Prosecutor will work on a potential legal matter with some Planning and Zoning bills.

MOTION: Commissioner Payne made a motion to sign the two (2) lien releases for Medical Claims #2009-09 and 2010-07, the eight (8) assignments with CAT (Catastrophic Health Care Cost Program) #'s 2017-6, 2014-2, 2015-4, 2016-7, 2017-5, 2019-1, 2020-1 and 2018-2, seconded by Commissioner Jensen, motion carried.

ROGER WARNER – ROCKY MOUNTAIN ENVIRONMENTAL CONSULTANTS – PRESERVATION on BEAR RIVER ADJUDICATION

Roger Warner, President of Rocky Mountain Environmental Consultant, Bryce Contor, Senior Hydrologisgt, Claudia Conder, representing herself, but previously heavily involved with PacifiCorp, Eric Duffin and Justin Barker with Cirrus Ecological Solutions, LC. The team presented information on the adjudication. Contor gave a power point presentation regarding the preservation of the Bear River Adjudication. It has been one hundred years since the Dietrich Decree, there have been a lot of changes, it is a basin wide issue how the water rights interact together. Adjudication is very important. Commissioners appreciated the presentation and information given.

GARY TEUSCHER – AUDIT

Gary Teuscher, CPA, presented the Bear Lake County audit to the Commissioners to review.

JARED NORTON, T.O. ENGINEERS, DAVE KRAMER, AIRPORT BOARD MEMBER – SNOW REMOVAL EQUIPMENT BUILDING CONTRACT & GRANT APPLICATION – Action Item

Jared Norton, Aviation Project Manager with T.O. Engineers and Dave Kramer, Bear Lake County Airport Board Member, met with the Commission to request approval and a signature for the Snow Removal Equipment building for the airport. As the airport lost snow removal equipment, and have counted on County, part of acquiring equipment through the grant, they require a building to house it. They need to construct a new simple, two (2) bay, concrete floor, lighted and power outlets type of structure. The environmental study has been done, the FAA takes a hard stance on wetlands so the building will be in the gravel parking lot area and the projected the budget is just over \$333,000. There is \$150,000 fund that is through the AIP program that Homedale is lending to Bear Lake County, one year when our county gets the \$150,000, will give back to Homedale, no money, but trade of funds. The local match is

between \$17,000 and \$25,000, about five (5) percent. The intent is to bid this spring, build next year. Kramer mentioned they will look at security, but have some other funds available for that. Commissioners thanked the Airport Board for all they do.

MOTION: Commissioner Payne made a motion to approve and sign the Snow Removal Equipment Building Contract and get the Grant Application process going, seconded by Commissioner, motion carried.

FRIENDS UNITED for BEAR LAKE – COUNTY COURTHOUSE DEMOLITION?

Sherman Grandy, Cheryl Searle and Julia Oxarango-Ingram met with the Commissioners regarding the old courthouse. Grandy suggested they hold a public meeting in the evening to see what kind of support there is to keep the old courthouse. Commissioner Rasmussen reminded the group of the three (3) bond elections to which each one was over fifty percent in support of the new courthouse, just needed to have the super majority, 66.67 percent. Grandy felt there is still a group wanting to keep the building. Commissioner Jensen mentioned holding a lot of public meetings in different areas of the County and of those present, more were in favor of what the Commissioners decision has been.

Cheryl Searle echoed having a public hearing. Martha and Ken Cannon read a letter speaking of a presentation and some other applications for the old courthouse. Expressed thanks for the beautiful new building and it's uses, but in favor of preserving the old courthouse. Searle read more letters, has worked with all agencies, knows the requirements to know costs, would like the Commission to meet with them.

By Zoom, Julia Oxarango-Ingram relayed various numbers of support to keep the old courthouse, including signatures, individuals coming to the meetings, but have not seen numbers of those in support of demolition. There is the Letter of Support from Paris City. Encourages a public meeting to solve the problem, have not allowed to happen. The price of things have not been seen in the records request, slow the process down, let them come up with a solution.

Laurie Rich informed the Commission of the connection with Charles C. Rich, 25,000 descendants that do not want the old courthouse torn down. Rich reminded the Commission she started this process so Commissioners would stop and think before acting. History will reveal itself and how Commissioners changed design, making history now and how they will be remembered.

Commissioner Rasmussen thanked them for their comments, not an action item so no action can be taken.

ALAN EBORN, EMERGENCY MANAGER – COVID 'POD' UPDATE

Alan Eborn, Emergency Manager, met with the Commission to give them an update on how the Covid POD went. Eborn shared a letter from Tracy Park reporting Wednesday and Thursday, the Hospital vaccinated 192, 102, Broulim's 120, 120, Dr. Campbell took two (2) home for homebound, Home Health did eleven for homebound. Total number in two days was 557, Community Health center numbers added make it now about 600. Good participation from the hospital, Broulim's, EMS, the LDS Church, Public Health and Bear Lake County. The setup at the gym worked well. Appreciate the EMT's who helped and the only hold up was the initial paperwork, so added a few more chairs and tables, but happy with how it went in Bear Lake County. Eborn suggested when you have second vaccination have

it on your card, may need for travel. Eborn read comments from Mike Blauer, Bear Lake Memorial Hospital Administrator, who was impressed by the smooth process at the gym while he was there, also Marcus Hurst, Pharmacy Supervisor for Broulim's on how many they vaccinated and good to meet with members of the community. Eborn mentioned a neighbor commenting this is giving them hope. Bear Lake is the first to do a POD and it went off well. Commissioner Payne felt it went well, people spread out for social safety. Eborn reported the public dashboard is now fixed.

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

Meeting adjourned at 2:33 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____

CINDY GARNER, Clerk