

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, April 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 John Olson, Assessor Lynn Lewis, Superintendent Scott Esquibel, Building Inspector Wayne Davidson and The News-Examiner Reporter Pamela Harmon.

APPROVE AGENDA

Commissioner Jensen made a motion to amend the agenda to add under old business to sign the AWOS III agreement, seconded by Commissioner Payne, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Prosecutor John Olson presented the Commissioners with a resignation letter as he is taking a job elsewhere and thanked the Commissioners, Clerk & Law Enforcement for being able to work with them in Bear Lake County. Commissioners thanked him for his timeliness in all they had asked him to do and wished him well in his new endeavors.

Commissioner Rasmussen stated there were two options with a vacancy of the county prosecutor. The Republican Central Committee, party of current prosecutor, could submit three candidates with Idaho Code #59-906, or Idaho Code #59-907, if there are three or fewer resident attorneys, the Board of County Commissioners may appoint or contract an attorney out of the county. Dennis Turner, Chairman of the Republican Central Committee, stated they had confidence to turn over the decision to the Commissioners. Rasmussen stated it would take a minimum of twenty-five days with the Republican Central Committee and they would be limited to in-county as the Commission would have more options and be able to work more quickly.

Commissioner Jensen stated he had met with Superintendent Esquibel regarding the roads and more of the bike-a-thons which will be shifted to Bear Lake County as Rich County will be working on the roads this summer. He had also been to a SICOG meeting.

Commissioner Payne mentioned he had been to the Black Otter Irrigation Water meeting in regards to the airport and they would keep the water shares the same.

Clerk Garner had several items for the Commissioners, including the Supreme Court's desire to be involved in making sure the audio system in the new courthouse was up to current standards. Rasmussen reported on a claim by Utah and Idaho for 400,000 square feet of water rights from Bear Lake, which was previously released for flood control purposes. Rasmussen also mentioned an administrative item about information on a sixteen county regional bomb squad, which Rasmussen relayed that Bear Lake County supported with \$1,324.49 from the emergency fund to go towards a bomb robot. Garner stated the Bureau of Land Management sent a letter and the Fuels Reduction project for the Fish Haven South Wildland Urban Interface Fuel Reduction Project had an error in a number and just wanted to update, it had no impact on the project and they will be proceeding.

Commissioner Rasmussen stated he had been to a Board of Health meeting and at this time monies were frozen. Rasmussen mentioned he had also been to the State Damage Prevention Board meeting

and things were going good. Commissioner Rasmussen stated they were gearing up for the quagga mussel check station with the joint partnership between Idaho and Utah in putting the station at the bottom of Logan Canyon.

Sheriff Bart Heslington reported that they had been busy getting geared up with the marine deputy program and were planning some in-house training to relieve the on-call burden of the two main deputies this year. Heslington also briefed the Commissioners on the increase in transports, stating that one day his entire staff was tied up in court duties. Rasmussen inquired about hiring a transport person and Heslington stated he has considered a bailiff/transport agent for next year and would like to make it part of the budget process. Heslington also mentioned the military surplus program as a way to acquire a passenger van to retrofit as a transport vehicle.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Building Inspector Wayne Davidson gave his monthly report on the building in the county and also presented the Commissioners with a comparison from the architects on obtaining a general contractor verses a construction manager and asked the Commissioners if they could make a decision on which to use so the process could get started. It would be advertised for two weeks, one week to review and award a Construction Manager at Risk (CMAR). Commissioner Payne made a motion to have Myers & Anderson put together the process for advertising for a CMAR to get started with the bidding process for the new courthouse, seconded by Commissioner Jensen, motion carried.

SETH SCOTT – RESERVE FUNDS RESOLUTION, DISTRICT 6 JUVENILE DETENTION

Seth Scott, District 6 Juvenile Detention Director met with the Commissioners to present the Reserve Funds Resolution, in which six counties help to maintain the Juvenile Detention Center. Commissioner Rasmussen read the resolution in full for the District 6 Juvenile Detention Center Balance Reserve Fund Policy. Commissioner Jensen made a motion to accept and sign the Reserve Funds Resolution, seconded by Commissioner Payne, motion carried.

JARED RICKS – PUBLIC DEFENSE COMMISSION – FOLLOW-UP ON GRANT

Jared Ricks, Public Defense Commissioner Director, met with the Commissioners to discuss the Indigent Public Defense Standards and a follow-up on the grant due on May 1st. One standard not being met according to Prosecutor Olson, was not having an attorney present at all first appearances in court. Ricks clarified that having a plan for compliance would suffice, to which Rasmussen stated that while redoing the contract, they would make that part of it.

APPROVE MINUTES

Commissioner Payne made a motion to approve the minutes for March 13 and 23, 2018, seconded by Commissioner Jensen, motion carried.

RATIFY CLAIMS

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

CANVASS MAY ELECTION DATE

Commissioner Jensen made a motion to set the date to canvass the vote for the May 15, 2018 Primary Election for Monday, May 21, 2018 at 9:00 a.m. in the Clerk's office in Paris, Idaho, seconded by Commissioner Payne. Motion carried.

Commissioners also set a special meeting to discuss a replacement for the resigning prosecuting attorney for Monday, April 23, 2018 and review and sign the Rocky Mountain Power Contract.

AWOS III

Commissioner Payne made a motion to sign the AWOS III contract for the airport, seconded by Commissioner Jensen, motion carried. This updates the current contract.

CRYSTAL HARMON & JACKIE PRICE – SICOG & BEAR LAKE SENIOR CENTER PROJECT

Crystal Harmon, SICOG Director and Jackie Price from the Bear Lake Senior Center, Grace Thiel Community Center, met with the Commissioners to request that they be sponsors for a block grant to help the center with reconstruction or open up the garage and do new construction. Commissioner Payne made the motion to approve the developing grant for the Bear Lake Senior Center, seconded by Commissioner Jensen, motion carried.

POLLING PLACES

Commissioner Jensen made a motion to set the polling places for the May 15, 2018 Primary Election at the following locations: Montpelier #1 – Allred Center, Montpelier #2 – Grace Thiel Community Center, Montpelier #3 – Fire Station, Bennington – Bennington LDS Church, Bloomington – Bloomington LDS Church, Dingle – Dingle LDS Church, Fish Haven – Reserve Clubhouse, Georgetown – Georgetown City Hall, Paris – Paris Tabernacle Annex, St. Charles – St. Charles City Hall, Mail Ballot Precincts are Bailey Creek, Bern, Geneva/Pegram, Liberty, Ovid/Lanark and would vote at the Courthouse if needed, seconded by Commissioner Payne, motion carried.

MITCH POULSEN – PLANNING & ZONING - MICHAEL FAELIN'S PRELIMINARY PLAT RECOMMENDATION

Mitch Poulsen, Planning & Zoning Director presented a staff report. Poulsen, who was joined by Michael Faelin, presented the Commissioners with the recommendation regarding the Dutch Canyon Subdivision Preliminary plat of twenty acres intended for nine residential lots. The Planning and Zoning board had contacted Attorney Stephanie Bonney for her advice and the Planning and Zoning advisory board had approved the plan at their last meeting, with the conditions that the lots would be connected to the existing sewer system, petition the Commissioners to have Mountain Way Road properly validated, dumpster, mail and solid waste locations to meet standards. Faelin stated he was officially making a waiver appeal to the board to allow installation of septic tanks versus sewer system connections. Faelin stated he had went to the Health Department and got the confirmation from them that the septic would not be a problem and wanted to proceed with the Subdivision Ordinance that he was given, but between July and September 2017, there was much confusion on which ordinance was current. After much discussion, Rasmussen recommended not making a decision, as all three items need to be met, but Mr. Faelin should start validation of Mountain Way Road first prior to approving a appeal. Commissioner Jensen made a motion to table the decision until more information was obtained, seconded by Commissioner Payne, motion carried.

GLENN TRANSTRUM – ROAD LOCATION/2693 SORENSON RD

Glenn Transtrum presented the Commissioners with a concern for safety of his grandchildren on Sorenson Road, as the 1960's house his son purchased was built very close to the roadway. Transtrum suggested turning Sorenson Road into a dead end, then diverting traffic to Sugarloaf Road to Dingle. Rasmussen stated they may have to vacate a portion of the road, which would require a public hearing and the county would no longer maintain it. Rasmussen asked Commissioner Jensen and Superintendent Esquibel to go out and look at the road and they would get back with Transtrum.

PUBLIC COMMENTS

Dave Cottle, Bear Lake Watch, briefed the Commissioners on the start of their Lake Monitoring Study with US Geological Survey. Two data-collecting platforms have been launched for a five-year water and weather conditions study. The platforms have night lights for navigational purposes, so Cottle would like to alert the public so they don't mistake them for distressed watercraft. In the near future, citizens can view the conditions around the platforms from a website.

Roy Bunderson asked the Commissioners about several issues, namely the status of the courthouse, question about adopting IDABO in the January minutes which he feels should be in ordinance form and information on the website. Commissioners updated Bunderson on moving forward publishing for a construction manager at risk for the courthouse, discussed IDABO and appreciated insight on the web information.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

Superintendent Scott Esquibel presented his Road & Bridge and Landfill reports. Chip sealing will take place July 9 – August 2, East Shore Road will be patched this year, chip sealed next year materials are being staged to do work on Bailey Creek Road soon. Esquibel relayed complaints and concerns about the Wardboro Pit becoming a gun range, so searching a possible new location. Esquibel stated they would be getting the four portable speed signs out again. He also stated they would be working around the Dingle Bridge and Bill Robison was willing to work with them on getting the rock needed to shore up the riverbank. Commissioner Payne made a motion to get the rock from Bill Robison to repair the riverbank near the Dingle Bridge, seconded by Commissioner Jensen, motion carried.

EXECUTIVE SESSION – INDIGENT, PERSONNEL AND LEGAL

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 indigent, personnel and legal matters, seconded by Commissioner Jensen. All Commissioners stated "Here" in a roll call vote. Invited to attend portions of the executive session were Assessor Lewis, Prosecutor Olson, Clerk Garner, Deputy Clerk's Jamie Humpherys and Mindy Williamson. Commissioner Payne made a motion to leave the executive session and return to the regular meeting, seconded by Commissioner Jensen, motion carried.

PETER L'ORANGE – HISTORIC PRESERVATION PLANNER – INTRO TO IDAHO

Peter L'Orange presented information to the Commission about the Historic Preservation Planner, in which 10 to 16 certified local governments apply to receive approximately \$2,500 - \$8,000. The funds are typically used for surveys, education or nomination applications for the historic registry. Commissioner Rasmussen thanked L'Orange for the information and stated the board would need to talk it over.

BRUCE OLENICK – DEPT. OF ENVIRONMENTAL QUALITY

Bruce Olenick with DEQ asked if they had checked further into a regional landfill and that DEQ would be supportive, as it has worked well for others. Commissioner Rasmussen stated that they are looking at it seriously. Olenick also expressed DEQ's desire to work closely with the East Side Development and recommended a sewer system that would eventually connect the whole east side of the lake. Rasmussen stated he was heading a new committee to manage the state land below the high water mark and would like DEQ to participate.

SOUTHEASTERN IDAHO PUBLIC HEALTH – RENTAL AGREEMENT

Commissioner Payne made a motion to accept and sign the rental agreement with Southeastern Idaho Public Health, seconded by Commissioner Rasmussen. Commissioner Jensen abstained from voting due to a conflict.

ROCKY MOUNTAIN POWER CONTRACT

Commissioners asked to move the signing the contract until the April 23, 2018 meeting.

A couple of items came out of the executive session. Commissioner Jensen made a motion to approve a Certificate of Residency for a dual credit student, seconded by Commissioner Payne, motion carried.

Commissioner Jensen made a motion to deny Medical Claim #2018-16 as applicant did not appear, seconded by Commissioner Payne, motion carried.

EXECUTIVE SESSION

Commissioner Payne made a motion to leave the regular meeting and go back to an executive session pursuant to Idaho Code #74-206 (1) (b,f) for personnel and legal matters. All Commissioners stated "Here" in a roll call vote. Also invited to attend were Treasurer Tricia Poulsen, Prosecutor John Olson and Clerk Cindy Garner. Commissioner Payne made a motion to leave the executive session and adjourn the meeting, seconded by Commissioner Jensen, motion carried. Meeting ended at 4:45 pm.