

## **BEAR LAKE COUNTY COMMISSIONERS' MEETING**

**JULY 12, 2021**

### **COMMISSIONERS' CHAMBERS – PARIS, IDAHO**

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, July 12, 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, Sheriff Bart Heslington, Prosecutor Joe Hayes, Assessor Heber Dunford, County Superintendent Scott Esquibel, citizens Jean Alleman, Robin Owsley, and Kathi Izatt, reporter for The News-Examiner.

#### **APPROVE AGENDA – ACTION ITEM**

**MOTION: Commissioner Jensen made a motion to approve the agenda as posted for July 12, 2021, seconded by Commissioner Payne, motion carried.**

#### **ELECTED OFFICIALS UPDATES/COMMITTEE ASSIGNMENTS**

Treasurer Tricia Poulsen reported this is the time of year for tax deed sales but have none as they were all redeemed. The tax collection went extremely well.

Assessor Heber Dunford reported DMV very busy, also working on appraisals and assessment role, lots of land sale activity. Interviewed four (4) applicants, made an offer, if accepted would begin on July 26<sup>th</sup>.

Commissioner Brad Jensen attended the IDAWY District Landfill meeting, everything is moving along well. Met with the Bear Lake Regional Commission while working on their budget.

Commissioner Rex Payne informed the Commission as there were no bids on the snow removal equipment building at the Airport, they were going to try to move on the negotiation process. T-O Engineering did not feel the FAA would go ahead without a bid process, but have contacted Big D and LeGrand Johnson. Clerk Garner presented an email regarding the drought and Commissioner Payne read the letter and the Order Declaring Drought Emergency for Bear Lake County. Fair Board is getting a large participation in animals, appreciate Kevin Matthews for working on that. ADA signage, if on our side of the sidewalk, we can move ahead, work with County Superintendent and Clerk. There have been several requests to use the Commissioners' Chambers, need a set of rules and guidelines and move forward, having Deputy Amy Bishop assist. The University of Idaho has a committee appointed and will interview three (3) applicants on July 2 for the County Extension Agent position.

Commissioner Rasmussen mentioned about a communications committee, have Commissioner Jensen go to the first meeting on July 21, 2021, will be using Covid money under Commissioners' jurisdiction, look at bringing in an independent body, a communication engineer, to look at our system and work together. They work with six (6) states. Sheriff Heslington did want to start again as they tried before, it lost momentum but is highly needed. Commissioner Rasmussen informed the group if a countywide

incident, Alan Eborn, as County Emergency Services Coordinator, would be the go-to with a commissioner. Eborn has the old plan for a basis but now is a key time with Covid funds.

Sheriff Heslington reports the county is busy with a lot of people, managing the holiday weekends, ramping up the Reserve Program and it is going well, biggest delay is getting them equipped. They have used them with the festivities on the 4<sup>th</sup> of July with the parade and at the lake. Continuing to work through training in the dispatch program, timelines need to be met and going well. Update on IDL (Idaho Department of Lands), complied with and met with what they have asked regarding to an agreement and letter of intent, waiting to hear from them. The 4<sup>th</sup> of July was extremely busy but nothing catastrophic. Raspberry Days is coming up, last two (2) tri-county meetings, they will send extra help as in the past, the rooms are set aside and ready as planned. LOTOJA will be on September 11<sup>th</sup>. Commissioners expressed appreciation for all he and his department do for the county.

Commissioner Rasmussen attended an ICRMP Board meeting, also a Gem Plan Board meeting with possibly four (4) more counties joining. Juvenile Detention Board has not met yet, but have a proposal and will look at more current numbers, we will have an increase but not before the budget. Met with the District Health Board, continue to have cases, last week was the first week with zero (-0-) cases in Bear Lake. There is a new Covid strain around.

#### **GENERAL BUSINESS/ACTION ITEMS**

##### **RATIFY CLAIMS**

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

##### **APPROVE MINUTES**

**MOTION: Commissioner Jensen made a motion to approve the minutes from the regular June 14, 2021 Commissioners' meeting and for the special meeting on June 22, 2021, seconded by Commissioner Payne, motion carried.**

##### **REVIEW ROAD CONTRACTS with U.S. FOREST SERVICE/GAOA (Great American Outdoors Act)**

Commissioner Rasmussen read the Letter of Support of the Caribou Targhee National Forest Montpelier Ranger District proposal to apply for grant funds from the Great American Outdoors Act entitled the Minnetonka Cave Access and Deferred Maintenance. In a previous meeting, Ranger Mike Duncan reported the benefit to enhance the visitor experience and improve overall safety as they have seen an increase in recreation in Bear Lake County, Minnetonka Cave and the North Fork Trail, which are true gems of the Bear Lake experience. It is for five (5) years beginning in 2023.

**MOTION: Commissioner Jensen made a motion to sign the Letter of Support working with the U.S. Forest Service on the Great American Outdoors Act (GAOA), for grant funds for the Minnetonka Cave Access and Deferred Maintenance, seconded by Commissioner Payne, motion carried.**

##### **BEAR LAKE EMS M.O.U. with WYOMING**

Commissioner Rasmussen informed the Commission of the need for a M.O.U. (Memorandum of Agreement) with Wyoming for Emergency Management Services and working together. Alan Eborn,

Emergency Services Coordinator, inquired about adding it to the Mutual Aid Agreement when signed to which the Commissioners agreed.

**MOTION: Commissioner Payne made a motion to sign and support the Bear Lake EMS M.O.U. (Memorandum of Agreement) with Wyoming, based upon the other two (2) Commissioners' review, seconded by Commissioner Jensen, motion carried.**

Clerk Garner informed the Commission of the public notice that has gone out for the two (2) public hearings on the road/right of way vacations in Liberty and Raymond at 9:00 a.m. on Monday, August 2, 2021.

Emergency Services Coordinator, Alan Eborn, inquired about the IOEM (Idaho Office of Emergency Management) director meeting with the Commissioners in September. He will be put on the agenda when he contacts us with a time.

Commissioner Rasmussen wished to personally thank Eborn for the COVID PODS that he implemented, we were the first in Idaho, respected by the Health District and others look to him as the go-to person. Eborn went the extra mile coordinating and working with other individual groups in the community. Commissioner Rasmussen put in a plug for Bear Lake Memorial and the Salmon BBQ fundraiser coming up, with those donated funds they now have an MRI machine, CAT scan and the new emergency room area looks very good. Appreciate the Senior Center, looking at some of the COVID money to help there, know the numbers have been down.

#### **WAYNE DAVIDSON – BUILDING INSPECTOR REPORT**

Building Inspector, Wayne Davidson, gave his report, including a new breakdown by cities to show where the permits were coming from and how many. For Commissioners information, popping up in the hills are all kinds of pre-built sheds, County does not recognize as a home, some will get a permit, most do not. Did tag an illegal 'Park Model' (made for RV Parks), they are houses on a trailer, in a Bear Lake West subdivision, it was gone in two (2) weeks. Davidson will check with other counties to see how they are handling. Commissioner Payne inquired about tiny homes and classification. Davidson mentioned there are tiny houses, have all the safety features, sewer, water, the same as a regular home, they are okay. Paris and St. Charles cities do not allow tiny houses. Davidson presented the previously approved memorandum for the City of St. Charles, now ready for Commissioners' signature.

#### **DELOY ROMRELL – ROAD to COMMUNICATIONS TOWER – ACTION ITEM**

DeLoy Romrell with ITD, (Idaho Transportation Department), along with Kendall Anderson, Regional Radio Tech and Michael Pullmar, Telecommunications Tech, met with the Commission to discuss help from Bear Lake County with repairing four-tenths of a mile going to Bear Hollow Road to Banks Valley Road and back to Bear Hollow Road, then have an access to a landowner, Scott Mouritsen, to BLM and the Forest Service, which goes to the communications tower. Have contacted Mouritsen who has allowed them to go in and repair that road. The road is washed out, spoke with Ranger Mike Duncan and he has offered assistance, but biggest problem is the main road at the bottom they would request the County's assistance on. Alan Eborn interjected they are committed to that site as it is fed through the Bern site. It is a County Right of Way and PacifiCorp owns a part and needs permission to repair to get to their towers.

**MOTION: Commissioner Payne made a motion to have Superintendent Esquibel work with all parties involved, ITD and PacifiCorp to improve that Right of Way discussed for better access to the communications tower, seconded by Commissioner Jensen, motion carried.**

**MITCH POULSEN – RECOMMENDATION from PLANNING and ZONING – TERRELL PALMER and DEVIN BUDGE RE-ZONE – ACTION ITEM**

Mitch Poulsen, Planning and Zoning Administrator, presented a vicinity map to the Commission of the location of a rezone request for Terrell Palmer and Devin Budge. The Planning and Zoning Commission held a public hearing to review the rezone request from agricultural to rural community in the Sharon area by North Canyon. This is not part of the overlay zone. Citizens in attendance at the hearing were in favor, neutral and opposed. Planning and Zoning did recommend approving the rezone request from agricultural to rural community subject to two (2) years to finalize their preliminary plat, otherwise it would revert back to the agricultural zone. Mark Budge, present for Devin Budge, answered the Commissioners questions regarding access, dumpsters, possible cluster mailboxes and possibly nine (9) lots. The Commissioners have not yet seen a preliminary plat and could not make a decision on it.

**MOTION: Commissioner Jensen made a motion following Planning and Zoning’s recommendation, to allow the rezone from agricultural to rural community, seconded by Commissioner Payne, motion carried.**

**KATHI IZATT – DEVELOPMENT ORDINANCES**

Kathi Izatt, as newspaper representative, discussed with the Commissioners the land use ordinances, Planning and Zoning and the County needing to know and follow those guidelines or make amendments. Commissioner Rasmussen informed Izatt she needed to start at the Planning and Zoning first for any amendment recommendations before coming to the County. Another item was short term rentals, Izatt called every county in the state, there were ten that have information on what they are doing. Commissioner Jensen informed Izatt the Sheriff and Prosecutor were in the process of working on options for short term rentals regulations but are limited. The cities of Paris and St. Charles have an ordinance on short term rentals.

**PUBLIC COMMENTS**

Attorney Doug Wood appeared by Zoom, representing Mr. Webster, informed the Commission he was in communication with Mr. McKinnon trying to work with Mr. Webster, acting as a mediator to solve their situation. He sees Mr. McKinnon is on the agenda later to request a variance and would ask for a bit of time to try to work out details and put something together to not have issues with the County on Portneuf Road, Wood indicated he had spoke with Mr. McKinnon about working the road to county standards and help Mr. Webster’s land from being washed out. Commission will listen to Mr. McKinnon, then look at it.

Fire Chief, Mark Parker, inquired of the Commission what reason would they have to vacate any roads, in case of need for access in emergency cases. Commissioner Rasmussen informed Parker these were roads platted many years ago and never were constructed. If they were to vacate a County Road or County Right of Way, there would be a public hearing and those within 300 feet would be notified by mail prior. Commissioners inquired about fire restrictions and read Ordinance #2012-1 on fireworks. Prosecutor Hayes and Parker would like to work on an ordinance that does not expire and is enforceable

and gives the Fire Chief authority to ban not just fireworks. Will look at for next year. Parker mentioned a burn pile without a permit, catalytic convertor started three (3) fires, boat fire, dumpster fire with hot ashes so the dumpsters will be moved further out.

#### **SCOTT ESQUIBEL – COUNTY SUPERINTENDENT**

Scott Esquibel, County Superintendent, reported to the Commissioners of the Road and Bridge activities, specifically mag chloride for the roads, they hit roads every other year, would continue with a few more loads on needed areas with consent of the Commissioners. Esquibel attended the Five County Transportation meeting and they are looking at any projects needing to be done, turn in for next year. They are in two (2) big projects already. Esquibel reported on the St. Charles Creek Bridge (Jericho Loop Bridge), are looking for contracts on that, need the agreement signed, match is \$58,000. It was approved in an earlier meeting. Commissioners had approved the leasing program for the dump truck previously, following the same specs from 2017, through the Source Well agreement with the State. Chip sealer broke, fuel injection pump went out, so Franklin County is going to let them borrow.

#### **BOARD of EQUALIZATION – SHERRY LYNN MAJORS**

**MOTION: Commissioner Payne made a motion to leave the regular meeting and go back into the Board of Equalization, seconded by Commissioner Jensen, motion carried.**

Commissioner Rasmussen gave instructions on how the process of the Board of Equalization works, property owner giving testimony, Assessor, Appraiser giving their evidence and information and Commissioners have an opportunity to ask questions, property owner and Assessor can give closing remarks.

Sherry Lynn Majors met with the Commission to appeal her values based on comparables from Bear Lake West on the following parcel:

Tax #RP16S43E221265, Parcel #05882.04.

Assessor Heber Dunford and Deputy Appraiser Janelle Jensen, along with Jace Cundick, Idaho State Consultant Appraiser, presented their information and evidence on the assessed values.

#### **RECESS for LUNCH**

Commissioners recessed for lunch at 12:29 p.m.

#### **GABRIEL LLERAS – THE RESERVE – KNOLL & PHASE 7 – ACTION ITEM**

Gabriel Lleras was not able to appear, looking to get on another meeting agenda soon.

#### **TRAVIS MCKINNON – ROAD VARIANCE – PORTNEUF ROAD - ACTION ITEM**

Travis McKinnon met to inquire about getting a variance on Portneuf Road that had been discussed in a previous meeting. McKinnon and Mr. Webster were having trouble coming to an agreement on the Right of Way. McKinnon was given permission by the Commission last meeting to use the Right of Way but not do any work on it. Commissioners instructed him to go to Planning and Zoning first with his variance request.

#### **BRENT CHAMBERS – LOTOJA BIKE RACE – ACTION ITEM**

Brent Chambers with the LOTOJO Bike Race, informed the Commission the race would be on September 11, 2021, riders would start coming into the valley about 8:15 a.m., the core of the race would be between 8:15 a.m. to 11:45 a.m. He has been involved in the LOTOJA Bike Race for 24 years and only in 2007 was there a major problem with the snow and cold temperatures. Permits and insurance are taken care of.

### **BOARD of EQUALIZATION – CONTINUED**

Commissioner Rasmussen reminded the Commission, as a Board of Equalization, their purpose is to make sure the values are correct, not to negotiate, compromise or mediate. Commissioners reviewed each appeal and the new ones that came late on June 28th. The three (3) appeals that came later were as follows:

A.Gary Stanley, Trustee, appealed values on his parcel:

Tax #RP081400000130, Parcel #32013.00.

James W. Brower appealed values on his parcel:

Tax #RP12S44E203780, Parcel #03227.03.

Kyle and Elena Sellers appealed values on their parcel:

Tax #RP11S44E338000, Parcel #02734.03.

Assessor Heber Dunford, with Deputy Appraiser, Janelle Jensen, Deputy Bailee Argyle and Idaho State Consulting Appraiser, Jace Cundick, presented their backup information to the Commissioners.

**MOTION: Commissioner Rasmussen stepped down as chair and made the motion as follows for the Board of Equalization decisions, Rockne and Judy Holbrook – Okay with current assessed value, those in Spring Hollow Subdivision will be adjusted to \$8,500.00 per acre, namely: Justin P. Luitjens, etal, Rocky and Daysha Tello, Kevin Scheffler and Nole and Katherine Schaefer, Daniel F. Reichard, Trustee - Adjusted to \$715,598, Quiet Idaho, LLC – Okay with current assessed value, Shawn Helm Life Estate – Okay with current assessed value, Craig Forsberg – Okay with current assessed value, Penilee Stevens – Adjusted in group appeal to \$114,265.00, Lawrence Greg and Robyn M. Ashdown – Adjusted in group appeal to 124,636.00, Cameron Holzer – Okay with current assessed value, James W. Brower – Okay with current assessed value, Basil O. and Sherry Lynn Majors – Adjusted to \$72,000.00, A. Gary Stanley, Trustee – Okay with current assessed value, Kyle and Elena Sellers – Okay with current assessed value, seconded by Commissioner Jensen, motion carried. (see complete information below)**

Rockne and Judy Holbrook appealed four (4) parcels requesting the values be lowered as listed:

Tax #RP073400002640, Parcel #24264.00 \$30,500.00      Commissioners upheld the Assessor’s value at \$42,000.00,

Tax #RP073600002760, Parcel #24276.00 \$30,500.00      Commissioners upheld the Assessor’s value at \$42,000.00,

Tax #RP073400002620, Parcel #24262.00 \$30,500.00      Commissioners upheld the Assessor’s value at \$42,000.00,

Tax #RP073400002630, Parcel #24263.00 \$30,500.00      Commissioners upheld the Assessor’s value at \$277,760.00.

Justin P. Luitjens, etal, appealed their parcel requesting the value be lowered as listed:

Tax #RP16S43E216350, Parcel #05874.05 \$180,000.00 Commissioners adjusted the value to \$127,372.00.

Daniel F. Reichard, Trustee, appealed his parcel requesting the value be lowered as listed:

Tax #RP12S43E119000, Parcel #02807.01 \$316,000.00 Commissioners adjusted the value to \$715,598.00.

Quiet Idaho, LLC (Peter Guyon), appealed two (2) parcels requesting the values be lowered as listed:

Tax #RPM4160010200, Parcel #00665.00 \$26,000.00 Commissioners upheld the Assessor's value at \$29,377.00,

Tax #RPM4159919210, Parcel #00666.00 \$69,000.00 Commissioners upheld the Assessor's value at \$92,689.00.

Shawn Helm Life Estate, Shawn and Ardee Helm appealed their parcel requesting the value be lowered as listed:

Tax #RP16S43E218400, Parcel #05874.03 \$474,833.00 Commissioners kept the value the same at \$721,075.00 this year, as it would have went up with the land table error and there was no time to notify the landowner and have them respond.

Craig Forsberg appealed five (5) parcels requesting the values be lowered as listed:

Tax #RPM4160008010A, Parcel #00599.00 \$19,000.00 Commissioners upheld the Assessor's value at \$122,526.00,

Tax #RPM4520000000P, Parcel #00886.00 \$73,000.00 Commissioners upheld the Assessor's value at \$114,640.00,

Tax #RP14S43E262020, Parcel #04675.00 \$4,628.00 Commissioners upheld the Assessor's value at \$4,628.00,

Tax #RP084400080010, Parcel #30801.00 \$9,500.00 Commissioners upheld the Assessor's value at \$16,250.00,

Tax #RP9914S42E0154, Parcel #04455.05 \$97,000.00 Commissioners upheld the Assessor's value at \$143,703.00.

Penilee Stevens appealed her parcel requesting the value be lowered as listed:

Tax #RP070700000030, Parcel #43903.00 \$93,500.00 Commissioners adjusted the value from \$304,226.00 to \$114,265.00 as it was affected by the land table error.

Lawrence G. Ashdown, etux, appealed their parcel requesting the value be lowered as listed:

Tax #RP16S43E143710, Parcel #05795.01 \$131,336.00 Commissioners adjusted the value from \$169,898.00 to \$124,636.00 as it was affected by the land table error.

Cameron Holzer appealed his parcel requesting the value be lowered as listed:

Tax #RP16S43E223600, Parcel #05880.01 \$1,300,000.00 Commissioners kept the value the same at \$1,770,644.00 this year, as it would have went up with the land table error and there was no time to notify the landowner and have them respond.

Bazil O. Majors, etux, Sherry Lynn Majors appealed their parcel requesting the value be lowered as listed:

Tax #RP16S43E221265, Parcel #05882.04 \$50,000.00 Commissioners adjusted the value to \$72,000.00 after looking at similar lots.

A.Gary Stanley, Trustee, appealed his parcel requesting the value be lowered as listed:

Tax #RP081400000130, Parcel #32013.00 \$285,000.00 Commissioners upheld the Assessor's value at \$391,310.00.

James W. Brower appealed his parcel requesting the value be lowered as listed:

Tax #RP12S44E203780, Parcel #03227.03 \$431,534.00 Commissioners upheld the Assessor's value at \$506,607.00.

Kyle and Elena Sellers appealed their parcel requesting the value be lowered as listed:

Tax #RP11S44E338000, Parcel #02734.03 \$284,291.00 Commissioners upheld the Assessor's corrected value of \$463,730.00, as it was lowered with the land table error from \$493,230.00 and a letter was sent out on June 28, 2021.

**MOTION: Commissioner Payne made a motion to close the Board of Equalization, seconded by Commissioner Jensen, motion carried.**

#### **BUDGET WORK MEETING**

Commissioners met with most of the elected officials, Treasurer Tricia Poulsen, Sheriff Bart Heslington, Assessor Heber Dunford and reviewed Prosecutor Joe Hayes' budget request as he was at a meeting. Reviewed budget requests and information with County Superintendent, Scott Esquibel. Commissioners will meet again after the public hearings on August 2, 2021, to go over more budget requests.

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

Meeting adjourned at 5:04 p.m.

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**VAUGHN N. RASMUSSEN, Chairman**

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**Date Approved**

**ATTEST:** \_\_\_\_\_

**CINDY GARNER, Clerk**



