

BEAR LAKE COUNTY COMMISSIONERS' MEETING

JULY 13, 2020

COMMISSIONERS' CHAMBERS, PARIS, IDAHO

The Board of Bear Lake County Commissioners met in their regular meeting on Monday, July 13, 2020 at 9:00 a.m. in the Commissioners' Chambers, following the CDC's safe distancing guidelines and Governor's order, in Paris, Idaho. Members present were Commissioners' Vaughn N. Rasmussen, Chairman, Bradley D. Jensen, Rex L. Payne and Clerk of the Board, Cindy Garner.

Others attending were Prosecutor Adam McKenzie, Assessor Heber Dunford and Sheriff Bart Heslington.

APPROVE AGENDA

MOTION: Commissioner Payne made a motion to approve the agenda with the addition of Fair items for food and camping sales, seconded by Commissioner Jensen, motion carried.

ELECTED OFFICIALS MEETING/COMMITTEE ASSIGNMENTS

Assessor Heber Dunford mentioned the need to advertise for an appraisal position.

Sheriff Bart Heslington presented his monthly report, being very busy, lots of accidents, issues at the lake and getting everyone settled in the new offices. Sheriff Heslington had not seen the jail fees yet for the Caribou County Jail, but Sheriff Wells felt they would stay the same rate. They have asked that probationary prisoners not be brought in, also the IDOC will not pick up any state inmates from the county jails at this time. Commissioner Jensen mentioned going out to the lake to just view and witnessed all the vehicles backed up and cars still passing in no passing lanes. Commissioner Jensen mentioned the road is adequate in regular times, but in the summer, the park area of the road is tough to navigate. Sheriff Heslington has been concerned about the ability for emergency vehicles to get through as they park on both sides of the road and restrict it. Inside the park, the officers still have to take care of those issues and no money coming in to help. They are trying to make improvements, increase efficiency and professionalism with each of our departments and this lake issue is hurting us all. Those collecting trash on the weekend should get hazard pay and come get bullet proof vests. Commissioner Rasmussen asked about the Cares Act and how much is used from his department, to which the Sheriff mentioned it is not much.

GENERAL ACTION ITEMS

IDAHO STATE PARKS

Joining the meeting by Zoom, were representatives from the Idaho State Parks, Maggie Mann, Southeast Idaho Public Health Director, Representative Marc Gibbs, Sara Stover and Nate Fisher from the Governor's office to discuss concerns regarding Bear Lake and the crowding and not appropriate distancing. Commissioner Rasmussen would like to talk about increasing fees at a later time to help with infrastructure. There was much discussion regarding the restrooms and the employees taking money, possibly wearing gloves and masks. Concerns about those working there and all those coming in, as school is hoping to start and how do we get the numbers down instead, we've had the biggest day for numbers of cases in Idaho so far, as well as Utah having Friday being it's highest day. Understand the County has no jurisdiction from the highwater mark down, but would like to work together to help

control the spread of COVID-19. Sheriff Heslington observed that people do try to distance with family, but it is the sheer volume that does not allow them to distance safely. Commissioner Rasmussen has encouraged people to be outdoors and social distance but do it safely. Keith Hobbs, Operations Administrator and Garth Taylor, Region Manager, from Idaho State Parks spoke with the Commission. Garth comes down several times during the season and has witnessed the large number of cars on the weekend, maybe lowering the number of cars to 700, rather than 800. It is a very popular lake with access from all sides and are open to the discussion of fewer cars. Restrooms, they could order additional porta potties, have to check on extra cleaning schedule. Keith is from their headquarters office in Boise, appreciated including them in the discussion and concern, felt better protection for staff, adding additional restrooms and any other ideas, they are open to working on those items. Representative Gibbs would fully support whatever the District Health Department and Commissioners come up with. Commissioner Jensen felt there was room for those on the beach, concerns about limiting the cars as they will go to the forest and campgrounds making them full too. Commissioner Rasmussen agreed the Commission would follow the guidelines from Southeast Idaho Public Health Department, would encourage employee protection and cleaning restrooms, limiting number of cars with more signage to help that. In the coming weeks, there will be farmers trying to go through which creates more traffic concerns. Commissioner Payne mentioned the traffic issue to look at in the future is at the intersection in St. Charles to go to the park, the cars are backed up for a mile and people are going off in the barrow pit to get around others. Commissioner Rasmussen spoke about developing a new park, using higher fees to help with that. Commissioner Rasmussen mentioned again they will support what the Health District comes up with. Those on Zoom left the meeting.

Commissioner Rasmussen mentioned the big push of who has jurisdiction over State Parks and State Lands and did receive message from the Governors' office from Sara that only the State has jurisdiction over State items, and would get more information, but haven't seen anything yet. Commissioner Payne mentioned it is stated the State has jurisdiction, but there is no enforcement. Sheriff Heslington mentioned his deputies do have jurisdiction on the water over the no-wake buoys, but not the beach.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT/COURTHOUSE UPDATE

Building Inspector, Wayne Davidson, presented his monthly report, noting that building permits continue to increase, a lot of permits started last year are just getting their concrete poured now. Getting lots of calls for out of the way properties, people wanting to get out of the city, finding a way to fund it, so looking at renting, camping, houses and yurts are being looked at. Davidson continues to work on the courthouse list of final projects, but the list is getting smaller.

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 June 8, 2020, seconded by Commissioner Jensen, motion carried.

COUNTY FAIR

Commissioner Payne stated there had been lots of questions concerning the Fair being cancelled. Jennifer Keetch, Chairman of the Fair Board had received lots of angry calls, Commissioner Payne read a letter regarding the Fair and wanted to clarify that the Fair Board cancelled portions of the Fair. The Fair considered many factors as it is the largest activity in the County and it is a huge process and lots of work goes into it early on to make all the events happen. The Fair Board does not get paid for the many hours of time spent to make the Bear Lake County Fair successful each year. Most businesses received money and benefit from the Fair. Lots of other counties cancelled their fairs. The Commissioners do not have a vote on the Fair Board or any other board in the county. The Fair Board considered all matters trying to protect the citizens of the county from the COVID-19 virus spread. They are also taking into consideration not increasing further risk and the need to get schools open for the students and teachers. The Governor's encouraging everyone to do all we can to get the students back into school.

MOTION: Commissioner Payne made a motion to accept the recommendation of the County Fair Board to postpone/cancel a portion of the Fair for 2020, based upon the recommendation from the 4-H and the FFA who will present this afternoon, seconded by Commissioner Jensen, motion carried.

Commissioner Rasmussen emphasized the real concern is to try to get school open this fall. Commissioner Payne presented some information from Fair Board Chairman Jennifer Keetch regarding the food sales and not following the event guidelines, but at the June meeting the Commissioners required a plan to be presented to the Health Dept. and the Commissioners. Keetch sent protocol for camping and food sales, Commissioner Payne stated they needed to follow the guidelines from the Governor and from the local Health District but felt that referred to an event. They have a ball tournament coming up and the Montpelier City wanted them to sell food. Commissioner Jensen mentioned they need to follow what all the food vendors have to do. Montpelier City is over the event, Commissioner Rasmussen reminded them that as it is on county property, they should get approval of the Southeast Public Health District for an event.

MOTION: Commissioner Jensen made a motion that anytime county property is being used for public purposes or activities, it needs to be approved through the County Commissioners or the representative to that board for approval, seconded by Commissioner Payne, motion carried.

JEFF HOLDLMAIR – EASTSHORE SUBDIVISION HOA PRESIDENT – NO-WAKE ZONE BUOYS

Eastshore Subdivision HOA President, Jeff Holdlmair, requested to have four (4) to five (5) no-wake zone buoys on the north side of the marina, was told may need to come to the county even though it is a private marina. Commissioner Payne mentioned after speaking with Sheriff Heslington, he stated they do have jurisdiction on the water. Someone has to maintain and patrol and it has to go through a county or entity and Commissioner Payne asked Gary Billman to send him documentation on that, but has not seen it at this time. The State helps fund them, but the Sheriff has to maintain, pull them out, put them back in, find if they come loose, funding is tough for his department. The HOA does have some funding to assist with this. Sheriff Heslington, HOA President, Jeff Holdlmair and Commissioner Payne will work together on this matter.

CINDY TEUSCHER – EXTENSION OFFICE – 4-H and FFA FAIR SCHEDULE

Cindy Teuscher and Kevin Wells with the Extension office presented a plan for 4-H and FFA activities Fair schedule. Commissioner Rasmussen mentioned the plan would need to go to the Southeast Public

Health Department first, then the Commissioners for any activity on county property. Wells mentioned on the auction, they would use more bleachers to spread out more, had talked with Montpelier City Parks and Recreation for their approval. They will also have the option for someone to call in on the auction. Commissioner Rasmussen reminded them they need to do everything they can to help school being able to start. Wells mentioned they will sanitize between each event to help keep everyone safe. Commissioners mentioned the Governor's guidelines need to be followed and anytime they have a large group, it needs to be submitted to the District Health Dept. in Pocatello. The concern is to keep everyone safe, but to get them back to school. Commissioners are supportive of their events, but do require the District Health approval.

BRENT CHAMBERS – SPECIAL EVENT – LOTOJA – ACTION ITEM

Brent Chambers, appearing by phone, representing the LOTOJA bike race special event and would request approval, they are working on getting their plan to Southeast Idaho Public Health District. Commissioners are not against these events, however, looking at the effect on our schools getting started and would like to see what the other counties (Cache, Franklin, Lincoln, Teton) are going to do. If any county is not on board, the event will not happen. Chambers agreed need to follow the CDC guidelines and address all areas of concern, feel there is more to worry about than the virus, there are mental health challenges, spiritual challenge, economic and social challenge, but COVID-19 should not stop life from going on, need to adapt and change. We need to make good choices, the group will be spreading out more than normal and have little interaction with the public, but do go into some of the stores. Commissioner Payne mentioned the County needs to be consistent with what they are requiring of everyone else.

PUBLIC COMMENTS

Mitch Poulsen mentioned other events that will be coming up, Bike the Bear, the Bear Lake Brawl and a couple of others, he has carbon copied Maggie Mann so she will be aware.

RATIFY INDIGENT DEFENSE ASSISTANCE SUPPLEMENT

Clerk Garner mentioned the Public Defense Commission had to have the document in prior to the meeting and would accept on the clerk's signature, but to be ratified in the meeting.

MOTION: Commissioner Payne made a motion to ratify the FY2021 Indigent Defense Assistance Supplement, seconded by Commissioner Jensen, motion carried.

PUBLIC DEFENDER CONTRACT REVIEW

There was some discussion on the Public Defender contract, it was reviewed by Prosecutor McKenzie, there was some revision regarding training and abiding by all the Public Defense Commission standards and would suggest advertising the position for Public Defender as the contract is up the end of September.

This comment would be actually under Elected Officials meeting, but wanted to bring up with the Treasurer back and with the attorney, Commissioner Rasmussen mentioned Idaho Code 31-870, Solid Waste Fee, is collected in the same manner as provided by law for real and personal property taxes. Treasurer Poulsen mentioned the need of information or ordinance to be unified and consistent with

the other counties to be involved with the Regional Landfill. It was suggested to get a copy of Caribou County's ordinance as it is contracted out.

BOARD OF EQUALIZATION – ACTION ITEM

Commissioner Rasmussen stated they would go back to the Board of Equalization meeting. Assessor Dunford presented Parcel #02604.02 that needed the value on the house lowered to \$50,000.

MOTION: Commissioner Jensen made a motion to change the valuation on the house to \$50,000 on Parcel #02604.02, seconded by Commissioner Payne, motion carried.

Assessor Dunford presented information on two (2) erroneous assessment Parcels, #03733.00 and #03733.01, due to a parcel split, the home and buildings were assessed to the wrong parcel. Buildings should be removed from Parcel #03733.00 and added to Parcel #03733.01. Pursuant to Idaho Code #63-503, it allows them to change those parcels and correct the value.

MOTION: Commissioner Jensen made a motion to change the values as recommended by the Assessor to correct the errors on Parcel #03733.00 to \$16,070 and Parcel #03733.01 to \$139,360, seconded by Commissioner Payne, motion carried.

SCOTT ESQUIBEL – COUNTY SUPERINTENDENT

County Superintendent, Scott Esquibel, along with Treasurer Tricia Poulsen discussed Idaho Code #31-4404 as the statute that allows the county to impose fees. Treasurer Poulsen presented documentation regarding solid waste fees. Superintendent Esquibel mentioned the Road Standards should be finalized at the August Commissioners' meeting. There is a railroad crossing right of way problem where half the road is caving off, it is near the lower Bern Road and canal on the east side of the tracks. The railroad states it is not theirs, but it is the county. The prosecutor directed them to go to the railroad and get something writing from them stating it is not theirs and state on a specific day the county will do the repair work, give the detail and give so many days for response. If no response, the county will assume it is all good and proceed.

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

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

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

(a) 'To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general',

(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 – “Yes”, Commissioner Payne – “Yes”, Commissioner Rasmussen – “Yes”, all voting unanimous in the affirmative.

Let the records show that Prosecutor McKenzie and Clerk Garner will be in attendance.

Board went into executive at 12:19 p.m., back out at 12:55 p.m.

BRET ARGYLE – BERN SCHOOL

Bret Argyle did not appear.

LARA GALE – BEAR RIVER ASSOCIATION OF GOVERNMENT (BRAG) – STEERING COMMITTEE APPT.- ECONOMIC IMPACT STUDY OF BEAR LAKE – ACTION ITEM

Brian Carver and Lara Gale, Intern, regarding Economic Impact Study for Bear River Association of Governments (BRAG) met with the Commission to find out information that will help take advantage of the County’s assets and what the communities need to benefit the growth of the economy. Gale presented a power point presentation and discussed the value of the studies of visitor behavior. The cost of the visitor behavior study would be about \$30,000, other studies vary in cost and would work with universities to help with the cost. They are looking for interested individuals to be on a steering committee to help push this forward. Commissioner Rasmussen inquired about what the request would be from the County, to which Gale mentioned their time at the beginning is most helpful to start with. Commissioners suggested that they work with the Bear Lake Regional Commission, the Visitors Bureau and to reach out to SICOG (Southeast Idaho Council of Governments). Commissioner Rasmussen informed Carver and Gale the County has tight budget restraints at this point, but the Commission would be interested as they see results of their efforts in the past. Carver would like to get an idea of the interested parties and go from there and have some federal money to work with.

RESOLUTION #2020-05 – USE OF COUNTY EQUIPMENT

Commissioner Rasmussen read Resolution #2020-05.

MOTION: Commissioner Payne made a motion to approve Resolution #2020-05, including to eliminate any grandfathered in roads as the County can, the County shall charge for use of said equipment as determined by the County Commissioners/Road and Bridge Superintendent, in the January meeting of each year, seconded by Commissioner Jensen, motion carried.

Commissioner Payne mentioned to Assessor Dunford as time was short, they could meet on his action plan and hiring at a different time and discuss the budget prior.

Commissioners set the date for the budget work meeting for July 27, 2020 at 9:00 a.m.

OPEN HOUSE

MOTION: Commissioner Jensen made a motion to adjourn the meeting and go to the open house for the new courthouse, seconded by Commissioner Payne, motion carried.

Meeting adjourned at 1:40 p.m.

VAUGHN N. RASMUSSEN, Chairman

Date Approved

ATTEST: _____
CINDY GARNER, Clerk