

Bear Lake County Commissioners' Meeting
April 8, 2024
Commissioners' Chambers – Paris, Idaho

The Board of Bear Lake County Commissioners met in its regular meeting at 9 a.m. Monday, April 8, 2024, in the Commissioners' Chambers in Paris, Idaho. Video access to the meeting was available via Zoom. Members present were Commission Chairman Bradley D. Jensen, Commissioner Rex L. Payne, Commissioner Wynn S. Olsen and Amy Bishop, Clerk of the Board. Also in attendance were County Attorney Adam McKenzie, Assessor Jannelle Jensen, Treasurer Tricia Poulsen, County Superintendent Todd Boehme, County Building Inspector Wayne Davidson, Deputy Clerk Paul Christiansen and various members of the public.

APPROVE AGENDA – ACTION ITEM

MOTION: Commissioner Olsen made a motion to accept the agenda for the April 8, 2024, Bear Lake County Commissioners Regular Meeting. The motion received a second from Commissioner Payne. The motion carried.

ELECTED OFFICIALS UPDATES

TREASURER TRICIA POULSEN

County Treasurer Tricia Poulsen provided to the Board a copy of the treasurer's joint quarterly report, which showed a listing of all treasurer's cash funds. The total of all accounts comes to \$11,123,380.67 and comes from more than 60 government funds. Poulsen also provided the full statement of cash, which shows how the county's money has been separated into 12 different accounts which are then used for different county needs, she said.

One account – the state pool – has a high-yield interest rate of 4.25 percent. Poulsen said that because of that high interest, she tries to invest as much of the county's money into that account as is possible. Currently, the county has \$2,230,692.13 invested in the state pool account.

Poulsen also said the county receives a fair amount of interest quarterly through its investment in the MBS Securities account – which currently holds \$2,450,000.00 of county funds. Additionally, the account deemed "Time Value Investment" will help with the county's bond-building needs later on. That fund contains several certificates of deposit, or CDs, that have money locked in for a period of seven years at a 4-percent interest rate, she said.

Poulsen next presented a tax cancellation to the Board. This cancellation – a total of \$48.78 for Bear Lake County Parcel No. 44252.00 – was for Lighthouse Investment Properties, LLC and Bryan Smith. This cancellation resulted from Smith's property tax assessment appeal that he had taken before the Idaho Board of Tax Appeals in late 2023 – an appeal in which the state favored Smith's case that he had been assigned too much property tax for the property in question.

Additionally, Poulsen presented the Board with a garbage fee cancellation for Bear Lake County Parcel

No. 1276.00 in the amount of \$220. The property, owned by Bear Lake County Sheriff Bart Heslington, had been mistakenly assigned two garbage can fees while only a single garbage can is located at the property, Poulsen said.

MOTION: Commissioner Payne made a motion to approve the order for cancellation of taxes totaling \$48.78 for Bear Lake County Parcel No.44252.00, owned by Lighthouse Investment Properties, LLC/Bryan Smith, and to approve the cancellation of garbage fees in the amount of \$220 for parcel No. 1276, owned by Bart Heslington. The motion received a second from Commissioner Olsen. The motion carried.

ASSESSOR JANNELLE JENSEN

Bear Lake County Assessor Jannelle Jensen reported the Motor Vehicle Department had taken in \$112,477.82 in the month of March, while the Assessor's Office took in \$2,662.00 through Idaho Parks and Recreation transactions.

Jensen said she had received the county ratio study from the Idaho State Tax Commission, and the data showed Bear Lake County is out of compliance for its assessment of residential improvements. To remedy this error, there will be an assessment increase in the county for all improvements, based on what the market shows. With any improvements performed on a property, the assessor has to look at the market and compare sales information in order to see the overall adjustment needed for the county as a whole, she said.

The Property Tax Reduction and Veteran Benefit Program will reach its application deadline on April 15, she said. Assessor's Office employees Kady Payne and Sammy Higley have presided over this program in 2024 and have held outreach efforts at the Bear Lake Senior Center and the Georgetown City Hall as a means to reach those eligible persons who cannot come to Paris.

SHERIFF BART HESLINGTON

Sheriff Bart Heslington was not able to attend the April 8 meeting. He provided a written report to the Board prior to the meeting.

CLERK AMY BISHOP

Clerk Amy Bishop reminded the Board that the District 5 Elected Officials Meeting will be held April 18 in Blackfoot. Those commissioners who choose to attend need to RSVP beforehand. Commissioner Payne said he will attend the meeting.

Bishop said the county had received a letter from the Environmental Corporation of America that discussed the installation of a telecommunications structure in the Bear Lake area. The organization requested the Board review its letter and submit any comments its members have about the installation.

There will be a National Incident Management System (NIMS) course for senior elected officials on April 19 in Soda Springs. County Superintendent Todd Boehme will attend, and the commissioners are invited

as well. Pre-registration needs to be done ahead of time, Bishop said.

In March, the county submitted a grant application for the Broadband Equity, Access and Deployment (BEAD) Program Regional Coordination and Planning Grant, with a request for \$50,000. Any funds awarded through the grant can be used for planning and community outreach as the county continues its work to plan for future broadband expansion in the area, Bishop said.

Additionally, Bishop said, an allocation for infrastructure projects had become available from the senators. The county had applied for this funding to be used for its Merkley Lake Road update project.

The Bear Lake County Clerk's Office has dedicated itself to preparation for the May 21 Primary Election, Bishop said. Absentee ballots are in the process of being sent out for all those who have requested them. The office will open for in-person absentee voting on May 6. The last day for in-person absentee voting will be May 17 – the Friday before the Primary Election.

Bishop reported the Board and members of the Bear Lake County Clerk's Office had attended a Board of Equalization training last week, conducted by the Idaho State Tax Commission in Soda Springs. Additionally, she said, Budget and Levy trainings are coming soon.

Bishop's office has mailed letters to request each taxing district within the county submit their budget hearing dates for the next fiscal year.

PROSECUTOR ADAM MCKENZIE

Bear Lake County Prosecutor and County Attorney Adam McKenzie reported the county has not scheduled a hearing for an appeal matter related to a decision made by the Bear Lake County Planning and Zoning Board because the county still is waiting for the delivery of a transcript of the meeting related to the P&Z decision. Until the transcript has been received, the county will not schedule this hearing, as the ordinance requires a transcript be available.

Clerk Amy Bishop said the transcriptionist that had been hired to complete this job had contacted her and will reportedly provide the document sometime in the week following the Board's meeting.

COMMITTEE ASSIGNMENTS

Commissioner Olsen said he had received an email from Southeastern Idaho Public Health District Director Maggie Mann that led him to believe broadband expansion efforts in the southeast corner of the state are largely using Bear Lake County as an example of a county in need of broadband services. Some parts of the county – including the Nounan and Geneva areas – are completely unserved by broadband connectivity, he said, adding he hopes the push of Bear Lake as an example of a county in need will help to bring the essential connectivity expansion to the area.

Clerk Amy Bishop said that any funding gained through the BEAD Regional Coordination and Planning Grant will be used to increase community outreach efforts – something that has been lacking in the past.

Commissioner Olsen said some concerned citizens had contacted him about the status of a boat check station at the Bear Lake State Park Building, which is used to check watercraft for attached invasive mussels. Commissioner Payne said that, although a boat check station used to be at that location during the summer months, in recent years a cooperative effort between the states of Idaho and Utah had been entered into and the station had been relocated to the mouth of Logan Canyon, near Garden City, Utah. Additionally, Commissioner Payne said boat check stations are set up at Sage Junction and on top of the U.S. Highway 89 summit, near Afton, Wyoming.

Commissioner Olsen said Utah recently had passed a law stating users of any type of watercraft – kayak, motor boat, paddleboard or otherwise – that launches on the Utah area of Bear Lake must first take a one-day course on invasive species reduction and their watercraft first have to be inspected for mussels. Whereas many boats launch on the Idaho side of Bear Lake and journey into Utah waters, Commissioner Olsen said he was unsure how this law can and will impact Idaho.

A group of citizens has approached Commissioner Olsen and is in favor of stationing a boat check somewhere on North Beach Road, as a means of preserving Bear Lake.

Commissioner Payne said his curiosity recently had been sparked when interim Oneida County Prosecutor Vic Pearson stated counties' defense attorneys are no longer required to be present for their clients' first court appearances.

Bear Lake County Attorney Adam McKenzie said this situation is a work in progress for the state. Eventually Bear Lake County's public defender will be regionalized out of Pocatello, but the state still is working out the logistics for how that change will commence. Bear Lake County's contract with Criss James as public defender will remain in place until either it chooses to end that relationship or until the state implements the regionalization, McKenzie said.

One interpretation of this state regionalization plan conveys that a defender for juvenile offenders will not be included in the regionalization. The issue of juvenile defense services is ongoing, he said, but at this time there is no definitive decision for future juvenile defense throughout the state.

Rather than have a contracted public defender attend first appearances, some Idaho counties have a separate contract with an attorney who specializes in that service, Bishop said.

Commissioner Payne reported Sen. Mark Harris has continued his work to secure additional state funding for local law enforcement efforts on state lands adjacent to Bear Lake. The state has agreed to provide \$95,000 per year to assist with that effort, to be used during the busy summer months between Memorial Day and Labor Day.

Commissioner Jensen reported, in the time since the Board's regular March meeting, he had attended a meeting of the Bear Lake Regional Commission and a district landfill meeting for the IDAWY Solid Waste District.

Commissioner Jensen sought to clarify something he had said but had been misquoted by members of a local environmentalist group in discussions with the Idaho Department of Lands. During the regional commission meeting, Commissioner Jensen said, some in attendance believed he had commented that

the Bear Lake County Sheriff's Office will not respond to calls on or around Bear Lake. In reality, Commissioner Jensen said the sheriff's office will respond to calls on and around the lake. He hoped this misunderstanding now could be resolved.

Commissioner Olsen reported the next Four County Alliance of Southeast Idaho (4-CASI) meeting will be hosted by Bear Lake County and held at 10 a.m. on May 16 at the courthouse.

WAYNE DAVIDSON – BUILDING INSPECTOR REPORT

Bear Lake County Building Inspector Wayne Davidson reported new construction is progressing throughout the county. Coming out of the winter season, Davidson said he now is seeing an increase in the number of new building permit requests – especially for new residential properties. Additionally, Davidson said he still receives calls regularly from people looking to buy property in the county, so there is renewed interest in primary and secondary residences.

Davidson said he wanted to make the Board aware of construction on what is being called a “gathering barn” that will be used as a personal-use event center in the Fish Haven Canyon area. The building is not attached to a residence and is not considered a garage, he said, but will include a small kitchen, bathroom and large open area to be used for family gatherings. Although the building is large in scale, it is within a residential zone and has been alleged to be privately used by one family, Davidson said.

Davidson asked to clarify an agenda item, listed as “Fairgrounds Cinder Block A-Frame Buildings – Hoods and Fire Suppression System,” scheduled for later in the meeting.

Commissioner Olsen reported the A-frame building and the cinder block building, located at the Bear Lake County Fairgrounds and used to house some of the event's culinary offerings, are in need of a fire-suppression system and range hoods meant to limit the likelihood of widespread fire danger. A fire-suppression system supplier previously toured the buildings and provided a bid of \$100,000 to put in the necessary equipment, Commissioner Olsen said.

Davidson said that bid seems high but also reminded the Board that any installation of Class 1 hood systems – those that address grease-laden vapors and smoke – will have to be inspected by both the county building inspector and Bear Lake County Fire Chief Mark Parker. Additionally, Parker said these systems have to be inspected regularly to ensure they are functioning properly and are in alignment with fire code – something that is much different than the county building code.

GENERAL BUSINESS / ACTION ITEMS

RATIFY CLAIMS

MOTION: Commissioner Payne made a motion to ratify the claims before the Board. The motion received a second from Commissioner Olsen. The motion carried.

APPROVE MINUTES

Before the Board was a single set of minutes – for the Board's regular meeting held on Monday, March

11, 2024 – for approval.

MOTION: Commissioner Payne made a motion to approve the minutes for the Board’s March 11, 2024, regular meeting. The motion received a second from Commissioner Olsen. The motion carried.

DESIGNATE POLLING PLACES / UPDATE LOCATION OF MONTPELIER 1 PRECINCT FROM ALLRED CENTER TO COUNTY FIRE STATION – 21728 US HWY 30

Clerk Amy Bishop said that, due to ongoing construction projects at the Bear Lake County Extension Office/Allred Center, it had been decided that Montpelier Voter Precinct No. 1 will be moved to the county fire station, located north of the Bear Lake County Fairgrounds at 21728 U.S. Highway 89, for the May 21 Primary Election. Bishop said her office had ordered signage to be used to direct voters to the new location on election day, adding that the county also is working to get this information out to the public ahead of time.

Bishop said she had some initial concerns about construction also affecting Montpelier Voter Precinct No. 2, which has traditionally been located at the Grace Thiel Community Center. However, she said, she now is confident that voting can go on at that location without interruption, and there will be no need to add confusion regarding a second precinct location change.

The other voter precincts will remain at their regular locations, she said.

The full list of polling places includes the LDS Recreation Hall for the Bennington Precinct; the Bloomington City Office for the Bloomington Precinct; the LDS Recreation Hall for the Dingle Precinct; the Reserve Club House for the Fish Haven Precinct; Georgetown City Hall for the Georgetown Precinct; the Bear Lake County Fire Station for Montpelier Precinct No. 1; the Grace Thiel Community Center for Montpelier Precinct No. 2; the Montpelier Fire Station for Montpelier Precinct No. 3; the rear Paris Tabernacle Annex for the Paris Precinct; St. Charles City Hall for the St. Charles Precinct; and the Bear Lake County Courthouse for absentee voters and anyone from a mail ballot precinct who did not receive a ballot.

Precincts that vote by mail include Bailey Creek, Bern, Geneva/Pegram, Liberty and Ovid/Lanark.

MOTION: Commissioner Olsen made a motion to change the polling location for Montpelier Precinct No. 1 from the Allred Center to the Bear Lake County Fire Station, located at 21728 U.S. Highway 30, and accept the other designated locations. Commissioner Payne seconded the motion. The motion carried.

SET BUDGET HEARING DATE

Clerk Amy Bishop said the Board needed to set its Fiscal Year 2025 budget hearing. Those meetings typically are held in August, which allows time for a draft of the budget to be read at the Board’s regular August meeting before the hearing is held.

MOTION: Commissioner Payne made a motion to set the Bear Lake County Fiscal Year 2025 budget hearing for 9 a.m. on August 26, 2024. The motion received a second from Commissioner Olsen. The

motion carried.

STATE FAIR BOARD REQUEST FOR COUNTY DUMP TRUCK USE

Commissioner Olsen reported the Eastern Idaho State Fair Board needs to haul loads of sand into its fairgrounds tracking arena. To assist with this large job, that organization has asked each county that falls within the area to provide one or two dump trucks to be used on a single day to assist with this project as loads of sand are hauled on a three-mile trip to and from the fairgrounds in Blackfoot.

He said it was his belief that Bingham and Bonneville Counties, which are much closer to the fairgrounds, should be able to supply more trucks, as they are more readily available. However, if Bear Lake County can supply one truck, this will serve as a gesture of goodwill. No project date has been set, and the Eastern Idaho State Fair is just asking counties to provide an estimate of available dump trucks so plans can be made.

MOTION: Commissioner Payne made a motion to send one dump truck to be used to assist with the Eastern Idaho State Fair sand haul project, dependent on if this is harmonious with the Bear Lake County Road and Bridge maintenance schedule. The motion received a second from Commissioner Olsen. The motion carried.

LEASE AGREEMENT AIRPORT HANGAR #2

Clerk Amy Bishop said Hangar No. 2 has sold at the Bear Lake County Airport. Despite the ownership transitioning, the owner has to have a lease contract with the county in order to be on the county property. The property is proposed to be taken over by ODD Properties LLC, with a contact of Norman Mecham. The sale was complete and affective April 1, Bishop said.

Each commissioner received a copy of the lease. County Attorney Adam McKenzie said the lease was one that previously had been approved and used by the county, with the only change being the name of the lessor.

Bishop said that Mecham already had signed the agreement and paid a deposit to the Bear Lake County Clerk's Office.

MOTION: Commissioner Olsen made a motion to accept the lease agreement between the Bear Lake County Airport and ODD Properties LLC. The motion received a second from Commissioner Payne. The motion carried.

ECONOMIC DEVELOPMENT PROFESSIONAL LETTER OF SUPPORT 4-CASI

Clerk Amy Bishop presented a letter to be approved and signed by the Board in support of the regional economic development efforts of the 4-County Alliance of Southeast Idaho (4-CASI) program. The regional development professional position is supported by grant funding, with a 50-percent match provided by the four counties. Traditionally, Bear Lake County annually has dedicated \$6,000 to the position.

The letter went on to state the regional economic development professional is a great support to Bear Lake County's efforts to improve its economic standing. Additionally, the letter states Bear Lake County's \$6,000 contribution will be contingent on approval in the county's fiscal year budget.

MOTION: Commissioner Payne made a motion to approve and sign the letter committing \$6,000 to the 4-County Alliance of Southeast Idaho Economic Development Professional position, contingent on approval in the Fiscal Year 2025 budget. The motion received a second from Commissioner Olsen. The motion carried.

PROCLAMATION IN SUPPORT OF BEAR LAKE COUNTY'S MILITARY CAREGIVERS IN COLLABORATION WITH IDAHO'S DAR AND HIDDEN HEROES

At recent Idaho Association of Counties meetings that were held this winter in Boise, a presentation had been held in order to get Idaho's 44 counties to issue and sign an official proclamation in support of their local military caregivers in collaboration with Idaho's Daughters of the American Revolution and Hidden Heroes programs, Clerk Amy Bishop said.

At the request of the Board, Bishop read the proclamation in its entirety. The proclamation highlighted the important work military caregivers perform, the challenges they face, and Bear Lake County's support of military and veteran caregivers within the local community. Additionally, the proclamation stated Bear Lake County shall designate a point of contact for the community, for citizens and organizations.

Commissioner Olsen expressed his support of the proclamation and applauded the state recognizing the service these individuals offer to the military and veteran communities. Commissioner Payne advised Ed Lyon, the county's designated veterans office director, be made the chosen point of contact for this effort.

MOTION: Commissioner Olsen made a motion to accept the proclamation in support of Bear Lake County's military caregivers, in collaboration with Idaho's Daughters of the American Revolution and Hidden Heroes programs, and to designate Ed Lyon to be the contact for Bear Lake County. Commissioner Payne seconded this motion. The motion carried.

MITCH POULSEN – DIAMOND DEALS AND HOGE REZONE RECOMMENDATIONS FROM PLANNING AND ZONING

Local citizen Bill Stock of Fish Haven raised a point of order prior to the presentation of Planning and Zoning recommendations by Bear Lake County Planning and Zoning Administrator Mitch Poulsen. Stock alleged there was nothing in the P&Z minutes suggesting that body had directed Poulsen to make any recommendations on its behalf.

Commissioner Jensen thanked Stock for his comment and said it would be entered into the meeting minutes for the Board of Bear Lake County Commissioners' April 8, 2024, meeting.

Poulsen next presented two rezoning recommendations on behalf of P&Z.

Poulsen reported that Brandon Park had submitted an application to rezone 62 acres owned by Bruce Wallentine. This area is bordered by Lanark Road and Early Lane – which is used as a haul road for the state gravel pit and has several residences on it. A public hearing for this rezone proposal was held February 21, 2024; however, he said, P&Z had delayed proceeding to the Board with this recommendation because one of the hearing attendees said she planned to appeal the rezoning application due to what she believed to be an inadequate notice of hearing.

Poulsen said an appeal had been submitted but the Park application had not been included within it. Those individuals who testified at the hearing had said they were not in favor of the rezoning proposal because of complications associated with buried water lines on the property – though little detailed information on the lines' whereabouts was supplied – and the potential for residential units.

Poulsen reported that all notice requirements had been met for this application. Public notice had been published in the local newspaper on February 7, and letters to adjacent property owners had been mailed on February 5. One property owner letter had been returned, but that individual was in attendance at the meeting, he said.

Planning and Zoning Attorney Stephanie Bonney had advised if an individual is present at a meeting, they have received notice at some point and have waived their right to object on the basis of not receiving notice.

Poulsen said the Bear Lake County Planning and Zoning Commission recommended the commissioners approve this rezone application on the basis that it met the overlay zone requirements. This rezone lays the groundwork for a preliminary plat to be established, he said.

Commissioner Jensen asked Bear Lake County Fire Chief Mark Parker – who owns property in that area of the county and was in attendance at the meeting – if he could share any insight about water lines. Parker said there are some irrigation lines in the middle of that area that consist of 26- or 28-inch pipe. That pipe does cross Lanark Road and extends about 3 miles, Parker said, and because of this an easement would have been needed to allow it to go through the property. However, Parker said, that easement may never have been recorded with the Bear Lake County Clerk's Office.

Commissioner Payne said that any water rights issues will have to be worked out with stock holders, and the rezone application appears to meet all qualifications for approval.

MOTION: Commissioner Payne made a motion to approve the Diamond Deals rezone application, submitted by Brandon Park. The motion received a second from Commissioner Olsen. The motion carried.

Poulsen said Tiffany Hoge had requested two parcels, consisting of approximately 12 acres, be rezoned from agricultural use to rural community for the purposes of creating residential lots. The property is located between Montpelier and Ovid, south of US Highway 89, west of the Bear River and immediately adjacent to the stockyards.

A public hearing had been held on March 20, 2024, and approximately eight people testified on the application. Those with standing were opposed as all the surrounding land uses have been zoned as

agricultural. Those individuals in favor of the application were not adjacent landowners, Poulsen said.

The members of the P&Z commission had provided significant commentary on the application's incompatible nature with the surrounding land uses. Additionally, that body had discussed the potential conflict this rezone could have with the stockyard, which is a huge economic driver for Bear Lake County, Poulsen said. The intensity of agriculture use also was discussed, as a neighbor's property is used as a feed lot and the stockyards also consist of a very noisy and dusty environment. Additionally, it is not unheard of that an animal can break loose from the stockyard and enter the neighboring properties.

The P&Z Commission also had discussed residential uses that could negatively impact the livelihood of those that use the stockyards. Disturbances such as fireworks can have a direct effect on animal weight due to stress factors, and that can heavily impact the sale price for those animals, Poulsen said.

The P&Z Board had recommended approval of the rezone application because the application met requirements for the overlay zone. However, Poulsen said he believed if that body could take back its recommendation, it would do so. Bonney had advised P&Z that the commissioners have a lot of discretion in their approval or denial of these applications. Just because an application meets the criteria for the overlay zone does not necessarily mean it should receive approval, Poulsen said.

Both Commissioners Olsen and Payne expressed concern over the condition of soil in that area, which each year loses solidity as the water table raises. They also agreed that being adjacent to the stockyard will present possible conflicts.

Commissioner Jensen said he believed this application either should be denied or sent back to P&Z. Commissioner Olsen said he took issue with changing that zone to residential use whereas he is aware of all the circumstances and conflicts that could stem from that approval.

MOTION: Commissioner Olsen made a motion to deny the Tiffany Hoge rezone application. Commissioner Payne seconded the motion. The motion carried.

JEAN BROWN – LAKESIDE DEVELOPMENT WITH SEPTIC TANK

Local realtor Gary McKee and Scott Archibald, of Sunrise Engineering, came before the Board to discuss property owner Jean Brown's desire to implement a septic tank system to serve a lakeside development – consisting of eight 2-acre residential property lots – she wishes to move forward with.

McKee said the property owner is frustrated with the stumbling blocks she has run into when it comes to establishing a wastewater system for the development. Previously, Brown had approached the City of St. Charles to request it allow the development to connect to its sewer system, McKee said, but she was told the development was too far away to feasibly connect.

The Bear Lake County Planning and Zoning Commission has told Brown that, under Bear Lake County ordinance, the development is located in an area too close to Bear Lake for a septic system to be allowed. The development is located at the northwest corner of Bear Lake, just east of Pole Line Road, McKee said.

Previously, Brown has worked with Keller Associates on a wastewater system that will work for the area. That firm had proposed what it had called an “advanced septic system,” which is made of a primary septic tank; a secondary tank that serves as a treatment plant and utilizes fixed film pumps; and a leech field for water dispersal, Archibald said. Within the treatment tank itself will be a sprinkler system and filtering media that treat organisms in the wastewater and help to grow healthy organisms prior to discharge to the leech field stage. This proposed system has even been upheld by the health department, he said.

Although this proposal is not a traditional septic system – as it cleans and treats the water directly – the county seems to be against it because it uses the word “septic” in its title. Instead of a traditional septic system, the advanced septic system treats the water for nitrates and other things that could be hazardous if they ever made their way into the general water supply.

Archibald said the proposal for this advanced system has been made as a means to ensure the development meets the requirements necessary to protect the lake. Behind the development lies a large swath of 100 acres, so treatment discharge could be pushed farther than 1,000 feet from the lake itself.

Bear Lake County Planning and Zoning Administrator Mitch Poulsen told the Board this issue has not gone before P&Z yet, but the development is one of several that are pushing for a relaxed provision to be added to the pertinent county ordinance. As it stands, the current Bear Lake County ordinance provides that all developments within a mile and a half of Bear Lake have to connect to an existing wastewater system or put in a vault system.

Unfortunately, Poulsen said, as it stands now there is not a feasible means that will lead to the state permitting a vault system.

Bear Lake County Attorney Adam McKenzie said the system proposed is not allowable under the existing county ordinance, and modification of the ordinance will have to be made in order for the development to implement this type of wastewater system. He told the developer the proper way to handle this issue is to submit a formal request for modification of the county ordinance and provide for the study of the issues at hand.

McKenzie encouraged the group to come up with a plan, provide it to the P&Z Commission and discuss it further at that level, with input from their chosen engineers.

MICHELLE HIGLEY – WAGE INCREASE FOR HISTORICAL SOCIETY TOUR GUIDES / RENTAL CONTRACT FOR RAILS AND TRAILS

Michelle Higley, who sits on the Bear Lake County Historical Society Board, said she had been working with County Attorney Adam McKenzie to draft a lease agreement between the county and the National Oregon/California Trail Center that will provide some rented museum space for the historical society’s Rails and Trails Museum. That lease agreement has been written and now is ready for the county’s approval and signing. Following that process, it will be provided to Heber Dunford, who serves as chairman of the Oregon/California Trail Center, so that body’s board can approve it.

McKenzie said the lease is between the county and the trail center. The county will pay the rent and allow the historical society to pay out of its budget.

MOTION: Commissioner Payne made a motion to approve the lease between the Oregon/California Trail Center and Bear Lake County. The motion received a second from Commissioner Olsen. The motion carried.

Higley next addressed docent scheduling and needs at the Rails and Trails Museum. The museum will be open from 10 a.m. to 6 p.m., Monday through Saturday, based on available employees being able to handle the docent duties. Now that the COVID-19 alert is not as pressing an issue, volunteers from the Daughters of Utah Pioneers (DUP) will provide guide duties each Tuesday, Higley said.

Roy Passey, who has previously worked as a guide at the museum, has asked to leave the position. Long-term employee Linda Hemmert now will work three days a week and another employee will be hired to work two days a week, Higley said, adding that she has not yet started advertising for help. Additionally, Higley said she believed Hemmert deserved a wage increase as an appreciation for her years of dedication to the museum.

In 2023, Hemmert had earned \$9.57 per hour. A 3-percent cost of living increase had been approved by the Bear Lake County commissioners since then, which places Hemmert at a wage of \$9.85 per hour now, Clerk Amy Bishop said.

MOTION: Commissioner Payne made a motion to raise the wage of Linda Hemmert to \$10 per hour, with the new employee to be hired in the near future to start at \$9.85. The motion received a second from Commissioner Olsen. The motion carried.

TODD BOEHME – COUNTY SUPERINTENDENT

County Superintendent Todd Boehme reported the Bear Lake County Road and Bridge Department had started conducting spring maintenance efforts on snow routes, as the varying weather conditions allowed. The department had been working to fill potholes and grade some roadways, as the soft road conditions that are present after winter ends make the process easier. Further road maintenance will continue and increase as inclement weather conditions decrease, he said.

Boehme said he had been working to update the county encroachment permit and had sent an editable draft to the Board and a few other individuals. He hoped to get some feedback and suggestions as the revisions were made.

One change Boehme believed could entice boring under county roadways and limit surface disturbance may be to reduce the time the county holds applicants' deposits. If those applicants didn't tear up the roadway, or did so very limitedly, Boehme said the county could return their money after six months and an inspection by the county road supervisor. If the Board chooses to implement this policy, this action will reduce the deposit hold from a full year.

If this policy is enacted, it may serve as an incentive for applicants and lead them to conduct work

properly and ensure the county roadway does not need extra attention after their work is complete. Commissioner Jensen wondered if water drainage that runs through or to the side of the bored area could potentially wash out the roadway above, but Boehme said there is little chance of that, if done properly.

The Board directed Boehme to begin drafting updates to the Bear Lake County Encroachment Permit to reflect this proposed shortening of the deposit hold.

Boehme said he still is waiting to hear word back from Keller Associates, the county's chosen engineering firm, about the implementation of a guardrail and other safety measures in the Fremont Road and Lake West Boulevard area of Fish Haven.

Additionally, Boehme said he is working with Keller Associates on updating the county's transportation plan as a means of getting future projects to the shovel-ready stage. He has been advised that grant funding applications will open in late summer or early fall, and this funding – if awarded – can help with that plan's revitalization. The county's existing transportation plan has been in place for about 10 years, but these types of plans should be updated every five years, Boehme said. Because of this situation, it is likely that several county roads are not classified correctly, but by implementing the update now the county will be in a better position to acquire some rights-of-way for future road improvement needs.

The Five-County Coalition will meet later this month and will be hosted by Bear Lake County, Boehme said.

The Paris Park Bridge project still is in the design preparation stage for bidding. Corey Lyman, a fisheries biologist with the United States Forest Service, has partnered with the county on this project but is waiting on a few items before the project is ready to be presented to the Board.

The Bear Lake West Homeowners Association has requested permission to pave a section of roadway. The area, located at the end of the oiled road section on Lake West Boulevard and continuing westward to a new maintenance shed on BLW property, will be addressed by BLW itself should the Board agree with the action, Boehme said.

The Board will consider the request going forward.

Commissioner Wynn Olsen advised Boehme that the approaches off U.S. Highway 30 and into the Bear Lake County Fairgrounds and into the Bear Lake County Fire Station and Ambulance Service properties – located just north of the Crane Multiplex – is rutted and difficult to navigate. He said that, in the past, gravel has been hauled into the area at several points; however, that gravel does not seem to hold for some reason. A permanent fix might entail a partial dig and refill, he said.

TODD BOEHME – EMERGENCY SERVICES COORDINATOR

Bear Lake County Emergency Services Coordinator Todd Boehme reminded the Board of the upcoming G0402 National Incident Management System (NIMS) course for elected officials, to be held on Friday, April 19 in Soda Springs. Boehme said he will be in attendance and invited the Board to take part.

PacifiCorp is continuing its monitoring of the Bear River flow this spring, Boehme said.

County Commissioner Rex Payne reported that Idaho Emergency Medical Services was not determined to be an essential service. Efforts to deem EMS as an essential service have stalled in the Idaho House of Representatives.

FAIRGROUNDS CINDER BLOCK A-FRAME BUILDINGS – HOODS AND FIRE SUPPRESSION SYSTEM

Commissioner Olsen reported a bid of \$100,000 had been received from BSR Equipment of Idaho Falls for the purchase and installation of Class 1 range hoods and fire suppression systems. These fire-fighting measures are needed for the cinder block and A-frame buildings – which are used for much of the annual county fair’s food concessions sales – at the Bear Lake County Fairgrounds. However, that bid seems a bit high, he said.

The buildings are used only during the week of the fair and on a handful of weekends throughout the summer.

Bear Lake County Fire Chief Mark Parker suggested the county look at a food truck hood system. The primary concern now, Parker said, is the frying of donuts – an annual fundraiser held by the Bear Lake High School cheer team – without a hood in place to help with the grease-laden vapors. Additionally, the crowded space is made worse by the number of people moving around in the building during busy times, and that provides potential for someone to get severely injured near the fry oil.

Commissioner Payne said it may be an option to build an addition on the back of the cinder block building to be used for the frying area. That may even be less expensive than the hood and fire system installation.

Commissioner Olsen said the roof on the cinder block building is low for installation of these systems. The Bear Lake County Fair Board will hold a meeting next week and talk more about these needs.

Parker said he is willing to work with the fair board as it moves to implement these fire-fighting needs. He said he just wants to get a plan in place.

PUBLIC COMMENT

Bear Lake County Fire Chief Mark Parker told the Board he is concerned with some items it had discussed earlier in the meeting. Concerning new types of sewer systems, Parker said he is aware of two other infant-stage subdivisions that want to hold eight 1-acre lot properties. Not only is it difficult to put any kind of sewer system underneath these small areas, but the creation of high-density residential areas leaves the fire department without much access to emergency fire water.

Although Parker has 51 volunteers on role as firefighters for Bear Lake County, the average age of these individuals has become concerning. The bulk of volunteers are older individuals, he said. As the county allows more of these subdivisions to start, negative impacts will be felt – including a higher volume of traffic, buildings being built closer to the road and a higher volume of people coming into rural areas.

If the county were to require rural water systems, this likely would lower property owners' fire ratings for their homeowner's insurance.

Parker said he wonders how the private, family-owned event center – which had previously been reported on by Bear Lake County Building Inspector Wayne Davidson – will work. Despite being personal use, in all practicality this event center will basically take the place of a commercial building. Large buildings erected in residential communities, which tax the local systems, will benefit by the county putting in clearer definitions for use, Parker said.

With the growth of subdivisions spreading to remote areas – something Bear Lake County has seen more and more in recent years – across the nation, wildfire concerns have grown, he said.

Michelle Fillion, who serves as a board member and secretary for the Bear Lake West Property Owners Association, offered public comment via the Zoom chat. Fillion wished to thank the county for upholding the existing subdivision land ordinance and to thank the Bear Lake County Road and Bridge Department for all the work it does in the Bear Lake West area.

Fillion said she has been a resident of Bear Lake County for 17 years, adding that she loves the lake and wants to make sure the populace does what it can to protect the natural resource. She said potential failures with septic system technology worry her, adding that she does not believe Bear Lake County can or should change its sewer system ordinances without researching all the possible impacts.

Property owners Zana and Radmilo Jokic, who have a home on Lakeside Drive in Fish Haven, came before the Board via Zoom video conferencing. Their property has been affected by flooding due to natural water drainage in recent years, and flooding has even washed away a portion of the couple's driveway. The cost of repairs is estimated at \$8,000 – an expense the homeowners say they do not have the money to pay.

The Jokics said they have been working with County Attorney Adam McKenzie and Superintendent Todd Boehme to come to an agreeable solution, but the property owners said they do not feel a solution has been determined.

Commissioner Jensen said he is aware of the problem, has visited the property and viewed it himself. Unfortunately, he said, the damage has been caused by the natural water drainage path. County policy is to not alter the natural drainage path. In this case, the house sits in the lowest part of that drainage path, he said.

Radmilo Jokic said a 100-foot-long channel proceeds down Lakeside Drive on the south side of the roadway. If the channel was deepened or a slope was made, the water flow would miss his property entirely.

This proposal has to take into consideration that the 100-foot channel runs uphill, Boehme said. Additionally, there already are existing approaches there, and these issues will impact drainage farther downhill. There is documentation that the culvert – part of the natural drainage flow – was installed in that area of Fish Haven prior to the construction of the Jokic house, he said. There also is documentation that at the time of the home's construction, the owners were cautioned by the county to not build at

that location because the home would be in the path of the natural flow of water.

Boehme said that by putting in a deeper, larger ditch to maintain the water flow and diverting it from the Jokic property, the county would be creating other significant issues – including a diversion to the highway.

The Jokics said they will seek a solution through other avenues.

EXECUTIVE SESSION – IDAHO CODE 74-206(1)

MOTION: Commissioner Payne made a motion to go into executive session according to IDAHO CODE 74-601(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 motion was seconded by Commissioner Olsen.

Roll Call Vote. Commissioner Olsen, Aye. Commissioner Jensen, Aye. Commissioner Payne, Aye.

The Board entered its executive session at 11:56 a.m. From 12:00 p.m. to 12:04 p.m., the Board conferred with legal counsel. From 12:05 p.m. to 12:09 p.m., the Board discussed records exempt from public disclosure. From 12:09 p.m. to 12:54 p.m., the Board discussed employee issues.

MOTION: Commissioner Olsen made a motion to exit executive session. The motion received a second from Commissioner Payne. The motion carried.

The Board left executive session at 12:54 p.m.

The Board reconvened its regular meeting at 1:01 p.m.

PUBLIC HEARING TO CONSIDER VACATING THE EASTERLY 29 FEET OF MAIN STREET ON THE WEST SIDE OF BLOCK 1 OF BERN TOWNSITE, BETWEEN CHURCH HOUSE LANE AND BERN ROAD TO THE ADJACENT LAND OWNERS

MOTION: Commissioner Payne made a motion to enter the public hearing to take comment on the proposed vacation to the adjacent land owners the easterly 29 feet of Main Street, on the west side of Block 1 of the Bern Townsite – between Church House Lane and Bern Road. The motion received a second from Commissioner Olsen. The motion carried.

The Board entered the public hearing at 1:02 p.m.

Kevin Turner, who owns property located at 592 Main Street in Bern, said he was glad the Board is addressing this road vacation issue but inquired if it had plans to address other roadway anomalies

located throughout Bear Lake County – and in Bern specifically.

Commissioner Payne said that the Board is aware there are other issues throughout Bern and the rest of the county that will probably have to be addressed in the future, but those have not been named in the legal description presented in this road vacation application.

Commissioner Jensen added that a party other than the county has applied for this vacation. All issues have to be examined on an individual basis and evaluated separately. Sometimes what might be thought of as a fix for an issue may leave a worse situation, he said, adding that it may be better to leave some things the way they are if there is no direct impact on a property or a property line.

Turner said that when he first moved to Bern, he was told he could not build on the north end of his property because a county road had been platted there, although a road has never existed in that location. Someday, he said, he hopes to work with the Board to examine that issue.

Commissioner Payne reiterated that, because Turner's request does not impact the issue of the vacation of a portion of Bern Main Street, it will need to be addressed through a separate petition.

Kathy Izatt of Fish Haven asked the Board about the legal description found in the petition being discussed. She wondered who paid for the surveys that led to that description and who decided that was the description to use.

Clerk Amy Bishop reported that surveyor Scott Scherbel had written the legal description. Scherbel had been hired by some property owners in that area and, realizing there was an issue extending outward from that property, had included the rest of this particular road vacation description on the county's behalf at no extra cost.

Deputy Clerk Paul Christiansen reminded the Board his family had petitioned for a similar road vacation affecting the property of his grandmother, Ramona Johnson, in December. Johnson's property was located south of the intersection of Bern Main Street and Bern Road and the issue affecting it aligned with what was being considered now just a block north. Following a public hearing process, the Board had vacated that portion of roadway in December, he said.

MOTION: Commissioner Olsen made a motion to close the public hearing. The motion received a second from Commissioner Payne. The motion carried.

The Board re-entered its regular meeting at 1:16 p.m.

ACTION ON ROAD VACATION – ACTION ITEM

MOTION: Commissioner Payne made a motion to adopt Bear Lake County Resolution No. 2024-01 to vacate the easterly 29 feet of Main Street on the west side of Block 1 of the Bern Townsite, between Church House Land and Bern Road, to the adjacent landowners. The motion received a second from Commissioner Olsen. The motion carried.

GARY TEUSCHER – PRESENT ANNUAL AUDIT

Gary Teuscher, certified public accountant and independent auditor, presented his report findings related to Bear Lake County's finances for Fiscal Year 2023, as of September 30, 2023. He said the audit – a deep analysis of the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of Bear Lake County for that time, and the related notes to the financial statements, which collectively comprise the county's basic financial statements – found no fraud or error and found the financial statements represented fairly the financial position of the county.

MOTION: Commissioner Payne made a motion to approve and accept the independent audit conducted by Gary Teuscher for Fiscal Year 2023. The motion was seconded by Commissioner Olsen. The motion carried.

The Board thanked Teuscher, who will retire later this year, for the audit work he has performed for the county annually since 1986. Bishop said Teuscher's retirement now causes the county to seek out a new auditing system.

EXTENSION OFFICE ELECTRICAL UPGRADES

Tyson Boehme, county maintenance worker, presented to the Board a written quote – provided by local electrician Dennis Bills of AD Electric LLC – for additional issues, correlating to additional expenses, that have been found during remodel work on the Bear Lake County Extension Office/Allred Center building.

The Board had previously approved an additional \$2,600 be provided for work on the electrical portion of the remodel project, but Bills had used that funding quickly and found it did not cover the unexpected work that still needed to be done, Boehme said. Bills had now provided a quote of \$7,156.59, which includes and supersedes the Board's approval of \$2,600.

Commissioner Jensen reminded Boehme that any work that entails additional cost has to first be approved by the Board in a public meeting before any work should be started – something that had not altogether been followed during this project.

County Attorney Adam McKenzie said his general feeling is that if the Board approves this additional funding, this new amount of \$7,156.59 should be for the total cost of the work and there should be no more requests for unseen or unplanned work. It needs to be established that nothing in addition to this approval will move forward without the Board first being notified and it granting its approval for the work to be funded and commenced.

The Board had previously approved bids for a specific amount related to different facets of the Extension Office remodel. Any additional work or costs need to first be approved by the Board, he said.

MOTION: Commissioner Olsen made a motion to approve the provision of \$7,156.59 to be used to finish the Bear Lake County Extension Office electrical project, with an understanding there will be no additional cost approved for the project. The motion received a second from Commissioner Payne. The motion carried.

MOTION: Commissioner Olsen made a motion to adjourn the meeting. The motion was seconded by Commissioner Payne. The motion carried.


The meeting adjourned at 1:54 p.m.



Bradley D. Jensen, Chairman

5/13/2024

Date Approved

ATTEST: 

Amy Bishop, Clerk