

MEETING MINUTES OF A REGULAR MEETING
OF THE BOARD OF ONEIDA COUNTY COMMISSIONERS

The meeting was opened by Commissioner Firth.
All members present.

Road & Bridge – Laila Kral presented the road scholar award to operator Rex Williams for his completion of 80 hours of class room and hands on instruction on road construction and maintenance. The next step is Road Master previously achieved by road foreman Scott Blaisdell and operator Lin Higley.

Building permits – Three zoning permits from February were presented; One each for Roger Bradford, Sid Hadley and Patrick Evans. Also, a permit for an addition to a commercial building was presented on behalf of Cory Ihler.

A public hearing will be scheduled for the purpose of changing the Development Code to allow for stiffer penalties for building permit violators.

Commissioner Daniels made the motion to approve the three zoning permits.
Commissioner Stokes seconded and the motion carried.

Commissioner Daniels made the motion to approve the addition for Cory Ihler.
Commissioner Firth seconded and the motion carried.

IRS audit – It was reported that the auditor is waiting for his supervisor's approval on the proposed solution to the building inspector position. He claims that this position should be an employee rather than a contracted position due to the county paying for training and mileage. As such, withholdings for the 2015 year will need to be paid and the building inspector transitioned into a county employee. Along with this discussion it was mentioned that the building inspector is working with the Planning & Zoning commission on the Development Code review.

Extension Agent cell phone – The question was asked if the county would either help pay for the extension agents cell phone or if they would provide a phone for him. The commissioners discussed this issue in a previous meeting as they were trying to decide if it would be better to supply the phones or pay the employees a stipend for using their own. Commissioner Daniels asked that this topic be put on the April 9th meeting when the departments could have a group discussion.

One Certificate of residency for a high school student taking college credits was presented to the commissioners for approval.

Commissioner Daniels made the motion to approve the CoR.
Commissioner Stokes seconded and the motion carried.

Airport courtesy car – A letter was received from the Idaho Transportation Department, Aeronautical Division, stating that they could no longer carry the liability burden of the courtesy

car. They are willing to donate the current car to the county if they were willing to accept responsibility. The commissioners talked about using the county car at the annex building. It is already on the insurance and would make a good loaner car.

Commissioner Daniels made the motion to transfer the county car parked at the extension office to the airport for use by the pilots and to return the state car back to ITD. Commissioner Stokes seconded and the motion carried.

Airport hangers – One of the owners of a hanger at the airport is trying to sell the hanger to another person. In the discussion, Commissioner Daniels found that there is a septic tank and a well in close proximity. It was discussed that this violates the protocol for owning a hanger but was approved by past commissioners. If the buyer can't purchase the hanger he would like to build one. The next available construction site would be north of the hanger that is being sold. It would also be on top of the septic tank. The current lease was reviewed. The topic will be tabled until a future meeting.

Commissioner Daniels made the motion to amend the agenda and add discussion regarding mental holds and transport. Commissioner Stokes seconded and the motion carried.

Medical indigent appeal – A request for an appeal hearing was received in the indigent office. The suggestion was made to hold the hearing during the last commissioners meeting in April.

Commissioner Daniels made the motion to hold the requested medical indigent appeal hearing on April 23rd, 2018 at 9:00 am. Commissioner Firth seconded and the motion carried.

Transport of mental holds – On occasion the county hospital has a patient that needs to be transported to another facility for holding and evaluation. They have a contract with a company outside of Oneida County but it takes a while for them to arrive for the transport. Hospital administrator John Williams suggested that he could pay the county for transport which will save him money by paying a better contracted price with the Sheriff's office and add some revenue to the Justice fund. It was mentioned that the sheriff would most likely already have an officer on scene with the client and could be transporting the patient rather than waiting for someone else. This topic will be explored further.

The claims and minutes were reviewed.

Commissioner Daniels made the motion to approve the claims as submitted. Commissioner Stokes seconded and the motion carried.

Commissioner Daniels made the motion to approve the minutes from the previous meeting. Commissioner Stokes seconded and the motion carried.

Court house security – The sheriff indicated that they will be holding a suppression hearing on March 29th and 30th. This is not a typical court day and he asked the commissioner if it would be possible to close the main floor of the court house so that he would not have as many people in the building to worry about. He explained that there would be quite a few people in attendance

to give testimony and he would like to minimize the number of people in the building for security reasons.

Commissioner Daniels made the motion to close the main floor of the court house for the suppression hearing scheduled for March 29th, and 30th. Commissioner Firth seconded and the motion carried.

The results of the two-year supplemental levy and the ten-year plant facility levy election for School District #351 and the supplemental levy for Joint School District #151 will need to be canvassed prior to the next regular meeting. The commissioners scheduled the canvas of the elections for March 19th, at 9:00 am.

The meeting was recessed until 11:35 at which time it will convene in the court room for deliberation on the Turkey Trail hearing.

Attorney Cody Brower explained to the commissioners that Don Buehler questioned the validity of the notice that was printed for the initial hearing on the Turkey Trail. The commissioners discussed the notice. He remarked that a map was also present at the hearing with the road in question, marked for all to see. The commissioners came to the conclusion that the notice was printed appropriately and that the deliberation could continue.

Each of the testimonies given at the hearing was reviewed. The commissioners individually ranked each testimony as to the value it gave to the hearing either for or against the validation. Cody reminded the commissioner of the various types of evidence such as prescriptive or permissive use and helped the commissioners know what to look for when ranking the testimonies. Following the review each commissioner explained his/her thoughts.

Commissioner Stokes stated; The county records show that the area was homesteaded in the early 1920's and 30's and the land owners must have had roads to move around on. Commissioner Firth and Commissioner Daniels found records in the old Commissioner minutes stating that the county paid workers to build and maintain the roads in the outreaching areas of the county during this time frame including the Daniels area. The testimonies given at the hearing state that the road was used by many people for many years for visiting neighbors, hunting and also to construct the air transport beacon and later to conduct maintenance on the beacon. Cody asked about the maintenance on the road to which commissioner Stokes stated that he thought the testimonies given satisfied the fact that the road had been maintained by the county as required.

Commissioner Daniels stated; The Beacon was constructed by a Federal agency and was maintained for many years. The Commissioner meeting minutes show payments to citizens hired to build and maintain roads in the Daniels area as well as other parts of the county. Much of the testimony given might be classified as permissive but other testimony was prescriptive in her judgment. It may have not been necessary for the users to ask permission but it is thought that they were doing it as a courtesy and not a requirement. The testimony of road maintenance is consistent and shows that the road was observed and maintenance was performed as needed.

Commissioner Firth stated; Property rights are of the utmost importance but under the circumstances this road passes through Don's property to public lands that others need access

to as well. It is thought that the use was prescriptive before Don signed up for the Access yes program. He stated that he thinks that the road should be public access however if all three commissioners think yes, then the county should do all it can to help keep the public off from the private land.

Cody asked to clarify the issue of maintenance. He stated that he would like the record to show that testimony was given stating the maintenance was constant. Review of the testimony showed that retired road foreman Dave Edwards claimed county maintenance on this road from 1965 to 1998. Also giving testimony was James Clark, a past road foreman who testifies to the county maintaining this road from 1996 to 2014.

A review of the other access points declared by Don Buehler was addressed but all agreed that they didn't give access to the land in questions and not all of the roads were open to the public.

Commissioner Stokes made the motion to declare the Turkey Trail road as public access and right of way.

Commissioner Daniels seconded.

A roll call vote was taken.

Commissioner Firth – Yes.

Commissioner Daniels – Yes.

Commissioner Stokes – Yes.

The vote was unanimous and the motion carried.

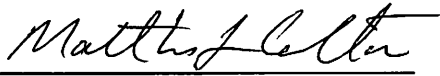
Commissioner Stokes suggested that signs could be installed to help keep people off the private Buehler land and to help manage the public that use that area.

County attorney Cody Brower will notify the Buehler's attorney of the decision.

The meeting was adjourned.



Max C. Firth, Chairman



Matthew L. Colton, Clerk