

# FRANKLIN COUNTY COMMISSIONERS

April 28, 2014 9:00 a.m.

Present: Chairman Dirk Bowles, Commissioner Boyd Burbank, Commissioner Scott Workman, Attorney Vic Pearson and Clerk Shauna Geddes

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**— for the April 14, 2014. Boyd made a motion to approve the minutes. Scott seconded it. Motion passed unanimously.

**3. ADDITIONS TO THE AGENDA**—Scott motioned to add Health Insurance, Karl Wheeler and Road Sanding to the agenda. Boyd seconded the motion. All voted in favor.

**4. SEARCH & RESCUE BILL**—The hood of the Search & Rescue truck was damaged while parked in the search & rescue building. The bill was \$250 to repair. A motion to pay the bill out of the Insurance/Tort fund was made by Scott. The motion was passed after a second from Boyd.

**5. SOLID WASTE/ SID JENSEN**—The lease for the loader will be finished in September. Sid has begun the search for another. Western States has one and so does Komatsu and Case. He will continue to look.

Alternate cover at the Landfill—PosiShell is an alternate cover for the landfill. It will add life to the landfill because it only takes ½ inch to cover vs 6 inches of dirt. Caribou currently uses the product and thinks it is great. The applicator and the material would have to be purchased. Sid is waiting for Oneida and Bear Lake to decide to use it so they can purchase product and train together. It will also save money on fuel and wear & tear on the large equipment. The Health Department has approved the product. The motion to give Sid permission to proceed with the PosiShell Alternate Daily Cover was made by Boyd, seconded by Scott and approved unanimously.

**6. EAST ONEIDA ROW #78** –Scott made the motion to sign the agreement and authorize the payment in the amount of \$8,344 for East Oneida Right-of-Way #78. Boyd seconded it and the motion was passed.

**7. FOREST SERVICE/DENNIS DURHAM**—Fire season is beginning. When there is a fire the forest service will cover the first shift on lands named in their “off-set” map. The map is the same as last year, but the State is looking into changing the map which could benefit South-eastern Idaho. Fires will be managed a little differently. In the next couple of weeks there will be prescribed fires in Maple Creek and Cub River.

**8. PUBLIC HEARING - ROAD ABANDONMENT –MINK CREEK**

At 10:00 a.m. Commissioner Bowles conducted a public hearing regarding the closure of Mink Creek Road 2.1 miles from where it intersects with Highway 36 up to the barns owned by Barber. The closure is at the request of Mr Barber and Mr Stewart who own

the land surrounding the portion of the road in question. Testimony was given as follows:

**CoryAnn Real** – 6857 E Highway 36, Preston –She is a member of the Mink Creek Water Association and is against the abandonment. She is concerned about her water and who is going to plow or maintain road to the water storage tank.

**Dan Keller**—194 ValleyView Drive, Preston. Dan is concerned about the abandoning any public property. This sets a precedent. There are many small county roads that are seldom used. This is the only access to the Forest, to the head of Mink Creek and to the Mink Creek haunted house. He brought a 1926 map that shows the road going all the way to the old saw mill at the head of the Mink Creek. He stated that just because someone owns ground on both sides of the road, does not mean to close the road. “Please do not abandon.”

**Reed Swan** –7455 No Capitol Hill, Preston. He is the water master and needs access to do his job.

**Randolph Scott Seamons** – 5275 N Oneida Narrows Rd. He feels that the Commissioners should not consider closing any county roads. This road connects to another road and these are the only access to public lands. Historic access to public lands can be shown on maps. “Don’t ignore the pleading of the people, past and present.”

**Hal Keller** – 8135 No Strawberry Dr, Preston. Hal states that he, 3 irrigation companies, hydro-electric company and 1 culinary water company have all used this road. When the hydro plant went in it was required to develop fishing holes. “Best mule deer hunting in the state.”

**Royce Christensen** – 7258 E Mink Creek Rd. He is the water tester for the Strawberry/Mink Creek Water Association and would like to know who will maintain the road if abandoned. The ambulance will not come up on a private road.

**Cameron Johnson** – 632 N Maple Ridge Circle. Cameron owns property up Station Creek and owns both sides of the road. He is concerned to see what happens. The public should still have access. Doesn’t want to see a precedence start.

**Tim Keller** – 430 E Oneida St, Preston. He feels that it is wrong to shut down the only public access. The other ways in are extremely steep. He was concerned because the gates and padlocks were wrongly put on years ago. Property owners have the right to keep people off their own property, but not cut off access.

**Paul McKay** – 4598 E Station Creek Rd. Paul feels that the question is if the road ends at the Barber barn or continues onto the forest property. There is historical proof that the road continues to the forest. Stream beds are public up to the highwater line. Mr Barber denied Paul and 4 scouts access to fish based on liability. There should not be locked gates and the commissioners should defend the public’s rights.

**Andrew Barber** –P.O. Box 371, Wellsville, UT. His father owns the land. He has had to pick up trash, mend cut fences, etc. When they purchased the property the forest service said there was no “public access.” There is no recorded easement to the forest ground. He feels that there is a misperception as to what “public access” is. There is nowhere for people to go off this road without permission. They have never denied people access and would allow.

**Dennis Durham Forest Service Employee-** 322 No 4<sup>th</sup> Street, Montpelier. Dennis stated that the Forest Service does not have a legal document showing access. The forest ground is foot travel or horseback. No motorized.

**Sam Smith**—3347 E Riverdale Road. In the old days everyone drove to the forest up that road. The county maintained the road up to the Lime kiln and he has seen a grader on the road. And they managed 2 trails up there. There used to be 2 forest service signs showing access; but they disappeared years ago. He feels it comes down to simply-if there is public access to the forest service ground then it needs to remain open, if not then don't waste the taxpayer money to maintain.

**Justin Keller**—194 E Valley View Dr, Preston. He feels that testimony has verified that there is access to the Forrest Service property. And that there is no reason that the gates should be locked right now.

**Thayne Winward** – 966 No 1400 West, Preston. He is in favor of the public access remaining open. The Forest Service has not been help in determining other public accesses (Oxford basin for one). The county needs to determine access by historical records.

**Jake Fackrell** – 5494 Mountain Green, Utah. Jake owns the power plant up the road and feels that the access ends at private property and does not know why anyone has any business up that road.

**Linderman**—194 E Valley View Dr. He feels that closing this road will give access to thousands of acres to a private person.

**Greg Belew** – 6747 E Highway 36. Greg has managed the property for the last few years. He has never denied access to anyone who “needs” to go there. Gates have been left down and fences cut. When the cows get out and go to the forest property he is fined. One can only ride 4-wheelers on one of the roads to the forest service property. He has allowed neighbors to move cows across their property.

**Brad Stewart** – 991 Deborah Circle, Bountiful, UT Brad now owns the Karl Christensen property and supports the closure of the road. His reasons are that trespassers damage his property, he has a liability for those who do trespass and that the county has not maintained the road. He will allow anyone who has a need and legal access to any property

**Sheldon Coburn**—9313 No Highway 34. This access is valuable to local people. He said that this is not the only place where there is public abuse. The commissioners would be setting precedent if they closed the road and will have more applying.

**Mr. Christensen** – Who will maintain the road?

**Troy Moser/Road Supervisor-** Franklin County has done minimal up keep, but it has been difficult with locked gates. It is considered a county road by the road department and they will continue to maintain.

**Dan Keller**—Dan feels that the Forest Service has abandoned the people of Franklin County and in 2009 he was shocked at the overgrazing of forest service ground.

**Commissioner Burbank**—Boyd would like to see an old map.

**Commissioner Workman--** Just because there is a line on the map doesn't mean there was a road.

The Public Hearing was closed at 11:10 a.m. The commission will decide and present their decision in writing.

9. **KARL WHEELER/POST HOLLOW ROAD**—Karl is concerned about the top of Post Hollow Road that connects over to Main Canyon Road. He wonders if it is a County Road. Since county money has been spent on the road and the Road Dept. maintained it in the past it is determined that it is a county road.
10. **HEALTH INSURANCE/ERIC FALK**—Eric Falk of Moreton and Co came shared the statistics for the county health insurance so far this year. He said that we are in good shape. The concerns about the dental discounts have gone away.
11. **DEQ/MELISSA GIBBS – AIR QUALITY UPDATE**—Councilmembers Saundra Hubbard and Neal Larson from Preston City, Preston School Board members Joy Christensen and Fred Titensor along with Lyla Detmer and Brian Mendenhall attended the meeting at the invitation of Melissa. The DEQ has a grant to diesel-retrofit vehicles made before 2007. Several of the Road department vehicles have retrofit their exhaust systems. If it fails or hinders performance then DEQ will replace the old exhaust systems. Melissa wanted to offer the grant to any fleets that may want to install the diesel catalytic retrofit. It goes on the muffler and cuts emissions. She thought that Preston City and the School District would be interested. Troy will talk to Sid at the Landfill to determine if it could be installed on any of the landfill vehicles.

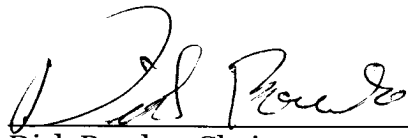
Melissa stated that it is good that the county continues to be pro-active in doing what it can to improve air-quality. She said that 70% of the air problem came from road sanding and 20% came from wood burning last winter. She is asking that the county enter a road sanding agreement to not put down as much road sand. They were putting down 10 to 1 sand to salt. The new agreement will now be 4 to 1.

The federal CMAQ grant is going to be reinstated and there will be money to increase water lines and money to asphalt roads and money for salt brine.

12. **EXECUTIVE SESSION ¶IC 67-2345 (d)** At 2:05 p.m. Boyd made the motion to go into executive session. There was a second by Scott and a roll call vote was taken. Each Commissioner voted “Aye”. At 2:45 p.m. the executive session ended.
13. **Indigent Case—**  
Boyd made motion to approve indigent case #2014-00013. With a second from Dirk. The motion was unanimous.

Meeting was adjourned at 2:50 p.m. Next meeting will be Monday, May 12, 2014.

  
Attest, Shauna Geddes

  
Dirk Bowles, Chair