

April 9th, 2012

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

The meeting was opened by Commissioner Tubbs

Those attending a portion or all of the meeting:

Lola Bott, Myron Jones, Kris Smith, James Clark, Scott Fuhriman, Mark Alder, Sid Fuhriman, Geoff Green, Kirk Matthews, Jeff Semrad, Dixie Hubbard, Dianne Pett, Dustin Smith, Mike Hess, Brad Hess.

Commissioner Tubbs made a motion to amend the agenda to add Myron Jones so that he could discuss road issues on the Malad summit.

Commissioner Sweeten seconded and the motion carried.

Lola Bott presented three building permits to the Board. A stick built house for Tom and Julie Williams, and ag. buildings for Russell Boyer and Tim Keller.

Commissioner Sweeten make the motion to approve the building permits as presented. Commissioner Tubbs seconded and the motion carried.

Lola then presented the CAFO to the Board for their review noting that she had made one change to the document that was presented at the Public Hearing. This change was to denote the standards that must be met in order to be considered a CAFO operation. Commissioner Tubbs asked if it allowed for current operations to be grandfathered in and where it was stated. The Board indicated that they would make a decision after they had a chance to review the ordinance.

A report was given on the Smith building in Buist. The construction was done without a building permit being issued and although they had since picked one up, they had yet to complete it and return to the Court House to pay the Fee's. The Commissioners suggested that they be given one last chance to complete the proper paper work and pay for the permit prior to imposing any penalties. Lola will see that this contact is made. The Ekstrom property was questioned as well. This land owner did apply for a permit but it was only going to be an ag. building. It has since come to the Commissioners attention that the build was being constructed with living quarters. Contact has been made with them requesting that they do a change of use permit and file the proper paper work.

Myron Jones addressed the Board seeking help with a road on the Malad Summit. The road at one time joined two subdivisions and provided the required ingress and egress nessecary per subdivision covenants. After a lengthy court battle some years ago it was order to be block off and Myron was hoping that the Commissioners would consider taking this road over as a County road and open it back up. One of the reasons

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Myron sited was to allow for better access for the Emergency personnel should there be a need for Ambulance or Fire services in the area. The commissioners indicated that they would have to look into the matter further but stated that they couldn't take over a road that wasn't currently built to County standards and where this road in particular had a ruling from the Courts that it would be next to impossible to change its status without going back to Court.

Pocatello Valley roads were discussed with a few of the land owners present. They had concerns about the condition of the roads and specifically with the oiled road that ran into Utah. The Commissioners had thought that due to the minimal amount of traffic and the lack of funding to patch and perform the necessary upkeep on this stretch of road that it might be best to let it go back to gravel. James Clark indicated that one of the problems with this road is the lack of a good base in which case it will continue to break up even if it is patched. After much discussion and the offer of the land owners to help haul gravel and other materials with their equipment, it was decided that they would try to salvage what oiled sections they could and see how it held up for the coming year and make a final decision next year. The land owners were further informed of the recent grant money that had been awarded and would help to rebuild some of the low spots in the road to allow for water drainage in the spring.

Dianne Pett reported that the tax deed hearing previously scheduled, had been cancelled due to the land owner coming current on the delinquent taxes. She further informed the Board about some personal property tax in the sum of \$58.00 dollars, that was also delinquent, and asked if the Board would consider cancelling the taxes and forgiving the debt, due to the fact that the property in question had already been through bankruptcy twice with two different companies and that it would cost well above the \$58.00 dollars owed if they went after the current owners.

Commissioner Sweeten made the motion to forgive the taxes on the personal property described by Dianne.

Commissioner Tubbs seconded and the motion carried.

James updated the Board on the current work being done to fix the many roads affected by the spring flooding and that they were only making them passable at this point and would go back and re address each road as needed, when they had the time.

Dixie reported that her 5 year revaluation plan had been turned into the state and was accepted and that her office was currently working the circuit breaker and homeowners exemption requests as they come in stating that the deadline to apply for these programs was April 15th. She further reported that the values for residential and ag. land would most likely be trending downward over the next little while.

Attorney Dustin Smith reported on the recent settlement with the Telford felony case that will put her on probation for one year, and stated that the only other proceedings that the County has pending for this person is the Tax appeal that she filed after the recent denial by the BOE. Dustin further recommended that because of the pending appeal that the Records office refuse/reject any attempt to change/record any documents involving the property in question.

Mark indicated that the probation office was still moving along with the about the same number of clients per month stating that the only changes are in the faces that he over sees.

Jeff indicated that the Sheriff's department had lost a vehicle due to fire. The presumed cause was a bad transmission. A claim will be submitted so that an adjuster can look into the incident. Jeff further reported on two fatalities in the county over the last couple of weeks and the recent mayhem that the City experienced with the lottery sales. It was noted that besides the traffic issues, he had to deal with visitors being intoxicated, public indecency and other issues because of the out-of-state consumers coming to buy Lotto tickets. He questioned the actual benefits to the county or business owners stating that some had reported a loss of sales for their regular retail items.

Commissioner Firth updated Dustin on the Myron Jones request from earlier in the meeting. Dustin validated all that the commissioners had discussed as far as being a private road and needing to go through the courts to reverse the prior decision. He further informed the commissioners that the county would not be held liable in the case of an accident because it is not a County road. The Commissioners decided that no action would be taken in this matter and that it should be settled between the current land owners/subdivision covenants as necessary. Commissioner Sweeten will relay this information to Mr. Jones.

Dustin suggested that Edna Palmer pursue the option of creating a Historical District for the site of the Jesse James cabin/family cemetery that she had proposed the County take over in a previous meeting. It was thought that her proposal to make this County property would only cause problems for the County in its administration of the property.

James Clark addressed the Board with a request to exchange one of his Loaders for a smaller, newer size. The change would result in a small monetary savings as well as giving him a better piece of equipment with better fuel economy. It was suggested that the lease would drop from \$30,000.00 per year to around \$26,000.00.

Commissioner Sweeten made the motion to approve the loader change out from the 960 series to the 956.

Commissioner Tubbs seconded and the motion carried.

Brad Hess and Mike Hess came before the Board to propose a joint effort to haul, crush and spread gravel on a section of County road above the Pumice mine at the head of Malad. This section of gravel road was down to bedrock and could not be graded in the condition that it was in. They offered to provide the gravel and to crush it if the county would haul it from the pit to the crushing site and then move the finished product to the road surface.

The BOCC liked the proposal and expressed interest in following through with it, but indicated that the timing of the project would need to happen when the County crew and Pumice resources were both available.

Also addressed were the county frost laws. Mike wanted to let the Commissioner know that his trucks were always in compliance with the weight limits due to the fact that he runs more axels than the standard truck. A short presentation packet was given to the Commissioners showing the weight distribution per axel and the weight allowed by current laws. It was indicated that the pumice trucks run with a lighter weight than most of the County trucks. James Clark had some issues with the allegations and the discussion quickly became heated. Mike finished his presentation noting that his product was lighter per axle than all of the cattle or grain being hauled on that same road.

After review of the minutes Commissioner Sweeten made the motion to approve the minutes as submitted.

Commissioner Tubbs seconded and the motion carried.

Commissioner Sweeten made the motion to approve the claims.

Commissioner Tubbs seconded and the motion carried.

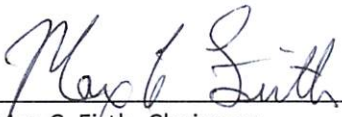
The Commissioners talked about the "Narrows" project and what progress if any was being made. There was some concern about how the different entities were working together or, in some instances, against each other. Commissioner Sweeten said he would invite the Forest Service to a meeting on Thursday and see if they could give any updates at that time.

One certification of residency was signed for CSI.

A letter from the Health Department was received informing the Commissioners that Jerry Bush had reached the end of his term and wanted the Board to submit a name of someone to fill his position. The Commissioners elected to visit with Jerry and see if he wanted to continue before they proposed a new name. Commissioner Sweeten will make this contact.

Commissioner Tubbs made the motion to adjourn.

Commissioner Sweeten seconded and the motion carried.


Max C. Firth, Chairman


Matthew L. Colton, Clerk

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