

**STATE OF IDAHO**  
**County of Idaho**

**NOVEMBER SESSION**

**NOVEMBER 29, 2022**

**FIFTH TERM DAY**

9:00 a.m. The board convened with Commissioners Skip Brandt, Ted Lindsley and Denis Duman and Kathy Ackerman, Clerk present.

The meeting opened with the Pledge of Allegiance.

Commissioner Duman offered an opening prayer.

9:00 a.m. Monica Walker presents quote for transmission repair for another SO vehicle-discussion. Duman moves to approve the quote for repairs. Lindsley seconds. Motion carries with all in favor.

Stephanie Babb requests authorization for utilizing USFS contract funds and Title III funds for equipping the new vehicles with radios-these requests have already been discussed with Sandi Paul and the USFS. Duman moves to approve the radio purchases as presented. Lindsley seconds. Motion carries with all in favor.

9:15 a.m. Nadine McDonald presents year-end reports for Juvenile Probation. Numbers were down last year, but are already up for this fiscal year. Since the numbers were low, she has a carryover of around \$45,000 of State funding-discussion regarding utilizing these funds for future needs-she will bring some proposals to the Commission after the first of the year. Brandt questions regarding restitution amount listed on report-McDonald advises some is reimbursement for services, but most of that number reflects Court ordered restitution for victims.

9:31 a.m. Brandt regarding annexation for Grangeville Rural Fire Protection District. Duman moves to approve the annexation. Lindsley seconds. Motion carries with all in favor.

9:45 a.m. Brandt moves to approve the hiring of Matt Jessup and Tawyna Poxleitner in the Deputy Prosecutor's Office. Lindsley seconds. Motion carries with all in favor.

Brandt moves to approve the Orders for Cancellation as per Abbie Hudson. Lindsley seconds. Motion carries with all in favor.

Brandt moves to approve minutes of the November 22 meeting. Duman seconds. Motion carries with all in favor.

Brandt moves to approve the \$250 donation to American Lands Stewards for their assistance in public lands issues. Duman seconds. Motion carries with all in favor.

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Additional Meetings-Brandt NACo Public Lands-December 5, December 15-NACo West Region Meeting.

10:00 a.m. Brandt regarding Airport Advisory Board-Ackerman advises that we received one application-discussion regarding designating the length of the term for this applicant and future applicants. Commission advises that the first three applicants will be hold the three-year terms and the last two applicants will hold two-year terms. Discussion regarding filling the remaining slots and whether or not there will be any compensation for Board members.

10:30 a.m. Kathy Ackerman swears in Matt Jessup as Deputy Prosecuting Attorney effective December 1, 2022.

Meeting moved to District Court for Public Hearing.

11:05 a.m. Brandt opens Public Hearing for Validation of Milner Trail

Kathy Ackerman swears in all parties anticipating to give testimony.

Samuel Perry, Givens Pursley, representing the Petitioners makes opening statement.

Dave Thompson presents background information concerning petition.

Bob Hafer makes statement as Petitioner.

Bill Spencer makes statement as Petitioner.

Samuel Perry presents documentation for validation-PowerPoint is shared.

Brandt questions Perry concerning whether validation of this road would be of the historic trail that was approved by the Commissioners in the early 1900's or where the road is located currently. Perry advises that public road law presupposes that over time there are changes to the roadbed due to natural occurrences-validation would reflect the current location-discussion. Jessup questions whether the map depicted on the USFS map is the current location-Bob Hafer testifies that it is close-may be depicted as the Idaho County Grooming Map. Brandt questions whether or not there are areas of the existing route that need to be rerouted-Hafer advises that there are a few sections that could be improved. Lindsley questions whether or not work-arounds with the USFS would be acceptable-Hafer states that the existing route is preferred. Brandt questions whether or not validation would prevent working with the USFS on alternatives-discussion. Jessup questions whether or not the Commission can validate a road if there is a question about where the road is actually located by a map-Perry advises that the route is known to locals. Lindsley questions whether or not individual property deeds would reflect the easement.

Terry Roberts testifies.

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Bill Spencer testifies.

Dave Thompson testifies. Brandt questions whether or not moving forward the group is opposed to future workarounds-discussion.

Jerry Cox, Matt Rogers and Greg Applegate testify in favor.

Jim Chmelik testifies in opposition.

Alan Lamm testifies-presents Exhibits 1-4 into the record. Lindsley questions regarding knowledge of any easements at the time of purchase-questions regarding USFS gates.

Shelley Rambo testifies in opposition.

Larry Allen testifies in favor as long as certain conditions are met-offers to build a workaround if USFS permits can be obtained.

Beth Keeler testifies in opposition.

Lamm clarifies that the only portion of the road that is in question is about 1000 feet-not talking about closing the entire trail.

Samuel Perry requests break until 1:30-granted.

Perry notes that there was no opposition brief filed, therefore he did not have an opportunity to develop a response to all that was presented. After speaking with his clients, they are satisfied with a reroute around Lamm's property as long as the gates are removed and the road re-opened pending the construction and opening of the reroute. Discussion regarding limitations of the law with regards to road width designations.

Duman clarified that validation does not mean that the County takes over any maintenance.

Discussion regarding timeframe of 3 years to get the workaround started and/or completed.

2:00 p.m. Brandt closes public hearing-discussion towards a decision will be held to a future meeting.

Meeting adjourned.

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Chairman

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Attest