



MINUTES OF THE BOARD OF BANNOCK COUNTY COMMISSIONERS

Meeting Details

Date of Meeting:	Tuesday, August 12, 2025
Commissioners present:	Ernie Moser and Jeff Hough
Clerk of the Board:	Jason C. Dixon
Absent Board Members:	Ken Bullock
Staff present:	Deputy Clerk Nancy Allen, Comptroller Kristi Klauser, Attorney Scott Pearson, and HR Director Matthew Phillips

Agenda Details

AGENDA	
	Regular Business Meeting (action items)
	Agenda:
1	<ul style="list-style-type: none"> Indigent Business may require an Executive Session pursuant to Idaho Code §74-206(1)(d) to consider records exempt from public disclosure (action item)
2	<ul style="list-style-type: none"> Tony Manu, Sheriff, regarding a request to reallocate funds to finish flooring on stairs and DART room of the new Tactical Training Center (requested 5 minutes) (action item)
3	<ul style="list-style-type: none"> Scott Crowther, Event Center and Wellness Complex, requesting (1) signature on a contract with a fee waiver for the Youth Celebration Music Event, and (2) approval of a rental agreement with PVSC United Soccer (requested 10 minutes) (action item)
4	<ul style="list-style-type: none"> Alisse Foster, Planning and Development, seeking review for approval on a construction bond, monument bond, and final plat for Westfield Estates Division 6 (requested 10 minutes) (action item)
5	<ul style="list-style-type: none"> Kristi Klauser, Auditing, regarding (1) a signature on an opioid settlement ref #CL-1732786 Purdue Direct, and (2) to discuss approval to purchase YDC/EC building appliances, safe, and tv that is not to exceed \$8,000.00 (requested 5 minutes) (action item)
6	<ul style="list-style-type: none"> Shanda Crystal, Procurement, requesting to discuss (1) lessons learned from past projects and how to improve processes moving forward, and (2) a procurement update (requested 15 minutes) (action item)
7	SIGNATURE ONLY (action items): Commissioners' Proceedings – July 2025
8	CLAIMS AND CONSENT AGENDA (action items): <ul style="list-style-type: none"> Board of Ambulance District: Invoices and Commissioner Report Board of Commissioners: Invoices, Commissioners Reports, and Credit Applications Salary Rate Approval Forms/Notice of Separation with Potential Executive Session under Idaho Code §74-206(1)(a)&(b) regarding personnel with potential action following adjournment of Executive Session Payroll Report Manual Checks Alcohol Licenses and Catering Permits Certificate of Residency Approval Technology Forms Mileage Reimbursement Requests Memorandum Authorization for Accounts Payable Minutes: Approval of Meeting Minutes from August 5 and 7, 2025, and Certification of Said Minutes

Meeting Notes

- 1 9:00 AM Hough called the meeting to order. Community Resources and Advocacy Director Shantal Lauulu presented a cremation application for case number 20250049. Moser moved to approve case number 20250049. The motion passed.
- 2 9:01 AM Manu reviewed the SWAT training room project is nearing completion. Flooring for the stairs and storage room was missed in the project bid. It was requested to reallocate funding from critical equipment and jail maintenance to complete the project. Moser moved to approve the reallocation to finish the projects. The motion passed.
- 3 9:04 AM Natalie Houghton also appeared. Crowther reviewed the request for a youth celebration event in the amphitheater and for a fee waiver. They help clean and set up chairs in trade for the waiver. The only hard cost would be for an electrician for the sound system. Hough moved to approve the event and fee waiver, and that the event pay for the electrician. The motion passed.
9:07 AM Crowther explained a salary form was submitted for a returning employee that is backdated. The employee has been working. Staff missed completing the form.
9:08 AM President Mary Keller, Financial Administrator Cortney Lew, Secretary Erika Neu, and Treasurer Kevin McArthur appeared representing PVSC. Crowther explained there has been a contract for the soccer fields for several years. The relationship has been good, but there were complaints from parents about field conditions that seem to relate to a fee they are charged and that they were told the County charges the fee and it is passed to them. The fields are used six days per week. The County's full cost for field maintenance is \$326,950 for one year, and that is reduced down to \$12,741 for the PVSC contract. Previously, Pocatello was paid \$12,000 per month for water for the fields. Costs incurred include \$15,000 for fertilizer and \$8,000 for vole removal. It was learned that the price increased each of the last two years for players. However, the contract amount has been the same for three years. The fee reduction is to support and help the youth.
9:12 AM Keller reported the parents were not told the fee increase was due to County fees. Appreciation was expressed for what the County does and parents that have been in club for years know that the fields have improved. Lew addressed the player fee increase and field complaints. Crowther relayed the major user of the Bannock fields is the soccer club.
9:16 AM Hough mentioned that additional fields were being discussed and questioned how to build a better partnership. Moser questioned the club's goals and savings. The club's goal is to have year-round soccer and they are working on an indoor facility. Initially, the player fee increase went toward that. The club's tournament brought 172 teams to the area, and they work with businesses for discounts. They work to bring more back to the community.
9:19 AM Discussion ensued on subsidizing budgets, reasonable contract fees, club numbers, benefits to community, and impact to the facility. The discussion will continue next week.
- 4 9:24 AM Foster reviewed Westfields Estates Phase 6, which will replat Phase 4. The contractor has proposed to bond for monuments and part of the construction of the road. Utilities are already in place. The intent is to advertise the lots in the parade of homes. Hough moved to approve the bond request and the plat. The motion passed.
- 5 9:28 AM Klauser reviewed an opioid settlement agreement that Legal has reviewed. Moser moved to sign the application. The motion passed.
9:29 AM Klauser reviewed the YDC project did not include appliances, a safe, and TV that are estimated to be less than \$8,000. Funding options were reviewed. Moser moved to approve the request, not to exceed \$8,000 for the YDC project from ARPA. The motion passed.
- 6 9:32 AM Crystal requested the lessons learned discussion be rescheduled for department head attendance.
9:34 AM Crystal gave updates on procurement projects.

- 7 9:36 AM Moser moved to approved the July 2025 Commissioners' Proceedings publication. The motion passed.
- 8 9:36 AM Hough moved to approve the claims and consent agenda. The motion passed.
- 9 11:00 AM Hough called the meeting to order and reviewed the hearing process and rules. He noted that several public comments have been received. Public Works Director Kiel Burmester, Assistant Director Buddy Romriell, and Administrative Services Manager Bobette Beesley were present.
- 11:01 AM Burmester reviewed the hearing is held pursuant to Idaho Code Title 40, Chapter 2 for validation of a road under the reason that doubt exists as to the status of the road, whether public or private. EchoHawk is applicant. In reviewing the application, staff looked at the method of creation, whether it was formally declared by recordings or maps. Beehive Road is not shown on the County roads map that is reviewed every five years. Other methods of creation include blanket legislative declaration or public use prior to 2/1/1881, five years of public use or maintenance, common law dedication, the revised statute of 2477, dedication through platting, or conveyance or condemnation. Staff found there has been no maintenance and no public funds have been used on the questioned road. Additionally, staff looked to the assessor for any documentation or recorded easements, and none were found.
- 11:04 AM Moser moved to open the public hearing. The motion passed.
- 11:04 AM Eric Olsen, legal counsel for the applicants seeking validation, indicated the parcels belonged to the federal government in the late 1800's. The applicants seek validation of the historic RS2477 right-of-way that provides access to those parcels. The historic right-of-way is an extension of Beehive Road and has been recognized in the historical documents since the parcels were initially homesteaded. Historical maps and surveys were submitted with the application. The requirements of Idaho Code §40-204A have been met per the RS2477 legislation before it was withdrawn in 1976. The key requirements that have been met is the road provided access and use prior to its withdrawal from the public domain. It was right over the subject property of the Slagles who have denied access to Mr. Lyon and the Murdocks. Per the application and statute, they are entitled to validation of the public right-of-way.
- 11:07 AM Heather Larsen, Paralegal to Mr. Olsen, conducted an onsite visit with an archeologist and surveyor. Just yesterday, they were provided access to Slagle property. Waypoints were done and the location of the Lyon family cabin was located that is on historic documents. Both the surveyor and archaeologist confirmed that the road as it existed in the 1901 survey, the 1961 survey, and topographical maps from 1935, 1940's, 1960's and '66 all represent that the road and cabin are in the same location as referenced in those documents. The topographical map shows the road as a double line road. The legend indicates that would be an excavated, improved road. It was similar condition to Buckskin, but it was access to the cabin. It went along property line. That used to belong to the Girl Scouts and was public until the 1950's when it was granted by the government as a public park; public use. It remained in the status of public use until 2013 when it was privately sold.
- 11:10 AM Preston Carter, representing the Slagles, objected in that the statute requires the Commissioners to consider all information related to the application, so two minutes of testimony does not comply with the statute. Additionally, new evidence was submitted this morning that the Board would not have had the opportunity to review. That is not consistent with due process. The applicant's are claiming a road under RS2477. That only allows creation of public roads prior to property being withdrawn from the public. This property was withdrawn from the public in 1959. The statutes in effect at the time governed whether a road was created. Those statutes in 1959 required public maintenance to create a public road. There is zero evidence of public maintenance. Looking closely at the record applicant provided, there is some evidence of private maintenance after 1959. They are seeking to construct a public road over his clients' property. There is no road on the ground in the photos. The relevant date is 1959. There was no public maintenance prior to that. Statute 40-204A was passed in 1993. It does not apply to land that was withdrawn from the public in 1959. That statute only applies to land that was in the public domain as of the time it was passed which is 1993. All the Commission needs to look at is if there was public maintenance prior to 1959 The answer is no, therefore, there is no road. There is more legal details in the submission. In order to validate the road, the Commission also has to make a finding that validation is in the public interest. Constructing a new road over his clients' property is not in the public interest.
- 11:12 AM Bobette Rowe-Slagle has submitted comments by email. But to reiterate, since 1959, access has been by permission only by the landowners. The public has never been given arbitrary access. Residents in the area work together to maintain the status of the driveways. As new stewards of the lands and foot paths, they feel a huge responsibility to continue maintaining the trails to the benefit of

themselves and their neighbors. The environmental impact, if there were a road through the desired corridor, no matter the prior private use, that corridor that has been pointed out is through a wetland and adjacent to the south fork of Pocatello Creek. To imagine a roadway through there, let alone a public roadway, is unimaginable. Knowing the constraints for environmental regulation, it is unimaginable to consider a road through the drainage. The personal impact and what they risk to lose with the creation of a public access way through their entire property to access a private property. When the property was purchased, they went above and beyond to ensure there were no recorded easements through the property and that they had an easement to the property.

11:15 AM Chuck Slagle felt it is inappropriate to give two minutes for testimony when his wife's submitted comments amount to twelve. If there was more due diligence and go back and look at the facts, it would be seen that there is no public road. There is a trail. There is no road on the property. It starts as a marsh, then to a trail next to the stream, back to marsh and over a hill to a more protected trail on the applicants' properties. There is no survey that shows a road, just some dotted lines and indication that in the past something was. It is crazy to say this is where a road would go, but cannot be clearly defined. Public access to a wetland is crazy. Part of reason he purchased the property is the unique drainages and join the neighborhood to protect the drainages. Now someone wants to bust a 32-foot road through there to take a firetruck up to some condo in the future. It doesn't fit protecting wetlands. The Murdocks and Lyons are not the victims. They have options. There were five previous owners they could've gotten easements from. They are the victims of applicants taking a lazy approach to this and assuming that they can show they are a victim, which they are not.

11:18 AM Wendy Deffinger agrees with the discussion on maintenance. In the 13 years she has owned her property, she has walked back on trails in the area. At the end of the paved Beehive, there's a short gravel road. There's a fence there with a padlock and boulders pushed up around it. That restricted travel by motorized vehicles. In the time she has walked back in the area, she has never seen motorized vehicles or anybody on the trails. There is no road. It is a wet, boggy, marshy area. She does not understand why Mr. Murdock needs public access through Beehive when he has public, motorized access through the Blackrock trail system which cuts across the northeast corner of his parcel.

11:19 AM David Fredrickson expressed he is familiar with the property since the late 50's and it has always been a private road up until recently when the County took over maintenance up to Ron Dykman's property. The rest above that is still private. In the 60's he traveled to the area and the gate was open and it was posted, no access without permission by the Silver Sage Girl Scouts. Their caretaker was there and allowed him to drive up the so-called road, across what he called corduroy road across the waterway to a shelter that is there. Beyond that, the tracks petered out. There was a trail, and a creek coming down the other side. He didn't dare driver further due to risk of getting stuck in mud with the creek there. He got permission from the Girl Scouts to take Boy Scouts up there in the early 80's. In his experience in 65 years, it has never been a public road until the lower part was paved. From the end of the pavement up to the area has always been private. While the Girl Scouts had it, access was always required by permission. There was a chain link fence and gate with a pointy top so you couldn't crawl over it easily. It is a private road and should remain a private road.

11:22 AM Paul Allen concurred and reinforced the statements and observations of the previous speaker. He has lived in the area since 1983 and has been familiar with the property since 1985. At that time, there was evidence of a trail and some sort of private access to the girl scout lean-to in the area. There appeared to be several old logging roads that extend up several of the drainages, probably from the early 20th century. There is no evidence of maintenance. He supports maintaining the private nature of the properties. The simple ingress/egress to the properties should be valid, but public access shouldn't be necessary.

11:24 AM Don Murdock expressed that a lot of things said here aren't true. When you go up the Beehive extension, you go through and there was a left turn in the road. You go up and there's an exact right turn in the road to go to the old girl scout camp. That is a nice wide drive up there and he's has camped up there. The whole question here is they are denying there ever was access, but why do they go to the trouble to take a CAT and push gravel over the access and fill it with trees so they can't get up there. They drove up to check the road four years ago and gravel had been pushed over the wetlands or whatever they say. Going up further, there's a spring that comes down and joins in the Slagle property, a major roadway cut right into the side of the hill. There's a logging road above and the major road that goes down to the little creek that goes into the cabin that the Lyons built. They drove up there and built a cabin and enjoyed it for years and years. The old maps that show this, you can see the cabin location, and the maps show that it's there. That is why it qualifies as a 2477 historic roadway; protected by Congress, these land grants they got up there back in 1906, to have access. There is no access over the top. You can drive a 4-wheeler

up there and come down, but you could never get in to enjoy it. But the real reason is, since the road was blocked four years ago, they haven't been able to set a foot on that property because you can't get up there with the blockage.

11:26 AM Ron Dykman explained he purchased his property in 1999, and bought an easement from Pat Rowley, who also sold easements to Pyles, which Pyles later sold the property to the Slagles. When he showed up to look at the property the first time in '99, there was a gate at the bottom and a foot trail that took you in about 500 feet. That is where he built the new road to go in to his house. The road takes a left and meanders up to the house. At that 500 feet mark, he put it another gate so he could close the first one when he built, he could close the second one to keep other people from going up in there. That was the agreement he had with Rowley, to put another barrier to keep people from getting in there. He put the big rocks in place. That road was nothing but dirt when he purchased it. There's never been any gravel prior to him putting it there. He has put in about 40 truckloads of gravel and the Slagles have about 10. He is the only one that has maintained it since 2001 when he moved in. There have really been no other vehicles up in there after that. Before that, there was not really any vehicles for at least 15 years because Rowley owned it for 7 year and he would never let anybody in. The other guy was a fish and game cop that would never let anybody in and he lived there for 7 years. There is a chain link fence that the girl scouts did have set up for purposes of no trespassing. The posts with concrete in the ground are still there. The cabin applicants are talking about is approximately 8 feet by 12 feet and 4-5 feet tall with a door that that's off the ground. It's not a cabin, maybe a hunting cabin. He is totally against validation.

11:28 AM Moser moved to close the public hearing. The motion passed. Discussion ensued on the proposed road going to private property, rather than public, and whether validation would cause public maintenance. If the property has always been fenced as permission only, it is private. Moser moved to not make this a public road. The motion passed.

Action Item Summary

ACTION/DIRECTION	ASSIGNED TO
Approved cremation assistance for case number 20250049.	Indigent
Approved reallocation for tactical training flooring.	Sheriff
Approved fee waiver for youth celebration and continue PVSC contract discussion.	Parks and Rec
Approved plat and bond agreement for Westfield Estates – Division 6.	Planning/Resolution
Approved opioid settlement participation.	Auditing
Approved additional items for YDC project up to \$8,000 from ARPA.	Auditing/Procurement
Reschedule lessons learned discussion.	Procurement
Approved proceedings publication and claims agenda.	Clerk
Approved open/close public hearing and denied petition for validation of Beehive Road.	Public Works/Resolution

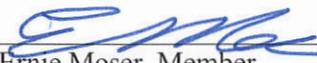
**BOARD OF BANNOCK COUNTY COMMISSIONERS
MINUTES CERTIFICATION**

We, the Board of Bannock County Commissioners, hereby certify approval of the minutes of the Bannock County Commissioners' meetings inclusive of the date(s) of August 5 and 7, 2025, as approved during the meeting of August 12, 2025.

BOARD OF BANNOCK COUNTY COMMISSIONERS



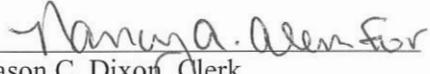
Jeff Hough, Chair



Ernie Moser, Member

Ken Bullock, Member

ATTEST:



Jason C. Dixon, Clerk