

**Special Jefferson County Commissioner Meeting
December 31, 2015**

Meeting called to order at 3:00. Those present are Commissioner Farnsworth, Commissioner Hancock, Chairman Raymond, Attorney Robin Dunn, HR/Emergency Management/Parks & Rec. /Commissioners Assistant Rebecca Squires, Public Works Dave Walrath, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge given by Commissioner Hancock. Prayer offered by Commissioner Farnsworth.

3:03:19 PM Motion by Commissioner Hancock to amend agenda for signing of an amended annual road and street report for Road & Bridge. Second by Commissioner Farnsworth. All in favor-aye. Motion passed.

Commissioners

• **Great Feeder Canal**

3:04:06 PM Bruce Grover, Stan Hawkins, and Brent Thomas are in attendance representing the canal board.

3:04:41 PM Bruce Grover is the President of the Great Feeder Canal. He is currently flustered with this situation. Says he has read some things in the paper he didn't like. They are building a new structure up there. Feels it is up to the county to provide some proposals; they are not going to chase the county to be a part of this project. Have heard the county is waiting on the canal board and he feels this is backwards the canal board needs to know what the county's decision is. If the county wants to participate then they should come in with a proposal. Bruce thinks the county should be bringing them in something for them to work with. Engineering plans may not have been delivered as timely as they may have expected. Bruce does not feel they can tell the county how to handle their business. They are currently building the structure and are going to keep building the structure. Within 30 days will be making another assessment to the water users for the rest of the money to get the project finished. Had met with the commissioners five years ago when this project was first being discussed. They have put money aside and done what they needed to do to prepare for this. What has the county done to prepare? Bruce is not sure of that answer. Feels they are getting slammed hearing that the county is waiting on the feeder. Does not appreciate his engineer getting slammed either. In the paper it stated the plans need to be reviewed by a professional engineer. Bruce feels that Ted Sorenson has done more with water and concrete than any man in the state. For something like this to be in the paper is an insult to the board as well as their engineer.

3:09:34 PM Commissioner Hancock speaks that they are not trying to slam anyone. They have to look at this from a legal standpoint on how they spend taxpayer's dollars. Have to make sure legally they can put money into a structure for access and not have any legality. As far as Mr. Sorenson's professionalism not sure where this came from. In a meeting our Road & Bridge administrator, who is a professional engineer himself, said there is no professional stamp on the drawings they have been given. Commissioner Hancock had asked Mr. Jardine who said the plans have been sent out to other engineers for design reviews. Need a second look from a professional stand point. There were no professional engineer stamps on the plans the county had received. The copy they received shows it is 95% done and does not have a stamp. Commissioner Hancock mentions that Dave just wanted to make sure there was a stamp on the plans. Bruce brings up what was printed in the paper. Commissioner Hancock says they do not print the paper, goes over what was discussed in the meeting.

3:14:21 PM Chairman Raymond asks Rebecca for the interest of the board and public where the press release can be found. Rebecca says it can be found on the county website and she also has information on all of the great feeder headgate discussions. This is only the Jefferson County side of the discussions. Offers to put information from the feeder board if they would like. Bruce declines offer.

3:15:39 PM Bruce's other thought is the question of ownership. He had stated that the feeder wouldn't relinquish any of that ownership. Has talked to irrigators and board members and still feels the county will not own any of this. This it going to stay private property.

3:16:33 PM Chairman Raymond reiterates they have no interest in ownership of the headgates or control of the water. The commissioners are only concerned about ownership of the deck and bridge structure. Does want to see this project move forward without any hitches.

3:17:07 PM Chairman Raymond mentions that five years ago this was brought to the attention of past commissioners. Going back to the public record would find there were some questions of the board then which we still don't have answers for. Still do not have a cost to the taxpayer's of the county. Chairman Raymond asks them as a board if they want public access across the private structure. What is the cost of this if access if given? If the balls in our court then should we be getting our own designs to make this happen?

3:18:36 PM Stan answers the question of cost until they know the county wants a bridge with public access they are not going to spend money with an engineer designing a bridge to find the county does not want one. The public is going to either want or not want

this to continue having access. With coming up with a cost they do not want to expend a bunch of effort to have the county decline. Realizes this will be public use would have to be an HS20 bridge to handle the use. Currently have a mixed board on if they want public to have access across. Stan thinks the county needs to make this decision on if they want a public easement across the structure. If they do want to proceed they will get serious with the engineer and board with some cost estimates to move forward.

[3:20:56 PM](#) Commissioner Hancock mentions the plan designs he was given have a bridge with HS20 standard. Stan says this was in anticipation of the county proceeding with a bridge. Commission Hancock says the second issue is they will be liable for this structure. Will need to have some document saying the county will be given a lease.

[3:22:10 PM](#) Stan says an easement should not be a problem if they come to terms on this. Stan says they read in the newspaper article that the commissioners had spoken with an ICRMP attorney. Stan explains he has some experience in this area they have a prescriptive easements on a lot of roads that are covered through ICRMP. Stan is more than happy to give an easement but does not believe they need to own any of the structure.

[3:23:22 PM](#) Robin says they have to have some interest in this property. Robin clarifies they had called Carl Ericson from ICRMP directly. That they had to have ownership, a lease, or control of the structure. This is with ICRMP insurance which is used throughout the county. Was not given a written opinion they would need to investigate further.

[3:25:10 PM](#) Stan represents the board of directors that they will need to have a written easement that is not a problem with this board. The board cannot build this structure and give this easement for free. Discuss how they cannot go to the water users to pay for the entire structure. Robin says the county is not looking for anything for free. Stan explains they need to make the decision if they want public access, they will go over the costs involved.

[3:26:33 PM](#) Commissioner Farnsworth asks if this structure has been there 120 years? Bruce says it was built in 1915. So it's been there 100 years. Commissioner Farnsworth said the county has never participated in it and people have been driving across this for years. So what has changed? Bruce says there may have been some agreements or it was permissive use.

[3:27:34 PM](#) Stan says they may have a prescriptive easement. Robin explains this is getting into a technical part of the law.

[3:28:17 PM](#) Robin says to stay on point in this meeting what do the commissioners need to do to move forward with this structure. Bruce says either way they will be building a headgate this is already being done.

[3:29:26 PM](#) Bruce asks what the county has been done to secure an easement across the other canals that are privately owned around the Great Feeder. This opens the possibilities of those canal companies closing off access as well. These are smaller structures and have never shut off access.

[3:30:35 PM](#) Bruce speaks of vandalism on the structure. If this access is kept closed this would escalate for a while but in the long term would be a benefit to the feeder to not deal with vandalism and theft of equipment. This project is roughly \$1.3 million. What would be the cost of a work deck or bridge? Unsure of the cost at this time. The bridge across the Enterprise Canal was over \$300,000 this is closer to Ririe.

[3:33:47 PM](#) Robin says to the best of his knowledge the county commissioners want to participate they want to know the cost involved. Understand they are on a time limit. Commissioner Hancock says the important part is getting the written easement.

[3:34:20 PM](#) Stan would have to draw up this easement with details where if they did have to stop traffic they are able to close this access to get trees out or when they have any maintenance. Robin mentions the county would also need this option if they have maintenance work to do.

[3:35:36 PM](#) Robin mentions the issues are can the county participate and do they need to have the design work done themselves? No Stan feels if they tell them they want a HS20 bridge then they will go back to their engineer and will get the cost for the total project. Discuss how much they feel the county should pay. The public is going to have unlimited access and the Great Feeder is going to have limited access.

[3:37:02 PM](#) Robin says the county was told would be around \$250,000 this is the number that has been thrown around. Stan says Ted Sorensen was in one of the meetings six months ago. Bruce mentions when they had meet before he had a shot in the dark amount of \$300,000 to \$600,000.

[3:38:05 PM](#) Stan says if a \$250,000 structure with an easement will not work for them then they will see what they can do. If it doesn't work for either involved they may be done with this issue all together.

[3:38:30 PM](#) Chairman Raymond says there is no money budgeted for this. Would have to do some digging to find any money.

[3:38:53 PM](#) Chairman Raymond says this needs to move forward. What they are facing is that some decisions need to be made quickly. Go over what has been discussed. Concern as a commissioner is imposing the will of government on a private entity. Would feel better if they had some sort of formal request that this is the way the feeder wants to move forward. Feels they may both be at the same impasse. Stan doesn't want the public to think they are closing this if they can come to fair terms. The majority of their board is okay with public access. Go back and forth on if the county wants a bridge. Stan asks about not having any money budgeted for this. Does that mean this is not going to be possible?

[3:42:05 PM](#) Commissioner Hancock answers they don't have dedicated funds in the budget. They have resources that they may be able to take money from. This is not dedicated as a line item. Robin says they did not budget any for the bridge during the budget process.

[3:42:45 PM](#) Brent Ferguson from the crowd ask who is representing the people. Says that most people have almost always supported the canal companies and these are the same people that support the commissioners. Thinks they need to work this out together.

[3:44:40 PM](#) Brent Thomas with the canal board says to summarize the position of the canal company they would prefer to have the work deck. But they understand the use of this and the convenience. Discuss the wear and tear on the deck due to the traffic across this. Would not go all the way to the North side if it was just strictly for the canal company. Needs to think about the liability of the structure. Feels that if they can come to some sort of agreement on this to benefit the county and the canal board.

[3:47:25 PM](#) Commissioner Hancock says he has thought about this a lot. His great grandparents were part of the original structure. What will be thought of this in another fifty plus years? Would like the legacy to say they worked with all parties involved and still have access across this area. Discuss what will be looked at in years to come. Would they think this was wise decision whether they have access or not. Commissioner Hancock is only speaking for himself would like to say they were cooperative and worked together.

[3:49:17 PM](#) Chairman Raymond summarizes that they need to investigate the legal strategy to make sure the legal standings are covered. Need to be able to cover the liability and to get some kind of handle on costs. Commissioner Hancock will do some research he will work with Dave and speak with the feeders engineer to see what they have done on this. Will also get more details on the designs if they are okay with this. Bruce asks about only wanting to own the deck need to realize all of the supporting structure needs to be there. Commissioner Hancock says he understands the other commissioners agree.

[3:51:23 PM](#) Chairman Raymond asks while moving forward trying to handle costs would the feeder be interested at all in some in-kind work. Bruce says most of this is already covered. Chairman Raymond mentions there will have to be some signage and guardrails if the county participates with some incidental costs. Bruce says they will consider this.

- **Tran King**

[3:53:10 PM](#) Tran King is here to discuss the Great Feeder. Tran has owned Mountain River Ranch since 1973. Say they are serving the public access but who is that exactly. He has lived on the road for twelve years. His part is a dirt road he has the largest piece of ground. Most of the traffic flows from the South to the North. It is only 1.9 miles to drive around if no access is given they can go around. Discuss access of the roads. Do have a hard time with youngsters on this road going too fast. The county does put dust control on the road, it is maintained but causes unsafe situations. May think about putting up a toll booth.

[3:58:29 PM](#) A gentleman from the audience asks Mr. King if individuals from his RV Park use this access. Feels that Tran's patrons at Mountain River Ranch have access to this area. Tran says he is looking at the safety of the public and he gets on individuals that use this access from his park.

[3:59:54 PM](#) Tran feels this is a waste of taxpayer's money. Everyone here in the audience lives on pavement. It is 1.9 miles to go around. Tran is against the bridge.

[4:01:01 PM](#) Jim Byington says he lives by the Byington boat dock. He is concerned about safety they usually close US 26. The old highway is closed off this is an emergency access to go over the headgate. Jim lives in Bonneville County but thinks the emergency factor should be considered before recreation. Chairman Raymond says they were aware of this from Mr. Adams and Mr. Melendez who have come in before the board previously.

[4:02:24 PM](#) Commissioner Hancock says they will want the public input before a decision is made. They will have a public hearing in Ririe in a couple of weeks.

[4:02:45 PM](#) Mike Adams asks if there is any public money going into this right now?

[4:03:00 PM](#) Bruce says they have received a grant from water resources for around \$500,000. Stan says the grant is contiguous they would also develop managed recharge sites. Grant has nothing to do with public access. This is given to help them control water quickly.

[4:04:19 PM](#) Chairman Raymond says not to hold them to a date on the public hearing this will be open to all of the public.

- **Road Report**

[4:05:02 PM](#) Road and street report Dave Walrath says the highway user numbers from the first quarter of 2016 was added into the 2015 line on accident. Other change is they had not put the auction money in on line three.

[4:07:27 PM](#) **Motion by Commissioner Hancock to accept the amended annual road and street report for FY15. Second by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.**

[4:08:29 PM](#) Motion by Commissioner Farnsworth to amend the agenda to include an executive session 74-206 (F) – Legal. Second by Commissioner Hancock. All in favor – aye. Motion passed.

[4:09:11 PM](#) Motion by Commissioner Farnsworth to go into executive session 74-206 (F) – Legal. Second by Commissioner Hancock. Roll call taken. Commissioner Farnsworth – aye, Commissioner Hancock – aye, Chairman Raymond – aye. Motion passed.

Open session at 4:40

[4:41:12 PM](#) Discussed legal issues pertaining to the Great Feeder Canal. No actions taken, no decisions made.

[4:41:38 PM](#) Motion by Chairman Raymond to adjourn 4:42. All in favor – aye. Motion passed.

Chairman of the Board

Clerk of the Board

County Clerk