

**MADISON COUNTY COMMISSIONERS  
MEETING AGENDA  
September 28, 2009 8:00 a.m.  
COMMISSIONERS ROOM  
Madison County Commissioners  
Robert Hansen, Chairman**

Kimber Ricks

Jon O. Weber

8:00 a.m.

**County Business:**

New Business:

- Commissioner Assignment Reports & Correspondence
- Commissioner Board and Committee Reports
- Claims
- Minutes: August 31, 2009, September 2, 2009 & September 8, 2009
- Correct Cancellation of Taxes for Stephanie Whaley
- Final settlement of Local Agreement with ITD for Project on US 20 for \$7,169,58
- First and Second Invoices for the East Parkway Corridor Plan
- Capital Crimes Defense Fund Board Election Nomination
- Sugar City P & Z Board Appointments
- Madison County P & Z Board Appointments
- Modification No. 1 - Recovery Act Road Project Agreement between USDA Forest Service and Madison County
- Resolution No. 326 - National Forest Related Safety-Net Payments
- Urban Renewal: Hemming Property
- Approve Madison County 2009 Certification of Levies
- Retail Alcoholic Beverage License Renewals for the following:
  - Valley Wide Cooperative
  - Broulins Supermarkets Inc.
  - BDSBG & G of Eastern Idaho LC - HB Boys LC
  - Parkway Rexburg LLC - Wingers
  - Leishman Investments Inc - Horkley Self Service
  - 39 South 2<sup>nd</sup> East & 727 North 2<sup>nd</sup> East
  - Restaurant Concepts II, LLC - Applebee's Neighborhood Grill & Bar
  - Frank Jenkins - South Fork Mini Mart
  - Orme Family LLC - Brads Sinclair, Sugar City
  - New Albertsons Inc. - Albertsons #171
  - Duffy & Connie Ent LLC - Mother Hibbards
  - Maverik Inc - No. 169 and 75 North 2<sup>nd</sup> East
  - Troy Hess - Teton Lanes
  - JH Horkley Filling Station LLC

Old Business:

- Dusty Cureton, Road Supervisor & Wendell Roth, Solid Waste Supervisor Agreement
- County Medical Insurance
- Road Ordinance

- 10:00 a.m. Information Technology County Contract with Computer Arts
- 10:15 a.m. Dusty Cureton & Larry Edwards Re: Interim Road Supervisor
- 10:30 a.m. Rodney Lusk Re: Fair Ground Resolution Review
- 11:00 a.m. **Health and Welfare - Executive Session (Idaho Code 67-2345-1(d), exempt records)**
- 11:30 a.m. Assessor Brent Saurey: Tax Cancellation Consideration for Old Craigo's
- 12:00 Noon LUNCH BREAK
- 1:45 p.m. Imaging Lab - Probation urinalysis testing
- 2:00 p.m. Treasurer Sherry Arnold Re: Tax Hardship Request
- 2:15 p.m. Bill Schofield Re: County Job Description Update
- 2:30 p.m. Ted Hendricks Re: Properties behind County Co-op - Phase 2
- 3:00 p.m. **Planning and Zoning**  
Inter-local Agreement  
Mitch Neibaur Plat  
New P & Z Commission Members
- 3:30 p.m. Sandy Krentz Re: Sheriff's Office
- 4:00 p.m. Deputy Cameron Stanford Re: Twin Bridges
- 5:00 p.m. Adjourn

**NOTICE: Meeting is Open to the Public Except For Executive Sessions.  
ANY PERSON NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN  
THE ABOVE NOTICED MEETING SHOULD CONTACT THE  
MADISON COUNTY CLERKS OFFICE 48 HOURS PRIOR TO THE MEETING.  
IT IS ASSUMED THESE SCHEDULED TIMES ARE CORRECT.  
THERE ARE TIMES WHEN THE SCHEDULE WILL BE ADJUSTED ACCORDINGLY.**

**MADISON COUNTY  
COMMISSIONERS MEETING MINUTES  
September 28, 2009 8:00 a.m.  
COMMISSIONERS ROOM**

**Present:** Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Commissioner Jon O. Weber, Attorney Troy Evans, and Clerk Marilyn R. Rasmussen

**Sugar City Planning and Zoning Board Appointment:** Commissioner Hansen made a motion to appoint Rona Yardley or Rita Vernon as a member of the Sugar City Planning and Zoning Commission from the Impact Area, Commissioner Ricks seconded and voting was unanimous.

**Madison County Planning and Zoning Board Appointment:** Commissioner Hansen made a motion to appoint Bill Squires to a three year Planning and Zoning Board Appointment (replace Von Clark appointment), Commissioner Ricks seconded and voting was unanimous.

**Alcoholic Beverage Licenses:** Commissioner Hansen made a motion to approve the following Alcoholic Beverage Licenses: Valley Wide Cooperative, Broulims Supermarkets Inc., BDSBG & G of Eastern Idaho LC - HB Boys LC, Parkway Rexburg LLC - Wingers, Leishman Investments Inc - Horkley Self Service at 39 South 2<sup>nd</sup> East & 727 North 2<sup>nd</sup> East, Restaurant Concepts II, LLC - Applebee's Neighborhood Grill & Bar, Frank Jenkins - South Fork Mini Mart, Orme Family LLC - Brads Sinclair, Sugar City, New Albertsons Inc. - Albertsons #171, Duffy & Connie Ent LLC - Mother Hibbards, Maverik Inc - No. 169 and 75 North 2<sup>nd</sup> East, Troy Hess - Teton Lanes, JH Horkley Filling Station LLC, Commissioner Ricks seconded and voting was unanimous.

**Christy Swensen, DEQ Representative,** reported that the site and design plans for the Transfer Station and C & D Site have not been approved at this time and she will send a letter to the Commissioners asking for their help in getting final approval.

**Commissioner Ricks made a motion to amend the agenda to include writing a letter of support for the Hazardous Cleanup Grant being written by Christy Swensen, DEQ Representative and to add the Information Technology Telephone Maintenance Agreement to the agenda, Commissioner Weber seconded and voting was unanimous.**

**Commissioner Ricks made a motion to direct Attorney Troy Evans to write a letter of support for the Hazardous Waste Grant being submitted for Madison County by Christy Swensen, DEQ, Commissioner Weber seconded and voting was unanimous.**

**Cancellation of Taxes:**

**Commissioner Hansen made a motion to sign the corrected Cancellation of Taxes for Stephanie Whaley, Commissioner Weber seconded and voting was unanimous.**

| <u>Name</u>      | <u>Parcel No.</u> | <u>Reason</u>         | <u>Total Tax</u> |
|------------------|-------------------|-----------------------|------------------|
| Stephanie Whaley | RPSOND0530140     | Homeowner's Exemption | \$998.23         |

**Commissioner Weber made a motion to support Skip Hurt as the District 6 Representative for the Idaho Capital Crimes Defense Program, Commissioner Ricks seconded and voting was unanimous.**

**Resolution No. 326 - National Forest Related Safety-Net Payments:**  
**Commissioner Hansen made a motion to adopt Resolution 326, the 2009 National Forest Related Safety-Net Payments, Commissioner Ricks seconded and voting was unanimous.**

**Commissioner Weber** reported that the City of Rexburg is considering adding the Hemming Property to the Downtown Urban Renewal area. The Commissioners reviewed how this project would meet the goals of future economic development of the community. No decision has been made.

**Madison County Certificate of Levies: After extensive review of the Madison County Levies and those submitted by each taxing district, Commissioner Ricks made a motion to approve and submit to the Idaho State Tax Commission, Commissioner Weber seconded and voting was unanimous.**

**Paul Sorensen, Information Technology Administrator** reviewed the 2010 Computer Arts Contract and reported that this contract only includes the software contract, network hours and travel costs for the administrative area of the County and that the Sheriff would submit the law enforcement part of the contract. After review, **Commissioner Hansen made a motion to approve the Computer Arts 2010 Contract, Commissioner Ricks seconded and voting was unanimous.**

Mr. Sorensen also reported that out of the fourth quarter budget the IT Department will purchase a new Server for \$10,485 and two new lap tops at \$2935.69 each. **Commissioner Weber made a motion to approve, Commissioner Ricks seconded and voting was unanimous.**

**Dusty Cureton, Road Supervisor and Larry Edwards, Road Foreman:** Mr. Cureton reported that they have completed eight miles for the Forest Service Contract. They will continue the project as long as weather permits.

Commissioner Ricks reported that the Commissioners are studying how best to reorganize the Department and while this is being done they would like to appoint Larry Edwards as Acting Director for Road and Bridge. A compensation adjustment will be made at a later date. After Mr. Edwards stated that he would accept the appointment, **Commissioner Ricks made a motion to appoint Larry Edwards as the Acting Director of the Road and Bridge Department, Commissioner Weber seconded and voting was unanimous.**

Mr. Edwards reported that the building they had just reconstructed needed to be painted costing \$6,800, extra rebar costing \$1800 and an extra door costing \$5300 and that he needed approval of these extra costs by the Commissioners. **Commissioner Weber made a motion to approve the above listed costs for the reconstructed building, Commissioner Ricks seconded and voting was unanimous.**

Mr. Cureton reported that they had a leased Loader that was scheduled to go back to Western States Equipment in December, but they have just about reached the allowed number of hours early. Western States Equipment said that they would take back the Loader early with no penalty. Mr. Cureton recommended that they return the loader early and lease a new loader at the

same cost of \$22,612/year through CAT Financial. **Commissioner Hansen made a motion to approve returning the current Road and Bridge Loader to Western States and lease a new loader for \$22,612 per year, Commissioner Ricks seconded and voting was unanimous.**

**Rodney Lusk, Fair Grounds Maintenance Supervisor** reviewed the updated Resolution which shows fees for events instead of charging hourly, changing hours for open arena riding and costs for the water and lighting system.

**Health and Welfare: Commissioner Hansen made a motion to go into Executive Session at 11:22 a.m., pursuant to Idaho Code 67-2345-1(d), exempt records, *Purpose of Executive Session: Health and Welfare cases.***

*(Commissioner Hansen – yes, Commissioner Ricks – yes, Commissioner Weber - yes)*

**Commissioner Hansen returned to Open Meeting at 11:30 a.m. Commissioner Hansen made a motion to sign lien and 10day pre-authorization for Case Number 2009045, sign release of lien for Case Number 2009023, sign lien for Case Number 2009045, sign denial for Case Number 2009044, sign 10 day pre authorization denial for Case Number 2009047, Commissioner Ricks seconded and voting was unanimous.**

**Treasurer Sherry Arnold and Assessor Brent Saurey -Cancellation of Tax:**

Susan Houtz requested a cancellation of late interest and penalty for 2007 and 2008 taxes. They did not understand the zoning for the property they were leasing and had to file to have it zoned Commercial. Because of confusion with remodel and zoning they are asking for the penalty and interest to be cancelled.

**Commissioner Ricks made a motion to approve the request by Ryan and Susan Houtz for their Company's (Beartooth Development) request to be given half credit for the penalty and interest for the 2009 taxes (\$453.84), Commissioner Hansen seconded and voting was unanimous.**

**Personnel Actions:**

**Commissioner Weber made a motion to offer Mr. Cureton a buy out compensation of \$15,000 which will include Vacation and Personal Leave accruals, Commissioner Ricks seconded and voting was unanimous.**

**Madison County** received a letter of resignation stating that he will retire September 30, 2009, from Mr. Wendell Roth.

**Commissioner Hansen made a motion to offer Mr. Roth a buy out compensation of \$15,000 which will include Vacation and Personal Leave accruals, Commissioner Hansen seconded and voting was unanimous.**

**Medical Imaging Center:** Commissioner Hansen reviewed the option of having the Tri-County Probation urinalysis lab relocated to the Medical Imaging Center and has a room and facilities for testing. Mr. Shay Plagman, Tri County Assistant Director was asked to do an on site visit to determine if this facility would meet the needs for the lab.

**Bill Scholfield - County Job Description Survey Contract:** Mr. Scholfield reported that he is still in the process of meeting with each individual department and is writing job descriptions.

**Ted Hendricks, The Development Company Director, Rick Miller and John Millar, City of Rexburg:**

Mr. Hendricks reviewed concepts for development of the Co-op property and how the County sale of the front part of the property could work with applying for a Community Block Grant. The City of Rexburg and Madison County would

need to design a scope of work to set the priorities that would enhance the property for government services and the community.

**Rick Miller** reported that he would like to apply for a grant for the Senior Citizens Center which would help fund the issues they are having with parking lot drainage. He will meet with the Senior Citizens Center officials to determine their priorities and would like the County to sponsor a grant to the Department of Commerce for them. After review of the proposal, **Commissioner Ricks made a motion to support the grant to the Department of Commerce for the Senior Citizens Center, Commissioner Hansen seconded and voting was unanimous.**

**John Millar** discussed the City of Rexburg's interest in participation with the County to continue the downtown revitalization project. After discussion, **Commissioner Ricks made a motion to approve the participation with the City of Rexburg in the Downtown revitalization project, Commissioner Weber seconded and voting was unanimous.**

**Rick Miller** asked the County to sponsor the grant application to the Department of Commerce for the Fire Sub Station in Sugar City. After review of the need to locate a sub station, **Commissioner Hansen made a motion to support the grant to the Department of Commerce for the Fire Sub Station to be located in Sugar City, Commissioner Ricks seconded and voting was unanimous.**

**Brent McFadden, Planning and Zoning Administrator** reviewed the following items of business: 1) Terms of appointment for Planning and Zoning members. 2) County View Estates Forced Plat and survey payment. 3) Area of Impact Agreement. It was reviewed that when infrastructure is taken into an area of impact then it is annexed into the City and this is already written in State Statute.

**Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$1,035,700.44, for September 28, 2009, Commissioner Weber made a motion to approve, Commissioner Ricks seconded and voting was unanimous.**

**Twin Bridges Repair: Deputy Cameron Stanford, Under Sheriff Ryan Kaufman, Deputy Bruce Bowler, Sheriff Roy Klingler, Randy Johnson - Forsgren Engineering**

Deputy Stanford reported that the Corps of Engineers is going to conduct a study of the structural issues with the bridges and the County will be receiving an LHTAC Grant for \$100,000 to help with the repair. Whisper Mountain has proposed the following scope of work for assistance with the project: 1) Develop an engineered conceptual design and cost estimate for each portion of the project. 2) Conduct a benefit cost analysis for each portion of the project. 3) Complete and submit either a 2009 Flood Mitigation Grant application or a 2010 Hazard Mitigation Grant application or a combination of both. The proposed cost is \$4,700.

After discussing with Randy Johnson, what might be the most effective use of the preliminary funds, **Commissioner Ricks made a motion to allocate \$2,000 for Randy Johnson, Forsgren Engineering for a project proposal, Commissioner Hansen seconded and voting was unanimous.**

**Commissioner Ricks made a motion to amend the agenda to discuss including the Justice Fund in the 2011 Budget, Commissioner Hansen seconded and voting was unanimous.**

(Sheriff Roy Klinger, Under Sheriff Ryan Kaufman and Bud Langerak)  
Sheriff Klinger reported that Bonneville County has had a very successful Justice Fund that has helped pay for special projects for law enforcement and Mr. Langerak was instrumental in helping them to achieve their needs under this fund. Bud Langerak explained how they set up the fund for Bonneville County and how some of the funds have been used. He said that he would be happy to work with the County to set up a Justice Fund for the next budget cycle if they would like his help.

**County Business:**

**Commissioner Hansen made a motion to pay the Bureau of Land Management \$38,999 for the 140 acres located adjacent to the Landfill, Commissioner Weber seconded and voting was unanimous.**

**Information Technology: Commissioner Ricks made a motion to give Paul Sorensen and Jason Povey \$5,000 each for the additional telephone duties that have been performed over the last several years, Commissioner Weber seconded and voting was unanimous.**

Commissioner Weber made a motion to adjourn at 5:50 p.m., Commissioner Ricks seconded.

Approved:

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Robert Hansen, Chairman

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Kimber Ricks

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Jon O. Weber