

11/17/2009/Amended

**MADISON COUNTY COMMISSIONERS
SPECIAL MEETING AGENDA
November 19, 2009 8:30 a.m.
COMMISSIONERS ROOM
Madison County Commissioners
Robert Hansen, Chairman**

Kimber Ricks

Jon O. Weber

8:30 a.m. County Business:

Meet with Morgan Construction to discuss Co-op Property Sale
County Christmas Benefit Social
Twin Bridges Agreement

10:00 a.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
November 19, 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

County Co-op Property:

Morgan Construction, Inc., Matt Morgan, John Rice, Rocky Mountain Environmental (telephone) Eric Neher and Steve Heaton, DEQ Representatives & Jeremy Hart, Bank of Commerce

DEQ is working with Matt Morgan to complete the due diligence research. (Letter on file and sent him the attached letter.

DEQ position: Eric and Steve reported that the site is contaminated and they wanted to be able to give a clean bill of health but with the information they currently have they could not give one. They have a consent order and corrective active plan for clean up that is not complete and they do not have health records that are complete to close the consent order for the property. The partition proposal that had been made by Morgan Construction was not acceptable as the property was considered all one parcel. DEQ cannot partition off a section and state that it is clean and free of contamination. The liability with the parcel is still attached to the property. No matter what part of the property is sold it will be contaminated. The consent order language still states that Valley Wide is in line for clean up responsibility. Mr. Morgan wanted to renegotiate the consent order thereby freeing up the back portion of the Co-op property. Mr. Morgan wanted the County to indemnify the property which he felt was a way to move forward and still purchase the property. He feels that a practical release for this property could be in 10 years and it may need a more aggressive clean up plan. Attorney Troy Evans stated that ICRMP, who cover the County as the insurance carrier advised against this type of agreement.

Matt Morgan's request to DEQ representatives and the Commissioners was to renegotiate the consent order. He stated the following: 1. Bank of Commerce will not finance the project if there is an environmental risk involved. 2. His attorneys would like an agreement from the County that would give unlimited indemnification.

Madison County agreed to a 90 day due diligence extension for Morgan Construction. (Letter on file)

County Christmas Benefit Dinner was scheduled for December 3, 2009, 7:00 p.m. at the Flight Museum.

Planning and Zoning Appointment: Commissioner Hansen made a motion to appoint Todd Smith for a three year appointment to the Madison County

Planning and Zoning Board, Commissioner Ricks seconded and voting was unanimous.

Commissioner Ricks made a motion to adjourn at 11:00 a.m., Commissioner Weber seconded.

Approved:

Robert Hansen, Chairman

Kimber Ricks

Jon O. Weber