

**Abbreviated Minutes: Complete Minutes Are On File In The Clerk's Office**

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| <b>Madison County Commissioners</b> |  |                    |
| <b>Meeting Minutes</b>              |  |                    |
| APRIL 8, 2013                       | 8:00 AM  | COMMISSIONERS ROOM |
| <b>ATTENDEES</b>                    | <b>Commissioners: Chairman Kimber Ricks, Jon Weber and Todd Smith</b><br><b>Deputy Prosecuting Attorney: Troy Evans was excused</b><br><b>County Clerk: Kim Muir</b> |                    |

**AGENDA TOPICS**

**Health and Welfare (Indigent Clerk Elizabeth Boyce):**

Commissioner Ricks made a motion to go into Executive Session at 8:04 a.m. pursuant to Idaho Code 67-2345 (1)(d) exempt records. (Commissioner Ricks-yes, Commissioner Weber-yes, Commissioner Smith-yes) Commissioner Ricks returned to Open Session at 8:15 a.m. Commissioner Weber made a motion to sign Determination to Approve on Case No. 2013019, sign Determination to Suspend on Case No. 2013020 and sign Determination to Deny on Case No. 2013022. Commissioner Smith seconded and voting was unanimous.

**County Business:**

*Committee and Board Reports:*

- Commissioner Ricks received a letter from Public Health. They will be asking for an increase in the annual county assessment of 1 – 2%.
- EICAP Board meets twice monthly, covers eight Eastern Idaho Counties and looks out for the poor and needy. They also run the food bank and subsidized housing. They have an opening on their Board for a Commissioner representing District 6.
- Commissioner Ricks attended LEPC meeting. The national weather service people were there. The snow pack is slightly less than normal. As always, flooding depends on weather in the next few weeks. There will be a statewide exercise for healthcare providers at BYU-I testing supplies and knowledge in crises.
- Department Head meeting turned out great. Departments thought Shadowhawk Enterprises was helpful with finding grants and would like us to look into finding someone to help with grants.
- Commissioner Weber made a motion to approve the claims presented by the clerk with the exception of two from the Sheriff's Office. Commissioner Smith seconded and voting was unanimous. After further consideration Commissioner Ricks made a motion to approve the two claims exempted from the Sheriff's office. Commissioner Smith seconded and voting was unanimous.
- Commissioner Smith made a motion to approve the March 25, 2013 Commissioners Meeting Minutes. Commissioner Ricks seconded and voting was unanimous.
- Commissioner Smith made a motion to approve the April 1, 2013 Department Head Meeting Minutes. Commissioner Ricks seconded and voting was unanimous.
- Tri County Probation and 5C meetings are scheduled for tomorrow.
- Commissioner Weber reported a Fair Board meeting on Thursday, April 18th and a Chamber of Commerce meeting tomorrow morning.
- Review and sign: Purchase and Sale Agreement

- Commissioner Weber made a motion to accept the offer on the Family Crisis Center Shelter Home. Commissioner Smith seconded and voting was unanimous. Fremont County has committed \$5,720 to go towards the shelter home.
- Review and sign: Retail Alcoholic Beverage License transfer Albertson's #171. Commissioner Ricks made a motion to approve the Alcoholic Beverage License transfer for Albertsons. Commissioner Weber seconded and voting was unanimous.
- Centennial Updates - Shauna Ringel stated the meeting last week went well. A plaque acknowledging the committee and elected officials helping with the centennial will be placed on the building. Idaho Travertine will set the wall in the park. The next event is the Centennial ball on April 18<sup>th</sup>. Children from 4 – 18 are learning the dances. The jazz band from Sugar City High School will be playing, and it will be a fun event.
- Discuss Budget and Levy Training - Information will be sent to Commissioners for the May 14<sup>th</sup> Budget and Levy training in Idaho Falls. Department budget meetings with commissioners were scheduled for June 2<sup>nd</sup> and 3<sup>rd</sup>.
- A motion was made by Commissioner Smith to approve Merle Jeppesen as President of the Golf Board. Lori Woodland was appointed at an earlier meeting but is unable to fulfill that appointment because of previous commitments. Commissioner Weber seconded and voting was unanimous.
- A motion was made by Commissioner Smith to grant Upper Valley Industries a 50% reduction for their golf tournament. Commissioner Weber seconded and voting was unanimous.
- It has been recommended that the fee be dropped from \$10.50 to \$7.00 at the Municipal Golf Course. Commissioner Ricks made a motion to approve the decrease in fees. Commissioner Smith seconded and voting was unanimous.
- There was discussion on the fence at the golf course. The Board has decided to put in a chain link fence to still allow viewing the beauty of the golf course. Commissioners would like to look at a vinyl coated chain link fence.
- Todd will be out of town for the next golf board and airport meetings.

Shaylor Anderson would like to use the parking lot for a charity fundraiser. Help International gives assistance in several places around the world. He is going to Tanzania, Africa to teach business marketing and help with other projects. Saturday, April 20<sup>th</sup> from 11:00 a.m. – 2:00 p.m. is when he would like to do the car wash, using Walgreens' water and the county parking lot. Commissioner Smith made a motion to approve the car wash in the Administration Building parking lot. Commissioner Smith seconded and voting was unanimous.

**Personnel Actions:**

Commissioner Ricks made a motion to approve the personnel actions. Commissioner Smith seconded and voting was unanimous.

**Brent Saurey/Sherry Arnold – Tax Issues:**

Lynn Shirley was present and stated that he was tardy getting his information in for the circuit breaker. He is asking for relief for 2012 and has already filed for 2013 for his home and one acre of his property. The base tax amount is approximately \$910. Age, disability and income are the requirements for the circuit breaker and to file before April 15<sup>th</sup>. The matter will be taken under advisement and discussed, and he will be notified by April 26<sup>th</sup>. Brent will provide further information.

Brent presented paperwork on Gwen Lee that was discussed at the March 25<sup>th</sup> meeting. It was appraised as three lots but is actually two. The total amount to be credited is \$6,562.93. Commissioner Smith made a motion to approve cancelling taxes as it is county error. Commissioner Weber seconded and voting was unanimous.

**Brent McFadden – Public Hearing/Resolution #361 Amending Building Permit Fees:**

The public hearing was open on April 8, 2013 at 10:01 a.m. for the purpose of hearing Resolution #361 to amend building permit fees. Those present were: Ralph Robison, Dan Roberts, Matt Eichner and Shauna Ringel. The hearing was properly advertised and posted. The purpose of the hearing is to only change the penalty of buildings built with no permit. The current penalty is 1/3 of the permit price, but has not been enough to curtail people from building without a permit. There has been no written correspondence received. The hearing was open for those who want to speak for, against and neutral.

Dan Roberts stated he is ambivalent towards this, but signed up to speak as neutral. His question to the Building Department is with the violations: His questions included: What is the excuse of those not purchasing permits? Did they not know about the permitting process and are they self-funded? He stated that people feel free to do what they wish on their own property. Do we base law on the lowest common denominator or are these laws detrimental to society? He cautioned the Commissioners that we should not be making a law on a low percentage of the people. He would be opposed to passing this resolution.

Commissioner Ricks asked if there was anyone to speak in the neutral position. There were individuals that would bring in plans, Planning & Zoning would do the plan check and they would never come back, so they began charging \$250 up front and then credit them at the end of their project. Brent has no proof that the additional fee will make people purchase permits. He stated it is hoped that if the penalty fee were raised, word will get out and it will make people want to purchase the required permits. He stated that the additional expense would come out of the county funds.

Commissioner Weber asked if we could base the fees on what it actually costs the county to provide the inspections, office work, travel fees, etc. The resolution is asking for three times the original permit fee for not purchasing a permit at the proper time. Commissioner Smith doesn't feel that increasing the fee is going to solve the problem. If there is a builder that consistently abuses the system, he should be penalized. If there are repeat offenders, they should be penalized, but if a guy just wants to put a shed up on a Saturday afternoon, he really should not be penalized.

Commissioner Ricks made a motion to table the issue and discuss it at a future meeting. Commissioner Smith seconded and voting was unanimous.

**Dave Walrath – Sprinkler System/Truck Shop:**

Dale Pickering was also present. The truck shop is on hold for now. They will put it out to bid again this week. Ryan Malm, from JRW, has been in contact with Dave. Dale stated that the county would have to install a fire suppression system in the proposed truck shop building. The intent of the code is to provide for safety. The Fire Department would like to develop a system wherein if the building changes uses, the department could reassess and look at the change. At this time, they will not require a sprinkler system be installed. They are canvassing the whole state to see how to put an addendum to the system to review anytime a building changes uses. Commissioner Ricks stated that if the building changes use, he would leave it up to Dave to notify the Fire Department.

**Val Moss – Paving Road:**

Paul Wright was also present. Val is here to get an update on the status of the property. He would also like to propose that the County pave the roadway. He states there are 22 families that have access to the road, and it gets very rough in the spring. He also stated that they are the only RV Park in the County that doesn't have a paved road to the property. Thompson gave them a bid a few years ago for \$10,000, but it wasn't up to county specs. It has been two years since they came in to request something be done.

Dave proposed building the road with crushed gravel and maintain with road graders a few times a year. Cost comparison between an unpaved and paved road was discussed, and it has to be plowed either way. A 60 foot right of way and 100 foot cul-de-sac is what the county code requires. It will cost more to get appraisals than the property is actually worth.

Dave commented that his plan is to have Dick Dyer look at Idaho Code, but would need to wait for legal counsel to review. Dave is trying to contain the utilities in the 60 foot swath. Once done and established, his plan is to come in and rebuild the road with gravel. If the property owners want to pull resources to pave it, the county would maintain it if the road is paved to county specifications.

Commissioner Ricks stated that there is a policy in place that establishes criteria for road paving. We will review the traffic counts and begin the process of getting the property deeded over if county legal counsel approves this process. Traffic counts need to be over 100 cars per day. There are septic tanks, fences, mail boxes, etc. that are on county property. If the county decided to pave, the budget would have to be looked at to see how soon we could pave.

Val would like to get a bid from Thompsons and have it entered into the record. It does need to be up to county specifications, and the county requires three bids.

Commissioner Ricks made a motion to amend the agenda to include an executive session. Commissioner Weber seconded and voting was unanimous.

Commissioner Ricks made a motion to go into Executive Session at 11:52 a.m. pursuant to Idaho Code 67-2345 (1)(d) exempt records. (Commissioner Ricks-yes, Commissioner Weber-yes, Commissioner Smith-yes) Commissioner Ricks returned to Open Session at 12:08 p.m.

**Public Comment:**

Dan Roberts asked if Commissioners would consider a law that would allow people to self-contract to buy and sell food. There are laws that prohibit the sale of raw milk. Commissioner Ricks asked him to draft a bill, and the Commissioners would take a look at it. Dan also asked about funding for the Centennial celebration and if we have a budget for it. Commissioner Ricks replied that \$10,000 was donated by the county and city, but that at least 98% is donated by private donors. Dan would like to see a copy of the budget and was told it could be viewed online on the county website.

Commissioner Smith made a motion to amend the agenda to include golf board issues and an executive session. Commissioner Ricks seconded and voting was unanimous.

Commissioner Ricks made a motion to go into Executive Session at 3:02 p.m. pursuant to Idaho Code 67-2345 (1)(b) exempt records. (Commissioner Ricks-yes, Commissioner Weber-yes, Commissioner Smith-yes) Commissioner Ricks returned to Open Session at 3:15p.m.

**Blake Rindlishbacher, ITD – Thornton Interchange Project:**

Brent McFadden, Dave Walrath, David Alvarez and Dan Roberts were present. Husk Crowther, from Forsgren and Associates, came in later.

Blake mentioned that this year the roadway on Main Street and Highway 20 all the way up 2<sup>nd</sup> East will be redone.

Parking on Highway 33 on Main Street was discussed. The Transportation Department preference is to take out diagonal parking on all State Highways and replace with parallel parking. Commissioner Weber pointed out that the decision hasn't been made yet. Originally it was thought we would gain a couple of spaces in front of the courthouse when the park was constructed, but will actually be losing overall parking. Someday the parking downtown might change to parallel parking, but right now we need to maximize parking in front of the courthouse. When this issue comes up again, we will include the City in the decision making process.

Blake presented the Commissioners with conceptual maps of the Thornton Interchange, and it was discussed. There was discussion on where access roads will be closed. Farmland owners have agreed to give up accesses, and the 4300 South Access was discussed. There were three alternatives discussed. The owners of Bear World will be in attendance at the planning meeting Wednesday and might be willing to help with funding. Off ramps and access closures were discussed on the overpass connecting to the 5000 South Roadway. There is a business that dumps potato dirt (wastewater) that this may affect. There have been complaints filed with DEQ for smell and other violations. They would have to dig out all of the contaminated soil and replace. They are in violation, but have been told the highway Department would be buying them out. The potato plant could be adversely affected. To make them whole, Benchmark has obtained an engineer and has been working with DEQ to control the odor and look at volume.

The rail line is owned by Union Pacific. They have the ability to add some nice aesthetic options to make the interchange look nicer. They could hire an architectural engineer to design the interchange, and we would have to maintain the additional landscaping. There will be public information meetings at the high school as this gets closer to fruition. Blake stated that the project would be done in the spring of 2016 and complete by Thanksgiving.

Commissioner Ricks made a motion to adjourn at 6:08 p.m. Commissioner Weber seconded and voting was unanimous.

Approved:  
Kimber Ricks, Commission Chairman  
Jon Weber, Commissioner  
Todd Smith, Commissioner