

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

<b>Madison County Commissioners</b>		
<b>Meeting Minutes</b>		
DECEMBER 8, 2014	8:00 AM	COMMISSIONERS' ROOM
<b>ATTENDEES</b>	<b>Commissioners: Chairman Kimber Ricks, Jon Weber and Todd Smith</b> <b>Deputy Prosecuting Attorney: Troy Evans</b> <b>County Clerk: Kim Muir</b>	

**AGENDA TOPICS**

**Public Comment:**

Dan Roberts talked with Representative Elect Ron Nate to get some of the verbiage changed with the Planning and Zoning laws on the state level. He also talked about harsh predatory laws for annexations with smaller town sites.

**County Business:**

*Committee & Board Reports:*

**Kimber Rick-** Cloud seeding is moving along, nothing new to report.

**Jon Weber-** RPO maps are on the transportation agenda.

**Todd Smith-** Airport Board cancelled the meeting, but they purchased a new truck that has a plow. Todd and Kimber also reported on the kick off meeting for the study of a new airport, or airport expansion. GDA went over the scope of work for the plan. There are concerns about the south and north end of the runway. A camera has been installed to capture the types of planes that land and take-off and the number of planes. The study will continue for approximately one year.

**Golf Board** – New software has been purchased which will need a signature. A board member replacement is needed to fill Merle Jeppesen's vacancy. A letter was also read requesting green fee waivers for tournaments.

**Discussion Items:**

Hospital Board appointments were discussed.

**Contracts/Documents:**

- The Commissioners reviewed a letter to send and exhibits pertaining to the My No Jo Property. The action was previously approved, but made subject to written findings which are before the Commission today. The Commissioners reviewed the letter containing their findings. Commissioner Smith made a motion to approve the My No Jo property letter. Commissioner Weber seconded and voting was unanimous.
- Commissioner Smith made a motion to approve the Annual Road Report. Commissioner Weber seconded and voting was unanimous.
- Commissioner Smith made a motion to approve the Idaho Bureau of Homeland Security Grants. Commissioner Ricks seconded and voting was unanimous.

**Calendar Discussion:**

- There will be a breakfast with legislators on December 22, 2014 at 7:30 a.m.
- The Department Head Meeting is moved to January 26, 2015.
- Elected Officials will attend IAC meetings in Boise on February 2 - 5, 2015.

**Routine Items:**

- Commissioner Ricks made a motion to approve the claims presented by the clerk. Commissioner Weber seconded and voting was unanimous.
- Commissioner Ricks made a motion to sign the Commissioners' Meeting Minutes of November 18, 2014. Commissioner Smith seconded and voting was unanimous.
- Commissioner Ricks made a motion to sign the Commissioners' Meeting Minutes of November 19, 2014. Commissioner Weber seconded and voting was unanimous.
- Commissioner Ricks made a motion to approve the Certificate of Residency for Cody Parkinson. Commissioner Weber seconded and voting was unanimous.

**Personnel Actions:**

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

**Health and Welfare - Indigent Clerk (Ann Marie Sorensen):**

Commissioner Ricks made a motion to go into Executive Session at 9:10 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 10:04 a.m. Commissioner Smith made a motion to sign a Lien Release on Case No. 2014021, sign Approval on Case No. 2014024 and sign Denials on Case Nos. 2015001 and 2015002. Non Indigent matters: Approvals were signed on Case Nos. N2015003 and N2015004. Commissioner Ricks seconded and voting was unanimous. Client (Case No. 2014003) visited with Commissioners.

**Brent Saurey – Tax Issues for City of Rexburg (4)/Madison School District/BVH LLC (Ivy)/Harold Harris/Charles Seymore/Jeff Lerwill (2) and Jan Merrill:**

*City Of Rexburg* – Legacy Flight Museum should not be taxed. There were questions on Solid Waste fees on City properties. This matter will need to be clarified by the Assessor.

*Madison School District and BVH LLC (Ivy)* - These are simple bookkeeping matters. BOE valued it the same as last year.

*Harold Harris* – His equipment is located east of power substation. This is a BOE matter, and the pertinent dates were missed by the owner.

*Charles Seymore* - This is a BOE matter, and the pertinent dates were missed by the owner.

*Jeff Lerwill* - Jeff purchased the building by Steiner Elevators. Valley Wide Coop had a lease agreement for the building, and someone else owned the property. Jeff purchased both the building and property, but Valley Wide is still receiving the bill for the taxes on the building. Jeff is looking for a reduction in value, but the Assessor was not notified at the time of the sale.

*Jan Merrill* – There is additional information needed on the property, and this matter will be addressed at the next meeting.

Commissioner Ricks made a motion to approve the tax cancellation on the Flight Museum to correct the tax mistake. Commissioner Smith seconded and voting was unanimous.

Commissioner Smith made a motion to approve the tax cancellation on the Ivy Apartments. Commissioner Weber seconded and voting was unanimous.

Commissioner Smith made a motion to deny the Harold Harris and Charles Seymour matters as they are BOE matters and should have been addressed within the due dates. Commissioner Ricks seconded and voting was unanimous.

**Brent McFadden – Discussion of a New Truck for the Weed Department and Building Inspection Discussion:**

- Brent was looking at a dealership in Salmon as he could purchase the truck for \$2,000 less than he could get it locally. He has since gone to Stones in Rexburg, and they came down to the same price he could get it for in Salmon. Brent was given approval to purchase the truck from Stones.
- A meeting was set up for Kimber and Brent on the impact area in Sugar City with Dave Ogden.

**Dave Walrath - Transportation Master Plan Update with Horrocks Engineers, Solid Waste Fee Discussion and 1000 East Bridge Project:**

- Kelly Hoopes and Steven Lord presented maps with traffic study results on the transportation plan. There are some signal issues on 2<sup>nd</sup> East. They are looking at gridlock if there are no improvements made by 2040 on several roads throughout the county. What would relieve the problems on these corridors is what they will be looking at to complete the transportation plan. The duration of the traffic count was over three days during peak and non-peak times. Proposed access management plan will also outline ways to improve flow and connectivity. A snapshot of 2040 will be taken to fix the problems. Kelly mentioned that some of the ITD funds need to go to pedestrian traffic. We will need to provide projects which are being planned in the near future. Public meetings will be planned in March to show the vision and where we are headed.
- The disposal of the 1000 East historic bridge is proceeding. The project has a contingency for the removal of the bridge, and Dave believes some can be used for stripping of the lead paint.
- There was a conference call last week on the 5000 South project. Dave reported that minor concerns on the environmental document have been addressed. He expects to proceed after December 29th.
- Maxine Berger from Solid Waste was present and would like to get prices changed on the original C & D fees. She would also like to go back to a per tire charge. An illegal dumping resolution is needed to alleviate the problem they are having. Commissioners are in support of changes and in favor of a user fee. We will look into state codes and prepare for a public hearing. Troy Evans provided the Idaho State statute, § 18-7031, that is already in place for these situations, and that a further resolution would not be needed where law enforcement could site the state code now. Commissioners are in support of changes and in favor of a user fee.

**Dale Swenson – Fremont-Madison Irrigation/Bridge Encroachment/Master Agreement:**

Fremont Madison Irrigation handles the water on Jackson Lake and Fremont County. The canal companies are all part time. They feel there is miscommunication from those who want to build a bridge when there is water in the canal. The canal company wants to keep within Idaho Code § 42-101 *et seq.* as there is language which states owners of real property or whoever wants to

encroach on an easement need to get an agreement signed. When a new bridge or improvement is proposed, it goes to Dale and he will go to the canal company to get approval after their review. There have been individuals in violation of the agreement. Dave Walrath is asking for a map showing the bridges within the county. Something to consider would be including the South Fork canals within the agreement.

**Rick Franke – Update to Logging on Lyon’s Creek Road:**

Richard Quinn, State Resources, was also present. Rick’s crew just finished up the logging and will continue to haul approximately 23 loads per day. They committed resources to get it done quickly. To date, they have hauled 477 loads and estimate about 395 loads remaining. Rick is asking for an extension of time to continue to haul. Doyle Barney, from snowmobile grooming, was present and gave consent as long as we don’t get a lot of snow. The parties will work together to determine when hauling will cease as the snow gets deeper. For now, the loggers are allowed to continue to haul, but cannot plow the road(s) or make embankments at this time.

**Public Hearing – Vote to Finalize Thornton Odd-Lot Properties:**

*Acquisition and sale of an amalgamation of small odd-lot properties located in Thornton having to do with an approximate 30 year long misunderstanding regarding a county road and access to local properties.*

Kimber Ricks, Madison County Commission Chairman, presided at this hearing. Commissioners Jon Weber and Todd Smith, County Clerk Kim Muir, County Attorney Troy Evans, Public Work Supervisor Dave Walrath, Trevor Einerson property owner was present. Troy Evans gave an overview of what has occurred, and stated as per Idaho law, the lots were previously declared odd lots by Resolution 382 passed November 10, 2014. The process for today is to hold the public hearing, and if there are no objections, call the parties and ask them to come in and pay the portions as outlined in their purchase and sale documents, then deeds will be issued to property owners by the county.

Based upon this overview, Commissioner Ricks opened the public hearing. Those present were identified on the record. No conflict of interest was raised by any of the Commissioners. Commissioner Ricks asked for those in favor, neutral and opposed to speak on this matter.

Speaking in favor was Trevor Einerson. He purchased one of the properties and is happy to see this matter cleaned up.

No others were in attendance to speak in favor, neutral or against the sale of the odd-lot properties. All of the required steps leading up to this hearing have been properly carried out. Commissioner Ricks declared the hearing closed at 2:15 p.m. and asked the Prosecuting Attorney to prepare deeds and as soon as payment is received, the deeds will be executed and recorded.

Commissioner Weber made a motion to finally approve the Purchase and Sale Agreements, and the sale of the odd lots to the property owners as listed. Commissioner Smith seconded and voting was unanimous.

Dave stated that Road and Bridge will begin improving the roads in this area and placing concrete barriers for pedestrians across one bridge, but no longer allowing motorized vehicles.

**Commissioners – Decision on Building Inspection Ordinance:**

Fees for Planning & Zoning were discussed and evaluating the fairness and equity of the fee schedule. Commissioners were also asked to consider the possibility of a “build at your own risk” category. As part of their legislative function, the Commissioners talked with many people in the industry and research has not resulted in a reason to create a “build at your own risk” policy. Most feel this would cause considerable risk and was not a good idea. The public agreed that the policies and current fees are sufficient and need to stay in place. Most have no problems with inspectors coming around. Bankers require inspections and may not lend if the inspections have not been completed. Brent McFadden commented that his office conducts annual fee reviews to make sure they are in line and where they need to be. Dan Roberts commented we are describing a process that he did not ask for. He was asking to amend the current law and feels individuals should be able to build at their own risk. Dan Roberts accused the Commissioners of not believing in freedom, which was rejected by the Commissioners. Based upon state law, the research that has been done on this issue previously and the comments from those who have talked with the Commissioners and county officials, the Commissioners unanimously agreed that the build at your own risk issue will not be pursued further nor will a public hearing be offered. This matter is now closed.

**Barry South – Tax Situation for Rustlers Hideout Subdivision:**

Barry and Eleanor South live on the north side of the South Menan Butte. Years ago, he developed a subdivision, which he had never done before, and he had no idea how well lots would sell. It cost them a lot to bring electrical power in, roads and engineering fees. He didn’t want it to be taxed high, and he made it a point to talk to county people about how to avoid paying taxes at the higher level. The taxes were lower in the beginning, but now have been raised to a much higher rate. They have been plowing snow and taking care of the roads and don’t feel it is fair to assess the lots at such a high rate. Julie Solomon, from the Assessor’s Office, explained there is a site improvement exemption, but it has to be reapplied for every year. She gave them the website to get the information for this exemption. This is a new policy from the State Tax Commission and the Commissioners asked the Assessor’s Office to find a way to get the word out to taxpayers. The Souths wondered if there was anything that could be done to cancel the taxes from last year. The Assessor’s Office will go to the property to reassess the lots and let the Commissioners know what the current status is.

**Sherriff’s Office – Jail Security Updates:** Cameron Stanford and Mitch Grover were present. The Sheriff, Ryan Kaufman and Troy Evans discussed this previously and suggested we employ an architect to draft the security system for us, and deal with the contractors where this will likely be a complex system and apply to the courthouse and jail. An architect who is licensed and bonded with specific electrical engineering experience could tell us what would be needed where no county employee could oversee this or offer their expertise to help. Cameron is asking for permission to go out for an RFP for the jail control panel and the courthouse security upgrades per the walk through everyone did a few weeks ago. Commissioner Smith made a motion to approve sending out an RFP for an architect to design and assist in the implementation of a control panel in the jail, and security upgrades for the jail and courthouse. Commissioner Ricks seconded and voting was unanimous.

Commissioner Ricks made a motion to adjourn the meeting at 3:55 p.m. Commissioner Smith seconded and voting was unanimous.

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