


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

<b>Madison County</b>		
<b>Madison County Commissioner Meeting Minutes</b>		
		
NOVEMBER 14, 2016	9:00 A.M.	COMMISSIONERS' ROOM
<b>ATTENDEES</b>	<b>Commissioners: Chairman Jon Weber, Kimber Ricks and Todd Smith</b> <b>Deputy Prosecuting Attorney: Troy Evans</b> <b>County Clerk: Kim Muir, Deputy Clerk, Ilene Palmer</b>	

Commissioner Ricks was excused.

**AGENDA TOPICS**

**Pledge of Allegiance:** Commissioner Weber

**Invocation:** Clerk Kim Muir

**Public Comment:** none

Rob and Alex Tietjen were present to fulfill a requirement for a scout merit badge.

**County Business**

**Committee & Board Reports**

Commissioner Weber reported that local RPO representatives went to Idaho Falls to meet with the Metropolitan Planning Organization (MPO) and learned how they operate. They have a full time planner, secretary and elected officials that are involved in decision making. The MPO encompasses the towns of Ucon, Idaho Falls, Ammon and other smaller towns in the area. The MPO is mandated to have a five year plan, however are encouraged to expand to a ten or fifteen year plan. Our local RPO came back and recognized there are things they could be doing like preparing a five year capital improvement plan. The City of Rexburg is taking the lead as far as the administrative responsibilities. The local RPO would like to attract more attention and receive additional funding by hiring a joint planner for the Cities and the County. Idaho Transportation Department and representatives from BYU-I are also included in the local RPO.

Commissioner Smith reported that the Airport Board met last Wednesday. The Board asked that David Taylor and Ray Pocock, whose terms expire in December, be reappointed. They are both valuable members of the Airport Board.

The Airport Board's bylaws state that terms are limited to three total terms currently, however the Board would like to have the bylaws changed to allow for up to four terms. Troy stated that the City and the County would need to approve any bylaw change. Commissioner Smith will report back to the Airport Board and advise if they want to go forward.

### **Calendar Discussion**

Upcoming IAC meetings scheduled for February 7-9, 2017.

Commissioner Weber is meeting with Road and Bridge and CEI tomorrow, November 15, 2016.

The December 27th Commission meeting will be moved to December 19th.

### **Discussion Items:**

Fair Board Members attended the Association of Fairs in Spokane, Washington. Next year the County Fair will be moved to August 8 – 12, 2017 because the solar eclipse will occur on August 21, 2017, and the Fair Board is hoping to rent out the fairgrounds for this event.

### **Contracts/Documents**

#### **The Engineering Services Agreement with Horrocks Engineers, Inc.**

This will be reviewed at the next meeting.

After review, Commissioner Smith made a motion to approve Resolution #412 authorizing Juvenile Probation to destroy old diversion records. Commissioner Weber seconded and voting was unanimous.

After review, Commissioner Smith made a motion to approve the FSI Fire Services Agreement. Commissioner Weber seconded and voting was unanimous.

After review, Commissioner Weber made a motion to approve the November 8, 2016 General Election Canvass. Commissioner Smith seconded and voting was unanimous.

### **Routine Matters**

After review, Commissioner Smith made a motion to approve the claims presented by the clerk. Commissioner Weber seconded and voting was unanimous.

After review, Commissioner Weber made a motion to approve and sign the Commission Meeting Minutes for October 24, 2016. Commissioner Smith seconded and voting was unanimous.

After review, Commissioner Smith made a motion to approve and sign the Commission Meeting Minutes for November 3, 2016. Commissioner Weber seconded and voting was unanimous.

Commissioner Weber made a motion to approve the Certificates of Residencies for Daniel Shirley. Commissioner Smith seconded and voting was unanimous.

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

Commissioner Weber made a motion to approve the merit increases presented by Departments Heads and the Commissioners. Commissioner Smith seconded and voting was unanimous.

### **Agenda Items**

#### **Kirk Mace, Review/sign DJC reports**

Funds for Idaho Department of Juvenile Corrections

The County receives funds from State tobacco and lottery money, Juvenile Probation benefits from this fund. Kirk also reviewed the number of kids supervised and said they are at the lowest number since Kirk has been with the County. Kirk explained the program of Madison Cares.

After review, Commissioner Smith made a motion to approve the funds received from Idaho Department of Corrections. Commissioner Weber seconded and voting was unanimous.

Ann Marie Sorensen, Indigent Clerk, Executive Session Idaho Code 74-206(1)(d) exempt records. Commissioner Weber made a motion to go into Executive Session at 9:30 a.m. pursuant to Idaho Code §74-206(1) (d) exempt matters. Commissioner Smith seconded the motion. A roll call vote was taken as follows:

Commissioner Weber-yes

Commissioner Smith-yes

Commissioner Weber returned the County Commissioners to open session at 9:45 a.m. Commissioner Weber made a motion to sign Denials on Case No's 2017001, 2017003, 2016050, and 2017003, sign Assignments on Case No's. 2015029 and 2016010. Non-Medical: Sign Approval for Case No. N2017002 and N2017003. Commissioner Smith seconded and voting was unanimous.

#### **Brent McFadden**

After review, Commissioner Smith made a motion to approve the Conditional Use Permit for Boyd Baggett. Commissioner Weber seconded and voting was unanimous.

After review, Commissioner Smith made a motion to approve the Findings of Fact for Kyle Bradshaw. Commissioner Weber seconded and voting was unanimous.

After review, Commissioner Smith made a motion to approve the Elevation Certificate. Commissioner Weber seconded and voting was unanimous.

Brent said that he would confirm that Ron Rhodes will be retiring at the end of December. Commissioner Weber asked Brent to get his resignation in writing. Commissioners said they would hire a replacement, however it would be through a hiring committee in which Commissioner Smith would participate. This should begin to be prepared for advertising as soon as possible.

#### **Paul Sorensen, Thornton overpass signage/Security key fobs**

##### **Thornton Overpass Signage**

Paul gave the Commissioners a copy of the Thornton overpass signage artwork. He would like the signage company to review it for material suggestions.

##### **Security Key Fobs**

The Courthouse has been fitted for security key fobs, however Paul said that the locks on the door handles will still fit a traditional master key. Commissioner Weber asked who would have a master key fob in case of an emergency; it was determined that the Sheriff's dispatch would have the master key fob.

#### **Jared Arnold**

##### **Weed**

Jared reported that Tony has completed spraying sterilent for weed abatement.

### **Mosquito**

The fall meeting has been cancelled and will be rescheduled at a later date.

### **Parks**

Prices for camp sites for next year's Solar Eclipse were discussed. Jared will post these prices on the County website. Jared also reported on the Hill Eagle Scout project for the volleyball court at Beaver Dick Park, and that it was excellent work and will be an asset to the County.

### **Madison Memorial Hospital Board, Discussion regarding medical staff serving on Board with voting privileges**

This meeting was rescheduled for a later date.

### **Tamara Sperber, Teton Regional Land Trust project update presentation**

Tamara gave an update on conservation easements and the tools that can be used. She reported that they are a technical resource to conservation of land and work with communities to permanently protect land through voluntary conservation options. They work closely with BLM, the Forest Service and willing land owners. The agency covers Fremont, Teton, Bonneville, Jefferson, Clark, Madison and small portions of Bingham counties along with Teton County, Wyoming. They have protected 33,500 acres since 1990. The agency tries to protect productive family farms and ranches, critical habitat, working lands and wildlife, exceptional rivers wetlands, world class fisheries and migration corridors. In addition, they protect scenic open space, recreational access through conservation easements, fee acquisitions, community conservation projects, habitat restoration enhancement, and landscape level planning. Tamara stated that easements do not grant the public access. She explained that land is protected in perpetuity; it can assist in controlling unwanted development. Much of the Agency's work has been along the South Fork and the Henry's Fork in Madison County. The Land Trust has spent \$4.6 million in conservation easements since 2004, and \$200,000 in habitat restoration in Madison County over the last twelve years. Once the land is under easement, the Agency tours the properties once a year to verify that lands are being used as agreed. Karen Rice, who was recently with BLM and now works with the Snake River Conservation Partnership, explained that the LWCF Funds come from offshore oil and gas.

### **Luke Erickson, Kandee Boice and John Hogge, Extension Office update.**

Luke presented Commissioners with bags that included brochures on the Night of the Living Debt app and a paper intended to educate the County by answering Commissioner Ricks' questions about teachers and classes. Luke demonstrated the iTunes app Night of the Living Debt, only available on iPads. He demonstrated the kids' game that educates them on how debt negatively affects your credit score and how that can affect you. During Spud Harvest, kids came in and played the games and showed that they were able to acquire knowledge about financial responsibility.

Kandee reported that the State Fair had the highest participation and payouts for livestock this year. Their office has participated with the FFA through the high schools. The Extension office is talking about new opportunities including conflict management. At the end of November they will facilitate a scholarship work night to instruct potential students how to apply for FAFSA and scholarships; attendance is open for anyone interested. Commissioner Weber asked Kandee to include a line item on the Extension budget for miscellaneous expenses that come through the Fair Board.

John Hogge reported that he is finishing work on farm succession and cereal school planning meetings. They recently analyzed 50 foot trees that were dying on 2<sup>nd</sup> East in Rexburg to see if they could diagnose

the problem. He has a 4H conference soon with producers. Luke commented that as Rexburg grows, it is great to have Jon here.

#### **ITD/Bear World, Slip ramp status meeting**

The Idaho Transportation Department presented a letter explaining that ITD unfortunately cannot accept the slip ramp Easement Deed that was signed by Bear World and the County previously. Courtney Ferguson stated that a month and a half was spent drafting the Easement Deed and the Easement Deed that was signed and recorded was as permanent as it could be.

Jason from ITD stated he is not at liberty to negotiate with Courtney at Bear World; he can only negotiate with the County. Courtney stated ITD was part of the prior conversations to come up with the wording they wanted and if the County wants the first phase of the frontage road they will have to fight for it; it is not a gift to Yellowstone Bear World. Commissioner Smith wondered if a conference call with the ITD attorney would be helpful, but the County attorney has talked with him and was told they would not agree to the Easement Deed. The intent of the State is to uphold the 2014 agreement to build a slip ramp and then transition to a frontage road, but the Easement Deed would have to be what they have presented. This would be a five year head start to a frontage road.

Commissioner Smith encouraged the Ferguson's to take a good hard look at the final ITD approved easement that ITD has presented. The bottom line is this: either Bear World accepts the ITD easement or the slip ramp does not get built. The County is fine with either the Bear World easement or the ITD easement, but without ITD involvement, the slip ramp will never be built. Bear World has to either accept the ITD easement or the slip ramp issue is over.

ITD reiterated that the original \$500,000 from ITD to the County can build a slip ramp today if the ITD easement is signed, or it can go toward another project; however, the ultimate goal is to build a frontage road. To apply for funding to build a frontage road, the County realizes it will be a few years out. Jason explained if the Federal money is used for construction, it can't be used towards a grant match. The question was asked if the slip ramp idea is now lost, is the County going to move forward with a frontage road regardless? Jason said he will get an answer on how to make the funds part of a match for the Federal project. In order to fund the frontage road from LHTAC, it is at least six years out. In some instances, the project can be pulled forward if other projects fall through. The County has missed the funding window this year, however will continue working with ITD.

Courtney was encouraged to seriously look at the easement and sign it. It is up to him and Bear World to decide what they want to do. If they sign it, ITD will be on board and the slip ramp will be built. If they don't, ITD will not be on board and it will not be built.

Commissioner Weber made a motion to amend the agenda to include consideration of a change order from Western Construction. Commissioner Smith seconded and voting was unanimous.

#### **Jack Snyder with Western Construction Inc., T. Matt Koster and Odo Grandi with LHTAC and Reo and Cindy from Road and Bridge.**

The State sourced MA-54-s aggregate gravel used for fill was discussed. The Edstrom pit is not an issue. There was a letter submitted that said that Western Construction could use the State sourced gravel. Jack wanted to clarify the situation with factual information. There were special provisions concerning the sourcing of the MA-54-s and rumors about what that material that was used for. Jack pointed out that a request for change and a letter granting permission to use the State source was submitted.

Western planned to purchase gravel from Walters Ready Mix off County Line Road where the hot plant will be sent up. A local contractor (the second lowest bidder) has hired a law firm to voice their concern and support the contents of the letter. Not only was Western Construction the apparent low bid, they have taken an additional \$18,000 off as a credit. Jack wanted to make sure LHTAC and the County agreed that no change order is needed and that this is just an open discussion. This will be discussed later, whether Western can use a change order to allow it to pull gravel out of the State pit, the initial contract did not allow him to do so it had to use a different source. Even if he is allowed to do this, he will give a dollar for dollar credit in the amount of \$18K back to the County/LHTAC. The concern from the second lowest bid was this may have been Western's intent from the inception, and that is how they received the lowest bid. LHTAC will review this with their attorney to see if these actions could constitute a breach on their part, and they will get back with the County.

Commissioner Weber made a motion to approve the LHTAC Engineer of Record Agreement. Commissioner Smith seconded and voting was unanimous.

Commissioner Smith made a motion to adjourn Commission meeting at 4:30 p.m. Commissioner Weber seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman

Todd Smith, Commissioner