

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

<b>Madison County Commissioners</b>		
<b>Meeting Minutes</b>		
DECEMBER 28, 2015	9:00 A.M.	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**

Shane Ruebush believes there has been a move by the Planning and Zoning Commission to move towards transparency and he appreciates the move. As an example, there was a matter being discussed in a work meeting that contained grammatical errors. Because Shane was able to comment on it, the County saved money by correcting the error before it went to a public hearing.

**Calendar Items**

The annual Blood Draw will be held on February 9, 10, 11, 17 and 18, 2016.

The Quarterly Department Head meeting was moved to January 11, 2016, at noon in conjunction with the regular Commission meeting.

**Routine Matters**

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

Commissioner Ricks made a motion to approve and sign the Commissioner Meeting Minutes of December 14, 2015. Commissioner Weber seconded and voting was unanimous.

Commissioner Ricks made a motion to approve and sign the Certificates of Residency for: Jedidiah Baldwin, Payton Berry, Gabriel Blaser, Kennedy Blaser, Russell Blazer, Emma Christean, Isaac Dayley, Chaise Dodson, Leah Dougherty, Micaela Furman, Chelsey Halford, Dax Harris, Sabrina Luthy, Logan Kinghorn, Sierra Orr, Nicole Perez, Amanda Polatis, Salle Rydalch, Samantha Weber, Shannon Wilkey and Annika Ziegler. Commissioner Smith seconded and voting was unanimous. A certificate for Emma Brumbaugh was denied for length of residency.

**Personnel Actions**

Commissioner Smith motioned to approve the Personnel Actions. Commissioner Ricks seconded and voting was unanimous.

**Health and Welfare-Indigent Clerk (Ann Marie Sorensen) & Larry Rincover by teleconference:**

Commissioner Weber made a motion to go into Executive Session at 9:17 a.m. pursuant to Idaho Code §74-206(1) (c) and (d) exempt matters. (Commissioner Ricks—not present, Commissioner Weber—yes, Commissioner Smith—yes). Commissioner’s returned to open session at 9:47 a.m. Commissioner Weber made a motion to sign Approvals on Case No’s. 2016009 and 2016008, sign Denial on Case No. 2016007. Commissioner Smith seconded and voting was unanimous. There was no decision on the Rincover conference.

***Brent McFadden and Randall Porter:***

Val Dietrich was present with Randall Porter. Brent McFadden reports that the survey is complete. Randall will quit claim a parcel of land to the County that lies under an existing County road and involves approximately 1.4 acres. Maps were presented showing the north side of Moody Highway where it intersects Highway 33. The boundary line goes south over the top of the highway in addition to a small right of way on the east side.

Mr. Porter would like to retain the water and access rights when the property is developed. The highway has split the property with the Erickson’s property; there needs to be a future plan with access to the property. This corner poses a risk to car accidents and Mr. Dietrich wants to remove Mr. Porter from liability. The opposite side of the road traveling north and south is a State road and the County can’t give access from their property. The road on the agreement will be specified as 2000 North. The easement can’t be specified at this point as to its exact location. The deed will be recorded and the minutes can be accessed at a later date. The frontage on 2000 North is approximately 1120 feet, and per County UDC standards, access can be placed every 250 feet allowing approximately 4 access points. Access will be allowed according to County code. Mr. Dietrich would like the County to acknowledge a gift of this property to Mr. Porter and is requesting a receipt for the value. The County will provide Mr. Porter a receipt; however no value will be included in the receipt because organizations do not do this. Mr. Porter agreed that he will be responsible for attaining an appraisal and will be able to confirm the value of the gift, not the County. Paperwork will be drawn up by Mr. Porter’s legal counsel and will be forwarded to Troy and placed on the next agenda.

***A Team Ventures Conditional Use Permit*** Commissioner Smith made a motion to sign the CUP cell tower at 4440 West 6000 North in Rexburg. Commissioner Weber seconded and voting was unanimous.

***Kelton Larsen Conditional Use Permit***, Commissioner Smith made a motion to sign the CUP at 1721 West 4200 North. Commissioner Ricks seconded and voting was unanimous.

***Land Use Table Ordinance No. 404.*** The 28 day waiting period has expired. Brent reiterated the requested changes and the public hearing process. Commissioner Smith made a motion to sign Ordinance No. 404. Commissioner Weber seconded and voting was unanimous.

***Kimbol Allen, Jeanne Bailey/ ITD Discussion on Thornton Interchange and south exit possibilities. David Alvarez was also present.***

Western Construction was low bidder on the project. They are a reputable company, headquartered in Boise. Work on the project will begin around March 1 depending on the weather. ITD inquired if the County would like to exchange property around their entryway with Bear World. Jeanne with ITD prepared an exhibit with a map showing the property. Bear World would have to donate 1.8 acres in 1 parcel of land for access, and Madison County would then abandon approximately 5.5 acres where the road currently exists. Commissioner Weber asked what the County would lose in abandoning the road. The state distributes funding to all local agencies – 38% of that funding goes to local agencies. Only 400-500 feet would be lost road space however the County will be adding new roadway back into the equation. Abandonment would require a public hearing however would resolve the issue, if everyone agrees. Commissioner Ricks stated that the County would be amenable with the swap and would like to keep a good relationship with Bear World.

The posturing with Bear World has made ITD apprehensive to move forward with an agreement. They would like to reserve the right to litigate, including damages due to any land swap and any loss of their business. Without a land exchange there has been no property taken, however once the property conveyance begins, Bear World sees this as an opening to pursue litigation in ITD's analysis. ITD has a letter they would like the County to send asking Bear World to sign a waiver stating they will not litigate the County or the State. If they do not sign the waiver, the interchange will not be constructed as bid. ITD believes without consent they are opening a weakness in their position by trying to do something that provides a benefit to the community and Bear World; only to be sued at a later date. As discussed, the State will not condemn property if built on County property. This is a local road project and the State of Idaho has no legal right to condemn property. The County has no intent to proceed with the condemnation however, will only move forward if Bear World agrees to. Any further Bear World access would be considered separate and not part of the bid on the interchange. If agreed upon, construction will begin on this phase next October.

Mr. Allen has a draft of a letter, reviewed by ITD legal counsel, for the Commissioners to sign. Commissioner Ricks thinks the letter needs to be written to clarify the process. Commissioner Smith suggested we take the letter and make a few changes. Commissioner Weber feels like we have written many letters trying to sort out the situation, and if Bear World won't agree to the terms as set by ITD, that the deal should be off the table. Commissioner Weber suggests having Bear World come in with their attorney to discuss and get the matter resolved immediately. ITD is at the point that they need to know right away if they are going to include the additional egress. The funds are available now and they may or may not be in the future. A final decision is needed from Bear World. It was decided to try and put this on a future agenda with Bear World, ITD and the County, or meet with them outside of a regularly scheduled meeting to obtain their decision.

Bruce, Ryan and Cameron from the Sheriff's Office were also present and mentioned that due to accidents, like the tragic fatal accident on the day of the bid opening, they would like to close

access to semi-trucks off 6800 south and Thornton. There is limited time and distance for a truck with a trailer to enter the freeway at these intersections. Bruce stated that the intersections would be controlled through signage and enforcement. It is traumatic to our community to continue having fatalities from these intersections. Kimbol feels it would be feasible to close off the intersections. The contract states that the intersection at Thornton would be closed off when construction begins (March 1), which is what has been communicated at the public hearings. Closing the Thornton intersection would push more traffic to 6800 and all agreed that if we close one intersection, we need to close all intersections to avoid more fatalities and accidents. The Sheriff, Road and Bridge and ITD will sit down and present a proposal to the Commissioners based on their decision. Commissioner Ricks suggested an option of placing barriers in the median to stop people from turning left. Those present commented that it would be very inconvenient to close off these intersections however a life could be saved if they were closed.

***Cindy/Reo/ Maxine Review and sign: Change Order #12, Re: 1000 East Bridge***

Commissioner Ricks made a motion to accept the Change Order #12 on the gates for the 1000 East Bridge project. Commissioner Smith seconded and voting was unanimous.

***Randy Johnson/ Forsgren Review and Sign: Resolution for grant application on the Moody Bridge***

Randy Johnson presented a grant application to replace the bridge on the Moody highway that was damaged last year. They looked at what would make the most sense. The bridge would need to be widened to 44' wide and 120' long. The roadway could be a potential arterial, it is now a collector. The water channel is shifting and the new bridge expansion would cover that shift. Commissioners questioned whether Twin Bridge or the Moody Bridge is a priority. When Moody Bridge had structural concerns, a band aid was put on last summer after it failed. The Bridge's sufficiency rating is much lower than others in the County. If the grant is approved, there is a 7 – 8 year window before the actual construction would begin.

Commissioner Ricks made a motion to approve Resolution #396 supporting the grant application and potential matching funds from the County on the Moody Bridge, and accept permission to proceed with the application. Commissioner Weber seconded and voting was unanimous.

***Kirk Mace, Wellness program request***

Kirk is requesting a diet and exercise program approval for 8 hours comp time for those who lose weight or exercise. The program will last for 8 weeks beginning January 7<sup>th</sup>. Requirements for the program were spelled out. Commissioner Ricks approved comp time as a reward for those who participate and complete this wellness program for the upcoming year. Commissioner Smith seconded and voting was unanimous.

***Keith Davidson, FAA grant application***

Keith presented a grant application to seal coat the runway, taxiway and apron at the airport. Commissioner Weber made a motion to sign the grant application for the FAA. Commissioner Smith seconded and voting was unanimous.

***Jeremiah Cochran Wage Study Discussion***

Job description updates and the integrity of the step and grade were discussed with Mr. Cochran. Mr. Cochran would like to complete the wage study and is asking for access to the management team to attain information needed. The Sheriff's Office would be excluded from the study and he would try to deliver the results by April 1. Mr. Cochran would spend 9 – 12 hours a week on the project. Jeremiah will meet with the Department Heads on January 11<sup>th</sup> at noon. He will need a directory and a copy of the step and grade and will update the Commissioners monthly.

Moving of the Commission meeting start time to 9:00a.m. instead of 8:00 a.m. in the coming year was discussed. A review of the County resolution on meetings will be checked to see if it needs to be amended to allow this move.

***Lunch meeting Rocky Mountain Power, Frontier Pies***

The meeting was with Tim Solomon, Director of Government and Public Affairs for Rocky Mountain Power. There was a general discussion of the relationship between RMP and Madison County. Mr. Solomon reviewed joint ventures and reconfirmed RMP support of the County.

Risk factors were discussed related to generation and transmission interruption. Mr. Solomon explained that damage cannot be completely avoided from either natural disasters or possible terrorism. The emphasis for RMP is on speedy recovery.

Commissioner Smith made a motion to adjourn at 1:05 p.m. Commissioner Weber seconded and voting was unanimous.

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