

*Abbreviated Minutes: Complete Set of Minutes Are on File in The Clerk's Office*  
**Madison County**  
**Commissioner Meeting Minutes**  
**November 25, 2019**



**Attendees:**

**Jon Weber, Commissioner (Chairman)**  
**Todd Smith, Commissioner**  
**Brent Mendenhall, Commissioner**  
**Troy Evans, Deputy Prosecuting Attorney**  
**Kim Muir, County Clerk**

Pledge of Allegiance  
Invocation: Troy Evans

**ACTION ITEMS**

**Public Comment:**

Commissioner Mendenhall noted that Sugar-Salem High School won State in football for the second year in a row and would like to congratulate them for their win.

Laura Pack discussed BYU-I's Medicaid/Medical insurance issue. According to Ms. Pack, the University is stating students will be burdening the community if the students all go on Medicaid that will begin the first of the year. Laura has 1 child and is expecting a second. She would like Commissioners to consider getting involved to help the students. The commissioners stated they are neutral on this issue, and it is BYU Idaho's decision, not Madison County's. The Commissioners have full trust and confidence in BYU-I's administration and the hospital and medical community in Madison County.

Jess Tanner was present and will get on the next agenda to bring a new D7 lease.

**Board and Committee Reports:**

**Commissioner Smith, Hospital Board report and appointment of new Hospital Board members**

Revenues are falling slightly below expenses, which was expected.

Three board members are up as of January 1, 2020. Maurie and Neil have requested reappointment. Scott Dixon would like to be replaced. Recommendations for Mr. Dixon's position will be forthcoming from the hospital.

Commissioner Smith made a motion to reappoint Maurie Barton and Neil Erickson to the Hospital Board of Trustees beginning January 1, 2019. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Calendar Discussion:**

Next Commission Meetings: December 2, 2019 and December 16, 2019.

There will be a short meeting on December 30, 2019, to sign claims and take care of any other issues. This meeting will be at 9:00 a.m., in the Clerk's Office.

**Discussion and Decision Items: Action Items**

The new Personnel Policy will be reviewed and signed December 2, 2019, as well as the Resolution.

**Contracts/Documents:**

After review and discussion, Commissioner Mendenhall made a motion to approve the Cost Share Agreement for Weed Dept. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Searle Hart & Associates, PLLC Engagement Letter to perform the County's audit. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Public Defense Agreement, for Jim Archibald, Madison County's primary public defender. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve Change Order #2, for Alan Clark Construction for the courthouse upgrades. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the State of Idaho Dept. of Parks and Recreation Vessel report. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the 2019/2020 Operating Plan with the Forest Service – Snowmobile trails. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Smith made a motion to approve the claims presented by the Clerk in the amount of \$659,225.30 with \$19,089.03 coming from the general fund. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the minutes of November 12, 2019. The motion passed Commissioner Mendenhall seconded and voting was unanimous.

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Certificate of Residencies for Mitchell Childs, MacKenzie McBride, Madison Nielsen. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions :**

After review and discussion, Commissioner Mendenhall made a motion to approve the Personnel Actions. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Executive Session: Idaho Code § 74-206(1)(b) employee matters and (d) exempt records, Ann Marie Sorensen, Indigent Clerk:**

Commissioner Weber made a motion to go into Executive Session at 9:45 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Smith-yes, Commissioner Mendenhall - yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 9:50 a.m. After review and discussion, Commissioner Smith made a motion to sign a Denials on Case No's. 2019026 and 2019001. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Randy Hormon, Snowmobile Grooming Board Member appointment, discussion on logging requests.**

Commissioner Smith moved to amend the agenda. Commissioner Mendenhall seconded it and the voting was unanimous.

This matter was scheduled for noon, but the Grooming Board came in at 9:00 a.m. to review this matter due to schedules.

Laurie Stone from Idaho Dept. of Lands came in last month to ask for an extension to log the Forest Service Roads until January 15, 2020. The Commissioners told her visit with the snowmobile board to make sure this would not cause a conflict with the Boards plans. She called the Clerk's office and left a message that everything had been worked out. It was later found out she had not talked directly to Randy Hormon, director of the snowmobile board, and the Board did not agree with the decision that was made. The Board was here to visit with commissioners to let them know they are not okay with the decision. They have the 30<sup>th</sup> annual Scoot and Shoot January 17 and 18, 2020, and want to have snowmobile trails groomed and ready for that day and do not want loggers in longer than the 2<sup>nd</sup> week of December. If the loggers continue to go into January, it will cause grief for the snowmobilers. The law states they need to be out by mid-December. Randy would like to know what the descriptive easement is for the roads. Loggers typically don't like to start until September and need about 3 months. Commissioners questions if they have the right to say no. The Snowmobile Board requests they be invited to future meetings when extensions are requested. Commissioners state they are currently requesting a large chunk of land from the Idaho Dept. of Lands for a solid waste site and don't want to put that in jeopardy. Randy stated the loggers tear the road up pretty bad with their road graders and dirt moving equipment and make it difficult for the grooming board to restore and make the trails good for riding. The longer the roads are kept open, the more liability for the county. The weather this week will have an impact on how soon they can get the loads out. There are currently 7 trucks hauling. This will need to be worked week by week according to the weather and how quickly the loggers can leave.

Commissioner Smith made a motion to approve Nick Tonks as the new member of the Snowmobile Board. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Tim Solomon, Rocky Mountain Power discussion**

Tim presented the 2019 Integrated Resource Plan Preferred Portfolio and discussed RMP's generating resources which include the new transmission lines, solar, natural gas and wind resources, as well as coal. He gave an update on the status of the new lines coming through the Goshen plant stating there are still 45 miles of line to build with completion planned by Fall of 2020. They are increasing renewables as a source of generation. He reported on a micro grid they are involved in originating in Utah that would make it possible that the power would never go down. Generation can be shared to get power needed in all Western States

**Bradley Petersen, Einerson Salem Road discussion, review and sign deeds between Shovelback Holdings LLC and Madison County in Salem**

Bradley reports this is the old Salem townsite. Trevor's company, Shovelback purchased the land. There was a lot of confusion as to what rules apply in the town sites regarding apartments. Trevor found the traditional platted roadway where he bought is right next to a home. He and the county agreed to move that roadway over some to miss the home. Deeds reflecting these changes were presented. The County

will be deeding a sliver of the existing property to Trevor, and Trevor will be deeding a sliver of property to the county to make this road work and miss the existing home.

After review and discussion, Commissioner Mendenhall made a motion to approve signing of the deed to Shovelback. Commissioner Smith seconded and voting was unanimous. The motion passed. Trevor also signed his deed back to the County. The Clerk's office will get them recorded.

After review and discussion, Commissioner Smith made a motion to accept the deed from Shovelback Holdings to the county and to accept this road as a county road. Cindy Roberson states this will be a county road and the county will maintain it. From the historical plat, and information from the title company, this roadway has always been the county's, but the Commissioners wanted to make sure it has been accepted by them as a public road. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

The paving and improvement of the road was then discussed. Trevor has put in approximately \$33,300 of road base and bringing it up to County standards. His intention was to pave, but now that it is the County's, he would like the road paved. He is taking a financial hit from what he was told he could do with the property and then was changed. He would like to sell building lots in this development. The road is 500+ feet long with a turnaround to public standard. Trevor comments he has sat on this issue for 6 months and does not want to sit on it further. He doesn't feel it is right to put him off further as he has already jumped through hoops for the County. He mentioned the actions in the last 6 months he has taken from being told he could move forward with the project, spending thousands of dollars on the project to being shut down on building the apartments he was planning on. The Commissioners will visit with Road and Bridge and make sure they can pursue this project and work through Bradley back to Trevor Einerson. The road will need  $\frac{3}{4}$  inch gravel placed upon it as a next step. This will be discussed next Monday in the Commissioner's meeting.

**Bradley Petersen, and Forsgren on FEMA grant.** Bradley would like the Commissioners to authorize Forsgren to be awarded the contract with FEMA to look at mitigation modeling and potential projects that could change the flood plain plan. Projects were identified and they will use FEMA's diversion suggestion to be look at the possibility of certifying levies and the ability to pull some properties out of the flood plain area. The total cost is \$265,000, fully funded by the grant to manage the flood plain. The start date will be today and will take a year to complete. There is no promise to do anything after this study is complete, but will show FEMA we want to work with them and do our part to mitigate flood plain issues.

After review and discussion, Commissioner Mendenhall made a motion to approve the Forsgren proposal, giving authorization to negotiate on specific projects and amounts. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Cindy Roberson, Horrock's Engineering, Frontage Road north discussion, and Review and sign Charter Reports for Frontage Road North**

Cindy and Reo were present with Road and Bridge, as well as Kelly Hoopes from Horrock's. Kelly wanted to explain the process on the North Frontage Road. The concept (now called charter) report is the first step. He found the budget and current costs to build the road have risen dramatically and is looking at ways to get the project finished at costs agreeable to the county and more in line with what LFACT had budgeted; feeling that the overages may be more than they can absorb. A center turn lane was suggested as several businesses have since purchased property along the corridor and several other options were presented to cut costs. There may be additional funding that could come through LFACT, but they would

need to know in this charter portion of the project. The project will now be pushed to a 2024 completion but Road and Bridge could start placing gravel as time allows to speed completion. LHTACT would still only pay \$2 million for the project. Gravel could come out of the gravel pit that is adjacent to the project. Commissioner Mendenhall stated the public is interested in taking some traffic coming from the high school. Bradley Peterson stated the connection of this road gives us an opportunity to work with FEMA to use this road as part of the flood mitigation project and have them possibly fund a portion of this project. Much of the property is already owned by the county, but with the new options, there would be 2 small parcels that would need to be acquired. Timing is relevant as charter design will be complete by Christmas and final design will begin just after that. If we get the right of way in place, we could begin construction next Fall, but waiting for Federal funding would take much longer. The hang up will be the two pieces of property. Kelly has discussed the possibility of purchasing the property and the owners are anticipating the project. Cindy will talk to LHTACT to make sure we aren't compromising the initial funding of the project. A consensus of the commissioners it to have the center lane turn lane for accessibility to businesses and residential projects planned.

After review and discussion, Commissioner Mendenhall made a motion to approve the Charter report for the North Frontage Road project. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Jared Arnold, Summer Parks report.**

Jared presented the final report for revenues collected at the Parks from the summer. There were many more campers this year compared to last.

**Darbi Pozenel, tonnage increase and hiring an employee.**

Darbi presented papers showing they have received more than 600 ton more per week, or 2300 ton per month at Solid Waste. She would like to increase the tipping fee as we are taking much in from other counties. Fremont and Bonneville county prices are much higher than we are currently and many of those residents and companies are bringing garbage to Madison County. Commissioner Smith would like to see the tipping fee increased rather than the household. Charging service and interest charges on the accounts receivable customers was discussed and agreed to. Beginning to accept credit cards were also discussed and agreed to.

Commissioner Smith made a motion to hold a public hearing to increase tipping fees and begin charging a service charge and interest on past due accounts. Commissioner Mendenhall seconded and voting was unanimous.

The public hearing for Solid Waste will be scheduled at a later date. Darby will get on the next agenda with projections and recommendations.

**Bradley Petersen, Land Use table, definition of a theme park.**

Theme park matter was discussed. Commissioners comment that a conference facility does not constitute a theme park. The definition P & Z and commissioners agreed upon for now is:

A theme park is a facility or facilities permanently constructed for the purpose of conducting, presenting or providing activities and services normally related to entertainment and recreational programs, which are open to the public.

**Brett Sampson, BYU-I update.**

The media was present for this conversation. Commissioner Weber clarified this is not a discussion on the Medicaid decision on the part of BYU-I that was brought up earlier in the meeting. The Commissioners have full confidence in the medical community and BYU-I. Brett's purpose today is to update the Commissioners on enrollment at BYU-I, events and construction. Fall semester numbers currently reflect 20,592 students (this is actual head count), which is 366 more than last fall. Enrollment continues to show a slow and steady increase. Male/female is evenly split at 50/50, married students make up about 25%. Dates to know: Fall semester graduation December 18, 2019, winter semester begins January 6 and 7, 2020 for move in and classes begin January 8, 2020. April 9, 2020 is spring graduation. New construction projects are building a 100 parking stalls lot by the end of next year and a ceramic lab where the Kirkham building was located. Brett also reminded all of the BYU-I Christmas concert on December 7, 2019.

**Farewell gathering for Shay Plagmann.**

Shay was presented with a plaque and cards for his 18 years of service with the county. Shay accepted a position with Bonneville County probation.

There being no further business Commissioner Weber made a motion to adjourn the meeting at 12:50 p.m. Commissioner Smith seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman

Todd Smith, Commissioner

Brent Mendenhall, Commissioner

Attest: Kim Muir, Clerk