

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

**Madison County
Commissioner Meeting Minutes
March 12, 2018**

Attendees:

**Jon Weber, Chairman
Todd Smith, Commissioner
Brent Mendenhall, Commissioner
Troy Evans, Deputy Prosecuting Attorney
Ilene Palmer, Deputy County Clerk**

Adam Jacobs from the Standard Journal was present.

Agenda Topics

Pledge of Allegiance- Commissioner Weber
Invocation- Commissioner Smith

Public Comment

Sheila Sommer addressed the Commissioners about the Misty Valley Subdivision. She indicated there should have been a hearing and a specific time when the voters could talk with the Commissioners and be heard. Commissioner Weber explained the issue goes through P&Z first, through the findings of fact and then, if suggested, there will be a public hearing. Sheila is concerned there has been a breakdown in communication. She asked if all issues brought up in the hearing have been addressed. The sloughs have backed up and made a natural water area. There are water puddles in the fields when the water level gets too high. The levels are down now, however more fire suppression ponds have been suggested. Sheila presented a petition to the Commissioners. Commissioner Mendenhall said they have been reading all the documentation from Planning and Zoning for today and will make a decision today as it is posted on the agenda.

County Business

Committee & Board Reports

Todd Smith

Hospital Board

Commissioner Smith attended a self-insurance meeting at the hospital. Rudy Ballard was also present. At this time, it doesn't appear to be a viable option for the County.

Golf Board

There was a discussion concerning a Handicap ramp into the clubhouse and a new pump at the Legacy golf course. There will be another meeting on 3/27 to review their equipment needs.

Calendar Discussion

Next Meeting: March 26, 2018

Social Services Conference: April 17-19, 2018



Madison County

134 E. Main Street
Rexburg, Idaho 83440
Phone: (208) 359-6244
www.co.madison.id.us

Commissioners

Jon Weber, Chairman
Todd Smith
Brent Mendenhall

Assessor

Shawn Boice

County Clerk

Kim Muir

Coroner

Rick Davis

Prosecuting Attorney

Sid Brown

Sheriff

Rick Henry

Treasurer

Sherry Arnold

Discussion Items

Contracts/Documents

After review and discussion, Commissioner Mendenhall made a motion to approve and sign Resolution #425 authorizing a Tax Exemption pursuant to Idaho Code and County Ordinance for Propeat. Commissioner Weber seconded and voting was unanimous. This will be given to Shawn Boice to obtain the owner's signature thereon.

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Golf Contract with the City of Rexburg. Commissioner Smith seconded and voting was unanimous.

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Audit Presentation Letter. Commissioner Weber seconded and voting was unanimous.

Routine Matters

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

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Commissioner meeting minutes of February 26, 2018. Commissioner Smith seconded and voting was unanimous.

After review and discussion, Commissioner Mendenhall made a motion to approve the Certificates of Residency. Commissioner Smith seconded and voting was unanimous. See the attached list.

Executive Session Idaho Code § 74-206(1)(d) exempt records-Ann Marie Sorensen, Indigent Clerk.

Commissioner Weber made a motion to go into Executive Session at 9:35 a.m. Commissioner Smith seconded the motion. A roll call vote was taken as follows:

Commissioner Weber- yes

Commissioner Smith- yes

Commissioner Mendenhall-yes

Commissioner Weber returned the County Commissioners to open session at 9:57 a.m. Commissioner Mendenhall made a motion to sign Approval on Case No. N2018005. Sign liens on Case Nos. 2018011, 2018012, and release liens on Case Nos. 2018009, 2018006, 2018007. Commissioner Smith seconded and voting was unanimous.

After review and discussion, Commissioner Smith made a motion to approve the personnel actions. Commissioner Mendenhall seconded and voting was unanimous.

Kavi Branham, Darin Burrell, House Bill 577 regarding CBD Oil

Kavi Branham has been a Madison County resident for fourteen years. He reported the bill currently in the House is for cannabis oil that reportedly is to help children's health issues like epilepsy. He is concerned that a doctor is required to only write a statement in order to prescribe the oil. The oil is currently legal in Utah. It is not regulated or controlled, and Kavi feels this might be opening the door to legalizing marijuana in Idaho. Darin said this is a longtime strategy for the legalize marijuana population and is exploiting families who need help. Kavi recommended the Commissioners take this information and communicate their concerns to our local Senators.

**Shawn Boice, Ag Exemptions for Prime Investments, Weldan Sleight, Wilcox Bros. LLC, Bart & Jan Stevens, Hillview Properties, Lavere Ricks Farms, Brent Gee, Emery Garrett
Deadline is Friday 3/15 to submit applications**

Prime Investments

This property is on the Moody Hwy, Southfork Estates. It is a two acre property and has farmed corn, peas and hay. This property has previously been granted the exemption.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Prime Investments. Commissioner Mendenhall seconded and voting was unanimous.

Weldan Sleight

Weldan raises 4H lambs on this property. This property has previously been granted the exemption.

After review and discussion, Commissioner Mendenhall made a motion to approve the Ag Exemption for Weldan Sleight. Commissioner Smith seconded and voting was unanimous.

Wilcox Bros

This property has road trees and is under irrigation. This property has previously been granted the exemption.

After review and discussion, Commissioner Mendenhall made a motion to approve the Ag Exemption for Wilcox Bros. Commissioner Smith seconded and voting was unanimous.

Bart & Jan Stevens

There is a question whether this ½ acre property is being farmed and qualifies for the Ag exemption. Shawn will look at the properties and report back to the Commissioners.

Hillview Properties

This property is farmed by Gary Sommers. It is a dry farm grain and over five acres. This property has previously been granted the exemption.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Hillview Properties. Commissioner Mendenhall seconded and voting was unanimous.

Lavere Ricks Farms

This property is two parcels located on Ricks Lane and Poleline Road.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Lavere Ricks Farms. Commissioner Mendenhall seconded and voting was unanimous.

Brent Gee

This property is in the Lyman area and is five acres. This property has previously been granted the exemption.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Brent Gee. Commissioner Mendenhall seconded and voting was unanimous.

Emery Garrett

This property has previously been granted the exemption.

After review and discussion, Commissioner Smith made a motion to approve the Ag Exemption for Emery Garrett. Commissioner Mendenhall seconded and voting was unanimous.

Jared Arnold, Dead Animals

Darby reported to the Commissioners she was concerned about the fees we are collecting for butcher waste. We are currently charging by the loader bucket and are composting the pile. She asked if the fees be raised or should we bury the butcher waste? Teton is currently composting however we are getting more animals and can't keep up. The County may not be willing to accept raw butcher waste. Darby will bring more information to the next meeting to include a new fee amount to cover the County's expenses. This will be discussed further.

Bradley Petersen, Findings of Fact for Misty Valley Subdivision, n/k/a The preserve at Henry's Fork Phase One Final Plat, Courthouse Update

Findings of Fact for Misty Valley Subdivision

Gary Schnell from Teton Land Development was present as well as several residents in the area who were opposed to this development.

Bradley presented the Commissioners the P&Z/findings of fact minutes from 8/14/2008. He said DEQ has had environmental and wildlife studies done. In addition after the approval, there will be another test on each site as the building occurs when the application for a septic permit is requested. Commissioner Weber said the septic technology today has changed dramatically and the proper studies have been done.

Phase one consists of sixty seven 1 acre lots on the southwestern portion of the 250 acres. The preliminary plat was already approved for the entire subdivision. This is only for phase 1 of the final plat. The other two phases will also need to have public hearings prior to implementation of the final plat per current County ordinance. Commissioner Weber said there was a concern about the set-aside. Bradley said the HOA and covenants will be recorded and the County would not be liable if no lots were sold.

Commissioner Mendenhall asked if all requirements have been met and if the subdivision is in line with the current County Comprehensive Plan, Bradley replied in the affirmative.

Troy said there are three stages to any subdivision process. The recording of the final plat is the last step, and is to make sure the processes have been met. The Commissioners can request their own hearing if they are looking at denying it, but it must be based in law and fact to do so, and what requirement has not been met. The developer would then have the ability to go back and fix those items per our code and bring it again before the Commissioners. The preliminary plat has been previously approved.

The Commissioners did not want to turn this matter into a public hearing, but the matter was recorded in case it went to court. Gary Schnell, V.P. of Operations for Teton Land Development, explained phase one consists of sixty seven lots on the River side, eleven of these lots are contiguous to the River. There is a 200 ft. distance from the back of the lot to the river.

Sheila Sommer asked if the ponds were drained before it was measured. Terry Mortensen said there is a monitoring well that is eight feet deep that has been there for three years. Sheila is concerned that her well level will go down. Commissioner Mendenhall knows that DEQ and the Health Department have taken into consideration all of those concerns.

Gary explained they expect to start the project in the next 30-60 days; construction of the roads and trail system and one half of the infrastructure. The houses will be built by next spring. Phase one is expected to take three years; the entire project ten years.

Commissioner Smith addressed the concerns and said the County will deal with the growth as it comes. Commissioner Mendenhall said growth is not easy but inevitable. If the developers meet what is set forth in our code, then they will proceed.

Troy described the appeal process of reconsideration and 28 days for court. Notice of the appeal rights are sent to the homeowners within 300 feet of this division.

After review and discussion, Commissioner Smith motioned to approve and sign the Findings of Facts for Misty Valley Subdivision, The Preserve at Henry's Fork, Phase One, and Final Plat. Commissioner Mendenhall seconded and voting was unanimous.

Courthouse Update

Bradley reported the blueprints for the Courthouse are available. The goal is to have the two projects completed by mid-August. All of the courtrooms have been cleaned; he will get a bid on carpet maintenance for all offices. The test on the tile cleaning has been completed; Bradley will give Commissioners different options to maintain the flooring.

Kirk Mace/Shayne Boyle, DJC reports

Shayne reported on the 2017 Juvenile Justice report. The college has impacted the average age of intake to age eighteen, lower than the statewide numbers. Diversion caseloads are higher for the more minor crimes because there is a push to resolve these outside the detention process.

Trevin Ricks, Spring Flooding Outlook

Trevin reported on the spring flooding outlook. As of early March, the drainage basin above Palisades is slightly above average. The aquifer is saturated this year and we will see more effect in the rivers than we normally would. The National Weather rates us at a low to moderate risk for flooding this year however a quick melt or a rain on snow mix could change things. Trevin will report back as the season develops further.

Kevin Taggart/Cindy/Reo, Review frontage road property/Yesco signs

No one appeared for this. There is no additional information at this time.

Jeanne Grimmatt, Homeowner's Exemption

Amanda Larese and Angie Moffat were also present from the County.

Jeanne Grimmatt previously resided in Washington State. She bought her home in March of 2010. She told Commissioners she was never told about the Homeowners Exemption when she bought her home. Jeanne reported she was told by the State Tax Commission she can go back to 2014 to seek a credit. She is asking Commissioners for a credit toward future taxes. Jeanne was already given a partial credit for missing the exemption filing back in 2017. Commissioner Weber reminded Jeanne that the statute reads it is the homeowner's responsibility to apply for the exemption. Details from the County personnel were given on what notices are given and discussion of this parcel of property.

After review and discussion, Commissioner Mendenhall motioned to grant a credit of one half of the Grimmatt's 2016 tax for the Homeowner's Exemption. Commissioner Smith seconded and voting was unanimous.

Lunch Break

Jared Ricks, Public Defense standard, grant and grant fund use

Jared asked the Commissioners if there were any questions. He reported the standards that were negotiated in 2016 are still in place. The new standards go into effect March 31st. They include vertical representation where defense attorneys are present at the first appearance. In addition, the clients have a private place to meet. Jared asked if the County has done this. He reported that the grant applications are out again, and the application is more user friendly. He told Commissioners if the money in the grant was not enough to achieve the standards to let him know. If a County is trying to be compliant however can't because of funding, the County will not be labeled willfully noncompliant. Commissioner Weber asked why the City has no role in this process. There is currently no law in Idaho that requires city participation.

Dana Izatt, Audit Report

Dana presented the audit to the Commissioners. Sue Bagley and Dawn Hunter were also present. The audit is broken down into parts with a summary at the end.

After review and discussion, Commissioner Mendenhall motioned to accept the audit report. Commissioner Smith seconded the motion. The voting was unanimous.

Commissioner Weber made a motion to adjourn. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman
Todd Smith, Commissioner
Brent Mendenhall, Commissioner