

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

**Madison County  
Commissioner Meeting Minutes  
April 8, 2019**



**Attendees:**

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

Invocation: Commissioner Weber  
Pledge of Allegiance  
David Hansen – new hospital board member

**Public Comment:**

The Commissioners reminded those present that they are bound to remain neutral regarding anything that may come before them in a public hearing. Hence, anything related to the public hearing cannot be brought up now as it will eventually come to the Commissioners.

Shane Ruebush 1893 W 5350 S, Rexburg, ID commented on the status of his questions to the county on the legality of the existing gravel mine by Edstroms.

Troy Evans recused himself from representing the county on the Edstrom application. Stephen Zollinger was appointed to represent Madison County on this matter and is ready for the hearing this week. Any written responses about the legality of the existing Edstrom gravel mine is being reviewed by Bradley and new counsel. Shane questioned if there is sufficient time for everything to be in place by Thursday evening? Could the two hearings be split? He believes having two hearings in one night, actually goes against due process. Each party affected should have sufficient time to discuss their case and to do two hearings in one night would not allow sufficient time.

Bradley stated there is no requirement to separate the two hearings, but he will run this by legal counsel. It largely depends on the number of people who appear at the hearing. If there are a lot, only one would be heard. If the first hearing gets denied, then there is no need for a second, etc. Shane does not feel this is sufficient. Paul Roberts commented that the legal description was changed from the first document and the second document. The legal description was incorrect the first time the gravel pit matter was heard, so it is now being heard all over again, starting with square one. Bradley stated this was true, and an error was made, which is why they are starting this process all over again.

Shane stated that the county is going through with something before we make sure that everything is in compliance. Bradley is working with Mr. Zollinger on responding to the Ruebush complaints, and said he is not 100% sure Edstrom's is out of compliance, but will be visiting with legal counsel further. Brenda Blaylock went to a meeting hosted by the Edstrom's and said Bradley Petersen has visited with Edstrom's and told them they are in compliance and asked if that is the County's position. Bradley stated that per the county code, Edstrom's is believed to be in compliance and he still stands by that, but wants to review it with Mr. Zollinger first. Joe Stanislav stated he believes this is beyond public comment and we are going beyond the law.

The Commissioners concluded the discussion and again admonished those present that this was not the proper forum to present these matters in public comment. If it is not related to land use matters that will come before the Commissioners, an agenda item would be appropriate and that the Commissioners cannot take any comments on any existing application in order to avoid a conflict. As to any alleged gravel mining violations, Bradley and Mr. Zollinger will respond to Ruebush's in writing before the hearing this week.

## **ACTION ITEMS:**

### **County Business:**

#### **Board and Committee Reports**

Commissioner Weber - Fair activities. This matter was discussed later in the day.

Commissioner Mendenhall – Legislative report. Seth and IAC have been very effective in pleading the cause for southeastern Idaho, especially with Medicaid expansion. The session will end with 95% of legislation proposed passing.

Commissioner Smith – Golf and Airport Board report

Golf board – 12 years ago the City was served a letter to fix the handicap accessibility. They have been given a deadline and will now need to install a ramp. The costs to the county are still being determined.

Airport Board: The lights have been fixed on the runway at the airport.

#### **Calendar Discussion:**

Budget meetings with Department Heads. This matter will be discussed with the Department Heads and Elected Officials today and at the next meeting.

#### ***Discussion and Decision Items:***

City of Rexburg projects to consider. Projects at the golf courses, airport and ambulance were discussed and will be added to the 2020 budget.

#### **Contracts/Documents:**

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Designation of polling locations for the May 21, 2019 Election. Commissioner Weber seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve and sign the FY 2020 Indigent Defense Grant Application. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve and sign the ITD/Madison County Weed Control Agreement. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve and sign the Construction & Demolition site operation plan. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Mendenhall made a motion to approve the claims presented by the Clerk in the amount of \$794,720.16 with \$167,313.63 coming from the general fund. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Commissioner Meeting Minutes of March 25, 2019. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to sign and approve the Certificates of Residency for Colin Wheeler and Robert Rose. Commissioner Mendenhall 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)(a) consider hiring an employee and (d) exempt records, Ann Marie Sorensen, Indigent Clerk.**

Commissioner Weber made a motion to go into Executive Session at 9:15 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Weber-yes, Commissioner Smith-yes, and Commissioner Mendenhall-yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 10:02 a.m. After review and discussion, Commissioner Mendenhall made a motion to sign Approvals for Case No's 2018022 and 2019008. Commissioner Smith seconded and voting was unanimous. The motion passed.

Frank Asbel joined the meeting as an observer.

Bradley Petersen, Findings of Fact for Sam Stoddard Conditional Use Permit:

Bradley reported this is an accessory building with a living space and was not opposed by the Planning & Zoning board.

After review and discussion, Commissioner Smith made a motion to approve and sign the Findings of Fact for Sam Stoddard. Commissioner Mendenhall seconded and voting was unanimous. The motion passed. The 28 day appeal period now begins.

Shawn Boice: Shawn reported that our county looks good on the Agricultural land values, and that we are a little high when compared to State averages, but are within range. Commissioner Mendenhall asked about the impact of the Bonneville County Assessor needing to be equalized. Shawn said that the assessor does not attend trainings and they were given plenty of opportunity to address the issues. The State Tax Commission had to come in and equalize values for them.

**Ag exemptions**

Marshall Merrell- Lots in a subdivision. Application came in right at deadline, but he has had the exemptions in the past. They cut hay off the property. After review and discussion, Commissioner Smith made a motion to approve and sign the exemption. Commissioner Smith seconded and voting was unanimous. The motion passed.

Paul Dye raises beef on his ground, and has had the exemption in the past. Property is on 5 acres. After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Ag exemption for Paul Dye. Commissioner Smith seconded and voting was unanimous. The motion passed.

Richard Dye. Shawn drove by, suggests denial on 2 lots, as there is no Ag. After review and discussion, Commissioner Smith made a motion to deny the two lots and approve the remaining exemption. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Wilcox Brothers are bringing more trees in this spring. They are under drip irrigation. After review and discussion, Commissioner Smith made a motion to approve and sign the Ag exemption for Wilcox Brothers. Commissioner Mendenhall seconded and the voting was unanimous. The motion passed.

Dransfield. Property on Highway 33 was previously Fergusons property and is a tree farm. Shawn feels these qualify for the Ag exemption. Total 8 acres and is contiguous. After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Ag exemption for Dransfield. Commissioner Smith seconded and voting was unanimous. The motion passed.

Founder's Square exterior lots have previously been in Ag. There are two more interior lots that are not included. After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Ag exemption for Founders Square. Commissioner Smith seconded and voting was unanimous. The motion passed.

Tax cancellation: Sugar City Business Park 4 owners purchased last Fall. They were mistakenly taxed the full value last year on second sub. After review and discussion, Commissioner Smith made a motion to approve and sign the tax cancellation. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Site improvement: Kartchner Homes - Summerfield lots on 2000 W. They are the original developer. This developer exemption would take 75% off the value as more homes are built in the subdivision. After review and discussion, Commissioner Smith made a motion to approve and sign the site improvement valuation. Commissioner Mendenhall seconded and voting was unanimous. The motion passed

Hibbard roundabout:

Cindy Roberson was present to open the bids for the Hibbard roundabout. Contractor representatives were also present to listen to the bid opening.

Bids presented were as follows:

<b>Contractor</b>	<b>Scenario 1</b>	<b>Scenario 2</b>
D. L. Beck	\$1,165,712.90	1,141,540.90
Depatco	\$1,246,017.27	1,214,998.77
Knife River	\$1,505,293.83	1,166,766.13
H & K	\$1,595,888.00	1,379,888.00

Bids will be reviewed by the project engineer employed by the County to make sure paperwork is included and bids specs are met. The bid will be awarded to the lowest bidder at a special meeting to be held April 12, 2109, at 9:00 a.m. in the Clerk's office.

Cindy gave an update on the second bridge to be installed at the south frontage road. There was a delay with the steel, but will be delivered Thursday. Road and Bridge will place crushed rock on the bridge and be ready to pave. Irrigation ditches and head gates are already installed and bids are going out on the oil.

Rees Butikofer--Shumway Academy traffic and parking:

Rees reports that traffic and parking at the Shumway Academy continue to be a safety issue. Rees feels there is property on the frontage of 125 East and 3000 North to have a parking lot without jeopardizing the traffic on the road. Rees has asked if he could meet with their board and has not yet. He stated Lincoln Elementary has limited room, but can get traffic off the road and feels this could be done at Shumway. Road and Bridge put up signs, but people still come through going too fast.

Gina Booth, Erin Woodcock, Tisha Flora and Mike Vickers were also present from the Academy and were invited to come forward. They have asked the parents not to turn around and block Rees's driveway, but instead are using his driveway to go the other way. The drop off is not an issue, but parents picking up children are the issue which is only 15 minutes during the day. They are being very cautious to get the kids in safely from the drop off point. They don't believe the street is blocked at all. The pickup is 15 minutes a day, 4 days a week. Gina said that she could put gold cones on the three parking spots and encourage others to pull into the parking lot. Funding is an issue for the school to add additional parking, but getting the traffic off the road is the goal. The school was not set up to run as many kids as are going to the school at this point. They are not having events at the school anymore to avoid the parking issues. Commissioners share that working it out together is always best, and the parties left willing to visit with each other further and come up with a solution.

VFW building:

Sheriff Henry, Bart Quayle, Ron Naegelin, Jerry Steed and Stephen Peters were present for the discussion, as well as Ryan from JRW Associates. Ryan presented plans to build-out the VFW building to accommodate the extension services offices. A free standing building was also discussed, but costs would be less to add-on to the existing VFW building. Shawn estimates \$30,000 – \$50,000 to remodel the Administration building

Mike Courtney, Sheriff's Office, New Taser equipment:

Mike presented and explained the agreement for new tasers for the Sheriff's office. They can trade-in the old equipment for credit. The Sheriff's office does have funds in the budget for this expense this year. This decreases injury by 60%. This matter will be on the next agenda for signature at the next meeting.

Employee Recognition: plaques and certificates were presented for years of dedicated service to:

25 years Kirbi Nelson - Road and Bridge, Bryan Junkert – Solid Waste

10 years Greg Malstrom – Adult Probation

5 years Judy Coy – P & Z, Scott Banta – Assessor, Marissa Edelmayer - Sheriff

Department Head and Elected Officials Meeting:

Discussion Items:

Invoice/claim and finance charge training by Tanja. Tanja emphasized the need to pay off invoices rather than statements and getting claims in as soon as possible to avoid finance charges. There was discussion and questions answered regarding the claims and payment process.

Apprenticeship programs:

Commissioner Weber explained the apprenticeship programs the Department of Labor can assist with and asked managers to take a serious look in each department to see if we could use an intern for the summer. Kirk explained how he has used interns in Juvenile Probation. Most of the interns are seniors at BYU-I. He has used interns for 15 years in his office with great success. There is no cost to the county for using interns.

New disability insurance benefit:

As part of the benefit package for all employees the Commissioners have elected to implement disability insurance. This would begin 90 days after being deemed disabled and covers 60% of your current wage, if you are unable to do 20% of your current job.

Blood Draw:

Commissioner Weber asked department heads to make sure every employee and covered spouse know they will need to do the blood draw or visit the doctor this calendar year or they lose their HRA money for the year. An Explanation of Benefits (EOB) will need to be turned in to the Clerk's Office.

Personnel Policy:

Personnel policy potential updates and discussion. The County is looking at updating the Personnel Policy and ask anyone seeking changes to contact Kim or Troy.

Rocky Mountain Power Safety training discussion:

Rocky Mountain Power offers safety training for downed power lines if departments would like to schedule that.

Departmental reports:

Kirk Mace – Employee committee. August 28 is county BBQ at the Fairgrounds. Vacation and sick time accruals are being reviewed by the committee.

Sherry Arnold reported that the county is doing good financially. Everyone is sticking to their budgets. Anita is retiring this week. She has been with the county for 31 years.

Cindy Roberson reminded others to talk to her if anyone wants to use the county gas pumps to get fuel for a better price.

Bradley Petersen thanks everyone for their help and support.

Evan Wise reported the new stage is in the process of being completed and new lighting is being installed in the outdoor arena. Madison Memorial Hospital has donated \$50,000 to build the new stage at the Fairgrounds. His department is planning for the David Taylor car show, rodeo and the fair and his hope is that the county family will support the activities.

Paul Sorensen reports he is still fighting the phishing email issues. Paul will roll training out to all employees provided by ICRMP.

Commissioner Weber explained the county is looking at combining Motor Vehicle and Drivers licensing. This will involve expanding the VFW building for the Extension Services Office and moving the Assessor's office upstairs.

Kim Muir distributed the 2020 Budget packets to all departments.

Bradley Petersen, Maintenance discussion:

Bradley explained Phase I was postponed from last fall that was estimated at \$327,000. Estimates have increased and will now be close to \$441,000 to complete the project, because contractors are so busy. Elevator bids were over \$80,000 for the administration building. Courthouse elevator repairs would be over \$2,500. There is only one Service Company in the area available to install and service this equipment. Most of this expense can be part of next year's budget. The Judge's chamber furniture is about \$1,800. Bradley also suggested setting up expense accounts for mitigation and capital improvements for the new budget year.

Monica Cruz, Taylor Fisher, Spencer - Proposed concept plans State Gravel Pit -Madison Lake  
The gravel pit the county received from ITD located between Wake Lake and Lone Pine Nursery has been studied by these BYU-I students. The property is currently 34 acres, but the County anticipates receiving an additional other parcel in the near future. The students obtained information from Jefferson County on passes sold on Rigby Lake. A two design phase was presented.

Phase I would be the eastern parcel and includes campsites, parking spaces, beach access, picnic tables and sand volleyball courts. These are ADA accessible areas, bike paths, bathrooms and pavilions are also included in the plan for this phase.

Phase II would expand on Phase I with additional green space, much more beach access, a stage and more add-ons for parking, camping, picnicking, Frisbee golf course.

An irrigation system was designed for both phases; trail connectivity was also shown from the High School. Cost estimates were also presented; Phase I would be \$1,200,000 and \$1,400,000 for Phase II with most of the cost being paving. The students were thanked for the great job they have done.

Scott Spaulding River Rock Estates Development Agreement:

Scott spoke with Corey Sorensen and he did respond to the information sent. A pressurized irrigation system was supposed to be installed. The developers have been invited to meet with the homeowners association, but have declined to come to meetings. Scott as an engineer sees many red flags with the design and has asked several of his engineer friends to review the sketch of the water system who also have concerns. The system is complex. In the Treasure Valley, requirements are that these types of irrigation systems be designed by an engineer. Scott presented a Madison County Development Agreement he would like to have the River Rock Estates Sub Division Developers sign. Funding is the main concern to complete the irrigation system. Scott feels the best bet is to deed 10 lots to the HOA, have an engineer do a cost estimate and a plan and if there is money left over, they can give it back to the developer. Commissioners stated they may not have the legal leverage to make Corey do anything. Bradley will look up the old agreements and forward to the commissioners for review. Scott has talked

to the Idaho Board of Professional Engineers who tell him the county has the right to require engineering on anything. Troy will also look into the matter.

Robert Kohler - Spring flooding update:

Robert reported the area had 116% to 122% snow pack and continued precipitation is expected. Mid May is beginning of flood season. Robert will come back April 22 to expand on this report.

Evan Wise, Shane Wright -Fairgrounds upgrade discussion:

Shane reported the Whoopee Days rodeo preparation is underway and food vendors are lined up for the June 28 and 29 events.

The theme for the fair is "Learn it, grow it, love it". There are rodeos in the lineup for Tuesday through Friday night. Saturday night will be the Figure 8 event. Other activities include bounce houses and stage shows. Improvements in planning or progress are: New stage, signage, lighting, painting the grand stands, new doors, new outdoor arena light poles, roping boxes, sound system and new chicken pens. A new entry way on 5<sup>th</sup> South was discussed as well as new benches, picnic benches and garbage cans. Publicity around the donation by Madison Memorial Hospital was discussed. There are other sponsors the county is actively seeking. Shane stated that we need a structural engineer to look at the indoor arena to determine longevity and soundness of the building.

Paul Sorensen, Cyber Security Training thru ICRMP and KnowB4 and broadband and Wi-Fi for Fairgrounds. Paul reports ICRMP has paired with Knowb4 for cyber security training for all employees and will be rolled out soon. Paul was asked to look at Wi-Fi for the Fairgrounds. He presented prices from Safelink with many options. Evan doesn't believe it's the county's responsibility to provide Wi-Fi for the vendors. Commissioner Weber asks if they could bring in something mobile just for the fair week. We now have an account rep and Paul will get in touch with them to get more answers.

Large projects and budgets were reviewed and discussed. Project funds and capital improvement lines will be included in the upcoming budget. Commissioners made the decision to move forward with the Courthouse, elevator and build out of VFW and Administration building. Fairground projects will also move forward and the Hibbard roundabout.

Commissioner Weber made a motion to adjourn at 4:35 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

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

Attest:  
Kim Muir, Clerk