



**Madison County  
Commissioner Meeting Minutes  
December 2, 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: Commissioner Weber

**ACTION ITEMS**

**Public Comment:** There was no one present for comment.

**Calendar Discussion:**

**Next Commission Meetings:** December 16, 2019.

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

January 7, 2020 will be the department head meeting. Commissioners would like to hear each departments goals for the year, a review of the previous year and to go over the new Personnel Policy in depth and ask each to train departments on the new policy.

**Discussion and Decision Items: Action Items**

Commissioners granted permission for the Clerk's Office to stop accepting passport applications daily at 4:00 p.m. and to not issue passports during the week prior to Elections in March, May and November, when the office is very busy helping the public with early voting.

**Contracts/Documents:**

Bonneville County hosts the emergency calls for many counties and require this MOU. Bart Quayle, Dave Stoddard and Cullin Sherman were present to answer questions and explain the MOU.

After review and discussion, Commissioner Smith made a motion to approve the MOU with Bonneville County Emergency Calls for the Sheriff's Office. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Purchase Agreement for a vehicle for the Snowmobile Committee. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

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

After review and discussion, Commissioner Smith made a motion to approve the Lease Agreement for D7 with Mitch Loveland. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Resolution # 441 to repeal Resolution #389 and adopt the latest county At-Will Personnel Policy. This matter will be placed on the next agenda.

After review and discussion, Commissioner Weber made a motion to approve the LRHIP Application for Road and Bridge for \$140,000 to overlay the River Road in Madison County. 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 \$404,254.05 with \$2,484.99 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 25, 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: Kaylee Mickelsen, Aaron Roberts, Morgan Steele, Alleigh Thurber. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions :**

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

**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 9:30 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 9:55 a.m. After review and discussion, Commissioner Mendenhall made a motion to sign a Denial on Case No. 2020004. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Shawn Boice, Tax cancellation for Prudence Smith**

Prudence Smith's home is in the Parkside Town homes. There were additional lots that were split June 28, 2018. The homeowners exemption was missed. Shawn is asking for \$1814.70 which is one-half of the homeowners exemption to reimburse for 6 months of the year.

Commissioner Weber made a motion to approve the tax cancellation for Prudence Smith. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Jared Ricks, Public Defense Commission update**

Jared reports the Attorney reports were due November 1, and his office has received all attorney's reports except Josh Garner's. Jim Archibald's CLE's were discussed, as he did not receive the proper amount of credits because of the fiscal year confusion. Jim has been working to rectify this problem. Jared asks what the county interest level would be in a model contract for Public Defense. Troy replies he would like to review the template suggested. The PDC was created in 2014 when the ACLU began a law suit toward the State of Idaho. Jared was asked if Public Defense rates have increased since the initial legislation. Commissioner Smith asks what percentage of defendants request or are assigned a public defender. Jared

replies between 80 and 90%. This is also the case nationally. Public defense is not based on need. Troy states it is dependent upon the judge. Many judges error on the side of caution and appoint a PD.

**Public Hearing Amendment of Land Use Table regarding agricultural related structures and clarify definition.**

Commissioner Weber opened the public hearing at 10:30 a.m. Commissioner Weber – yes, Commissioner Smith – yes, Commissioner Mendenhall - yes.

The trans ag zone is being considered where the requirement of ag related structures to have a conditional use permit. Much of the zone is ag related structure. The key is the use of the structure for livestock and storing farm related items. If used as a mechanical shop that would change the use.

To speak In Favor: Kirsten Ruebush 1893 W 5350 S. In favor of changing to trans ag, but has concerns with the definition. She referred to the newspaper notice definition and did not agree with the definition. Repairing farm equipment is not included in the definition. Commissioners state their reference is the Code Book definition. Public input was closed.

Commissioner discussion:

Commissioner Mendenhall refers to Section 101 and the general definition. Bradley states the key is the Ag building does not become a commercial building and feels the definition is sufficient right now. It follows the code currently. Commissioners feel the definition is fine as listed.

Commissioner Smith made a motion to approve the land use table to be changed to allow agricultural permitted structures permitted in a land use table to be a permitted use. Commissioner Mendenhall seconded and voting was unanimous.

Commissioner Mendenhall made a motion to deny the definition used in the newspaper notification and refer the change back to the code book. Commissioner Smith seconded and voting was unanimous. The motion passed.

Randy Johnson Forsgren Engineering, Sign CTP grant agreement

The estimate presented by Forsgren Engineering was for \$260,000. The grant amount was \$265,000 to identify potential mitigation projects primarily dealing with the Teton River flood plain remapping. The paperwork will need to be filed by the Clerk's Office and Planning and Zoning. Bradley wants to properly identify areas where flood plain is. He has no doubt the flood plain is going to increase, but this will be a more proactive approach to possibly decrease the impact and identify projects to mitigate future projects.

Commissioner Weber asks if Forsgren is using FEMA's current floodplain modeling? It is not a final model, but a working model. They want to make sure what they modeled is correct. If it is accurate it will mark control points to mitigate and that is what they are looking at. Commissioner Weber is wondering if the expansion of the flood plain is to pay for disasters that have occurred in other parts of the country. This is a no-win situation for the county. Eric adds he looks at it differently – If we did not intervene his feeling is that we will be stuck with something close to the original, but he feels FEMA will take a second look and shrink the flood plain map down significantly from the original map. Eric is with Geo Engineers and is working with Forsgren. The study is on the Teton and the Snake Rivers.

Eric adds with respect to the levies, FEMA cannot put an uncertified levy in their model – they are exploring options, but he feels he can decrease the insurance premiums in the flood plain area. Forsgren has the interest of the county, FEMA does not. Completion date would be about a year Forsgren predicts.

Commissioner Smith made a motion to approve the CTP grant agreement for professional services with Forsgren. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Cindy Roberson/ Reo Jensen, Einerson Road Paving and Year-end review report.**

Bids were reviewed from Thompson and Depatco. There was a discussion on the thickness of the asphalt and the type of road surfact that would be acceptable. The gravel is complete, but will need to be prepped before paving begins. Jefferson County will be contacted to see if use of their machine would save money. It would be spring before the project could be done. Trevor would like a commitment as to whether we would pave. Commissioners are concerned that we put a lot on the Road and Bridge budget and projects.

Trevor Einerson states that this makes him sick for all of us. The roundabout is because this is not a through road, but the county owns the ground beyond this road. He wonders if the cul-de-sac could be gravel and not paved. Cindy and Reo will look into this.

Commissioner Mendenhall made a motion to approve the pavement of road into the Einerson Road project (Harris Road). Commissioner Smith seconded and voting was unanimous. The motion passed.

Reo and Cindy report on completed projects: They had a very busy, but a good year. They expressed appreciation for their employees and presented a list of projects completed. Commissioner Smith asks if a guard rail could be installed on Cameron Road after an accident occurred at that point.

Commissioner Weber states he cannot think of a time when Road and Bridge has been so busy or has done such amazing work in the county. The attitude has changed over the years and they are willing to do great things and are a great part of the county team. Commissioners are very proud of the Department and couldn't be more pleased. Snow removal has also been great.

**Darbi Pozenel Projections for Solid Waste tipping fee increase** This item was moved to the next agenda.

Commissioner Weber made a motion to go into Executive Session according to **Idaho Code § 74-206(1)(d) exempt records** at 11:50 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 12:35 p.m.

There being no further business Commissioner Smith made a motion to adjourn the meeting at 12:35 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

