

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

**Madison County
Commissioner Meeting Minutes
June 18, 2019**



Attendees:

Jon Weber, Commissioner (Chairman)

Todd Smith, Commissioner

Brent Mendenhall, Commissioner was excused

Kim Muir, County Clerk

Pledge of Allegiance

Invocation given by Commissioner Mendenhall

Commissioner Weber made a motion to recess Commission meeting and open BOE hearings. Commissioner Smith seconded and voting was unanimous.

BOE Matters:

Lou Cameron, 2285 West 4200 S, Rexburg

He is upset with the gravel pit next to his property and feels that this is causing a problem with dust. He presented pictures showing the dust and hears the crushers running. He presented pictures that were taken recently, this year. He operated crushers in California and they are a dusty problem when they are crushing. He has four horses in his yard and has to put up with the mess of a pile of gravel. He feels the gravel pit is decreasing the value of his home where it is so close and the dust in his home is a mess. He doesn't feel it is right to put up with the gravel pit so close to his home. He is asking for a reduction in his taxes. There are supposed to be trees, shrubs and bushes to mitigate the situation, but there isn't anything. The owners of the gravel pit don't seem to want to be good neighbors and aren't trying to mitigate the situation. He loves to see the cows and the fields growing and loved to be in his present location, but now all he sees is dust. Commissioner Smith asks what has changed in the past 5 years. He states the crusher has been moved much closer and the dust and noise have increased drastically. He would like to see sealed bearings installed on the crusher and a sprayer when the crusher is running. They are using loaders to bring and pile the rock and are not doing anything to prevent dust. Lou states that 5 years ago they did not receive dust because the field was planted. Shawn interjects that Edstrom's purchased the property in 2015. In 2017 they excavated and put a large pile right behind his home and have recently started crushing. He said that even when he barbeques he gets dust.

Shawn states we all know what has happened with Edstrom Construction. Last year they stockpiled gravel. Shawn showed pictures of the properties affected, thousands of yards and did at one point have crusher. Since then they have moved it 600 feet to the south, as they stockpile and drive up, the wind carries the dust into the Cameron, Landon and Johnston home. He feels this is a value issue. Shawn talked to Matt Virgil at the State Tax Commission who indicates statewide there has not been an effect on value in gravel pit areas. In going through sales, he pointed out several properties that are affected by gravel pits. See comparable sales. Shawn

pointed out that in October, 2018 a home that was listed for \$171,000 on 2 acres, and 8 months later is now listed at \$220,000 sales price might reduce by 10%. Sales are up 10% in the area. Shawn states that sales are what drive how we make decisions, but that all homes experience depreciation. Appraisal practices allow for obsolescence caused by improved processes or external obsolescence processes that make the property less desirable. Shawn projects 10% is the fair credit that should be made for these three peoples. This could change when the crusher moves. In time this could create an increase at some point in the future if a park or lake is put in the place of the gravel pit. Shawn believes market value would be higher than this right now.

Commissioner Mendenhall asks how he arrived at 10%. Shawn states experience. He explained flat roof homes in the area that were adjusted by 10% and some homes in Saddle Creek on the south side where farming and cattle are right next to homes. The three property owners here today are asking for a 30% decrease, but Shawn feels it is excessive. Lou is requesting an adjustment.

Randy Landon, 2287 W 4200 S, Rexburg, was absent, but his form is included and is a neighbor to Lou Cameron and Shawna Johnston.

Shawna Johnston

2223 West 2300 W, Rexburg

Shawna states when they purchased this property there was no active pit. It was there, but there was no equipment. The bark plant was there much smaller. Edstrom's would use this property. In 2006-2007 Walters came in and Edstrom's became a commercial arm of this. It slowed in 2008 when the economy slowed down. It started again in 2017 and there was a large stock pile moved close to the property. It was spread out and then stock piled again. The crusher was moved closer and the dust has been incredible. They deal with this every day. She has her windows open and there is a significant amount of dust every day and she is surrounded by trees. She doesn't feel that Edstrom's is maintaining as they should. She presented pictures that show the mining activity has begun on the property. Even though prices have gone up, it will significantly impact the ability and the price on the home. She looks at homes near gravel pits. She chose to live in an area with little activity. She is here today to request that her value be decreased. The same comparable sales apply to this property as with the others. Market value is up; there is an obsolescence factor on these three homes.

These matters will be taken under advisement and each will receive a written explanation of the decision made.

Richard Horner, Urban Renewal, 3848 S 4413 W, Rexburg. Richard is asking for an adjustment on properties located at 57 South Center, 20 Carlson Avenue and 54 College Avenue in Rexburg.

Richard appreciates Shawn giving notice to Urban Renewal properties purchased. Richard reports that eventually Urban Renewal will be tearing the homes down. The homes are currently leasing out on a month to month basis. They have had new businesses coming in and leasing as startups. Commissioner Weber read the statute which states if exempted properties are leased out, they should be taxed. Richard is asking the commission for an exemption as they are a non-

profit as is the Development Company which is tax exempt. He feels that Urban Renewal should receive exemption the same the Development Company

Shawn states the statute indicates where we need to be. They have done our homework on The Development Company they are a 501(c)(4) which is a totally different issue. We have had other property purchased through Urban Renewal and haven't had issues. Apartments are at market rent for the area that Richard is speaking of. The property is being leased and must therefore pay property tax. Amanda and Richard were in training with the Alan Dornfest, from the State Tax Commission together, where it was stated several times, if property is being leased, they are no longer tax exempt. Urban Renewal and Development Company are two separate issues and we are not comparing apples to apples.

This matter will be taken under advisement and he will receive a written explanation of the decision made.

Richard invites a commissioner to a meeting to discuss some opportunities Urban Development is exploring on July 25.

Commissioner Weber made a motion to recess BOE at 10:00 a.m. Commissioner Smith seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman
Todd Smith, Commissioner

Attest: Kim Muir, Clerk