



**Madison County  
Commissioner Meeting Minutes  
June 24, 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**

**Calendar Discussion:**

Next meeting: July 8, 2019  
Department head meeting: July 8, 2019  
Budget meetings set for discussion July 22, 2019 in the afternoon  
District 6 meeting in Clark County – July 17, 2019 in Clark County  
Board of Equalization meetings were set up on June 27, 2019 at 8:00 a.m.  
A public hearing was set for July 22, 2019, at 5:00 p.m. in the Magistrate Courtroom for the Edstrom Construction Comprehensive Plan Map change.

**Discussion and Decision Items:**

Planning and Zoning Commission members were discussed and their length of service.  
Hospital Board members –The vacancy left by Dr. Rammell needs to be filled. Names were discussed and will be asked about availability. This will be done at the next meeting.  
Department Head meeting agenda was discussed.

**Contracts/Documents:**

After review and discussion, Commissioner Smith made a motion to approve the Contract with Alan Clark Construction LLC for the courthouse improvements. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Contract with J & S Construction for the Veteran's Building. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Weber made a motion to ratify the application to work with FEMA on a mitigation grant. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Order Acknowledgment for the Solid Waste trailer. 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 \$1,627,529.60 with \$140,087.86 coming from the general fund. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Weber made a motion to approve the Commissioner Meeting Minutes of May 28, 2019. 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 May 30, 2019. Commissioner Weber seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Commissioner Meeting Minutes of June 10, 2019. Commissioner Smith 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 Rachel Doggett, Craig Marino, and Derrick Watson. 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.

#### **Judge Boyce, District Court Judge, Introduction**

Judge Boyce was present and introduced himself and told about his family. He was just sworn in as the new District Court Judge in the Seventh Judicial District, chambered in Madison County. He and his family are looking forward to moving to Madison County. He was a Magistrate Judge in Bonneville County and has been a prosecutor and attorney previously. The Commissioners asked that he let them know what they can do for him and invited him to come and support county activities. He invited the Commissioners up to see his office and to visit. He is excited to be in Madison County and to get involved.

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

Commissioner Smith 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, Commissioner Mendenhall - yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 9:47 a.m. After review and discussion, Commissioner Smith made a motion to sign an Approval on Case No. 2019016, and there was discussion on Case No. 2007037. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

#### **Troyce Miskin, Ambulance billing rates & surplus items**

In 2013 the Ambulance purchased a ventilator and technology has changed significantly and updates are needed. The department has received grants and would like to move ahead with purchasing. The old

ventilator can be sold as surplus. Troyce would like permission and guidance to move ahead with the ventilators. Discussion thus far has been with a medical surplus agency.

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

New Medicare and Medicaid allowable rates were presented and a new revenue item of behavioral health transport. Troyce is asking to move forward with a public hearing to change the rates to include this category. The Ambulance District has advanced to critical care status. The county ordinance will need to be updated. The commissioners agreed to move forward with a public hearing on this matter.

**Reconsideration, decision on request for reconsideration on Comprehensive Plan Map Change.**

Complete packets have been received by Commissioners, including correspondence. The request for reconsideration was timely filed. Time was taken to clarify the records conveyed to the Commissioners. All documents, including letters, were given to the P&Z Commission prior to the Planning & Zoning Commission hearing. The BOCC did not have all items at the time of the approval (May 13, 2019) of the comprehensive plan map change. Reconsideration will allow review of all the documents in the custody of commissioners. Mr. Zollinger, legal counsel, confirms that we are in the time frame for reconsideration and time has been taken by Commissioners to review all documents. Commissioner Mendenhall comments he has great concerns with those living in surrounding areas included in this comp plan with the gravel pits in close proximity to homes where the crusher has moved closer increasing dust and noise with the increase in production. Commissioner Mendenhall asks if new information has come to us through BOE hearings (pictures), but was not given to the Public and Zoning commission; if we need to consider that also or do we rely strictly on the documents in the packet presented. Commissioner Smith states that the pictures introduced at the BOE were just a reflection of what was presented previously. Mr. Zollinger states that if new evidence is introduced it should not be considered and that there should be a right of rebuttal from Edstrom Construction and due process. Commissioner Smith states it was not new evidence, but clarification of existing evidence.

After review and discussion, Commissioner Mendenhall made a motion to reconsider the previous decision the Comprehensive Plan Map change decision that was made May 13, 2019, now that they have a full packet. Commissioner Smith seconded and voting was unanimous. The motion passed.

The motion on May 13, 2019 was as follows: After review and discussion, Commissioner Weber made a motion to approve the comprehensive plan change as requested. Commissioner Mendenhall amended the motion to scale back the Comprehensive Plan change to what is currently in Edstrom's proposal. Commissioner Smith seconded the amended motion and voting was unanimous. The motion passed. The map with changes will be attached to the minutes.

**Reconsideration of the Finding of Facts on the Edstrom Construction Comprehensive Map Plan change.**

Everything that was decided rolls back to today. We now consider the information presented to us. We have videos and thumb drives. Bradley Petersen confirms that all information is now in front of Commissioners.

The Commissioners considered that their decision may have been made absent some of the details.

Commissioner Mendenhall expresses this has grave concerns for him and it has weighed heavy for weeks. He has great concerns on the expansion on going from a rural cluster to industrial zone. The closer proximity of the crusher to the homes; although homeowners were aware of the gravel pit when they moved in, he has concerns with noise, dust and air quality. We have the ordinance in place with provisions for buffers, but this is concerning to him in the interim. He realizes we need the gravel pits in the county to construct roads at a lesser price and would like to see a solution.

Commissioner Smith has many concerns and wish those in the room could come to an agreement and feels there is a way this can be accomplished. He is tired of accusations and the bickering and states it grows on you after a while. He wanted to speak bluntly to the Edstrom's. Commissioner Smith doesn't like that they moved onto the ground before it was permitted and would like it cleaned up. He will be fine with the gravel pit being expanded, but Edstrom's need to come into compliance with the current zoning and get a plan together that will be acceptable to both sides. Commissioner Mendenhall agrees with Commissioner Smith in hoping to keep the dust down and states the photographs were alarming. There are ways to sprinkle water while the crusher is running to control some of the dust issues. Something aggressive on the Edstrom's part needs to happen to help the neighbors with their health concerns before a final decision is made.

Commissioner Smith states the ordinance in place, if followed, will protect everyone concerned. He is concerned about the zone change but is not concerned about the gravel pit. If followed, the gravel pit ordinance will protect the citizens. A zone change with a commitment can be made, but that can be the only allowable use and it can be conditioned on use. He thinks one of these days he will certainly be fine with the expansion, but it needs to start with Edstrom's cleaning it up and becoming compliant, before he can vote for a rezone. Bradley Petersen states there have been no additions to the pile since he started looking into the situation. The standard enforcement is to notify and request they begin to move the pile. There is nothing currently in violation of the ordinance.

Grandfathering was discussed and current ordinances were questioned. Edstrom has agreed to move the crusher back to the original location and decrease production by September. There are two gravel pits and a bark plant in close proximity that we are dealing with. Edstrom's is not increasing employees or trucks and are following the rules with dust control. Commissioner Smith asks legal counsel how long we can table an issue and can we table until we see some improvement. Steve will review further, but believes the matter can be tabled 180 days. Steve states, currently there are no ongoing violations at that location on the part of Edstrom's. They are not mining and are reducing the pile. Clarification was also given by legal counsel on the process if the Comprehensive Plan Map change were denied. Steve also again stated there are no ongoing violations on the part of Edstrom Construction.

Commissioner Mendenhall motioned to leave the comprehensive plan as is and not make a change. At the board of Equalization, photographs were shown indicating the dust the neighbors are dealing with as shown by Mr. Cameron who is listed in the letters received at the time of the original P & Z hearing. Until a more aggressive way to address the dust and risk of human life, Commissioner Mendenhall can't, in good conscience, vote to change this. Motion was withdrawn.

Based on pending litigation Zollinger asks for an executive session.

A motion was made by Commissioner Mendenhall to go in to executive session. Commissioner Weber seconded. The motion passed. Commissioner Weber – yes, Commissioner Smith – yes, Commissioner Mendenhall – yes. The motion passed.

Commissioner Weber brought the Commission out of executive session and announced additional information outside of the original hearing was received and because of that a public hearing will be held; meaning the Comprehensive Plan map change matter will be reheard by Commissioners and public comment will be heard. Photographs indicating dust in the neighborhood surrounding the gravel pit and other issues were received by the Commission during a Board of Equalization on June 18, 2019. Clarification and time for Edstrom’s to view the photographs and prepare a rebuttal will be required.

Commissioner Weber made a motion to hold a Public Hearing on the Comprehensive Plan Map change as requested by Edstrom Construction. Commissioner Smith seconded and voting was unanimous.

Commissioner Weber comments that this is not easy for them. These decisions are tough and the Commission is trying to represent all citizens of the community.

**Bradley Petersen, Findings of Fact on the Edstrom Construction Zoning Map Change.** This matter was not discussed based upon the Commissioner’s decision above.

**Stephen Zollinger, Consideration of Appeal and Petition to Hold a Public Hearing request.** Stephen Zollinger was asked if reconsidered has to go back to a public hearing. Mr. Zollinger explains it is only available if there has not been a public hearing, but there was a public hearing, and this matter is now coming before the Commissioners for a new hearing regardless.

**Evan Wise, Fairground improvement discussion**

Fairground projects and budgets are in line. Evan has taken the indoor arena apart and is fixing the entrance including concrete. Pictures of the beams in the indoor arena were shown indicating rusting issues. Four engineering firms were contacted and none of them want to touch redoing the 40 year old beams. The beams are set to last 40 years and are 40 years old. Commissioner Weber explained that other budgetary requirements are needed and that big projects may have to be put on hold for the time being. Evan brought it to Commissioners attention before it becomes a liability issue with snow loads and other risks.

**Rudey Ballard. Medical insurance options and discussion**

Rudey is working on the county health plan renewal. He has looked at other companies and presented several plan options for review and discussion. He reports grandfathering has run its course and may not be as important and its implications were discussed as far as mental health issues. Dependent maternity coverage was explained and discussed.

**Appointment of new Treasurer**

Sherry Arnold came before the Commissioners and was told how much she was appreciated. When asked what her take away from her 30 years as Treasurer is, she stated we have a good county and everyone has been really good to work with.

Angie Moffat then came before the Commissioners and was told she has done a lot of good things for the county, and appointing her as Treasurer seems like a natural fit. The Republican Committee had presented names to the Commissioners to fill Sherry’s pending vacancy, and Angie was one of those

recommended. Commissioner Weber stated Sherry has learned from the best and was counseled to apply the attributes she has learned from Sherry.

After review and discussion, Commissioner Smith made a motion to appoint Angie Moffat as the new Treasurer beginning July 1, 2019. Commissioner Mendenhall seconded and voting was unanimous. Commissioner Weber swore in Angie. The Commissioners made this appointment now based upon their next meeting not being until July 8, 2019, and Sherry's last day is June 30, 2019.

**BOE hearings as requested**

This was cancelled. All BOE matters will be held on Thursday, June 27<sup>th</sup> at 8:00 a.m.

Commissioner Weber made a motion to adjourn the meeting at 12:40 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