

*Abbreviated Minutes: Complete Set of Minutes Are on File in The Clerk's Office*



MADISON COUNTY  
COMMISSIONER MEETING MINUTES  
AUGUST 9, 2021

**Attendees:**

**Todd Smith, Commissioner Chairman**  
**Brent Mendenhall, Commissioner**  
**Douglas Smith, Commissioner**  
**Troy Evans, Deputy Prosecuting Attorney**  
**Sue Bagley, Deputy Clerk**

**ACTION ITEMS**

This meeting was streamed electronically.

Commissioner Brent Mendenhall will be conducting the meeting until Chairman Todd Smith arrives. He is meeting with the Jefferson County Commissioners and will join this meeting once done. Kim Muir County Clerk is excused to attend IACRC Clerk's Meetings.

**Calendar Items:**

The next Commission meeting will be held Monday, August 23, 2021. The Madison County Fair is August 16-21, 2021

**Commissioner's schedule:**

Commissioner Mendenhall will be in Boise for Legislative Meetings and Mental Health Coalition.

Commissioners have been invited to meet with City of Rexburg City Council on Wednesday, August 18, 2021 to discuss mutual projects.

**Discussion Items:**

Juneteenth Holiday: Ann Marie reported the Employee Committee understood the problem with the holiday being decided too late on the federal and state levels to give the employees the holiday since appointments and court dates were set on this day.

Commissioner Mendenhall made a motion to add the Juneteenth holiday to the Personnel Policy to begin in 2022. Commissioner Doug Smith seconded and the voting was unanimous. The motion passed.

**Contracts/Documents:**

**Indigent Defense Financial Assistance:** After review and discussion, Commissioner Mendenhall moved to sign the indigent Defense Financial Assistance grant. Commissioner Smith seconded and the voting was unanimous. The motion passed.

**Hospital Board Appointments:** After review and discussion, Commissioner Doug Smith made a motion to appoint Ken Burt and Ken Poulson to another term to the Madison Memorial Hospital Board of Trustees. Commissioner Mendenhall seconded and the voting was unanimous. The motion passed. These are for three-year terms.

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**Management Agreement for Recreation at the Teton Dam site:** The Agreement was sent in draft form that Troy has reviewed with County Road and Bridge and Parks and Recreation. Cindy from Road and Bridge will contact BOR for a final agreement to be signed at next Commissioner's Meeting, August 23, 2021.

**COVID Leave Policy for Madison County Employees:** After review and discussion, Commissioner Doug Smith made a motion to approve the temporary COVID Leave Policy for all Madison County Employees to receive one week of paid leave in the event they contract COVID effective August 9, 2021. Commissioner Mendenhall seconded and the voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Doug Smith made a motion to approve the claims presented by the Clerk. The General Fund total claim amounts were \$ 183,606.42. The grand total of claims was \$1,370,315.28. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Commissioners meeting minutes of July 26, 2021. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Commissioners Special Meeting of August 2, 2021. Commissioner Doug Smith seconded and the voting was unanimous. The motion passed.

**Personnel Actions :**

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

After review and discussion, Commissioner Doug Smith made a motion to approve the Certificates of Residency for Nicole Adams, Eliza Haeberle, Zachary Mace, Journee Webster, Amanda Johnson, Adam Hernandez, Brigham Egbert, and Alex Treaster. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Pledge of Allegiance: given by all present**

**Invocation: Doug Smith**

**Public Comment:**

Marjorie Price, landowner in the Archer area. Mrs. Price is concerned her zone change decision may be overturned in an appeal, as neighboring landowners have appealed the zone change she was granted. She hopes she is being held to the same code and regulations as other landowners in the area of her land.

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Louise Hymas 2750 N 6000 W in Plano area. Mrs. Hymas is concerned about land being sold that is under the 16 acres required by Madison County P&Z Code Section 117-52(5). She cited several instances of this occurring in Plano. All of Plano is in the AG Zone. She has three questions she would like answered by the Commissioners 1) Under what part of the current building code was the building permit issued for a 3-acre parcel that was created in 2007 in an AG Zone? 2) Has the P&Z already met with and/or already given permission for development on a 10-acre nondevelopable parcel created two months ago in an AG Zone? 3) How will you limit the amount of building on a 43-acre parcel if these other two are allowed to happen? The Commissioners gave this to the county's new P&Z administrator to review and respond.

Cleve Bagley, 3657 N. Salem Rd. Mr. Bagley is concerned about stream flow and storage water if the County were to do the recharge project Keith Esplin is proposing. He is worried he will not have his water rights met with diversions and water needed for this recharge project work. He doesn't want to give Madison County water recharge credits to water users in the lower Snake River Plain. He would like to see this project benefit Madison County irrigators.

Layne Ball, 885 W 3500 N. He would like to see currently approved subdivisions fill up before more are approved for development. He doesn't want Commissioners to give recharge water credits to users in south central Idaho.

**Executive Session Idaho Code §74-206(1) (b) employee matters(d) exempt records, Ann Marie Sorensen, Indigent Clerk:** Chairman Brent Mendenhall made a motion to go into Executive Session at 9:16 a.m. Idaho Code §74-206(1) (b) employee matters and (d) exempt records, Ann Marie Sorensen, Indigent Clerk. A roll call vote was taken as follows: Commissioner Mendenhall – yes, Commissioner Doug Smith - yes. The motion passed. Commissioner Mendenhall returned to open session at 9:47 a.m. The personnel matter executive session was moved to the end of the agenda in order for Comm. Todd Smith to be present.

**Rachel Gonzalez, Madison Memorial Hospital CEO and Troy Christensen, CFO:** Both presented the budget for Madison Memorial Hospital for FY 2022. It has been a hard year for normal operations but out-patient and clinical services have carried the hospital budget. They did receive some unexpected revenue from State of Idaho to offset the costs for the uninsured and under-insured. It wasn't included in the budget because they never know when or if they will get it. The hospital will have to operate more efficiently. The new Behavioral Health Unit is projected to report a loss of \$300,000 each year for the first 3 years.

Troy reviewed a hand-out of how they reached the figures in the budget. They don't have a big profit line and their expenses are low. The hospital will invest profits back into their staff and facility. They have the

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lowest charges in the state according to Blue Cross. Clinic volume is growing and the lab has continued to grow.

**Evan Wise, Madison County Fair Grounds:** The fairgrounds and buildings are ready for the fair. Jared and his crew will be helping again. Evan reviewed with the Commissioners projects he is working on: 1) The fence on South 5<sup>th</sup> W needs fixed. It has been hit by a truck. 2) He plans to expand the grandstands on the northwest side. He gave the Commissioners the cost sheet for the project. It will increase capacity about by 1000. The new bleachers will be able to be moved to another facility should the fair grounds ever move. 3) He would like to replace the lights in 5 more poles and move the grandstand lights up to the front of the grandstands. He would like them to consider these projects and budget for them.

He inquired what can be done to clean up the property recently purchased by the county. He would like to make that area an RV area for when events last several days. He would run a water line for water. There is already an electrical line. He would need to add a septic tank as the city sewer lines don't go out that far.

**Public Hearing for the CHC Grant:** Elise Kahuhu of the Development Company. Madison Cares Project \$346,610 bought a new ambulance and a power lift bed. They hope to close it out by end of August. The State is very happy with this project. The Commissioners opened the public hearing for the CHC Grant and called for anyone for, against or natural to speak. None came forward. The Commissioners closed the public hearing. The Commissioners approved continuing on with the grant process.

**Aaron Gaskill, 179 N 3000 W, Rexburg, ID:** Mr. Gaskill came to discuss Planning and Zoning issues with the Commissioners. He is concerned about how public comment is taken for Planning & Zoning hearings. He believes there is an unequal application of the law. He reviewed his experience with the April 28, 2021 Planning & Zoning Hearing. He was displeased with the way the meeting was conducted. He has come to speak with the Commissioners at least two times. He discussed it further with the county's attorney. He decided to obtain an attorney to determine if P&Z met the letter of the law for posting an agenda and notices to property owners, and his attorney said that it was.

He passed out a hand out with his concerns and his proposal to correct these. He and the new P&Z administrator will meet to discuss this further.

**Todd Smith entered the meeting at 10:50 a.m.**

**Keith Esplin, Snake River Aqua Recharge:** He has examined the gravel pits with Cindy and Reo from Madison County Road Department. He can't supersede water rights. Spring time would be his main focus when water is running over Milner Dam. In some cases, they work with the local irrigation districts. Diversion directly off the river would require too many permits. He talked to Aaron Dalling about who is using the ditch. Stacy Bauer is the only one using the ditch. And he still needs to talk to the H & K people. He said he would put a monitor on it to make sure they don't take too much water. Bradley Petersen is

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thinking the county might use it for flood mitigation. He thinks they could get 100 cfs. It's a pretty good pit.

Mr. Esplin has contacted IDWR about the Burton Pit. Burton site sub is too high. He needs to know if Madison County has any water rights in the canal that runs to the pits. Mr. Esplin's group would fund the upfront cost. He will be drawing up the contracts. Commissioner Todd Smith wants to talk to Fremont Madison Irrigation District before they consider the project. Mr. Esplin would like to come back with a preliminary contract.

**Gary Armstrong, Planning & Zoning Administrator:** Came to discuss the appeal on the zone change from Trans Ag to Commercial on the property owned by Marjorie Price that was passed in the June 14<sup>th</sup> meeting. The property is located in the Archer Townsite. The Commissioners reviewed the code 101.3 appeals process. The Commissioners will hold their own hearing for the zone change. Gary will summarize the items of the appeal for Commissioners. Troy will notify the attorneys of both parties of the new public hearing.

Commissioner Mendenhall made a motion to set the new public hearing on the zone change from trans ag to commercial on the Price application for September 7, 2021, 5:30 pm. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Executive Session Idaho Code § 74-206(1)(b) employee matters, Sheriff, Rick Henry and Deputy Chief Bart Quayle:** Chairman Todd Smith made a motion to go into Executive Session at 12:05 p.m. Idaho Code §74-206(1) (b) employee matters, Troy Evans, Sheriff Rick Henry and Chief Deputy Bart Quayle and Ann Marie Sorensen HR. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Todd Smith – yes, Commissioner Mendenhall – yes, Commissioner Doug Smith - yes. The motion passed. Commissioner Todd Smith moved to come out of executive session at 1:10 p.m.

Commissioner Mendenhall made a motion to adjourn at 1:15 p.m. Commissioner Doug Smith seconded. The motion passed.

Approved:

Todd Smith, Commission Chairman  
Brent Mendenhall, Commissioner  
Douglas Smith, Commissioner

Attest:

Kim Muir, County Clerk