

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



**Madison County  
Commissioner Meeting Minutes  
May 10, 2021**

**Attendees:**

**Todd Smith, Commissioner (Chairman)**  
**Brent Mendenhall, Commissioner**  
**Douglas Smith, Commissioner**  
**Troy Evans, Deputy Prosecuting Attorney**  
**Kim Muir, County Clerk**  
**Sue Bagley, Deputy County Clerk**

**ACTION ITEMS**

This meeting was streamed electronically.

**Calendar Items:**

The next Commission meeting will be held Monday, May 24, 2021.

IAC Spring Institute May 14, 2021 at the Residence Inn in Idaho Falls

Budget meetings with departments are set for June 22, 2021 at 9:00 a.m. and June 23, 2021, at 11:00 a.m.

Commissioner Mendenhall commented on the positive experience he had while at DMV and Driver's license.

Board of Equalization will be on the agenda for every June 2021 meeting.

A Commissioner's meeting schedule item will be added to future agendas.

**Discussion Items:**

East Idaho Solid Waste update. A special meeting with Department of Lands may be required when the appraisal preparation is completed.

Fairground events. Contracts were signed as indicated below.

Teton Golf Course deck budget adjustment decision. Commissioner Doug Smith reports the Teton Golf Course deck budget will need to be adjusted, as they will potentially need an additional \$55,000 contribution. Commissioner Doug Smith made a motion to increase our allocation to the golf board for the deck construction of \$55,000. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Contracts/Documents:**

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Sheriff's Office taser contract with Axon Enterprise, Inc. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to sign and approve the Tax Deduction Allocation form for GPC Architects. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Summit Spine and Sport Chiropractic Birthday Bash. This will be discussed at the next meeting.

Solid waste bid opening. Bids were discussed. Scales Unlimited included taking the old scales out. More information from Darby was request to see what the written bid called for. It was determined to re-do the bidding process and have more specifics outlined in a written bid. Darby will work with Troy to get this done.

After review and discussion, Commissioner Brent Mendenhall made a motion to sign and approve the Fairgrounds contract with Monsters of Destruction on June 19, 2021, Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to sign and approve the Fairgrounds contract with the Farmers Market, Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to sign and approve the Southwest Idaho Wireless Integrated Network Interoperability Partner Agreement with the Sheriff's Office. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Routine Matters:**

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

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 \$317,600.96. The grand total of claims was \$619,268.24. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve Mike Courtney's travel claim. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Certificates of Residency for: Hailey Ball, Hannah Miller, Sarah Muhlestein, Hannah Byington, Ruthanne Olson, Ethan Parker, Daisy Rosas, Taden King. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions :**

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

**Pledge of Allegiance:** given by all. The invocation was given by Kim Muir

**Public Comment:**

Commissioner Todd Smith commented regarding the shooting in Jefferson County and the events of the past week. Our thoughts and prayers are with them.

Trace Cheney has concerns over Copper Heights Subdivision, the number of wells and sewers. He is asking the Commissioners to ask DEQ for a NP test study. The Commissioners stated they could not hear nor discuss this with Mr. Cheney as it had not yet come before them, and they were in their quasi-judicial function.

Aaron Gaskill: Public meeting was held, but he did not feel he had proper notice in a timely manner to make public comment. A new notice was sent and he did write a letter. He was not allowed to speak at Public Hearing, the reason given was because he had sent in a letter. Another citizen with legal representation, had sent a letter and was still allowed to speak.

Ben Donahue: Copper Heights subdivision concerns. In the last year the speed limit was reduced and the roundabout was completed, which he was in favor of. He is concerned about the number of access points on this one mile stretch of 3000 W and the narrowness of the road. The Commissioners stated they could not hear nor discuss this with Mr. Donahue as it had not yet come before them, and they were in their quasi-judicial function.

Kiersten Ruebush: Concerns with new Ordinance #431. She is requesting the Commission review her concerns that she has listed in her document and would appreciate a public hearing to deal with large scale developments.

Sue Bagley: She is concerned with the lack of staff present in the Planning & Zoning Department during office hours.

**Executive Session:**

Chairman Todd Smith made a motion to go into Executive Session at 9:17 a.m. Idaho Code §74-206(1) (b) employee matters, Troy Evans, Bradley Petersen and (d) exempt records, Ann Marie Sorensen, Indigent Clerk. Commissioner 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 returned to open session at 9:56 a.m.

Commissioner Mendenhall made a motion to sign and approve Indigent Case No 2021004. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Shane Ruebush Discussion regarding consistency on past Planning and Zoning permits:**

Shane had to leave as the meeting was running late, but Kirsten explained the discrepancies and inconsistencies that were found in their review of permits. Development density has not been consistent in her opinion and examples were given. She would like a detailed explanation on each of the issues mentioned. Malicious intent was discussed and her accusation of such. She feels our current P & Z administrator is not following the law. She has taken issues to him and there was a difference of opinion. She doesn't feel Bradley is listening to her. Commissioner Mendenhall questioned her comment that the county was being malicious. Kirsten corrected her comments and feels it wasn't malicious. Commissioner Mendenhall said, it doesn't turn on a dime, but we make corrections that need to be made. She does believe there are errors being made, and does not want them to be ignored.

Rescheduled Planning and Building issues to the afternoon.

**Bradley Petersen, Planning and Zoning matters:**

**Findings of Fact: Larry Hansen Comprehensive Plan Change from Ag Land to Rural Cluster.**

Commissioner Smith reviewed the Planning & Zoning Board minutes. This is a pretty straight forward zone change, right off of 3800 S in Burton. After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Comprehensive Plan Change from Ag Land to Rural Cluster. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Resolution No. 459 Comprehensive Plan Change from Ag Land to Rural Cluster.**

After review and discussion, Commissioner Doug Smith made a motion to sign and approve Resolution #459. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Ordinance No. 431- Potential Modifications to Unified Development Code.**

Legal has reviewed this matter and feels it is within parameters of the law. State statute requires public notices posted and mailed out, time allowed to respond a public hearing be held. Bradley likes the commercial standard which is included. Troy discussed deed restrictions. P & Z Department have recently created a tracking program on parcels to track what has happened in the past. Bradley reports the Health Department and many have been involved in this process. There was discussion regarding large and small developments and the requirements for each. This ordinance forces developers to plan for future development. This will change current law. Kirsten would like to encourage a public meeting where members of the public can comment on the changes.

After review and discussion, Commissioner Mendenhall made a motion to table this issue (the Findings of Fact and the Ordinance No. 431) for further review. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Sharon Oakey comments, this is not to put the power in one man's hands and has been blown out of proportion by members of the public.

**Ordinance No. 442, Larry Hansen Zone Change from AG to TAG.**

After review and discussion, Commissioner Mendenhall made a motion to sign and approve Ordinance 442, making the Zone Change from AG to TAG for Larry Hansen Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Potential floodplain projects.**

Bradley has had a few people confront him on the project on N 12<sup>th</sup> W and Ferris Lane in Hibbard and Bradley has suggested a LOMAR project costing approximately \$3000. This is driven by individuals. In the Marshall Merrill subdivision. Commissioners would like Bradley to look for those in the neighborhood to fund this project.

**Geri Rackow, Eastern Idaho Public Health: Budget Presentation.**

Geri appreciates being able to meet in person. She reports a 17.5% increase over last year from Covid expense. Environmental issues did not slow down during the pandemic. Land development and septic activity stayed about the same, as well as food protection.

Public health has been partially funded by the counties but on March 1, 2022 funding will change to cover the implementation of House Bill 316. The state will appropriate 5 months of the 2022 budget and the counties will fund the remainder. This will increase the county contribution by \$59,234 for FY2022 Future funding will be divided between the counties within the Health District with no support coming from the

State. This will be a significant increase to County budgets. Counties can use indigent funds to cover the increase Geri reviewed budget numbers explaining the expected revenue and expenses. There was no salary increase for employees last year, but there will be an average 6% increase this year. Geri expressed appreciation to Brent Mendenhall and the board support.

**Tim Solomon, Rocky Mountain Power, general update and annual performance plan:**

Work between Rigby and Rexburg is complete. They are still working between Roberts and Rigby and some in Bonneville County. Madison County will be the beneficiary of great transmission lines. Tim states they enjoy working with Madison County. Variable costs were slightly lower and we will see costs slightly less than last year. There will be an increase in upcoming years. There were safety meetings offered that our Road and Bridge crews attended. There are dispatch tours available in Salt Lake City. Brent Mendenhall asked if the Sugar Salem Moody Cemetery District has contacted him. They have been in contact and will help where they can.

Moving a very large pole (5000 South) in the Archer area was discussed. Tim will review the matter and get back to us.

**Tyler Payne, discussion regarding blocking roads for an event:**

Tyler asked for a closed course race on public roads, for June 12, 2021. The route was reviewed and discussed. He has received permission to place porta potties in farmers' fields. Road & Bridge offered their reader board. Approval was given if they will stay in easements and provide their own liability insurance.

**Jerry Rigby, Parkinson land discussion:** Chairman Todd Smith reviewed the timeline and is hoping to get things wrapped up by October for the land swap. Commissioner Doug Smith moved to release \$25,000 of the earnest money being held in trust to the seller, and change the contract to October 31, 2021 for closing. Commissioner Mendenhall, seconded and voting was unanimous. The motion passed. Troy will prepare a Second Addendum to Purchase and Sale Agreement and place it on the next Commissioner agenda.

**Jared Arnold, Air handler discussion for the jail:**

Jared presented a proposal to replace the air handler for the jail, as soon as possible. Jared presented three separate work orders and contracts. Jared is building the roof rack saving the county a significant amount. After review and discussion, Commissioner Doug Smith made a motion to sign and approve the 3 contracts with JM Mechanical for the air handler at the Jail. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Jail inspection and lunch:**

The Commissioner and Clerk toured and inspected the Women and Men's Jail and concluded the Sheriff's Office staff do a great job in running and maintaining all jail facilities. Jared Willmore and Bart Quayle were thanked for a job well done.

There being no further business Commissioner Mendenhall made a motion to adjourn the meeting at 3:33 p.m. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Approved:

Todd Smith, Commission Chairman

Brent Mendenhall, Commissioner

Douglas Smith, Commissioner

Attest:  
Kim Muir, County Clerk