



**Madison County
Commissioner Meeting Minutes
May 24, 2021**

Attendees:

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

ACTION ITEMS

This meeting was streamed electronically.

Calendar Items:

The next Commission meeting will be held Monday, June 7, 2021.

Schedule of Commissioner upcoming meetings:

Chairman Todd Smith: Meeting 2:30 May 25, 2021, Broadband Meeting with City of Rexburg

All Commissioners and Clerks: IACC June 7-10, 2021 Coeur d'Alene, Idaho

Discussion Items:

COVID-19 discussion and update: The numbers are low. Vaccines are readily available. Kim has submitted for federal dollars but hasn't heard anything back yet. It will be tightly regulated.

Broadband expansion discussion: The City is using their Federal Covid funds to expand broadband. They have also BYU-I in the discussion and would like to expand to rural areas of the county. They will begin with laying straight lines and eventually adding loops. Loops make a more reliable system. It will be done in 3 phases. Chairman Todd Smith and Paul Sorensen, Madison County's IT manager, will be meeting with the three entities tomorrow. The cost to lay fiber is about \$20 per foot.

Court Order to open budget timeline: This will wait until July, 2021 because there is more unexpected funding coming that the clerk would like to add to the budget all at the same time. This will be reevaluated at the July 12, 2021 meeting.

IAC meeting review and discussion: Attended by Commissioners Mendenhall and Doug Smith and Clerk Kim Muir. It was reported that the Legislative items were overwhelming. Budget training was very helpful. ITD will be increasing LHTAC funds to the counties. Various changes will be made to indigent applications, Medicare, etc. There are many proposals concerning elections. Madison Memorial Hospital is concerned about the indigent program going away.

Commissioner Doug Smith will report on his first 4 months as a Commissioner on a future agenda.

Golf Course Discussion: Commissioner Doug Smith reported the board is considering moving the shop to get it out of the flood plain. The plan to build the area up to get it out of the flood plain was not feasible- 650 loads of gravel at a cost of \$180,000. It will have to be moved to a better location. Decking will be replaced soon. The building has been shored up and plans have been stamped by the engineer.

Snowmobile Bylaw Discussion: There have been no bylaws received from the Board to date. The Commissioners will give the snowmobile grooming board one week to get these in, otherwise, the Commissioners will do them.

Chamber of Commerce Banquet: Will be held June 10th, 2021. Attendance was disused.

Contracts/Documents:

Review and sign: Second Addendum to Purchase and Sale on Parkinson property

After review and discussion, Commissioner Mendenhall made a motion to sign a Second Addendum to the Purchase and Sale Agreement on the Parkinson property for the new landfill. This expands closing date. Commissioner Doug Smith seconded and voting was unanimous. The motion passed

Review and sign: Contract for Fairground, Summit Spine Birthday Bash

After review and discussion, Commissioner Doug Smith made a motion to sign and approve the contract for Summit Spine Birthday Bash at the Fairgrounds on June 17, 2021, from 10 a.m. to 10:30 p.m. Commissioner Brent Mendenhall seconded and voting was unanimous. The motion passed.

Review and sign: Contract for fair grandstand event, WHR Motorsports

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the contract with WHR Motorsports grandstand event on August 21, 2021 from 7-9 pm for \$15,000. The Fair Board will get the gate receipts. Commissioner Doug Smith seconded, and the voting was unanimous. The motion passed.

Review and sign: Gee Ventures, LLC DBA 9 Iron Grill, on premise Beer and Wine Sales License Approval contingent on approval from State

After review and discussion, Commissioner Mendenhall made a motion to approve the Beer and Wine license for Gee Ventures' Iron Grill for on the premise's beer and wine sales contingent on State License approval. Commissioner Doug Smith seconded, voting was unanimous. The motion passed.

Review and sign: Board Appointment to Eastern Idaho Public Health Board.

After review and discussion, Commissioner Todd Smith made a motion for each Commissioner to submit an agreement for appointment of a board member to Eastern Idaho Public Health Board. Commissioner Brent Mendenhall seconded, voting was unanimous. The motion passed.

Review and sign: Idaho Dept. of Correction Work and Financial Plan

After review and discussion, Commissioner Doug Smith made a motion to approve the Idaho Department of Correction's work and financial plan with the Work Camp in St Anthony and Solid Waste. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Review and sign: Federal Emergency Management Project Completion and Request for Reimbursement

After review and discussion, Commissioner Doug Smith made a motion to approve and sign the Federal Emergency Project Completion and request for reimbursement regarding the morgue. 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 May 10, 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 \$36,939.68. The grand total of claims was \$688,380.31. 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 Certificates of Residency for: Shalani Wilcox and Eunice Mora-Perez. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Personal 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 Doug Smith.

Public Comment:

Aaron Gaskin: He spoke at the May 10th, 2021, meeting and has not been contacted to address his complaint about the April 28, 2021 Planning & Zoning Meeting. The County attorney will discuss this with him.

Kristen Ruebush: She is requesting the Commissioners hold a public hearing for Ordinance 431.

Casey Donahoo: He is concerned about traffic on 3000 W. Traffic has increased and so has the speed although the speed limit was lowered to 35mph. He rides his bike to work and this road is too narrow. He is having to cut through a field and neighbors' yards to get through the block to his job.

Ben Donahoo: 1849 N 3000 W. He also talked about the narrowness and increased traffic on 3000 W. He has concerns with how the last P&Z Meeting held on April 28, 2021 was conducted. He felt the rules were changed in the middle of the meeting and not held according to State Code.

Executive Session:

Chairman Todd Smith made a motion to go into Executive Session at 9:20 a.m. Idaho Code §74-206(1) (b) employee matters, Troy Evans, Bradley Petersen. 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 9:41 a.m.

Aaron Dalling, Executive Director of Fremont-Madison Irrigation District, Surface water secondary irrigation for new development:

Mr. Dalling was accompanied by Mike Hoskinson, Chairman, Madison Ground Water District and Jeff Raybould, Chairman, Fremont-Madison Irrigation District and Henry's Fork Ground Water District. The letter proposes the County Commissioners require new subdivisions who have surface water rights to install secondary irrigation systems. It would be the best use of water resources in Madison County. The letter explained the benefits of using surface water over using ground water for irrigation lessening the effects on the aquifer. Mr. Dalling also offered to help the County Commissioner with the paperwork to declare a drought emergency in Madison County.

Ben Donahoo, neighbors to discuss Planning and Zoning: He is concerned with development in his area. He does not want to stifle development, but feels large scale development should have open space, be large enough to be contiguous and allow for various activities such as farming, bird watching and recreational activities. He would like to see a public area for schools, playgrounds and parks set aside and proper verification with developers and impacted entities such as school district, as well as access points. He is concerned about the grade of the entrances, traffic flow roads that are built for that purpose and better developed areas with wider roads. He has well thought out solutions and is not just coming with problems.

Rich Jones, Fat Cats regarding late charges and penalties: Mr. Jones is requesting forgiveness for late charges and penalties on his property taxes. He has paid his base tax and penalties and \$1,500 toward the interest. He is hoping to have the remainder forgiven. An agreement to make payment was made last year, but those payments were not made and letters and calls were not returned to the Treasurer. Commissioner Doug Smith states he has technically kept the agreement and has his payments up to date. Mr. Jones was asked to be proactive in the future and keep the Commission aware of his status. Commissioner Doug Smith made a motion to forgive the interest of \$2,500.69 owed by Fat Cats. Commissioner Mendenhall seconded, voting was unanimous. The motion passed.

Planning and Zoning:

Rick Hill CUP Findings of Fact:

This matter was previously tabled by the Commissioners to consider it further. Planning and Zoning Commission recommended approval of this CUP with no conditions. After review and discussion, Commissioner Mendenhall made a motion to approve the Findings of Fact on Rick Hill's CUP application with no conditions Commissioner Doug Smith seconded, voting was unanimous. The motion passed.

Potential Modifications to Unified Development Code Findings of Fact (previously tabled) Ordinance No. #431

Three public hearings were held by the P&Z Commission. Commissioner Mendenhall is satisfied by the review of the Planning & Zoning Commission and is ready to move on it. Commissioner Doug Smith is concerned with the Planning and Zoning Director's administrative approval on small scale development permits. It is currently in the County Code for P&Z director to approve without the Commissioners review. Commissioners requested P&Z director, Bradley Petersen to report any administrative permits, quarterly. Chairman Todd Smith feels the intent is met to make it easier for the small-scale developer.

After review and discussion, Commissioner Mendenhall made a motion to accept the Findings of Fact for Ordinance No 431. Chairman Todd Smith seconded. Voting was two to one with Commissioner Doug Smith voting no. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve Ordinance No 431. Chairman Todd Smith seconded. Voting was two to one with Doug Smith voting no. The motion passed.

Hill Ranch Estates Preliminary Plat Findings of Fact:

This development is located on 6800 South. It is 32 acres, with a proposed 16 lots at 1.09 acres per lot. Planning and Zoning recommends approval with the following conditions: 1) Resolution with local irrigation canal boards, must present information before final approval, 2) engineered drawing submitted

prior to final plat, 3) define easement for the canal for final plat and 4) bring it back to P & Z Commission for review and recommendations.

After review and discussion, Commissioner Doug Smith made a motion to approve the Findings of Fact on the Hill Ranch Estates Plat. Commissioner Brent Mendenhall seconded, voting was unanimous. The motion passed. The conditions set forth by P&Z will need to be met prior to acceptance by the Commissioners.

Copper Heights Preliminary Plat Findings of Fact:

This development is located on 2000 N and 3000 W. It is a 65-acre site with proposed 1 acre lots. Commissioner Todd Smith had questions about the public hearing notice. Bradley Peterson clarified what took place: Mistakes were made with the original notice and publication only as it relates to when written correspondence would be allowed, the notice was resent and republished with extra time given to submit written comments. At the hearing, there was confusion as to who would be allowed to give public comment at the meeting if written correspondence had been submitted. The rule established by the P&Z Commission is that you are allowed to comment only if you have new evidence not included in your written correspondence.

Chairman Sharon Oakey spoke about how the meeting was conducted since so many have come to the Commissioners with complaints. Many of the letters submitted were concerning density which had been approved in a previous meeting with no opposing arguments. The P&Z Commission is requiring a traffic impact study along with all other engineering requirements. Commissioner Doug Smith questioned the need for a third entrance. Sharon reported that both Road & Bridge and the Fire District requested the third access as required by the fire code recently adopted by the county. It will also divide the traffic between 2000 S and 3000 W, to alleviate the effects of increased traffic.

The Engineer explained the results of traffic impact study may require a public hearing, if the impact study reveals concerns for the public safety.

Commissioner Doug Smith would like to have a surface water irrigation system implementation be addressed in final plat.

After review and discussion, Commissioner Brent Mendenhall made a motion to approve the Findings of Fact for the Copper Heights Plat with the condition that the results for the water district surface water concerns are addressed and the traffic study results be resolved and submitted to the County Commissioners prior to final plat being completed. Commissioner Doug Smith seconded, voting was unanimous. The motion passed.

Both of these plats came with unanimous recommendation from the Planning and Zoning Commission.

Justin McCracken, Snowmobile Board discussion: He wanted to touch base to see where the Board to see what the Commission is with the by-laws and appointment of Board members. They are asking for a change in the board. He is concerned with the open meeting laws not being held. He complained about the lack of Parliamentary Procedure in the meetings. He asked if the Snowmobile Board is working for the Commissioners or are the Commissioners working for the Board. He is questioning Mr. Mendenhall's ability to vote - if he is mixing church and state. Commissioner Mendenhall assured Mr. McCracken that he has not discussed anything with Mr. Barney even though they attend the same church congregation. There is no conflict of interest here.

Commissioner Mendenhall asked that 8-10 names of people willing to serve on the board be submitted to Commissioner Doug Smith for the County Commissioners to consider. The Commissioners committed to have the bylaws within one week, or the attorney would write them.

There was vandalism to the snowmobile warming hut and trail cameras need to be installed. Richard Roberson spoke about the restoration the of cabin on state ground which was built by Jerome Bowen. Commissioners will follow up with Jared Arnold about the cabin. An Eagle Scout project is planned at the sight during the summer.

Justin reports funds have been raised for the maps. Cameron Stanford is working with GIS on the maps. Cameron and Commissioner Doug Smith will coordinate with GIS on the maps.

Shane Ruebush Follow up discussion regarding P&Z issues:

Commissioners have reviewed the document submitted by Shane. Commissioner Todd Smith went through every permit listed in their document with Melissa Vanslochteren, Planning & Zoning Secretary and found only one with a problem. Ruebush's concerns may be with how they are interpreting the code.

Mr. Ruebush asked for clarification about how new regulations apply to grandfathered parcels. He was informed that when land uses change on a parcel then the new regulations apply. Mr. Ruebush would like to see changes in the density codes, such as one acre lots on the Trans Ag zone and provide clarity to the public with the possibility of a belt around the city in the impact zone.

Planning and Zoning will be discussing these issues in a work meeting next month and this matter will move through the normal P & Z Commission rules and procedures and move to the County Commissioners.

Informational meeting on safety improvements, safety improvements at W 5200 S, in Burton, Horrock's Engineers & LHTAC:

Kelly from Horrock's Engineering was present to explain the project at W 5200 S. He presented maps showing the project and expressed appreciates to those present. This project is still in the planning stages and are seeking the public's input. This is for a two mile stretch of road to add shoulders to the roadway. Questions were answered from the public in attendance.

Transportation plan work meeting:

Madison County is in good condition as far as planning for future growth. There were 4 points of focus set that will be used moving forward.

There being no further business Commissioner Mendenhall made a motion to adjourn the meeting at 5:00 p.m. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Approved:

Approved:

Todd Smith, Commission Chairman

Brent Mendenhall, Commissioner

Douglas Smith, Commissioner

Attest:

Kim Muir, County Clerk