



**Madison County  
Commissioner Meeting Minutes  
October 12, 2021**

**Attendees:**

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

**ACTION ITEMS**

This meeting was streamed electronically.

**Pledge of Allegiance:** given by all.  
The invocation was given by Troy Evans

**Calendar Items:**

The next Commission meeting will be held Monday, October 25, 2021.

Agenda for Dept Head Meeting: October 22, 2021 – Department leads will be set up report to Commissioners on a regular schedule. Troy Evans will go over hiring procedure and there will be employee recognition for years of service and Ann Marie will review the changes to employee benefits.

Schedule of Commissioners: Chairman Todd Smith will be meeting with Teton County Commissioners regarding the new Solid Waste District on Friday.

**Discussion Items:**

Discussion of the City of Rexburg proposed impact zone changes. The City has approached the county to increase their impact zone in the Salem are. The process would require a letter from the City of Rexburg with their formal proposal and provide a narrative explaining the justification for the addition. The County will form a joint commission to evaluate the proposal. If approved, the impact zone will be under City rules for zoning but the County enforces it.

After review and discussion, Commissioner Doug Smith made a motion to sign the response letter to City of Rexburg. Commissioner Todd Smith seconded and the voting was unanimous. The motion passed.

**Contracts/Documents:**

After review and discussion, Commissioner Todd Smith made a motion to appoint Patty Poulson to the Madison County Fair Board for a term of 3 years. Commissioner Doug Smith seconded and voting was unanimous. The motion passed

Commissioners discussed individuals who would meet the qualification to serve on the City of Rexburg P&Z Board. The individual must live in the impact area. This will be discussed again at a future meeting.

After review and discussion, Commissioner Doug Smith made a motion to sign and approve the Idaho Public Safety Communications Commission Grant award, in the amount of \$183, 626.42 Commissioner Todd Smith seconded, and voting was unanimous. The motion passed. Cullin Sherman reported the grant is for the maintenance and security of both Fremont and Madison County systems, in the amount of \$183, 626.42.

After review and discussion, Commissioner Doug Smith made a motion to approve and sign the Pathology agreement with Ada County. This sets the fees for autopsies and pathology reports. Commissioner Todd Smith seconded, voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Doug Smith made a motion to approve the Commissioners meeting minutes of September 7th, 2021. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Postponed the approval the minutes of September 13<sup>th</sup>, 2021 because Commissioner Mendenhall is out of the country and only Chairman Todd Smith attended this meeting.

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 \$3,149,271.33. The grand total of claims was \$4,256,712.72. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions :**

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

Kim Muir, Madison County Clerk discussed with the Commissioner and legal counsel if verbatim transcripts are necessary for public hearing. Verbatim transcriptions are difficult and time consuming, and a certified transcript would be required for any legal proceeding anyway. Legal counsel recommended doing a summary for the minutes and have the recording available. If the hearing should result in a lawsuit, then they would have to be transcribed to be added to the Finding of Facts, and the summary can be used for the transcription.

**Public Comment:** Sharon Oakey, Madison County Planning and Zoning Board Chair would like to have a joint training meeting between the Commissioners and County Planning and Zoning Board. She would like to talk about procedures and P&Z issues coming up in the County. Chairman Todd Smith thinks this would be a good idea. Mr Armstrong would also like to discuss the changes to the Comprehensive Plan. The meeting is scheduled for December 1, 2021 at 6:00p.m.

**Executive Session:**

Chairman Todd Smith made a motion to go into Executive Session at 9:18 a.m. Idaho Code §74-206(1)(b) employee matters. Commissioner seconded the motion. A roll call vote was taken as follows: Commissioner Todd Smith – yes, Commissioner Doug Smith - yes. The motion passed. Commissioner Todd Smith returned to open session at 9:32 a.m.

**Planning and Zoning issues:**

After review and discussion, Commissioner Doug Smith made a motion to approve the Findings of Fact and Conclusions of Law to change the zone from Trans AG to Commercial zoning and the decision made

for the Marjorie Price Public Hearings. Commissioner Todd Smith seconded and the voting was unanimous. The motion passed.

After review and discussion, Commissioners tabled the Atkinson matter as they were still reviewing the Findings of Fact. The appeal hearing was requested by the Atkinson's with the county commissioners. This will be on the next meeting agenda. Commissioner Mendenhall is out of the country and only he and Chairman Todd Smith were at the Atkinson matter. Mr. Armstrong of County P&Z sent a letter to the Atkinsons. Again, the County never made an official decision on this matter prior to their appeal. Mr. Armstrong feels there was no decision to appeal because there was no decision rendered by the Planning and Zoning Commission. The Atkinson's would like a copy of the minutes from that meeting to file a lawsuit against the county.

Gary Armstrong, Planning and Zoning Administrator reported on the following Planning and Zoning Items. Small scale Development, Gerald Stucki Texas Slough Estates located at approximately 3800 S 4000 W. This application is to subdivide 11.1 acres into 4 lots. Ranging in size from 2.0 acres to 3.6 acres and will be serviced by private well and septic. Mr. Armstrong feels it meets the criteria for a small-scale development. There was one property owner to the north who called to voice a concern about leaching of septic systems into the ponds on his property. There is some concern about the property lines. It has been reviewed by the engineer.

After review and discussion, Commissioner Doug Smith made a motion to approve the application from Gerald Stucki for the Texas Slough Estates Subdivision approved in P & Z meeting held August 25, 2021. Commissioner Todd Smith seconded and the voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to accept the Findings of Fact for S4 Ranch Comprehensive Plan change from AG land to Rural Cluster and S4 Ranch Zone Change for AG to TAG. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve Resolution #468 to change the Comprehensive Land Use Map from Ag Land to Rural Cluster on property own by S4 Ranch LLC at approximately 2778 N 2000 W. It is 77 acres with lots averaging 2 acres. Commissioner Todd Smith seconded and the voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve and sign Ordinance #446 to make a zone change from Ag Land to Transitional AG on property own by S4 Ranch LLC at approximately 2778 N 2000 W. Commissioner Todd Smith seconded and the voting was unanimous. The motion passed.

**West side frontage road appraisals:**

Brad Linford asked to be excused. Cindy Roberson, Road and Bridge Department, reported the costs have increased because land prices are going up. When the county did the 5000 S project land prices were much lower than current prices. Cindy suggests the county may need to use funds saved for the Hibbard round-about to finish this road. The County will have to buy about 16 acres. Solutions will continue to be reviewed.

Cindy and Commissioner Smith received a complaint about the flags along Hwy 20 in the county easement. Cindy will check to see if the flags are in our easement or the state easement. The complainer feels there should be lights on the flags at night.

**Bron Leatham, plowing road in southeast county:** Bron Leatham and his partner Tim Jensen built cabins off 10000 South (Herbert Rd). He is requesting the County Road and Bridge snow plow to 8000 S. Cindy doesn't feel like they have the manpower to add more roads also there is one section on the Herbert Rd that blows in for the most part of the winter and with the increase in homes and residents in Madison County, they can't keep up with the snow removal as it stands. Bron will meet with the Commissioner Doug Smith, the Snow Grooming District, Cindy from Road & Bridge and someone from the Sheriff's Office. Bron has some suggestions for a better place for snowmobilers to unload and park. They will meet October 19, 2021 at 7:00 pm.

David Decker was unable to attend the meeting.

**Brook Allen: Direct Communications, Broadband expansion.** Daniel Parrish Direct Communications Community Development Officer explain where and what they do. They find ways to match and help each other obtain state and federal funding for broadband expansion in rural areas. Optics, one of their division's service about 80% student housing properties in City of Rexburg. They have been converting that to service residential and commercial. They have always wanted to build out the networks so they have been hunting for projects where they could get Federal Dollars. Federal dollars would build the bones and then they would build off of that to bring broadband to residential.

Madison County has been pretty robust in their lines. They would like to get a feel for what the county is doing for expansion and how they can help the county move forward with expansion. The county is in the midst of a study with a company that Paul Sorensen, County IT Department, has been working with.

They offer the engineering design to get the lines to these underserved areas. They chase the money and help to get it. They would partner with the county to do this. The opportunity is now. Commissioners referred them to Paul Sorensen. Paul will meet with them and the City of Rexburg today at 2:00.

There being no further business Commissioner Doug Smith made a motion to adjourn the meeting at 12:10 p.m. Commissioner Todd 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