



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

**Madison County
Commissioner Meeting Minutes
December 21, 2022**

Attendees:

**Todd Smith, Commissioner Chairman
Brent Mendenhall, Commissioner
Douglas Smith, Commissioner
Troy Evans, Deputy Prosecuting Attorney
Kim Muir, County Clerk
Commissioner Elect Dustin Parkinson**

ACTION ITEMS

Breakfast at Red Rabbit Grill at 8:30 a.m. with the Commissioners and Legislators. Discussions were had about the upcoming 2023 Legislative Session. Legislators John Weber, Brit Raybould and Doug Ricks were present with the Commissioners.

This meeting was streamed electronically.

Pledge of Allegiance: By all

Invocation: Gary Armstrong

Calendar Discussion:

Next Commission Meetings: January 9, 2023, at 8:30 a.m. to swear in newly elected officials only. This will be a short meeting. January 10, 2023 at 9:00 a.m., January 23, 2023, at 8:30 a.m. Department Head meeting January 23, 2023.

Reports and Schedule of Commissioners:

Kim Muir will attend the State Election Training from January 3-6, 2023 and will report.

Discussion Items:

Quarterly Jail inspection, scheduled for March 13, 2023.

Harassment training, Kim will see if representative from ICRMP can come do training.

Digital timer, discussion about purchasing a timer for P&Z/Public hearing meetings.

Appointment of Hospital Board Members, three members terms are expiring. This was moved to a future agenda.

Contracts/Documents:

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

After review and discussion, Commissioner Doug Smith made a motion to approve Altura, CDBG Grant acceptance for new ambulance. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve Vehicle Use Authorization forms. Commissioner Doug Smith seconded and 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 grand total of claims was \$709,652.24. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the meeting minutes of December 12, 2022. Commissioner Doug 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 Mendenhall seconded and voting was unanimous. The motion passed.

Public Comment: None

Gary Armstrong, Planning and Zoning matters to sign and approve:

Laine Parkinson- Final Plat for Debbie Lane Estates Subdivision

The application is for the development of approximately 38.28 acres into 12 buildable lots, varying in size from 1.00 acre to 4.58 acres at approximately 775 S 5000 W. The property is zoned Trans-Ag. Lots will be serviced with private well and septic. The proposed subdivision has 12 lots, which classify it as "Development, Medium Scale." The Preliminary Plat was recommended for approval by P&Z on July 27, 2022. The Board of County Commissioners accepted the findings of fact on the preliminary plat on September 6, 2022.

After review and discussion, Commissioner Mendenhall made a motion to approve the application from Laine Parkinson for the Final Plat of Debbie Lane Estates Subdivision as proposed in application materials received October 18, 2022. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

James West/Chans Huskinson- Final Plat for Highfield Estates Subdivision:

The application is for the development of approximately 22.95 acres into 10 buildable lots, with lot sizes being approximately 1.98 acres at approximately 1500 W 5100 S. The average density

of the subdivision is approximately 2.295 acres per buildable lot. The property is zoned Trans-Ag and will be serviced with private well and septic. At ten lots, the subdivision is considered "Development, Medium Scale." Additional studies such as traffic impact analysis are not required for medium scale development. PZC recommended approval of the preliminary plat following a public hearing held July 13, 2022. The findings of fact for the preliminary plat approval were accepted by the BoCC on August 8, 2022. The eastern boundary was adjusted following the preliminary plat, expanding the property so the entire road right of way would be included in the subdivision.

After review and discussion, Commissioner Doug Smith made a motion to approve the application from James West/Chans Huskinson for the Final Plat of Highfield Estates Subdivision as proposed in application materials received October 18, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Public Hearing: Mitch Loveland – Final Plat-Small Scale Subdivision for Ridgeview Estates:

The application for a small-scale development (short plat) is to take two parcels (3 and 13 acres) and divide them into a total of 6 lots, ranging in size from 1.071 to 4.55 acres. The address is approximately 1366 W 5500 S. There is currently one house on the property. Access into the subdivision will be on a private road that extends east from W 5500 S. The property is zoned Trans Ag. Irrigation will be with ditch water. Bridge that crosses canal is a concern as far as being able to handle the weight of emergency vehicles. More than 5 lots require a public hearing. The public hearing was noticed and opened at 10:28 a.m.

Gary Goodnough, 1365 W 5500 S, stated he put the bridge in himself in 2009 and that concrete trucks went over it several times. Gary is concerned about having several small lots and sharing irrigation rights with people that don't know how to irrigate correctly. He asked about the CC&R's, but the county does not get involved with CC&R's. Those will be up to him to review.

Corey Telford, 1522 W 5500 S, asked if there is a requirement for fire suppression? The P&Z Administrator responded that it would not be on that side of the subdivision.

Kirsten Ruebush, 1893 W 5350 S, expressed concern that the area is getting more landlocked and there is no room for traffic and no crossroads and commented that someone needs to be encouraged to plan for traffic flow.

Public hearing closed at 10:40 a.m.

Commissioner Mendenhall would like documented proof that the bridge is structurally able to handle the weight of traffic on the bridge.

After review and discussion, Commissioner Mendenhall made a motion to approve the application from Mitch Loveland for the Final Plat of Ridgeview Estates Division 1 Subdivision as proposed in application materials received September 16, 2022, conditional upon documented certification of the bridge structure. If this information is not provided to the Commissioners,

the matter will be brought back and rescinded. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Plat Amend w/minor changes for Bill Squires, Larsen Subdivision Plat Amendment:

The Larsen Subdivision was originally platted in 2008. In order to be more efficient, a part of the road called Honeysuckle St. that runs west from Cobblestone Ave. will be done away with. The Garden Gate Road to the far east will also be done away with and the part of Honeysuckle St. running east will end into a cul-de-sac. The road on the South referred to as Cricket St. will become a private road. There will be no change to the number of lots. The fire department has approved this. Commissioner Mendenhall concerned about only one entrance into the subdivision.

After review and discussion, Commissioner Doug Smith made a motion to approve Plat Amend w/minor changes for Bill Squires, Larsen Subdivision Plat Amendment. Commissioner Mendenhall seconded based on the letter of the law and voting was unanimous. The motion passed.

CUP Findings of Fact for Madison County EIRSWD Landfill and CUP:

Forsgren Engineering, representing Madison County and the Eastern Idaho Regional Solid Waste District, applied for a Conditional Use Permit for a Waste Facility (grouped with “Sewer and Waste Facility” in the land use table). The facility is to be located on a 947-acre parcel located near the intersection of Baseline Road and 11000 East, about 10 miles due east of Rexburg. The landfill will take up approximately 33 acres. This project has been several years in preparation. Studies including a Geotechnical Engineering Evaluation (Xcell Engineering, 2022), Environmental Assessment (Forsgren Associates (2022), and a Cultural Resource Inventory and Viewshed Analysis (McGrath, Guadarrama, Ryan, Cannon, Cannon Heritage Consultants, Inc, 2022) have been completed. Through these analyses of the 947-acre site, the specific location for the landfill was identified for the location with the minimal impact to all aspects of the environment, including surrounding land uses. Historically, this parcel has been used for dry farm and other agriculture activities. Farming will continue on 914 acres of the parcel, as the landfill will only use 33 acres of the site. Once in operation, the landfill will serve the public in Madison and surrounding counties. It will not be open to the general public. General public will still haul waste to local transfer stations, and only trucks owned and operated by landfill district and its operating partners will drive to the site. It is anticipated that this will not exceed 15 truck trips per day on average. It is important to note that landfills in the State of Idaho have direct oversight from the Department of Environmental Quality. They are regularly tested, with ongoing monitoring to ensure compliance with Federal and State law governing all aspects of landfill development and operation.

After review and discussion, Commissioner Mendenhall made a motion to approve the application for Madison County and the Eastern Idaho Regional Solid Waste District, for a Conditional Use Permit to operate a Waste Facility, as proposed in application materials submitted October 10, 2022. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Findings of Fact for Edstrom’s Gravel Pit and CUP: Commissioner Mendenhall made a motion to amend the agenda in order for the Commissioners to discuss the sunset clause. Commissioner Doug Smith seconded and voting was unanimous. The motion passed. Commissioner Todd Smith was recused as he had a conflict of interest outlined prior.

Public hearings have been held April 13, 2022, August 24, 2022, September 14, 2022 and November 28, 2022. Today is to approve the findings of fact for the hearing held November 28, 2022. The sunset clause conditions have been met with the approval of the CUP and the CUP is in place. This is the date of the final action. A Conditional Use Permit is just that, an applicant can move forward to “meet” all the conditions. Some conditions of the permit need to happen before mining starts, but some are while they are mining, they need to keep dust down and keep mining within hours of operation.

After review and discussion and based upon the foregoing Findings of Fact, Conclusions and recommendations, the planning and zoning procedures conducted throughout the County, the comments received at the public hearing held thereon, and the deliberation of the Planning and Zoning Commission and Board of County Commissioners, Commissioner Mendenhall made a motion to approve the request for a Conditional Use Permit for a Gravel Pit. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Commissioner Doug Smith made a motion to specifically acknowledge that the sunset clause has been met and the CUP is in place, and to proceed forward. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Kirsten Ruebush 1893 W 5350 S wants to verify that today’s decision is the date of the final action? The Commissioners responded that yes, today is the date of the final action. If neighbors want to do a judicial review, they are allowed to proceed and also seek reconsideration from the Commissioners.

Angie Moffat, Tax Cancellations and Hardship: Mercedes Luna’s husband got in a car accident and broke his back, she is asking for a hardship tax cancellation consideration for the full amount for their doublewide trailer, \$286.08.

After review and discussion, Commissioner Mendenhall made a motion to approve a hardship tax cancellation for Mercedes Luna and Trinidad Nunez in the amount of \$286.08. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

The following tax cancellations need to be approved for the following names since their Homeowner’s Exempt application was turned in after June 2022. Benjamin and Amy Hill, Mike and Jennifer Commons, Jeffrey Barker, Blake and Tina Andrus, Ryker Siepert and Beverly Palmer for a total of \$4,801.73.

After review and discussion, Commissioner Mendenhall made a motion to approve Homeowner's Exempt tax cancellations for the above names. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Cullin Sherman, review and sign: Contract for Prepared Live in conjunction with the current Rapid SOS Premium System. Cullin was not present since they decided not to pursue this. This was denied.

Shawn Boice, Tax Cancellations: There was a mobile home at the gravel pit in Archer that was moved off and the Assessor's office didn't catch it. Asking for a tax cancellation of \$1,169.62 on that property.

After review and discussion, Commissioner Mendenhall made a motion to approve Tax Cancellations for the county property in Archer no longer receiving rental income. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Developers exemption was granted to Bart Stevens, proved ownership of entity when they were developing Rexburg Heights, one lot was exempted and should not have been and full value was put on it, requesting \$652.92 for tax cancellation.

After review and discussion, Commissioner Doug Smith made a motion to approve Tax Cancellations for Bart Stevens. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Shawn noted that the previous homeowner's exemption employee Emily Bogan in six months found \$96,000 in homeowner exemptions that people had that were actually rentals and they don't live there and that should have been getting taxes charged on. The new homeowner's exemption employee in six weeks has found \$34,285. Multiple pieces of evidence that they don't live there is required and they are going back seven years to recapture taxes lost. These people are abusing the system and it's only fair to the taxpayers to find those that owe required taxes and pay what is owed.

Tammy Erickson, Winter Wellness Challenge: If allowed to continue, Tammy wants to start challenge in the first week of January vs. the end of January like in previous years. Two options, exercise and weight loss. Weight loss option will require beginning and ending weigh in at Assessor's office. 8 hours of comp time for those who participate fully in both options.

After review and discussion, Commissioner Mendenhall made a motion to approve the Winter Wellness Challenge and 8 hours of comp time for participants. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

"Thank you for your Service" celebration for Commissioner Doug Smith occurred around the noon hour. The County and community came together to thank Commissioner Smith for his service.

Bradley Petersen, Flood Plain report, review and sign: The contract for Rumsey Engineering was discussed with Eric Miller, Rick Rumsey and Bradley Petersen. There are five possible projects they are working on right now with three grants that are all locally funded with a guaranteed 50% funding of the total of the grants. Yellowstone Earth Science FEMA Grant, IDWR Grant for Teton River Splitter-Gate Maintenance Report and IDWR Grant for Teton River Flood Control Diversion Structure Project. Phase I is completely covered by the grant and 100% of what is being proposed today is completely covered. If projects are approved to go forward further, we would question then, do we want to go forward? Signing the Rumsey Engineering contract today puts the county on the hook for zero money.

After review and discussion, Commissioner Doug Smith made a motion to approve signing of the contracts for Rumsey Engineering. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Executive Session: Commissioner Smith made a motion to go into Executive Session at 1:20 p.m. Idaho Code §74-206(1)(b) employee matters, and (c) contract matters. 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 1:37 p.m. No action needed.

Commissioner Todd Smith made a motion to adjourn the meeting at 1:40 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

Todd Smith, Commissioner
Brent Mendenhall, Commissioner
Doug Smith, Commissioner

Attest:

Kim Muir, County Clerk