



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

**Madison County
Commissioner Meeting Minutes
June 13, 2022**

Attendees:

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

ACTION ITEMS

This meeting was streamed electronically.
Pledge of Allegiance: By all
Invocation: Commissioner Todd Smith

Calendar Discussion:

Next Commission Meetings: Moved to June 29, 2022. July meetings are July 11 and 24, 2022.

Juneteenth, June 20, 2022, will be an observed holiday.

Contracts/Documents:

Review and sign: Election Systems & Software Contract for upgrades.
After review and discussion, Commissioner Doug Smith made a motion to approve Election Systems & Software Contract for upgrades totaling \$5,177.00. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Review and sign: Computer Arts, Inc. Agreement for software support.
After review and discussion, Commissioner Brent Mendenhall made a motion to approve Computer Arts, Inc. Agreement for software support totaling \$75,000. Commissioner Doug Smith would like to make a more concerted effort to putting our information on the cloud. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Routine Matters:

After review and discussion, Commissioner Mendenhall made a motion to approve the claims presented by the Clerk. The grand total of claims was \$249,404.25. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the meeting minutes of May 23, 2022 and June 6, 2022. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve the Certificates of Residency. Commissioner Mendenhall 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: Sue Bagley was asked to come in so Commissioners could thank her for her nearly 20 years of service to Madison County. Sue is retiring from county service and her job at the Clerk's office. She has been appreciated as well as her willingness to help wherever needed.

Executive Session: Employee and indigent matters. Chairman Todd Smith made a motion to go into Executive Session at 9:07 a.m. Idaho Code §74-206 (1)(b) employee matters, (d) exempt records - AnnMarie Sorensen, Indigent Clerk and (f) litigation matters. 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 9:44 a.m.

Heather Sharp, Dog Sanctuary in neighborhood:

Heather resides at 6307 S. 100 W., in Rexburg and cited various codes regarding bothersome dogs. The dogs are escaping and have killed 29 chickens so far. The police have been called many times for noise violations. Heather stated that kennels are not permitted on this property and the sanctuary is unlawful in many ways. There is an offensive odor and a cause of public nuisance. Dogs are at large. Collar and tags with license should be issued by the county. It is the duty of the Sheriff to seize and impound the dogs, but there has been no effort made. The dogs are dangerous and neighbors are at-risk. The sanctuary is catching wild feral dogs and other animals are being killed by the dogs. The dog ranch needs to be shut down and this is punishable with a misdemeanor. The owner has been denied grants and has stated that she doesn't have the means to financially care for the dogs. There are many violations. Jefferson County apparently has a 3-dog limit. This LL Dog Ranch has had 30 and up to 60 dogs.

Jacob Nadauld lives next door to the dog owner and seconded everything Heather said. He is worried about the safety of his own children. The sanctuary houses wolf mixes, malamutes and huskies. Goats, rabbits, cats and chickens have been killed or seriously injured. There are several packs of dogs. He went over to talk with the owners with his 2-year old daughter and there was a dog pacing that kept showing its teeth and not taking its eyes off of his daughter. The sound of dogs barking goes on all night causing his wife to have to take sleep aids to sleep at night.

Commissioner Mendenhall asked if the dogs are enclosed. It is all wire fencing with one section of dog kennels but the dogs dig under the fencing to escape. We have no county ordinances for dogs and no enforcement officers since the county does not want to be as restrictive as the city. Idaho Code does call for licensing and tags on dogs – but only in areas designated by the county as dog control areas which Madison County does not currently have. Gary will look further into the ordinances and do more research. Commissioner Todd Smith comments if in the AG zone dog kennels are legal and a portion of this is in the Ag zone, the county would have to defer to whichever zone is the dominant zone. Gary will research these matters further and will call Heather with an update.

Public Hearing, Solid Waste fee increase:

Commissioner Todd Smith made a motion to open the public hearing at 10:20 a.m., for the purpose of increasing the Solid Waste fee. Commissioner Brent Mendenhall seconded and the motion passed.

Commissioners declared no conflicts. The Public Hearing was properly noticed and there were no written comments on this matter.

Sonny from Solid Waste, explained they are proposing an increase in the current rate of 3.5 cents to 4 cents per pound to the City of Rexburg, PSI and Edge Waste to help even the costs up. This will be effective October 1, 2022 – the beginning of the budget year. There was a fee increase 2 years ago to everyone except these three (3) companies. Madison County is currently the lowest price per ton in the area. There was no one present to comment for or against this proposed fee increase. A separate public hearing may be held to propose an increase on the annual waste fee per household as part of the taxes, but this is not the topic for today's public hearing.

Commissioner Todd Smith commented that new equipment will be necessary to truck the waste to Jefferson County. Commissioner Mendenhall mentioned we are one of the fastest growing counties in the country and there is a lot of solid waste going through the county. Commissioner Doug Smith would like to see us get a handle on these increases and know what we need to increase to compensate our expenses.

Commissioner Todd Smith closed the Public Hearing.

After review and discussion, Commissioner Doug Smith made a motion to approve Solid Waste fee increase from 3.5 cents to 4 cents per pound to be effective October 1, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed. An ordinance was drafted and will be signed in accordance herewith.

Public Hearing, CDB Grant application for Ambulance:

Commissioner Todd Smith made a motion to open the public hearing at 10:34 a.m. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Commissioners declare no conflicts. The Public Hearing was properly noticed and there were no written comments on this matter.

Rick Miller presented that the county meets the requirement for this grant. It will take 12 – 18 months to get the equipment ordered. He thinks our chances are good. This is the second ambulance to come from these grants. The state reached out proactively because our county is one of few that qualify. Commissioner Mendenhall asked Troyse Miskin if we are getting closer to where we need to be with ambulance inventory with this grant and Troyse stated that they will be in good shape with this ambulance. Altura is the new company name for the outgoing company under the name of The Development Company.

After review and discussion, Commissioner Mendenhall made a motion to approve the CDB Grant application for Ambulance. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

P & Z Matters:

Vorp Energy-Dan Arnold Finding of Fact Zone Change:

This is in the Thornton area and they are looking at expanding the building and going from Trans Ag to commercial. Surrounding area is already zoned as commercial and this will bring it consistent. They do potato processing and light manufacturing.

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP Findings of Fact application for Vorp Energy-Dan Arnold. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Vorp Energy-Dan Arnold Ordinance:

Commissioner Mendenhall made a motion to approve Ordinance #461 to approve the zone change for Vorp Energy-Dan Arnold for Zone Change from Trans Ag to Commercial as proposed in application materials received April 15, 2022 and approved by the P & Z Commission. Commissioner Doug Smith seconded and voting was unanimous.

Small Scale Development:

After review and discussion, Commissioner Doug Smith made a motion to approve the application from MSP Properties for the Snake River Business Park as proposed in application materials received February 16, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Brett & Kara Robinson:

After review and discussion, Commissioner Doug Smith made a motion to approve the CUP Findings of Fact application for Brent Robinson for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received March 18, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Dave Robinson:

After review and discussion, Commissioner Doug Smith made a motion to approve the CUP Findings of Fact application from Dave Robinson for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received March 21, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Jon & Angela Maurer:

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP Findings of Fact application from John and Angela Maurer for a Conditional Use Permit for Auto service and sales (motorcycle service and sales) as proposed in application materials received March 30, 2022. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Plat Amendment:

After review and discussion, Commissioner Doug Smith made a motion to approve the application for plat amendment increase in lots of the Hope Estates Subdivision for Willy Twitchell as presented in an application received March 17, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Clint Waddell:

After review and discussion, Commissioner Doug Smith made a motion to approve the CUP Findings of Fact application from Clint Waddell for a Conditional Use Permit for Accessory Building with Living Space as proposed in application materials received March 15, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Justin Bagley:

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP Findings of Fact application from Justin Bagley for a Conditional Use Permit and denying the permit for Accessory Building with Living Space as proposed in application materials received April 15, 2022. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Commissioner Todd Smith made a motion to recess Commission meeting and reconvene Board of Equalization. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

BOE, Grand Peaks Medical: Review and make further findings per Judge Boyce's Order for Remand:

The Commissioners moved to go into board of equalization. Commissioner Todd Smith, Commissioner Doug Smith, Commissioner Brent Mendenhall, Troy Evans, Clerk Kim Muir, Deputy Clerk Karen Daniels were all present.

Grand Peaks is a 501(C)(3). Last year the Commissioners granted a 65% tax exemption. A lawsuit was filed by Grand Peaks challenging this exemption. The matter was briefed and argued in front of Judge Boyce, who then remanded it back to the county to determine the following: To make additional findings to determine if it is being used for revenue generating purposes and what percent is being used as such. If a revenue is derived and not for charitable purposes, how we came up with 65% exemption.

The Commissioners discussed this matter after review of the record as follows: From Grand Peaks property tax exemption worksheet, 41% used Medicaid benefits and 27% are insured for a total of 68%. Those not paying at all total 32%. When reviewing the numbers, a year ago we took those numbers into consideration and some of the income should have been taxed, erring on the side of Grand Peaks for the larger portion, and agreeing on a 65% exemption. Is the property being used exclusively for charitable purposes? We believe 21% is used for charitable purposes, the remaining is for profit. Doctor and dental offices, pharmacies and hospitals do accept Medicaid and do much charitable work, but are fully taxed. We have not seen how they deal with patients. Some people go their because they like to see the professionals in the establishment. Page 62, Paragraph 2 of the record with the court states that when patients are below poverty level, they do try to get a \$30 copay from each patient regardless.

These numbers change from year to year and month to month. Full exemption would be 68%. It appears that 68% by their own admission would be acceptable. Commissioner Doug Smith feels that this number would be more than fair and supported by the record. Commissioner Todd Smith stated that they do robust advertising trying to attract new patients all of the time and that we need to protect other entities in town that do pay full property tax that they don't take patients away from them and that we need to be fair and all pay our portion.

After review and discussion, Commissioner Mendenhall made a motion to amend our original finding moving the exemption to 68% rather than 65% based on 21% uninsured and 47% Medicaid patients at Grand Peaks Medical. Commissioner Doug Smith seconded and voting was unanimous. The motion passed. We will get a copy of the recording to the Court Clerks and file an additional lodging of the record with the lawyers and court.

Commissioner Todd Smith made a motion to recess BOE and reconvene to Commissioner meeting at 12:06 p.m. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Road and Bridge, Bid opening for a grader purchase:

Western States CAT was the only bid received timely with a bid price of \$404,178.22. This is a lease with Summit Financial at a 3.99% locked in rate with snow gear and warranty. The snow gear (wind and blade) is ours to keep at the end of the lease since the payment includes payment of the snow gear and the lease of the machine. This is a replacement of a John Deere grader that has reached the end of its life cycle. A used machine is available if the new one takes too long to arrive. The snow gear will come in before October. A John Deere bid was turned into Reo late which he brought in to the bid opening. Western States came in lower when the financing is included in both bids.

After review and discussion, Commissioner Mendenhall made a motion to approve the grader purchase based on review by Road and Bridge from Western States CAT. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Budget meeting with Departments:

The Commissioners met with the following departments to discuss their budget needs for the upcoming 2023 budget year:

6/13/2022 Monday	2:00	Assessor/Reval/GIS	Shawn Boice
	2:15	Sheriff	Rick Henry
	3:00	Juvenile Probation/Tri County	Kirk Mace
	3:15	IT	Paul Sorensen
	3:30	Road & Bridge	Reo Jensen
	3:45	Solid Waste	Darby Pozenel
	4:00	Treasurer	Angie Moffat
6/14/2022 Tuesday	4:15	Service Officer	Ron Naegelin
	9:00	Drug Court	Ryan Brown
	9:15	Prosecutor	Rob Wood
	9:45	County Agent	Lance Hansen
	10:00	General Services	Jared Arnold
	10:30	Coroner	Sam Butikofer
	10:45	Planning and Zoning	Gary Armstrong
	11:00	Building	David Decker
	11:15	Clerk	Kim Muir
	11:30	General Fund, Commissioner Misc. Funds	

The numbers presented will be considered as we move forward to know where levies and revenues come in. Further budget meetings will be held in the near future.

Commissioner Todd Smith made a motion to adjourn the meeting at 5:07 p.m. Commissioner Doug Smith seconded and voting was unanimous.

Approved:

- Todd Smith, Commissioner
- Brent Mendenhall, Commissioner
- Douglas Smith, Commissioner

Attest:

Kim Muir, County Clerk