



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

**Madison County  
Commissioner Meeting Minutes  
October 11, 2022**

**Attendees:**

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

**Commissioner Elect Dustin Parkinson was also present**

**ACTION ITEMS**

This meeting was streamed electronically.

Pledge of Allegiance: By all

Invocation: Commissioner Todd Smith

**Calendar Discussion:**

Next Commission Meeting: October 24, 2022

A Public Hearing for Sunset Estates appeal for its preliminary plat denial by P&Z will be held on Monday, October 17, 2022 in the Commission Room starting at 5:30 p.m.

IAC Fall Conference – Residence Inn, Idaho Falls, December 6-7, 2022.

**Schedule of Commissioners:**

Commissioner Smith will attend a Solid Waste District meeting October 20, 2022 at 9:00 a.m.

**Discussion Items:**

Sending of Christmas cards - This will be discussed at the next meeting.

**Contracts/Documents:**

After review and discussion, Commissioner Doug Smith made a motion to approve the Pathology Agreement with Ada County. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve Resolution No. #487 to recover and reserve the forgone amount for Madison County and Mosquito Abatement. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Review and sign: Budget transfer updates This matter will be moved to the next agenda.

**Routine Matters:**

After review and discussion, Commissioner Doug Smith made a motion to approve the claims presented by the Clerk. The total amount of claims was \$1,064,347. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to approve the meeting minutes of September 30, 2022. 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.

Certificates of Residency: There were none.

**Public Comment:** There were no comments.

**Executive Session:** Employee and indigent matters. Chairman Todd Smith made a motion to go into Executive Session at 9:05 a.m. Idaho Code §74-206 (1)(b) employee matters. A roll call vote was taken as follows: Commissioner Todd Smith – yes, Commissioner Doug Smith – yes. Commissioner Doug Smith seconded and voting was unanimous. The motion passed. Commissioner Todd Smith returned to open session at 9:28 a.m.

**City of Rexburg, Shirley Subdivision approval:**

The City of Rexburg Planning and Zoning has approved the Shirley Subdivision plat by unanimous decision. The property is located off the Moody Highway on the southeast side of the freeway. There are 8 lots and each lot is in excess of 1 acre. It is zoned Transitional Ag.

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

**Jared Willmore, Shop with a Cop donation request:**

Jared was present as was Chief Rhodes. The City of Rexburg Police Department is asking for a donation for Shop with a Cop. They provide Christmas gifts for 65 families. Applications needs to be in soon.

After review and discussion, Commissioner Doug Smith made a motion to approve the Shop with a Cop donation in the amount of \$1,500. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Paul Sorensen, Broadband update:**

Paul gave an update on the broadband installation. They are working on 12<sup>th</sup> West currently in the City and are past the golf course and heading to 3500 North on the county end. Permission was given from BYU-I to break up the rock so they can bore through with the fiber. They are trying to stay 42" deep where they can and are hoping to get most of it finished before bad weather arrives. Things are going well. Once the huts are in they may be able to light up homes the first part of the year. The huts will be constructed on concrete pads and a team will be put together to pour the huts. The County is hoping to make the hook-ups affordable and easy to provide for residents. We don't want to compete with private companies, but would like to make it a good partnership for them and us to make the best use of federal dollars.

Paul presented two options for handling the billing through WideOpen Networks. See the attached sheet. Commissioners need to approve the decision. WideOpen Network will lease a building on Main street next to Mrs. Powell's and provide staff.

After review and discussion, Commissioner Doug Smith made a motion to approve Option 1 to have customers billed by Stripe. Stripe deposits fees in a WideOpen checking account used exclusively for LightBridge. WideOpen makes ISP payments out of that account, and transfers funds to LightBridge on a scheduled basis. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Gary Armstrong, Planning and Zoning:**

Kevin Cook – CUP/Findings of Fact Accessory building with living space Kevin is building a home with a mother-in-law building attached by a breezeway. The property is 3.2 acres and is its own parcel, not platted with any other project. P&Z Commission recommended to approve based on zoning.

After review and discussion, Commissioner Doug Smith made a motion to approve the Findings of Fact for Kevin Cook. Commissioner Smith seconded and voting was unanimous.

After review and discussion, Commissioner Doug Smith made a motion to approve the application received August 5, 2022 by Kevin Cook for a CUP on a duplex as proposed for the accessory building with living space. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Brandon Hawkes – CUP/Findings of Fact for Accessory building with living space.

The Hawkes built a shop with living space and will now build the primary residence. This was discussed with P & Z Commission and is compliant with the Protective Covenants.

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

After review and discussion, Commissioner Todd Smith made a motion to approve the application received August 4, 2022 for Brandon Hawkes CUP for Accessory building with living space. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

**Robert Kohler, Emergency Management projects:**

Robert presented information via Zoom regarding a grant for an active shooter incident. The grant will provide 100% funding to purchase two 6 x 12 trailers. This provides a way to unify our agencies to respond to our communities. Permission was just received to start using the grant and Robert is working with Portneuf Medical Center. Portneuf is leading the Healthcare Coalition as the manager for the group and the funding.

Robert is the Chairman of the Idaho Emergency Medical Services Advisory for the State of Idaho. He is working to get Madison County accredited for their Emergency Manager System. Trailers will be stored at opposite ends of the county. They do not have exact locations yet.

The drought declaration declared by Commissioners in the spring sunsets December 31, 2022 and was helpful for Homeland Security. The advice from Robert is to declare earlier. This will be on our radar. The 2023 winter outlook is similar to this year and will be possibly be the 3<sup>rd</sup> year with La Nina conditions. Each consecutive season worsens. This the first time 3 LaNina years have happened all together since the beginning of keeping records. Commissioner Todd Smith states we will watch conditions and declare closer to Spring.

**Discussion regarding the Edstrom Construction proposed CUP appeal:**

Spencer Rammell is the conflict Prosecutor overseeing this matter. This will be discussed in depth in the next meeting as Commissioner Mendenhall is out of town. Planning and Zoning recommended approval for the CUP. There was an appeal filed and Edstrom's are aware of it. With the appeal this requires a new Public Hearing. The Public Hearing was tentatively set for November 14, 2022 at 5:30. The mediation matter will be further reviewed.

When the county approved the zone change 3 years ago, a deadline of January, 2023 to get the CUP was given. Edstrom's is requesting an extension. This matter will be discussed further at the next meeting when legal counsel and Commissioner Mendenhall are present.

Kirsten Ruebush states her desire for mediation. The opposing group can ask for mediation and it halts the time on the application. If it is directed then Edstrom's is required to do one session of mediation. A public hearing would not be needed if mediation is successful. They really would like to have mediation to avoid the public hearing process.

**Shawn Boice, revision of no trespassing process for Assessor's Office:**

Shawn is required to do an inspection to capture the new construction as soon as occupancy is granted by the Building Department. Shawn and his staff put on their vibrant green vests and arrive at the home in a county marked car. Recently they pulled up to a home that had a gate. There were no signs stating no trespassing visible. They went in and knocked on the door and placed a doorhanger on the door stating the purpose of their visit. They began measuring the

outside of the home using the lasers. A woman came out yelling at the Assessor staff. They take pictures of the outside of the home front and back. The homeowner is trying to have charges filed against Shawn for trespassing. In Idaho we are a no-disclosure state. They got no pertinent information on the home. Shawn sees this issue compounding. Shawn will not do a new construction assessment off the plan because there are changes to the plan during construction most of the time. If you put a trespassing sign, he will do it off the plan, but it states in law that the Assessor should not do an assessment from a plan, but personal inspection. The burden will fall on the taxpayer if it is incorrect.

Shawn presented an option– Dave Decker has prepared an application that was prepared by the Prosecutor that authorizes representatives to enter the property to do the required inspections and do what they need to do. All representatives of Madison County have the right to enter the property for inspecting purposes.

After review and discussion, Commissioner Doug Smith made a motion to approve revision of the no trespassing process for the Assessor’s Office. Commissioner Todd Smith seconded and voting was unanimous. The motion passed.

Spencer Rammell came in at the end of the meeting to discuss the Edstrom Construction matter. Spencer let Commissioners know the process going forward.

Commissioner Todd Smith made a motion to adjourn the meeting at noon. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Approved:

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

Attest:

Kim Muir, County Clerk