



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

**Madison County
Commissioner Meeting Minutes
April 17, 2023**

Attendees:

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

ACTION ITEMS

This meeting was streamed electronically.

Pledge of Allegiance: By all

Invocation: Commissioner Smith

Teton Island Feeder Canal Company

Teton pit flood gate issues and update on recharge opportunities with Commissioner Parkinson.

Commissioner Mendenhall would like to see from all present what the objective is. Are we looking at flood control or recharge?

Bradley Petersen of the county gave some background history of the issue. Bradley asked for a study funded via FEMA in 2019 to look at any flood mitigation issues. One option that came up was we identified multiple gravel pits for a splitter. They looked at as opportunities for peak water at the time of the flood. A study is ongoing based on infiltration. The question was asked, can the pit absorb the amount of water we are hoping for? Can we divert some of the water? Could this be an aquifer recharge site? We would love to see a recharge opportunity if the numbers show that it is possible. It is flood mitigation, but is it a recharge area also?

Commissioners asked Bradley if he has had a discussion with Road and Bridge. Yes, he did all along the way. We have also worked with Idaho Department of Water Resources. A by-product of this is the recharge opportunity.

Commissioner Parkinson-Has there been discussion of a yearly recharge or just a flood event recharge. Bradley responds, a yearly ongoing recharge that could be used frequently.

Keith with The City of Rexburg has an interest in this. They have to recharge. For every one gallon they take out, they have to put a gallon and a half back in. They have one at New Sweden, one at Walters pit. They have to put it in slowly. The City has Municipal rights. The amount of water to recharge was discussed. There is a City recharge agreement saying how much they have to recharge for their ground water rights

Commissioner Parkinson – if put in as a recharge could they pay for water from a farmer that no longer needs it but it's all through IDWR.

Jerry Rigby clarifies that you have to go through the water bank. Most is canal company water and they need it. The shareholders will probably not allow this.

Roger Muir, Teton River Protective Association. Last year irrigators were approached through a letter of recommendation for the flood gates. They have concerns of where the gates are placed and don't want to lose integrity of where they are placed.

Commissioner Parkinson asks: Do they have studies?

Roger Muir: No, but they don't need them. To be agreeable the letter was sent, but an operation agreement needs to be in place.

Commissioner Parkinson: Have you asked for that development agreement? Has there been any further request sent out asking about the agreement in writing.

Roger Muir: A year ago the canal presidents met and came up with a compromise. The flood gates will be installed at the flood stage level of the river.

Commissioner Parkinson: In his view we are in the grant review state – we haven't put a shovel in the ground.

Jeff Raybould: A year ago when this all got cooked up, Bradley went and talked to Fremont Madison Irrigation District when he was applying. The irrigators are concerned about leakage during the infiltration and the irrigators not getting the water they need. There was discussion about setting the gate level at the normal irrigation line and the excess going into the Teton pit. They don't want their water supply to be limited. We will need a new flood gate that doesn't leak. It was suggested you lower the elevation to the mid bank level. Would prevent it from leaking during the irrigation supply. The City has the Municipal level and need the gates lower. There is conflict between irrigators and the City of Rexburg. The irrigators need to be assured they are going to have enough water. HK has contacted Fremont Madison and they are violently opposed to this project because it will sub up in their pit. The water board supported the grant but it is subject to final analysis. Irrigators are looking for assurance that if you do move forward it will not affect their water supply. There is no opposition to recharge, just that the head gate is above water flow. An ordinance would have to be passed with specific steps and who will be in

charge of the flood gates or FEMA won't even look at it. They do not know who from the County would look at it. Could be Flood Plain Manager or Homeland Security.

Rick Rumsey commented the structure has been designed according to solid design engineering standards with an appropriate safety factor. Standard design for rock rip-rap to line the channel into the pit. The chance of the structure washing out is very low. He has been involved with the discussion. He was asked about the flood gates and advised to set them higher. Rick drew a diagram of the plan for the design from the river to the pit. It included 20 feet of flat channel and then slope down about 8 feet. With new gates you get some leakage, but that would be part of the operation and management plan, you could pile dirt to dam it off so there is no leakage. How will the water be measured going out? There are two 8-foot gates that would be used. During a large flood event you would just use one gate. The deepest point of the pit is between 40 – 50 feet. HK has concerns it might affect this pit, but should not be not a large amount.

Bruce Wilding has 40-acres west of Zollinger's Gravel Pit. In the past, he has seen high water leak out and flood all over and there was water in his 40-acre piece. His opinion is if there is interest in recharge it should stay with the irrigation system. It could help short term in a flood event. With HK and the Zollinger pits, he thought there was going to be a blow out because it was leaking so bad. HK interest would be best if we could mitigate that.

Bradley met with all of the owners of the gravel pits and they said there was interest. Bradley didn't commit about recharge – we didn't know at that time. The southern part of the Madison County pit is where we are looking for the gate placement. This is the location where the river is closest to the pit and least expensive to get the water to the pit.

Brent Barrus: He has been on the Teton canal for years and its not going to make a bit of difference – in a real high-water year it isn't going to matter. If you have a year where its not that high it will help.

Commissioner Mendenhall: Bradley is looking at this from a flood insurance issue and mitigation to get people out of the flood plain. Most people in Sugar City and those along the river would be in the flood plain if we don't do something. This is the easiest because the county owns it and there are other projects to have a positive impact to the county.

The gate itself will be 28 feet high and 10 feet wide, with a solid concrete wall on both sides. The area was surveyed top of structure and is well above the high-water mark. Suggestions from Jeff Raybould was to install a concrete apron on both sides of the gate. Questions were asked about the motivation for the county and FEMA to shrink the flood plain. We have been working on mitigation and ways of keeping thousands of acres out of the flood plain. There has been extensive work on the Lyman Creek Levy and it has helped.

Eric Miller states that IDWR has a major right on the Teton River and they want to look hard at this pit. The vision of the staff is that it is noted to have flood mitigation and possible recharge. Do we create a utility so people can use it? We need to include Teton Feeder. A ground water

programming plan needs to be written and without that no one is going to be feeding this pit. If IDWR board accepts this they will take care of monitoring. Eric said the biggest issues in the study is having the right to put the test water in the pit and asks to get him the water administratively to get the pit tested.

Compromise is a good thing and put something in writing to test the site and make sure it is a good project for recharge. Timing for the project is a year away, but they are scheduled to put the diversion is now. Impacts to HK need to be tested also.

Commissioner Parkinson states he would like to put what has been discussed in writing step by step and get buy in from everyone so we all understand what the other is doing and there is no misunderstanding.

Commissioner Smith: Is the biggest issue is the depth and integrity of the head gate?

Jerry Rigby states the director has ordered a ground water management area and everyone is involved. Pursuant to that ruling there is a ground water plan. Recharge is supported and we can do it because in the end IDWR has said our aquafer is in need. We need a healthy aquafer. Fremont Madison needs to make sure the aquafer is stable and we all need to be supportive of recharge areas. We need to work together in this effort.

There was further discussion regarding recharge, the level to install gates and where any revenue would go. A committee will be put together of all interested parties to work together for a resolution for those interested in the future.

Broadband Project

Review and sign: RFP for Broadband project. Troy has reviewed the RFP. We will start advertising on the website and in the newspaper. The proposal responses are due on May 2, 2023.

After review and discussion, Commissioner Mendenhall made a motion to approve the RFP for professional services for our Broadband project. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Shawn Boice, Assessor's Office

After review and discussion, Commissioner Parkinson made a motion to approve the Motor Vehicle/Drivers Licensing lease extension. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the 602 NN Site Developers Tax exemptions for 240 townhomes. Each site is a \$35,000 value. They will get 75% off that. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve Developers Tax exemptions for Shedhorn Developers as presented. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve Granite Peak Holdings LLC on Diamond H Acres 2, Lance Wickham and Matt Bidder. These are 2 acre lots with a \$125,000 value Building lease extension. Commissioner Parkinson seconded and voting was unanimous.

Twin Tree off 4000 W and 1000 S site improvement exemption for the property Commissioner Parkinson made a motion to approve the site improvement for Generic Investments, for Twin Tree the property in Burton. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Developers Exemption for Chuck Hill Autumn Wind Estates. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the site improvement exemption for Tom Luthy regarding Silverwood Estates. Commissioner Mendenhall seconded and voting was approved. The motion passed. Commissioner Smith abstained from voting due to a declared conflict of interest.

Shawn reported on a meeting held with regional assessors that was held in Madison County. They discussed title fees to be charged for title searches due to ITD taking on the vehicle registration. Our offices are probably receiving 30% of those back and we are fixing it. We are relying on our tax payers paying to fix them. We are \$100,000 to \$150,000 short in revenue because ITD has taken the registrations. There will be more coming on this. We will not be able to replace key positions and our customer service will suffer. We are creating an unhealthy work environment for those current employees at DMV with ITD taking over vehicle registration. Assessments will go up about 10%. State Tax Commission is saying we should see a 10 – 20% decrease – Matt Virgil is saying maybe 5%.

Commissioner Smith adjourned the meeting at 10:57 a.m.

Approved:

Todd Smith, Commissioner
Brent Mendenhall, Commissioner
Dustin Parkinson, Commissioner

Attest:

Kim Muir, County Clerk