



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

**Madison County
Commissioner Meeting Minutes
February 13, 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 Todd Smith

Calendar Discussion:

Next Commission Meetings: February 27, and March 13, 2023.

Commissioner Mendenhall reported on HB58 regarding the March and August election. Provisions for this matter will be included in proposed changes for property tax. This was not on the agenda.

For the February 27, 2023 meeting, Commissioner Parkinson will be joining by Zoom.

Discussion Items:

County owned residence with asbestos. Commissioner Parkinson and Jeremy Johnson with maintenance met with Meegan, Kristy and Mary with the Women's Crisis Center. Jeremy presented 3 options to mitigate the asbestos removal. Asbestos was found only in the tiles that are currently on the flooring in the building. Samples will be sent into the EPA for analysis. The company will be in town on March 1. The shelter is currently shut down so there is no danger of contamination. Commissioner Smith suggests creating a budget line for maintenance of the shelter house. Jeremy asked if the Crisis Center falls under the Building and Grounds maintenance. The Commissioners said it did.

After review and discussion, Commissioner Mendenhall made a motion to approve Option 1 to pay for the repairs from the maintenance budget, but where this is not an expected expense, if the budget goes over, the reserve account will help cover the costs. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Contracts/Documents:

After review and discussion, Commissioner Parkinson made a motion to approve Phyllis Jones/Madison County Right of Way Contract for of a highway project at the 3000 W. 2000 N. roundabout. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Commissioner Mendenhall made a motion to amend the Agenda to approve the Final Western Skies subdivision roadway as county roads. This matter was not controversial. Commissioner Parkinson seconded and voting was unanimous. The Commissioners then discussed approving the roadway as a county road. Road and Bridge agreed that all formalities have been met. The motion passed. Commissioner Mendenhall made a motion to approve the road as a county road. Commissioner Parkinson seconded and voting was unanimous.

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 \$1,882,604.88. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Review and sign:

After review and discussion, Commissioner Parkinson made a motion to approve the meeting minutes of December 7, 2022, and the meeting minutes of January 23, 2023. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Personnel Actions:

After review and discussion, Commissioner Mendenhall made a motion to approve the Personnel Actions. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Certificates of Residency:

After review and discussion, Commissioner Mendenhall made a motion to approve the Certificates of Residency as received for Amy Smith and Sarah Mace. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to deny the application for Eliza Haberle. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Public Comment: There was no one present to comment.

Executive Session: Executive Session Idaho Code § 74-206(1)(b) employee matters, (d) exempt records, Ann Marie Sorensen, Indigent Clerk. A roll call vote was taken as follows: Commissioner Smith made a motion to go into executive session at 9:09 a.m. Commissioner Smith – yes, Commissioner Mendenhall – yes Commissioner Parkinson – yes. The motion passed. Commissioner Smith returned to open session.

After review and discussion, Commissioner Mendenhall made a motion to approve Case No. N2023002. Commissioner Parkinson seconded and voting was unanimous. The motion passed

Alisha Johnson, Discuss at-grade crossings:

Alisha distributed maps to advise of a public meeting to discuss alternatives of at grade crossings off Highway US 20 in Fremont County E. This is where the most accidents have occurred in past years. The interchanges will be evaluated and ways to increase safety. Commissioner Parkinson comments the N 200 E. intersection seems to be the most dangerous on the map being viewed. An interchange at 400 E. will be constructed and is a separate project that will take place this year. Alisha asks what the impact would be to close some of the proposed roadways. Commissioners agree closures are needed to make Highway 20 safer.

Alisha updated Commissioners on the Chester to Ashton project. ITD is currently doing the environmental assessment to allow for 4 lanes divided on Highway 20. They will leave the at grade crossings as is until this is completed.

Russ Luthy, Surface water issues:

Russ and other county water masters would like to have input on the water rights of new subdivisions. New developers currently contact Fremont/Madison Irrigation District. They would like the process be to also contact the canal companies. Currently nothing is in place with water rights and it later becomes a major headache for canal companies. Subdivision property owners should only water ½ acre on a domestic well. The water rights need to stay with the property and there should be a pressurized water system included with the subdivision. They would like to issue water to everyone evenly and fairly. Water rights with no access to a canal is also an issue in one area. Others have gone about it correctly. The canal companies are willing to take the time to talk to developers to make sure this is done correctly.

Gary Armstrong was present and agrees with what Russ has said. Gary is working on a few subdivisions that he hopes to become leading examples of those that are doing it correctly. Every canal company is a private entity. If we are going to pursue something from a county perspective, there is a need to mandate the process and let the private entities be involved in the process. Water rights are not something you can give away – they can't be traded or sold. The county would require written correspondence that canal companies have endorsed the plan as part of the permitting process. Gary will get with Troy to discuss adding language to our subdivision ordinance that we can approve a design by the canal company or written documentation of the canal company. Gary stated the Developer needs to communicate with the canal company that has the water rights. Knowing which canal company a property belongs to is part of the issue.

Commissioner Parkinson stated the developer of a project will need to make sure they are communicating with the canal company.

Gary can strongly suggest all developers meet with the applicable canal company and demonstrate they have reached out to them. It will get through the process faster if this occurs. Code revision has to go through Planning and Zoning.

David Decker, Possible hiring of a temp position:

Kristy, Dave's assistant is expecting a baby in the summer and he will need help from May to August. Some of the budget will pay for a portion of it. A seasonal employee will be hired and additional funding may be needed as this was not budgeted for.

After review and discussion, Commissioner Mendenhall made a motion to approve Dave hiring a temp. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Carlos Aponte, Insurance discussion:

Carlos and Gabriel wanted to show ways the county can better use insurance funds. He discussed the current employee experience and explained cost containment. They shop for healthcare. If employees stay local there would be incentives. They would like to map the county and see how they can help our insurance costs and feel they can control costs in the long term. Carlos and Gabriel would like to have a letter of authorization from the County to look into a few ideas.

After review and discussion, Commissioner Mendenhall made a motion to approve the letter of authorization. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Cindy Roberson, Bid Opening for grader lease:

Western States: Snow gear for a Cat is the same as current machine and can be switched, \$385,300.78 for 5 years, 5000 hours, machine is in stock and could be delivered in a week.

Honan Equipment, \$429,200.27 60-months or 5000 hours. Delivery June 1, 2023.

Western States is the lowest bid. Reo will do a complete review of both and be prepared for a bid acceptance at the next Commissioner meeting.

Max Egbert, Jake Brakes on Highway 33: Max was not present, but Commissioners discussed the matter. Enforcement would be an issue. Dustin talked to ITD about the matter and they would be open to discussing the issue. Road and Bridge would be able to place signage if agreed to.

Another issue on 5th west was discussed where many cars are parked on the side of the road. Can people park on county roads in easements? Commissioners will drive by to assess the situation. Troy will talk with law enforcement about this matter and see what can be done.

Shawn Boice, Tax cancellations:

602W Site improvements: Requires original developer and 51% ownership.

After review and discussion, Commissioner Mendenhall made a motion to approve the site improvement exemption cancellation for the Larry Hansen subdivision. This project meets the

criteria and covers 5 lots. 75% of the value comes off. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the application from Salty Crew Land Holding LLC to approve the site exemption. This project meets the established criteria. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the application for site improvement for Highfield Estates on 5000 S. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Not for profit:

After review and discussion, Commissioner Mendenhall made a motion to approve the exemption for Lighthouse Bible Baptist church. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the exemption for Brigham Young University – Idaho for all properties in the county. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the exemption for Four Paws adoption. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the exemption for Grace Baptist Church. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the exemption for the Development Company. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

AG Exemptions:

After review and discussion, Commissioner Parkinson made a motion to deny the Ag Exemption for Vail Nykolus. There is no history of Ag on the property for the last 2 years. He was part developer in the subdivision. They were granted the subdivision before lots were sold. The property will be put as site improvement for a year and it can be readdressed next year. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the subdivision owned by Gary Summers to continue the Ag exemption. It has been granted in the past. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Kevin Clay Ag exemption on 5 acres which he farms with grain. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Hospital:

Regarding the house that shows owned by the county next to the hospital. Shawn talked to Troy Christensen, CFO at the hospital . The house will be transitioned to the hospital, but will be kept off the tax roll and is used for hospital faculty only and will identify as hospital property. Law states a county owned hospital doesn't have to pay taxes on anything they own, but they want to be good neighbors and pay on what they make money on.

Rexburg Medical Center will take a percentage rented to any private industry to pay taxes on (currently 16% of the building in this case). The hospital does not buy the real estate on most acquisitions, but they did buy this property a year ago. Shawn will present these matters at the next meeting with the value that will need to be written off.

Commissioner Dance from Fremont County came into the meeting and was welcomed.

Kirk Mace/Shane Boyle, IDJC report:

The annual Idaho Department of Juvenile Corrections report was reviewed. Shane explained the funding that comes from the State to Madison County to help with probation offices throughout the county. Almost half of the revenue is received from the State.

Information was given on youth arrests, probation and diversion information showing of the intake of the program. The average youth offender in Madison County in 2022 was a 14 – 16-year-old white male. They show an 88% success rate. Some of those do end up in adult probation in later years.

The needs for behavioral health for juveniles was discussed in the county. There is a center in Idaho Falls, but nothing in our county currently. The adult center in the county has been very successful.

Gary Armstrong, Variance Findings of Fact for Rhett Summers:

Change in setback requirements for Ag buildings was discussed. After review and discussion, Commissioner Parkinson made a motion to approve the Findings of Fact for the application from Summerco Management, for a variance of setback requirements from the required 50 ft. front yard setback to 40 ft. To accomodate an agricultural buiding, as sumitted in application materials received December 14, 2022. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Commissioners visited Eastern Idaho Public Health Office and toured the facility. No decisions were made. This was just informational.

Commissioner Todd Smith made a motion to adjourn the meeting at 2:14 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

Todd Smith, Commissioner

Brent Mendenhall, Commissioner

Dustin Parkinson, Commissioner

Attest:

Kim Muir, County Clerk