



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

**Madison County  
Commissioner Meeting Minutes  
July 24, 2023**

**Attendees:**

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

**ACTION ITEMS**

This meeting was streamed electronically.

Pledge of Allegiance: By all

Invocation: County Clerk Kim Muir

**Calendar Discussion:**

Next Commission Meetings: August 14 and 28, 2023

August 8<sup>th</sup> budget meeting

Solid Waste scale workers are supposed to be here today to place rebar, holes will be drilled, and concrete should be poured this Wednesday or Thursday. Fremont has been good to help out. We have sent employees to Fremont to help out as well.

**Discussion Items:**

**Discussion of what is allowed in County Parks:**

Revisiting and changing the code for the property in the County was discussed and if there is anything we can do to prevent what activities are allowed in our county parks, as far as public conduct, and if the County can control the activities in the parks or if it is up to parents to decide whether to attend or not. Can a rating be given to an event? Troy suggests going with the "disturbing the peace" statute as it has been state law for some time and has been tested in the court systems across the state. It appears there isn't the activity in County parks that the City obtains. The City has an ordinance that governs, and they use the *Miller* test for their standard for prohibiting certain activities. This test comes from the United States Supreme Court case of *Miller v. California* back in 1973.

Also discussed was the changing of code on bridge jumping from a misdemeanor to a citation. The issue is they are clogging up the road and not the actual bridge jumping, but it has become a real problem. A public hearing will need to be held. Law Enforcement is currently citing for parking on the highway. This area is private property and has been discovered. Jared will reach out to the property owner to see if we can lease the parking lot and do some improvements.

**Code change for future developers building out before full approval from P & Z and BOCC:**

There are issues with a land owner on 5<sup>th</sup> West with parking numerous vehicles on the county road and/or right-of-way. The owner has been cited for a misdemeanor and an infraction. He is not willing to comply and wants to go to court. Planning and Zoning have been out to observe and sent a certified letter. It is a mechanic shop and has no business license. We let them know they are at risk of having to change things or not getting approved if they operate without approval. There is a resolution in place to prevent this. It needs to be safe and not so unsightly.

**Contracts/Documents:**

Review and sign: Contract for Funny Man at Whoopee Days Rodeo 2024. After review and discussion, Commissioner Parkinson made a motion to approve Contract for Funny Man at Whoopee Days Rodeo for 2024 (\$4,500 for two nights at the rodeo. If an additional night is added, it would be \$1,000). Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Routine Matters:**

**Review and sign:**

Claims, as presented by Clerk. After review and discussion, Commissioner Mendenhall made a motion to approve the claims presented by the Clerk. The grand total of claims was \$723,402.01. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the meeting minutes of July 10, 2023. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Parkinson made a motion to approve the Certificates of Residency for Jessica Bluthe. 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.

**Public Comment:** None.

**Executive Session:** Commissioner Smith made a motion to go into Executive Session at 9:10 a.m. Idaho Code § 74-206(1)(b) employee matters and (d) exempt records, Ann Marie Sorensen, Indigent Clerk and (f) discussion with legal counsel. A roll call was taken as follows: Commissioner

Smith-yes, Commissioner Mendenhall-yes, Commissioner Parkinson-yes. The motion passed. Commissioner Smith returned to open session at 10:10 a.m.

**Gary Armstrong, Conditional Use Permit for car dealership for Lizbeth Hobson:**

The applicant is proposing to establish an automobile sales lot on the 1-acre property located at 2634 W 3800 S (parcel fronts the Old Yellowstone Highway on west side). The property is Trans Agriculture zoning. Automobile Sales are allowed in Trans Ag with a Conditional Use Permit. Where the property fronts Old Yellowstone Highway, it is also identified as "Commercial" in the Future Land Use map in the Comprehensive Plan. The property has a house and a 40 x 40 shop.

After review and discussion, Commissioner Parkinson made a motion to approve Findings of Fact for CUP for car dealership for Lizbeth Hobson. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Variance to construct a garage for RV for Ralph & Dorie Reeder:**

Commissioner Mendenhall would like part of the record to include that it was unnecessary and irrelevant to mention the "Mexican" reference in the opposing communication. The applicant is requesting relief from setback requirements to locate a garage to the side of the house. The required setback from the river is 200 feet. Due to the configuration of the lot including location of the home, septic, underground utilities, and natural pond, as well as CCRs for the subdivision, this setback prohibits the ability to place a separated garage on the property. The applicant is requesting to allow the garage to be placed 130 feet from the river, rather than the requisite 200 feet. Such placement would be consistent with other buildings in the subdivision that have been constructed much closer to the river.

After review and discussion, Commissioner Mendenhall made a motion to approve Findings of Fact for a Variance to construct a garage for an RV for Ralph & Dorie Reeder. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

**Dana Izatt, Presentation of the County Audit:**

Dana states the Clerk's Office is doing a good job keeping track of fixed assets. He recommends getting rid of as much excess in Trust Funds as possible. The cash increased because of ARPA funds. R&B went up since Highway 33 was given to us but will start to go down once maintenance starts on it. Courts went up in anticipation of extra expenditures. The hospital has debt that the county does not, but we would be responsible if something happened. He is keeping track of what we are doing with Federal funds given to us, the majority being from ARPA. Commissioner Smith commented that they did try to move some of the Trust Funds since they are not budgeted and Dana said as long as reserves/excess are "dedicated", it is not too much of a problem. When money is ready to be spent for a specific need. Dana said that any interest earned can go back into the General Fund according to the policy. Commissioner Smith would like to have this stated in policy. Dana then went through the audit with the Commissioners and discussed it with them.

After review and discussion, Commissioner Mendenhall made a motion to accept the audit as presented. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve representation letter for Searle Hart and Associates PLL. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

**Veterans Building:** Seeking financial assistance to repair fence. Stephen Peters and Joseph Law were present and said at the north end of property, the fence by the County Fairgrounds was damaged by snow removal. The gate is in an obscure place to make it hard to post flags and there is an angle to get around to get into garbage area. The power company put up poles in the parking lot limiting our parking spaces. The building is rented out for weddings and get-togethers and parking is a problem. With a new fence, we would put a sidewalk into the back of building to utilize the north parking lot. It would come out four feet into Fairgrounds. A bid for \$27,000 was presented to do the work at the Veterans Hall.

Commissioner Mendenhall would like to get Evan's input from Fairgrounds. Jared from Maintenance thinks he and his team can help with sweat equity. This will be further discussed at the next meeting.

A few extra issues in the building are that a new water heater and softener was put in and someone plugged the softener in and cycled it and now we have water damage. They are asking about County's insurance for that type of incident. When the Fair is in session, chicken and rabbits are brought in close to kitchen area. Commissioner Parkinson will talk with Extension Office and Commissioner Smith will talk to Natalie from the Fair Board as well.

**David Jeppesen, Wage Study:**

Shawn Miller and David Jeppesen were present over Zoom. They are from Boise and have recently worked with the City of Rexburg and Teton County. A potential compensation study would be a benefit to the county. Commissioner Smith stated that the last wage study was 7 years ago and that he would like to hear what they have to bring us and a rough estimated cost, as well as a timeframe. David said the scope and timeframe of the project matters on what we need and that the size of the entity is a typical issue. We have outdated job descriptions for employees. Shawn said they would partner with our HR team and revise job descriptions to be sure they capture accurate duties and comply with ADA, etc. This is usually a 2-3-year rollout since not everyone has unlimited funds. The number of employee's is the biggest factor of cost. Commissioner Smith asked if they do comparisons on our benefit packages and David said they would not tell us to raise our co-pays. Commissioner Parkinson asked if they help with future raise structures? Shawn stated they have a compensation philosophy and can create salary schedules, making it a lot more flexible.

Commissioner Smith said he would like a proposal from them and will have talks with Ann Marie and Kim to review it and see what the options are.

**Kendall Ballard, of Ballard Insurance, on Telemedicine option:**

Kendall presented information regarding telemedicine and the use of the current provider EZCareMD, as well as options for a new provider. The current provider is local and the

Commissioners would like to stay local if possible, and would like to hear from them. Kendall and Ann Marie stated there have been some issues getting reports and that this company would be more accessible. Ann Marie will schedule EZCareMD to meet with Commissioners.

**Tammy Erickson, County Wellness Challenge:**

Tammy would like to begin a new wellness challenge to go from July 31 – September 2, 2023 and will offer comp time for the Walktober Challenge. Those who participate and meet the requirements will qualify for comp time earned or cash rewards.

After review and discussion, Commissioner made a motion to approve the Wellness Challenge benefits for the current challenge. Commissioner seconded and voting was unanimous. The motion passed.

**Budget Discussion:**

Budget questions were asked by the Clerk to prepare for finalization of the budget.

Commissioner Mendenhall made a motion to adjourn the meeting at 2:00 p.m. Commissioner Parkinson seconded and voting was unanimous.

Approved:

Approved:

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

Attest:

Kim Muir, County Clerk