



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

**Madison County
Commissioner Meeting Minutes
June 12, 2023**

Attendees:

**Todd Smith, Commissioner Chairman, excused
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: Commissioner Parkinson

Calendar Discussion:

Next Commission Meeting: June 26, 2023

Discussion Items:

Commissioner Parkinson reported an RPO meeting he attended that the City will be re-milling and re-surfacing the bridge on 2nd East and it will be down to one lane in each direction. This will be a 45 – 60-day project and will create backups. There are several other city streets that will also be worked on. The City has asked us to put out notice to residents of the County

Road in Stucki Subdivision

Gary Armstrong talked to the Stucki's regarding the road to their home that Road and Bridge has been maintaining, but is a private road. The agreement was made years ago over a handshake and a nod. This was done so the school bus could go in, but the original subdivision shows a private road. If the County plows and takes care of it, it's a County road. Renters moved into the home in Stucki's absence and were upset that people were driving through and posted "private drive" signs. They want it to remain a private road, but want the County to take care of it. Correct step moving forward step is to work with Road and Bridge and go into active negotiation and if it is private, the County will no longer plow and seal, unless the owner will deed the property over to the County. Long term it will protect the private property interest as well as the County.

Roads within the Salem townsite. There were roads that were platted, but were never constructed. Deeds were never adjusted and people have a shop or accessory building over the property lines. An upcoming application of two owners will be coming in to resolve the property lines. When voluntary people come to resolve the issue, we can take care of it, but if neighbors don't agree, the matter could end up in court. The townsite remains, but the roads that were never built will be an issue. Salem and Thornton will be the hardest to resolve. If you are in the original townsite you will have lots that will need to be configured. Codes will need to be changed.

Contracts/Documents:

After review and discussion, Commissioner Parkinson made a motion to approve Ordinance #468 Fee change for Solid Waste and DMV. Commissioner Mendenhall seconded and voting was unanimous. The motion passed. This Ordinance Number was corrected to be Ordinance #471.

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 \$1,493,777.90. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the meeting minutes of May 22, 2023. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Personnel Actions:

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

Certificates of Residency: None.

Public Comment: None.

Executive Session: Commissioner Mendenhall made a motion to go into Executive Session at 9:03 a.m. Idaho Code § 74-206(1)(b) employee matters and (d) exempt records, Ann Marie Sorensen, Indigent Clerk. A roll call was taken as follows: Commissioner Mendenhall-yes, Commissioner Parkinson-yes. The motion passed. Commissioner Mendenhall returned to open session at 9:26 a.m.

Sonnie Haws, Solid Waste: Changes to the transfer station.

The transfer station will be closed to the public from June 19 to July 6th. The new scale house will weigh everything across the scale and charge accordingly. They will encourage customers to separate their loads to save customers money and to be less work for the employees. A new change will be to implement a \$10 penalty for any unsecured loads to help reduce litter on the streets.

Ben Burke, Horrock's: Speed study in Archer.

The north Rexburg exit will be updated and operate as one signal but there are lights at both ramps and one controller that runs the whole thing.

Ben will put together a speed study by collecting a speed count in every major intersection in the Archer area. He is looking at about 50 locations. There are curves with advisory speeds, not enforceable but advised. The test will tell what the advisory speed should be. It will not take long to collect data. Ben asked Commissioner's if they want data and recommendations and if they want the study to be certified in case there is a need for proof of the study. They replied they would like it certified in order to make it official. They will do sections at a time starting with Archer and rotate throughout the County. Ben said they can make an addendum to the transportation plan if needed. Each location takes a day and needs to be done when there is free flow traffic, no weather events or weekend traffic.

Ownership of the roadway in Thornton: Cindy from Road & Bridge was present and said it still shows it is County owned and the suggestion is to keep it.

Planning & Zoning, Findings of Fact and Ordinances for Madison County:

Exemption for Land Divisions Repeal:

Madison County Code 101-99 provides seven situations that the Department of Lands is exempt from compliance with subdivision codes. The most problematic of these is that land divided in settlement of an estate, or by court decree are exempt from the County's subdivision rules. This establishes a loophole to side-step all subdivision laws including establishing access to each lot, density requirements, and a myriad of other requirements designed to protect private property interests, and is contrary to state law and case law on the issue. P&Z held a public hearing on this previously and it was approved by P&Z.

Review and sign: Ordinance #468 Exemption for Land Divisions Repeal

After review and discussion, Commissioner Mendenhall made a motion to approve Findings of Fact and Ordinance #468 Exemption for Land Divisions Repeal. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Commercial Zone Code Amendment:

Madison County Code 117-54 outlines the scope and purpose of Commercial Zones. The existing code was written primarily for "Main Street" type development, and is not conducive to the constraints of development in the unincorporated County, primarily lack of community water and sewer systems. The current code lacks such fundamental requirements such as minimum lot sizes and setbacks, and has resulted in development that while legal under the code, is less than ideal for the unincorporated County. Additionally, the current code has numerous design requirements that are great for Main Street, but are simply not practical in the unincorporated County, such as curb and gutters, landscaping, and urban architectural features. In an effort to create commercial zoning that is more conducive to the conditions found in the unincorporated

county, it is proposed that the commercial code be greatly simplified and reduced to minimum concepts that protect private property rights, encourage commercial development appropriate for the unincorporated County, and are guided by the constraints from using on-site private well and septic systems. P&Z held a public hearing on this previously and it was approved by P&Z.

Review and sign: Ordinance #469 Commercial Zone Code Amendment.

After review and discussion, Commissioner Parkinson made a motion to approve Findings of Fact and Ordinance #469 Commercial Zone Code Amendment. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Requirement for Irrigation Correspondence:

Irrigation of subdivision lots has been a pressing issue for some time in Madison County. All subdivision lots are at least one acre in size, yet domestic wells are only authorized to irrigate up to ½ acre of landscaping as per state code. Historic irrigation systems of canals and ditches are designed to irrigate large tracts of land, and are difficult to use on parcels that are only 1-2 acres. In an effort to ensure best practices for irrigating landscaping, and continuing to utilize surface irrigation water systems, Madison County proposes adding a requirement to the preliminary plat application for subdivisions, that the developer demonstrates that they have been in communication with the appropriate irrigation/canal company regarding irrigation within the proposed subdivision. Where each subdivision and each canal company are different, Madison County is not mandating any one system or solution. But instead, this code change will require the developer to work out the best solutions with the applicable irrigation/canal company. P&Z held a public hearing on this previously and it was approved by P&Z.

Review and sign: Ordinance #470 Requirement for Irrigation Correspondence.

After review and discussion, Commissioner Mendenhall made a motion to approve Findings of Fact and Ordinance #470 Requirement for Irrigation Correspondence adding a requirement for developers to demonstrate communication with irrigation/canal companies as part of the preliminary plat application process for a subdivision. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Public Hearing, DMV and Solid Waste:

All notices were properly filed and there are no conflicts among the Commissioners. There was no one present to comment for, against or in the neutral position.

Commissioner Mendenhall opened the Public Hearing at 10:35 a.m. Sonnie Haws stated the \$10/annual fee increase will help compensate for the additional tonnage being created in the County. With increased tonnage, employees will need to be hired to handle the work and more funding for equipment. This would increase property taxes which has not been increased for many years. This will account for increase in students and in general population. This will be an increase per unit and includes commercial and residential.

Discussion from the Commissioners was that costs have increased and more is needed to make ends meet. Commissioners have expressed that we do not want to make money on this, but cover costs only.

DMV is requesting an increase for vehicle transactions/title fees. There was no one present to speak for, against or in the neutral position.

Commissioner Mendenhall then closed the public hearing and discussed it between the Commissioners to include the proposed ordinance.

Review and sign: Ordinance # 471 to Increase in Solid Waste and DMV fees.

After review and discussion, Commissioner Parkinson made a motion to accept the ordinance increasing the requested changes for Solid Waste and DMV. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Angie Moffat, Treasurer's Office:

Juneteenth Holiday conflicting with Tax Drive. This is a busy time of year for the Treasurer's office, day after Thanksgiving is their slowest day.

Commissioner Mendenhall said if any other office requests trading Juneteenth for another paid holiday, they will need a purpose and a reason. No other offices need to be open for the Treasurer's office to stay open that day.

Warrant of Distraints unpaid taxes: Justin Pearson has been trying to collect rent for two years, now wants to get trailer off his property. The County paid to remove a trailer from a property in the past and lost money because of it due to asbestos, the trailer breaking down, etc. These are very expensive to deal with and the Commissioners discussed the county's responsibility on these vs. the mobile home park's responsibility. The county has forgiven the taxes in the past in order to change to onus on the private mobile home park to take care of this versus the taxpayers. Commissioner Mendenhall suggests forgiving the taxes this year and giving Mr. Pearson a year to get his property situation cleared up.

After review and discussion, Commissioner Mendenhall made a motion to forgive taxes of \$225.19 and to have Angie notify Mr. Pearson to tell him this is a one-time offer. Commissioner Parkinson seconded and voting was unanimous. The motion passed.

Carter Harrison/Kathryn Hitch: Update from Washington D.C. for Idaho Representative Simpson and Senator Crapo. Carter Harrison and Kathryn Hitch/Congressman Simpson.

Carter said Congressman Simpson's office tries to help support any federal grants with support letters. A big thing on his mind has been the debt ceiling issue, earlier he supported the Fiscal Responsibility Act. There are billions of dollars of unspent Covid funds that have not been distributed yet, the re-distribution of these funds is a priority for Congressman Simpson. INL to bring the regulations, reactors and nuclear energy up to date is one thing Senator Crapo has been

working on that will impact this area. He has also been involved in broadband expansion with the City and Silver Star. There was a briefing with the City of Rexburg. She asked about the Solid Waste District and how things were going.

Mia Butikofer, Presentation of IAC Scholarship:

The IAC scholarship was awarded to Mia Butikofer, daughter of Madison County Coroner, Sam Butikofer. Commissioners commented that Mia has worked hard to deserve this scholarship and commended her efforts.

Commissioner Mendenhall made a motion to adjourn the meeting at 12:20 p.m. Commissioner Parkinson seconded and voting was unanimous.

Approved:

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

Attest:

Kim Muir, County Clerk