



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

**Madison County  
Commissioner Meeting Minutes  
February 14, 2022**

**Attendees:**

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

**ACTION ITEMS**

This meeting was streamed electronically.

**Pledge of Allegiance:** By all

**Invocation:** Clerk Kim Muir

**Discussion Items:**

Deeding Madison County property (formerly the Parkinson property) to the Solid Waste District. There was a meeting and open house on Thursday, February 9, 2022 for all counties who have been in discussions regarding the new Solid Waste facility. The County owns the property and has the approval of Dept. of Lands to do the land swap, and the bonds are secured. USDA possibly has financing at a lower interest rate and a longer term, but it may take 6 months to a year to get the financing. This will be done in conjunction with Idaho Bond Bank. The County needs to get the land exchange done within the next 30 days. Commissioner Todd Smith is looking for approval to deed the land to Dept. of Lands and place a lien on the property. The risk is very low. We physically have the ground which is our security. This will be done by a warranty deed.

After review and discussion, Commissioner Mendenhall made a motion to deed the property to the East Idaho Solid Waste District. Commissioner Doug Smith seconded and voting was unanimous. The motion passed. Commissioner Todd Smith will work with the title company to get the process started.

**Appoint P & Z Commission member:**

After review and discussion, Commissioner Doug Smith made a motion to approve appointing Shane Ruebush to the Planning and Zoning Board. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Policy for the County Buildings for private meetings:**

A policy and contract for those using the buildings was discussed where there has been an influx of citizens and organizations wanting to use County buildings. Commissioners determined the county buildings will only be for those entities that are not for-profit use. Troy Evans will work with Jared Arnold to get draft agreements started.

**Contracts/Documents:**

After review and discussion, Commissioner Mendenhall made a motion to approve the Agreement with the Farmers Market for 2022 at the Fairgrounds. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Public Defense contract with Jim Archibald. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Doug Smith made a motion to ratify approval of the Airport Improvement Grant with the FAA. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

The contract for the Arena Cross was not received. This will be on the next agenda.

**Routine Matters:**

After review and discussion, Commissioner Doug Smith made a motion to approve the claims presented by the Clerk. The General Fund total claim amounts were \$163,055.78. The grand total of claims was \$818,396.64. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the minutes of January 24 and February 7, 2022. Commissioner Doug Smith 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 Doug Smith seconded and the voting was unanimous. The motion passed.

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

**Executive Session:** Employee and indigent matters. Chairman Todd Smith made a motion to go into Executive Session at 9:03 a.m. Idaho Code §74-206 (1)(b) employee matters and (d) AnnMarie Sorensen, Indigent Clerk. A roll call vote was taken as follows: Commissioner Todd Smith – yes, Commissioner Mendenhall – yes, Commissioner Doug Smith – yes. The motion passed. Commissioner Todd Smith returned to open session at 9:34 a.m.

After review and discussion, a motion was made by Commissioner Mendenhall to sign an Approval on Case No. N2022004. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Sheriff's Office Discussion regarding the Temple walk:**

Linsey Smith would like to apply for a permit for a temple walk from the Archer Stake Center in Archer to the Rexburg Temple. The Sheriff's Office were present to discuss this matter. Mike Courtney commented there would need to be people with safety vests, roads marked and traffic safety patrols. A County Gathering Permit will be modified to include sign-off from the Sheriff's Office and EMS. The Sheriff's Office

will contact Linsey to discuss further and ask if they would be open to changing their route to avoid traffic and let her know the groups responsibilities.

**Robert Kohler; Brief training on Emergency Operation Center dashboards:**

Robert showed how to access and use the Countywide Madison County Emergency Management Public Information site. This system will relay information to decision makers enabling them to make informed decisions. The information includes pages that show fires throughout the nation, weather, traffic info, earthquake activity and hydrology can also be obtained from this site. The project is in the beta testing mode currently and is not out publicly. The project was paid 100% by grant funding and will be a very useful tool for emergency managers and those needing to make decisions in emergency situations.

**Public Hearing:**

Solid Waste public hearing was held. The purpose was to get public comment on solid waste requirements to keep Madison County Waste in Madison County, and to get comments and review Ordinance #447.

Commissioner Smith opened the Public Hearing at 10:11 a.m. Commissioner Smith explained the purpose of the public hearing. There was no one present to speak for, against, or in the neutral position of this change or the ordinance. The Public Hearing was closed at 10:15 a.m.

After review and discussion, Commissioner Mendenhall made a motion to sign and approve Ordinance #447, which requires disposal of waste created in Madison County, Idaho, to be processed at the Madison County Transfer Station and Solid Waste Disposal System. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

**Decision and Discussion: Broadband Agreement Silver Star:**

Heath Jensen, representing Silver Star was present. Silver Star has done an analysis to get Broadband throughout the county. This would be a \$29 million-dollar project with a 25% match from the county and would require the 7.7 million Madison County received through ARPA funding. The county has also been looking at an open network with the City of Rexburg, proposing a network with high speed broadband. The project would take 4 years to complete

Commissioner Doug Smith would like to see accountability for the project. Heath comments there would be accountability through the franchise agreement to reflect everything spent. Commissioner Todd Smith expressed his concerns. The recurring revenue going forward would not apply to the agreement. Requirements of an RFP were discussed. Silver Star would install and manage the broadband to the individual rural resident. A letter of support would be needed by February 22, 2022.

Paul Sorensen, IT was present and believes it is best to go with an open network or outsource to a third party. Silver Star is offering to partner with us to get the grant. The feasibility study is complete and we are currently waiting for the design. High speed broadband internet would be available to all residents, and the estimate is based on 70% to all of residents connecting to the service. The current design is a redundant fiber network and does not restrict us from the City, so we can still work together for a complete fiber network.

What is the alternative if we don't turn to a company? We can't do it on our own. This is the first time we have had companies asking to partner with us. We need someone to manage the network. We have multiple providers vying for service. Direct Communications will be coming in today also. At this point,

the Commissioners are not going to commit to anything until there is further information obtained, and it is also discussed with the City of Rexburg to see what route they will be going with.

**Gary Armstrong, Findings of Fact:**

Thomas Mecham & Arthur Lee, The Leeward Partnership, is applying for a Conditional Use Permit to operate a mixed-use Office/Retail center in a building on a 2.8-acre parcel at 3475 Highway 33. The business processes orders made through on-line commerce. The applicant is seeking a CUP in conjunction with a building permit that will allow them to expand their building based on business growth and increasing numbers of employees. Access to the property is directly off Highway 33, about ¾ mile from the Rexburg City limit. The property is zoned Trans Ag. Recommendation is to approve

After review and discussion, Commissioner Doug Smith made a motion to approve the CUP for Thomas Mecham and Arthur Lee. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Shaun Powell is applying for a Conditional Use Permit to allow an Accessory Building with living space on a 3-acre parcel of land at 1855 W. 7600 S. The Conditional Use Permit application is in conjunction with a building permit application for a 4,500 square foot building that would have a 3,000 square foot shop and a 1,500 square feet for living space. The property has Agriculture Zoning. The property currently has approximately 3,228 square foot home that was constructed in 2007.

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP for Shaun Powell. Commissioner Doug Smith seconded and voting was unanimous. The motion passed.

Nathan Thompson and Cody Thompson for Western Sky's Estate Subdivision have applied to subdivide approximately 28.6 acres into 14 buildable lots, varying in size from 1.0 acres to 3.01 acres and an open space/non-buildable lot that is 4.33 acres, for an average density of just over 2.05 acres/buildable lot. The property is zoned TRANS-AG. Lots will be serviced with private well and septic. Address is: 4200 South 3500 West.

After review and discussion, Commissioner Mendenhall made a motion to approve the CUP for Western Sky's Estate Subdivision. Commissioner Doug Smiths seconded and voting was unanimous. The motion passed.

**Gary Armstrong, Fire suppression needs in the Thornton area:**

Stan Crittenden and Dale Pickering were present for the discussion. They have seen a growth spurt in the Thornton area in the last year. There is a dual need for a county fire hydrant to refill fire trucks quickly, and when we do commercial structures, there is a requirement for a pressurized water system. It is a challenge that needs to be worked through to add a hydrant or a fire well in this area. The type of building and usage make a difference. The proximity of the Archer Fire Station and use of churches and school fire wells were discussed, as well as a piece of land the county already owns as a possible site for a filling station. A 30,000 to 40,000-gallon tank would be desirable with an irrigation pump. A power source would also need to be considered. This would benefit commercial as well as residential. We can explore grant funding, impact fees and other sources but a good refill spot is needed. Commissioners agree that this project needs to be explored and asked Gary and the Fire Department to begin exploring and getting costs.

**Paul Weeks and Gary Purse, Hibbard speed Limit:**

This matter has been reviewed and discussed a number of times. Road and Bridge is performing traffic studies currently and will have the results at the March 14, 2022 meeting. Gary Purse presented showing the projections from the Public Transportation Plan of 2015 and showed that we have had tremendous growth. Mr. Purse stated the plan suggests 30 – 40 MPH as it is not a collector road. When you drop from 50 – 40 MPH it takes 54 seconds longer to get to Walmart. Animals have died, there have been bad accidents. What price can we put on our friends and family. He also quoted Spock that the needs of many outweigh the needs of the few.

Paul Weekes referred to Page 11 of the Plan stating there are no collector roads in Hibbard, they are all arterial roads and doesn't think the County has followed the Plan. Paul would like a study and a standard. We have had fog and black ice during the time of the current study and we are not going to get true data. He would like to change the speed limit back and wait for the study in the Spring. He would like to have a Committee formed to discuss this matter.

Commissioner Todd Smith states the Transportation Plan was engineered by ITD and we need more input. There is no distinction between major and minor arterials. The direction we are planning to go is to let the engineers finish the study and see what it says. If its flawed, we will look at it.

**Sonny Haws, Permission to sell metal at Solid Waste:**

After review and discussion, Commissioner Mendenhall made a motion to approve selling the metal at a price of \$20/ton. Commissioner seconded and voting was unanimous.

**Brook Allen, Broadband expansion discussion:**

Brooke Allen with Direct Communications would like to bring this matter up in a work meeting where it can be further discussed. He would have a competing proposal to what the County heard from Silver Star.

**Rudey & Kendall Ballard, Insurance review:**

Kendall was present to show the large claims paid since October 1, 2022. The quality of care was discussed, as well as prescription drugs. Also presented were the dental usage charts. He explained a new law on Medicare supplements that will be available as of March 1, 2022.

**Department Head Work Meetings:**

**Coroner:** Sam was unable to attend and will be rescheduled.

**Treasurer:** Angie was present and reported on Warrants of Dstraint and properties to be tax deeded. State based funding was discussed. The transition of fleet vehicles was discussed. Jared and Angie will get together to discuss further.

**Jared Arnold, Public Works:** The door lock system was discussed. An agreement will be prepared for those wanting to schedule the Admin. Bldg. and Courthouse. People will pickup a FOB and can check it out for 2 days with a charge if it is not returned. For profit companies using the space will no longer be allowed.

- Upgrading shelving in the basement was discussed.
- The motor in the Kubota side by side is going out. Jared has priced out replacing the motor versus a new utility type machine. This is used for Weeds, Mosquitoes and Parks. The Kubota is 10 years old. Jared was asked to get pricing for a new utility vehicle.

Commissioner Todd Smith made a motion to go into Executive Session at 1:31 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Commissioner Todd Smith made a motion to adjourn after executive session at 1:31 p.m. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Approved:

Todd Smith, Commissioner  
Brent Mendenhall, Commissioner  
Douglas Smith, Commissioner

Attest:

Kim Muir, County Clerk