

*Abbreviated Minutes: Complete Set Of Minutes Are On File In The Clerk's Office*

**Madison County  
Commissioner Meeting Minutes  
May 13, 2019**



**Attendees:**

**Jon Weber, Commissioner (Chairman)**  
**Todd Smith, Commissioner**  
**Brent Mendenhall, Commissioner**  
**Troy Evans, Deputy Prosecuting Attorney**  
**Kim Muir, County Clerk**

Invocation: Commissioner Weber  
Pledge of Allegiance

**Public Comment:**

Sherry Arnold was present to announce her retirement on June 30, 2019. She has been 30 years with Madison County and 24½ of those years as Treasurer. She will provide a written letter to the Commissioners. The Commissioners thanked her for her numerous years of service for Madison County.

**ACTION ITEMS**

**County Business**

**Board and Committee Reports:**

**Commissioner Weber:** Fairgrounds report: Summer activities are being planned. The Taylor Chevrolet Car Show will be June 22. The free stage is being built and will be completed soon. Fair activities and rodeo plans are moving forward.

**Commissioner Smith:** Airport, Golf Boards and Tri-County Probation. Commissioner Smith attended budget meetings for the Golf and Airport Boards. The budgets will change slightly and Matt from the City of Rexburg will forward them when they are complete. Todd and Kim will need to get together with Matt to go over Airport budget. Feasibility studies for the new airport are ongoing. Golf budget is showing they are doing okay right now. For next year they want to hire a mechanic. The City would pay a portion for their use, but a mechanic is needed.

Tri County Probation. Teton County is requesting to withdraw from Tri County by June 1. Teton will approve the letter at a meeting today. This matter will continue to be discussed.

**Calendar Discussion:**

Next meeting: May 28, 2019. Commissioner Mendenhall will be out of town though for this meeting.

**Discussion Items:**

Sheriff's Office: Additional credit cards have been requested. Commissioners would like to see credit card limits set at \$2,500. The clerk's office will ask the bank regarding what the limits are now. Conference and airfare should be paid ahead of time. The Commissioners asked that a future agenda item of travel policy be placed on a agenda or for Department Head/Elected Officials meeting.

**Contracts/Documents:**

After review and discussion, Commissioner Smith made a motion to approve and sign the Snowmobile grant contract. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Fair contract with Amazing Arthur. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the special permit issuance agreement with ITD and Road and Bridge. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the Idaho Falls Realty Board MLS agreement. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Routine Matters:**

After review and discussion, Commissioner Smith made a motion to approve the claims presented by the Clerk in the amount of \$585,322.37 with \$74,493.55 coming from the general fund. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Commissioner Meeting Minutes of April 22, 2019. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Weber made a motion to approve the Commissioner Meeting Minutes of May 6, 2019. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to sign and approve the Certificates of Residency for Catherine Clarke and Bryce Walker. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Personnel Actions:**

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

**Executive Session: Idaho Code § 74-206(1)(a) consider hiring an employee and (d) exempt records, Ann Marie Sorensen, Indigent Clerk.**

Commissioner Weber made a motion to go into Executive Session at 9:20 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Weber-yes, Commissioner Smith-yes, and Commissioner Mendenhall-yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 9:55 a.m. After review and discussion, Commissioner Mendenhall made a motion to sign a Lien release on Case No. 2001027, Liens on Case No's. 2019011, 2019012 and 2019013, sign Approvals for Case No's. 2019014, 2019015 and 2018029, An Amended Approval on Case No. 2019005 and a Suspension signed on Case No. 2019009. Commissioner Smith seconded and voting was unanimous. The motion passed.

Scott Spaulding, River Rock Estates irrigation system

There is no agreement or design in place with the developer. Bradley met with Corey Sorensen. The biggest concern is where to draw the line between the covenants tied to the development and where the county gets involved. There is an irrigation system that was supposed to be in place and it is not. Corey and Eric Sorensen were present. Corey states the plat was signed in 2008 and section reads that an irrigation system will be installed. The system has been phased, so that as lots sell, they can continue to add on to the system. The subdivision was started in 2008 which was the worst time economically. There are currently 16 lots sold. There are 13 homes or 27% of the total project. There is more than 27% of the system installed. Over 400 feet of pipe has been installed this year for lots sold and they are working on getting ditches dug to the system. Homeowners that just own land are being maintained at no charge. Water rights have not been transferred yet. Commissioner Weber states his subdivision has the same system and it has not run as it should for the past 11 years and homeowners have been left with an inferior system. Mr. Spaulding wants to make sure this is a functioning system in the long term. Mr. Spaulding said someone needs to hold the developer to a standard to ensure what they purchased is being well maintained. The Sorensen's are hoping some of the system will be in place by next year. No date has been specified on completion, but it is open ended. They ask where in the agreement is the requirement to have an engineered system.

Commissioner Smith states this is not a county issue. The county approved it, but we don't know if it was approved based on the irrigation system. Back in 2008 and earlier, there were little rules regarding these matters and no bonding that would be required today. Other than just a general approval, there was nothing else required of the developer. This will need to be between the Spaulding's and the developer. Mr. Spaulding states the County approved the roads, the pressurized irrigation system was approved, how is maintaining the irrigation system different from the roads? As residents, they want to know the system is going to work and how much it is going to cost. He would like a one year guarantee that the system is going to work. Commissioner Weber states that the matter is closed as far as Commissioners' oversight. It will need to be between the developer and the homeowners to establish good business practices.

#### **Geri Rackow**

Geri submitted the Eastern Idaho Public Hearing 2020 budget. Commissioner Weber moved to have Commissioner Mendenhall act as the proxy to approve the EIPH budget at the conference in Lewiston in June. Commissioner Smith seconded, and the motion was approved. Commissioner Weber signed a proxy statement for Ms. Rackow.

Fiscal year 2019 has been a great year and she is predicting the same for 2020. The Health District will receive more from state appropriations this year and the county contribution will decrease slightly. The fee revenue will be bumped up slightly. The Legislature passed a bill that will increase food fee permits for temporary establishments and regular food establishments and is projected to increase again next year. We will see the full impact in 2022. Septic program permit demands have also increased, as well as grant funding. Decreases will be seen in funding for preparedness and public health emergency response, physical activity and epidemiology. The home visiting program will be expanded for the upcoming year to all counties. Salary increases of 5% are included in the budget and medical insurance will remain the same, but some operating expenses have increased. The Commissioners thanked Geri for her great service.

#### **Shawn Boice, Assessor**

**Public Hearing:** Basic American, Madison County Ord. 416, and I.C. 63-602NN request.

The Public Hearing was opened at 10:45. Shawn Boice presented. The Basic American expansion will be a big boost to our local economy. The business was founded in 1933 and is now headquartered in California. Rodgers Brothers was the original owners. They have continually been investing in the Rexburg facility, but will see considerable construction in the near future. The first potato will run through the line in approximately November and improvements will be fully functioning the first of next year. An additional investment will start production in 2023 to further expand. When there is any improvement bringing value to the property, the company can bring another 602NN for consideration. A company could have multiple exemptions of this type in place. It is phased and staggered so after 5 years the exemptions begin to drop off. Commissioners expressed appreciation for investing in our community and requested a tour when the new addition is up and operational. This will need to be structured upon completion of the project.

There was no other public testimony. The public Hearing was closed at 10:55 a.m.

After review and discussion, Commissioner Smith made a motion to approve and sign Resolution No. 435, for Basic American Foods. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Site Improvement Exemption: Cornelison, Cook, Bron Leatham LLC.

Shawn showed a map of the property this encompasses. These two parcels are applicable to the site improvement exemption. This takes 75% off the value, once they begin building the exemption goes off. After review and discussion, Commissioner Smith made a motion to approve and sign the site improvement exemption. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Higley Development: Higley has applied for the ag exemption behind the old Wal-Mart and has been approved in the past.

After review and discussion, Commissioner Smith made a motion to sign and approve the Ag exemption for Higley Development. Commissioner Mendenhall seconded and voting was unanimous.

After review and discussion, Commissioner Mendenhall made a motion to approve and sign the tax exemption for BYU-I for properties in the County. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve and sign the Tax cancellation for Pine Brook of \$625.26: 4 U Development (1 lot) Pine Brook. There was a transaction for a name change on a lot and a mistake was made. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Shawn reported that Ag values were held and residential values have increased. His office will be finalizing values this week

#### **Tim Solomon, Rocky Mountain Power, update on transmission/service project**

Tim presented a Community Performance Plan to make sure the County is okay with the points of the plan. Budget forecasts have remained the same. Rocky Mountain Power has conducted safety training for County first responders, but would like to hold additional trainings.

The transmission update has been completed between Jefferson and Madison Counties. Permits have been applied to finish the entire project, but it takes time to receive the poles. Things are going well and they have expanded capacity by about 50% and new lines will boost reliability. The poles have been moved further back off roadways, which was appreciated.

**Leslie Warnberg, Wellness discussion**

Leslie would like approval of 8 hours of comp time for completion of the next wellness challenge. The first option is weight loss, (lose 5% of starting weight), or 150 minutes of exercise per week and you have to prove to her you are exercising. The weight loss and exercise winners will be recognized separately and prize money will be for weight loss only. Commissioner Smith recommended 150 minutes of exercise per week. Leslie was given permission to continue as discussed.

**Daniel Torres, Scott Johnson, Greg with GIS, Census planning**

The City of Rexburg is making a concerted effort to get everyone counted in the upcoming census that should be. Literature was presented to show the impact an undercount previously has made to our county. The State Legislature is proposing to make population based funding distributions and it is imperative that we get everyone in the county/cities counted so we receive the proper amount of funding. Students, migrant workers and children less than 5 years of age are the biggest majority of those missed. The count will take place in April of 2020. Many local jobs will come from this campaign. The City's proposed numbers for budgeting purposes for this campaign of \$13,687.33.

**Ryan, JRW, Fairground build-out for Extension Office**

Ryan met with the Extension office and presented plans that were agreeable to all. This increased the build out to 2800 square feet @ \$140 per square foot. The budget would be \$376,000-405,000 as a rough estimate. This is a large increase the prior estimate and will be discussed further by Commissioners.

**Cindy Roberson, South Frontage Road bid award.** Cindy and Reo were present and stated \$381,462.93 is the total lowest bid for paving on the South Frontage Road. Commissioner Mendenhall made a motion to award the bid to Depatco in the amount of \$381,462.93. Commissioner Smith seconded and voting was unanimous.

**Keith Davidson, New airport feasibility study**

GDA has merged and requires a new contract be signed. Of the total contract 90% is paid by the FAA and the State with approximately \$9,000 to be split between the City and County. After review and discussion, Commissioner Mendenhall made a motion to approve the new airport feasibility study. Commissioner Smith seconded and voting was unanimous.

**Bradley Petersen—Planning and Zoning Matters.** These matters were recorded.

Sam Stoddard – Conditional Use Permit

Bradley presented the Conditional Use Permit to build an accessory building with a living space and to rent out the space at times. The appeal period is complete.

After review and discussion, Commissioner Smith made a motion to approve and sign the Conditional Use Permit for Sam Stoddard. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Edstrom Construction Comprehensive Plan Map Change, Findings of Fact.

Bradley presented a map on the board showing the industrial (heavy and light) zoning as per the public hearing. The existing gravel pit and the proposed pit were pointed out. If the Comprehensive Plan is approved, a public hearing for the zone change and then a gravel pit overlay will be held next.

Regarding any conflicts, Commissioner Smith commented that he has had discussion with a few people and wants to make sure that is known. Commissioner Smith disclosed whom he has talked with and asked those present if they feel anything was disclosed that he should mention. As people have contacted him, he reminds them he cannot discuss this project because it could lead to a conflict. He does not personally feel he needs to recuse himself and those present did not speak out.

Bradley added that it was a lively hearing and all were respectful and gives credit to both sides for remaining professional and respectful. The recommendation from the P&Z to the Commissioners is the approve the requested change. Commissioner Smith commented he has not had time to read all of the minutes, but had been through most of them. Commissioner Mendenhall stated the same thing. Commissioner Smith is not yet prepared to make a decision today. Commissioner Mendenhall read ahead to the discussion of the P & Z Commission and does not yet feel prepared to make a decision. Steven Zollinger, attorney in this matter, commented he would recommend tabling the decision until the next commission meeting if this is what the Commissioners wanted.

The Commissioners do not want to drag the decision out, but would like additional time. Commissioner Smith is concerned that the gravel pit overlay zone was in place approx. 8 years ago could be expanded anywhere in the county. The land use table was never updated. We had a public hearing and changed the land use table so gravel pits could only be asked for in ag or industrial zones. When Edstrom's purchased this land, they could have asked for CUP and overlay zone at that time, but the land use table did not meet up. This now requires zone changes. They were told the gravel pit expansion would be allowed on Trans Ag. This added some confusion to this process.

The Commissioners needs to make the decision to manage the overall infrastructure of the county. This is not the zone change hearing this is the comprehensive map change. Commissioner Smith asked how we create the buffer zone between residential and Trans Ag. It is in the gravel overlay ordinance. Stephen stated we didn't factor everything that we needed to into the comprehensive plan. Comprehensive plan rewrite should take in the gravel band in Madison County – it is not consistent or adequately addressed in the current plan geologically. The gravel pit overlay does discuss buffers which are 200 feet from a resident's home. Trees and shrubs are required as well as maintenance and dust concerns have been expressed. Bradley was informed that Edstrom Construction has passed the state rules for dust control. DEQ has gone out and tested as they have received complaints from the neighbors. Bradley states the only issue was Edstrom's bond that needed to be updated which has been completed.

Bradley states Edstrom will have to submit a reclamation plan when the pit is complete and what the timeframe would be. Commissioner would like to see the big picture of what could go in the industrial zone at the end of the gravel pit mining operation. It was reiterated, the comprehensive plan doesn't change the use – it is the zone change that will change the use. There was a time when designation of rural cluster did not preclude the existence of a gravel pit – a period in time where gravel pits could co-exist with any use. The disconnect was a lapse in understanding in what was being acted upon when removing gravel pits from other uses. That single function may not make sense for the county as a whole. Stephen states the disconnect occurred when we didn't put the gravel pits where the gravel to be mined was located. The direction to be taken is what protections need to be in place for rural

residential owners. They are in residential areas for the construction of homes – the reclamation is what needs to be reviewed. It's the absence of protections in place for residences. We held public hearings to update the land use table and people generally did not come to those hearing. Testimony at that time wanted only industrial zones for gravel pits.

Bradley adds when the comp plan was completed in 2008, and the current gravel pit ordinance was not in place – it came in after the fact. As a P&Z member back then, Bradley put together the gravel pit ordinance. Ordinances from many areas were reviewed when the plan was put together. An opposition group from those discussions wanted a higher set-back the tradeoff was how much could be mined at the time. It was a give and take. If we make the comp plan change it opens up for the zone change.

Options for the Commissioners is to approve it based upon P&Z's findings and move forward, send back to P&Z, table it, or deny or hold their own hearing if they don't follow the recommendation of P&Z.

Commissioner Mendenhall read Bill Squires comment at the hearing. The process of the comprehensive map plan change should be looked at and amended. After the zone change Edstrom could only mine 12.8 acres at a time. They will remove the topsoil first. They discussed the entire 48 acres, but were getting into the zone change issues. The problem with 13 acres would be they may not have enough topsoil to put up the required berm. Edstrom's would find that very restrictive – they are asking for a lesser portion than the whole 48 acres, as well as berms, buffers and trees to make this more favorable rather than blanket approval. There is a gravel pit there currently Commissioner Mendenhall concurs with Commissioner Smith's observation.

After review and discussion, Commissioner Weber made a motion to approve the comprehensive plan change as requested. Mendenhall amended the motion to scale back the Comprehensive Plan change to what is currently in Edstrom's proposal. Commissioner Smith seconded the amended motion and voting was unanimous. The motion passed. The map with changes will be attached to the minutes.

These matters were concluded at 1:40 p.m.

Stephen Zollinger requested an executive session. Commissioner Smith made a motion to amend the agenda to hold an executive session to discuss the pending lawsuit against the county. Commissioner Mendenhall seconded and voting was unanimous.

Commissioner Weber made a motion to go into Executive Session at 1:40 p.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Weber-yes, Commissioner Smith-yes, and Commissioner Mendenhall-yes. The motion passed.

The Commissioners came out of their executive session at 2:00 p.m. No decisions were made.

Commissioner Mendenhall made a motion to adjourn at 2:05 p.m. Commissioner Mendenhall seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman  
Todd Smith, Commissioner  
Brent Mendenhall, Commissioner  
Attest: Kim Muir, Clerk

