

Abbreviated Minutes: Complete Set Of Minutes Are On File In The Clerk's Office
Madison County
Commissioner Meeting Minutes
May 28, 2019



Attendees:

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

Invocation: Commissioner Weber
Pledge of Allegiance
Invocation: Commissioner Weber

Commissioner Mendenhall was excused.

Public Comment:

Rudey Ballard was present and showed information on what our neighboring counties are charging employees for medical insurance for the 2018-2019 budget year. He is currently working on renewal rates and other options for the County.

Dan Gordon agrees with his wife's position and is asking for the repeal of the Comprehensive map plan change decision made by the Commissioners at their May 13, 2019 meeting. This will be addressed later by the Commissioners as an agenda item.

ACTION ITEMS

County Business

BOE Hearing: There were no BOE matters to be addressed.

Discussion Items

Commercial lot splits/commercial subdivision policies, Stephen Zollinger was present. Commissioner Smith and Bridger Bowen discussed the splits. It was noted that the County doesn't have anything in our ordinance regarding a commercial subdivision. There is nothing in our use restrictions that would drive public rights of way. As far as platting, the County doesn't have any lot restrictions. The commercial use restrictions are prohibited by the size of the lot itself. Commercial codes for businesses give the Commissioners control through the lot sizes and the Health Department restricts septic systems. Mr. Bowen has a preliminary plat and it is recommended it go through the public hearing process with P&Z. Stephen stated that the County has to ensure that all parcels have proper access and are much the same as a subdivision process. Blake Jolly, engineer in Idaho Falls was also present. Moving forward, Commissioner Smith suggests we add policy for this process. This will come before P&Z for a public hearing.

Commissioner Smith's appointment to the Medicaid Interim Committee and funding.

Commissioner Smith received approval to attend four meetings in Boise which would include travel expenses and a hotel stay to attend meetings and serve on the Medicaid Interim Committee. Funds to pay these expenses will come from the Indigent budget.

Commissioner Smith reported on the May Golf Board meeting. A new swamp cooler is needed, but a new roof is also needed at the Teton Lakes Course. The City of Rexburg would like to move forward with both projects. These improvements should not increase our contribution for 2019.

The employee committee request for change in PTO and sick time. Amanda and Kirk were present for this discussion. See the personnel policy discussion below for notes on this discussion.

Extension Office building. The county owns the VFW Building. The University of Idaho has in the past paid the County for the program, but is now asking the county for more each year. The possibility of remodeling the VFW building to accommodate the extension office was discussed. Commissioners appreciate the great service the extension service offers. Holding off until after the fair in August, 2019 was decided.

Calendar Discussion:

Next meeting: June 10, 2019, this meeting will need to end early so the Commissioners can attend meetings in Nampa.

A meeting was scheduled for May 30th to attend the Bear World Road grand opening, hold budget meetings with Department Heads wanting to meet with Commissioners followed by a bid opening for the Phase I Courthouse improvements.

Set up budget meetings: Meetings were set for May 30th between 10:00 a.m. and 2:00 p.m.

Contracts/Documents:

After review and discussion, Commissioner Smith made a motion to approve the Proposal from Porters for furniture in the Clerk's Office. Commissioner Weber seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve and sign the Canvass of Votes for the May 21, 2019, Sugar Salem School District Election. Commissioner Weber 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 \$734,078.73 with \$36,762.82 coming from the general fund. Commissioner Weber seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Commissioner Meeting Minutes of May 13, 2019. Commissioner Weber seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to sign and approve the Certificates of Residency for Cameron Webster, Derek Baldwin, Soledad Mecham, Eunice Mora-Perez, Alysandra Valles, minus Jane Klingler's certificate (as it needs to be further reviewed). Commissioner Weber seconded and voting was unanimous. The motion passed.

Personnel Actions:

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

Shane Ruebush, Section 101-11, Non-conforming use.

Paul Roberts was present with Shane. Paul said there is confusion regarding non-conforming use and grandfathering and explains they are two different words for the same thing. According to Paul, grandfathering was lawfully in existence and applies to property use and not the person controlling the property. Grandfathering does not last forever, and authorizing expansion of the non-conforming use must go through the ordinance process to obtain a CUP. Shane adds that it is good system in place but over time as it needs to expand, a conditional use permit would be required. He believes anything that falls under state or federal ordinances can expand only with a Conditional Use Permit, so the county or property owners are not at risk. In the case of an expansion, they should check with the county first. Commissioner Smith asks how you gauge what is expanding and gave various examples. It is simpler if the footprint of a building or property expands you would need a CUP. No further follow-up is needed.

Lexi Gordon, 2201 West 4200 S, Rexburg. Request for reconsideration on approval of the Comprehensive Plan Map change for Edstrom Construction. See her letter attached.

Commissioners state they have to look at how we construct roads at a reasonable price and that gravel pits are a necessity. Regarding the county pit, Commissioner Smith clarified the Weekes' property was sold at fair market value and he drove by the gravel pit and Mr. Weekes previous home and argues that the berms were high and the trees are alive and doing well. Commissioner Smith states that development does not get controlled by whoever from the public appears with the majority vote. Growth generally would not happen because people would not want it. We have to grow. Stephen Zollinger stated that a motion for reconsideration has to demonstrate the deficiencies in definition and analysis the first time around to be considered. The Commissioners have 60 days to respond in writing. There is no definite date in code the 60 days begin. Stephen's advice is to respond to this sooner than later. The opposition will have 28 days to appeal to district court after the decision is made. Stephen clarifies from implications made in Lexis's statement; he did not introduce additional information; he gave an example of homes in Utah. He was an engineer before becoming an attorney and inspected gravel pits for the City of Salt Lake. Kirsten Ruebush asks when the decision will be made. Lexi asks Commissioners to look at Laura Christensen's letter before a decision is made. The letters written were discussed and Kirsten didn't think they were read or heard by the P & Z Commission or received from the Commissioners. This will be discussed on a future agenda item by the Commissioners.

Executive Session: Idaho Code § 74-206(1)(d) exempt records, Ann Marie Sorensen, Indigent Clerk.

Commissioner Weber made a motion to go into Executive Session at 10:00 a.m. Commissioner Smith seconded the motion. A roll call vote was taken as follows: Commissioner Weber-yes, Commissioner Smith-yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 10:55 a.m. After review and discussion, Commissioner Weber made a motion to sign a Lien on Case No. 2019016, a Denial on Case No. 2019012 and there was discussion on Case No. 2006036. Non-Medical: Sign Approvals on Case No's. N2019006 and N2019007. Commissioner Smith seconded and voting was unanimous. The motion passed.

Troy Evans, Personnel policy update.

Kim, Ann Marie and Troy met on various changes and some updates to the policy. The last revision was in March, 2015 and there is a new ICRMP policy which Troy has reviewed. An addendum can be made, but Troy advises adopting a new policy where there have been various changes. Commissioner Smith

met with the employee committee where suggested changes to the vacation and sick time accruals were discussed. The committee is proposing being able to accrue up to 300 hours, and a spreadsheet of how it will accrue, but upon separation, employees would only get paid for 35% to 50% of the total hours accrued. The legalities of this were discussed and will be looked into further. Amanda and Kirk were present and showed an accrual listing that gives an employee vacation hours beginning at day 1. Troy will begin on a re-write of the personnel policy and have it ready to present at the next department head meeting.

Cindy Roberson and Kelly Hoopes with Horrocks Engineering, Frontage Road North, possible take-over of state easement.

A kick off meeting was held and is federally funded for the north frontage road which includes 100 feet right of way. Kelly questions the very southern end with the ITD Thornton interchange. Kelly presented maps showing the elevation and the speed of the roadway at this point. He states this is the perfect time to make sure we are all informed and be a part of the process to decide the configuration of connecting roadways and properties. Map 2E on the maps (attached) was Kelly's first choice as far as speed and road curvature. Commissioners ask Kelly to get Joel Jenkins' input. Kelly also presented property lines for a possible Hibbard roundabout and mentioned that he is working with D.L. Beck to begin work on the approved roundabout in Hibbard.

Darby Pozenel, Possible truck and trailer purchase.

Darby would like to purchase a used dump truck and trailer from Road and Bridge for use on the C & D site. An additional used truck and trailer to haul garbage to Jefferson is needed as garbage demands have increased significantly. The Commissioners approved these purchases.

Shawn Johansson, Introduction and request for Attorney fees for the Upper Valley Board of Guardians. They are an Idaho non-profit that began in 1980. Shawn reports that by law, every county should have a Board of Guardians in place. Shawn is the Chairman and knows many counties don't know this Board exists. Clark, Teton, Jefferson, Fremont and Madison make up the Upper Valley Board. They are guardians for those with developmental disabilities who can't take care of themselves. He is making a request to get this Board going again. Historically counties have used prosecutors to help with these issues, but the Board is now attempting to get attorneys to represent clients who are in need of guardian services. This would require \$200 per month from each county to take care of the reporting of these individuals. Murray, Zeal is the law firm willing to represent guardianship cases for the upper valley. Guardianship removes civil rights from a person – Madison County currently has four with this Board now, but will soon have nine people. Community providers call the Board asking them to step in and help. The board manages the funding. Commissioners agreed to this contribution, but Troy would like to see a Joint Powers Agreement or MOU between all of the upper valley counties attached to this Board before final approval. This Board will have to request an annual budget and expenditures each year from the County.

Shawn Boice, Tax Cancellation: Thomas Goe. Mr. Goe and the Assessor were in agreement that the improvements should be decreased. Commissioner Smith made a motion to approve the cancellation of taxes. Commissioner Weber seconded and voting was unanimous.

Carrie Frisbee/Bill Landis, Operations of the gun range. The gun club was started in 1988 and Carrie submitted copies of the safety rules, a calendar and a sign in sheet for the club showing significant use. The Club is NRA affiliated and has the largest group of instructors in the state. All of the workers volunteer and maintain an insurance rider. Bill's wife is a retired nurse and trains the workers in CPR.

CPR and First Aid have to be known by the Range Safety Officers. They also have a program to instruct women with firearms and would like to have women teaching women. Many people see the website (USCidaho.org) and come up and try it out. The club is a ½ mile range with Missoula, MT being the closest with this type of range. Carrie started in 2016. There have been many Hunter Education kids through the range as well as Fish & Game and many other groups. They do classes, matches, and events including Scouts, church groups, ROTC, and many others. There were 368 Hunter Ed kids in 2018. They received a grant to purchase electronic targets. Fire is a big concern and they have had a few. BLM cannot do anything to fix a road that was destroyed by a fire, when fire personnel graded the road with dozers. Madison County owns the ground and Unified Sportsmen run the range. They would like help from Road and Bridge Road to get road base hauled in and help solve the mud problem. Commissioners responded that Road and Bridge is very busy this year, so it might be later in the fall before they can help the gun club with the roadway, but they would let Road and Bridge know to place this on their project list.

A safety concern is the Madison County C & D site – people were shooting towards county employees who were on dozers working at the dump. Training for BYU-I students is needed to let them know where they can and cannot shoot. More signage is needed and more enforcement to protect citizens on Highway 33. BLM will allow rocks to be placed to block parking.

Commissioner Weber made a motion to adjourn at 12:30 p.m. Commissioner Smith seconded and voting was unanimous.

Approved:

Jon O. Weber, Commission Chairman
Todd Smith, Commissioner

Attest:
Kim Muir, Clerk