

*Abbreviated Minutes: Complete Set of Minutes Are on File in The Clerk's Office*  
**Madison County**  
**Commissioner Meeting Minutes**  
**October 28, 2019**



**Attendees:**

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

Pledge of Allegiance

Invocation: Commissioner Mendenhall

**ACTION ITEMS**

**Public Comment:** There was no one present for public comment.

**Board and Committee Reports:**

Commissioner Mendenhall: Rexburg Urban Development. Commissioner Mendenhall reports Urban Renewal has been very busy and gave a list of projects, one of which is near Basic American where it meets the Yellowstone Highway on the north side of town. ITD would like to add one extra traffic light, which has been controversial as costs for an interchange are high. Urban Renewal is hoping to create an additional district within the city and county. There was a discussion regarding ITD giving highways to local jurisdictions. Commissioners discussed inviting the Urban Renewal Board members to explain how these districts affect the county budget.

**Calendar Discussion:**

Next Commission Meeting: Tuesday, November 12, 2019.

**Contracts/Documents:**

After review and discussion, Commissioner Smith made a motion to approve the Agreement with Fall River for electric service. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Resolution #440 to destroy old record for Tri-County Probation. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Pay Port electronic payment agreement with Road and Bridge. 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 \$1,259,933.82 with \$147,958.84 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 sign and approve the minutes of October 15, 2019. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to sign and approve the Certificate of Residencies for: Linda Carter and Lincoln Hirrlinger. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Personnel Actions:**

County employees that were approved by department heads received the annual 2% merit increase.

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

**Executive Session: Idaho Code § 74-206(1)(a) hiring a staff member (b) employee matters and (d) exempt records, Ann Marie Sorensen, Indigent Clerk:**

Commissioner Weber made a motion to go into Executive Session at 9:15 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Smith-yes, Commissioner Mendenhall - yes. The motion passed.

Commissioner Weber returned the County Commissioner meeting to open session at 9:43 a.m. After review and discussion, Commissioner Mendenhall made a motion to sign a lien on Case No 2020002 and 2020003, and sign an Approval on Case No. 2019024. There was discussion on Collection Agencies to place indigent cases with. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the CBI Collection Agreement for Indigent Services. Commissioner Smith seconded and voting was unanimous. The motion passed. The Commissioners would like Ann Marie to split the collection accounts to each of the agencies, as she sees fit.

**Cindy Roberson, Acceptance of Loader from Caterpillar.**

After review and discussion, Commissioner Smith made a motion to approve the bid for the new loader from Western States Caterpillar. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Cindy Roberson, 3 parcels to return to land owners from projects.** There are three parcels of property currently owned by the Hatfield's, (Homer Taylor property) near Bear World. The county will never use these parcels any longer, and Road and Bridge would like to return to the owners. Legal descriptions will need to be obtained first as well as values prior to proceeding.

**Cindy Roberson, Special permit issuance agreement for oversize and overweight vehicles.**

After review and discussion, Commissioner Mendenhall made a motion to approve the Special Permit Issuance Agreement with LHTAC for oversize and overweight vehicles. Commissioner Smith seconded and voting was unanimous. The motion passed.

**Cindy Roberson, Discussion of County assuming responsibility for Hwy 33 through Sugar City.** Cindy presented a proposal from ITD for the county to take over Highway 33 from the Moody Road to the north through Sugar City. The proposal shows what ITD would pay the county to take over this road. The County also would take the portion through Sugar City because the population is less than 5,000. Commissioner Mendenhall states we would have to get an exception to the statute. The City of Rexburg does not want to participate in this program currently. Commissioner Smith would like to visit with the

Mayor of Sugar City and discuss an MOU. Cindy suggested funds from this purchase be placed into a trust account for maintenance down the road. This will continue to be discussed.

**Employee Recognition for years of Service: Ed Buchta – 20 yrs.** Ed was not present, but the certificate and plaque were given to Cindy to pass on.

**Kirk Mace, Review and sign: Dept. of Juvenile Correction annual reports.**

Kirk and Shane Boyle presented two-year end reports showing funds that Madison County receives from the Dept. of Corrections and probation numbers for the past year. They will be back next month to present the annual report.

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

**Public Hearing Chris Johnson and Mel Mortensen Conditional Use Permit.**

Commissioner Weber made a motion to open the public hearing at 10:00 a.m. Commissioner Mendenhall seconded the motion. A roll call vote was taken as follows: Commissioner Smith-yes, Commissioner Mendenhall - yes. The motion passed.

To speak in Favor of CUP approval: Kirsten Ruebush 1893 W 5350 South. There have been rumors that this has been blamed on she and Shane and she wants to say they are for this. When it was cancelled there was communication sent that it was the Rubush's that shut it down. She wants to make it clear that it was not Shane and her that caused this issue.

Mel Mortensen then gave testimony and asked if there is a timeline. Commissioner Weber replied not typically unless the CUP is violated. Conditions will be closely monitored. Bradley Petersen, Planning and Zoning, stated if it is operating within the parameters it will be ongoing, and as long as conditions are met, it will remain.

There was no one present to speak in the neutral position or against therefore, and no writings submitted by the public. The Public Hearing was closed.

Commissioner discussion then occurred. Commissioner Mendenhall mentioned concerns with small family owned auto repair shops. On the map it shows a setback and there are neighbors. What conditions do we set to avoid a bunch of junky cars sitting around? Mel was asked about fencing or number of cars that do not run. Mel states Chris is good at keeping his yard looking good. Commissioners would like to focus on screening to make sure there is a privacy fence to control the site and to put a limit on cars allowed to be parked in the front may be good. Chris Johnson came in at this point and said most vehicles being worked on will be in the shop and un-running cars that are eyesores in process would be limited to 10-15. There will be no part-out vehicles on-site. There are several areas in the county besides this property that are concerns. For Chris's protection, Commissioners would like to not put a number out of cars allowed on-site, but put restrictions on cars that can be viewed from the road and privacy fencing restrictions. Commissioner Smith comments that we limit it to 20 cars parked on the lot. Commissioner Mendenhall does like the fact that cars being worked on are out back of the shop rather than out on the street.

After review and discussion, Commissioner Smith made a motion to approve the Conditional Use permit with the condition that no more than 20 cars external to the building be allowed on the property. Commissioner Mendenhall seconded and voting was unanimous. The motion passed. This begins the

28-day appeal period. After this period Chris can pick up the CUP from the P&Z Office. The county will do findings of fact and conclusions of law on this matter.

**Bradley Petersen, Review and sign: Findings of Fact CUP mixed use office for Arthur Lee.**

Arthur Lee has proposed and it was approved by the P&Z Commission for an office space. He came in under a CUP to use a storage unit to run a business out of that for a retail opportunity. Most of the business is online, but they would like to have a retail site for customers. Commissioners would like to know what kind of traffic and parking he would realize. This will mostly be office; he sells training opportunities for large business. The CUP provides mostly increased office space for this online business. Traffic concerns will fall under ITD jurisdiction.

After review and discussion, Commissioner Smith made a motion to approve the Findings of Fact as presented by P&Z. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

**Identifying Land Use Table changes to take to public hearing.**

This matter will be put on the next agenda.

**Shawn Boice, GIS flight plan conversation/contract.**

Shawn reports it has been 2 years since the last mapping flight for the GIS program. He has received a bid for \$70,000 as compared to previous flights and includes all control points and the data dump that make the system easier to work with. It takes 6 months to get on their schedule and they will split the payment into two years, with projections of \$34,000 for the next 6 years. They also have a program that ties into the GIS. The information collected will benefit Shawn's office on appraisals and all views of a home can be zoomed into which benefits 911 and others. The resolution is better than previously.

Shawn would like the Commissioners blessing and will go to other entities to help pay costs. Commissioners like the idea and feel knowing the costs ahead of time will be easier for planning and budgeting. Shawn will do further research and come back to the Commissioners.

**Lease option for DMV/Driver's License.**

Shawn, Rick Henry and Commissioner Smith toured the old Kmart building and liked what they saw. They also viewed buildings between Albertsons and the old Walmart that was the Payless Shoe Store. Both would require a 5-year lease, both about the same price: \$1.08 per square feet, but Shawn thinks we could get that down. Total cost to the County \$38,000 per year plus utility costs and the county would pay for the build out. Revenues from last year were reviewed and discussed. The lease agreement will come from the county. All agree the timing is right. Commissioners would like to see a plan for the new space and Commissioner Mendenhall would like to see what we will be doing with the vacated space. A plan and estimation of cost and will be prepared and an agreement prepared. Shawn will make sure costs come in under \$25,000. Shawn and Rick were given approval to move forward to the next steps.

**Sheriff Henry/ Bart Quayle, USERRA benefits for military employees.** Rick had the Veterans Service Office employees come in to thank them for their service and would like an addendum to the county personnel policy to accrue time when an employee is on active duty. Commissioner Weber would like to see the number of employees this would impact. Troy talked with Ann Marie and the matter will be discussed with the employee committee to get on the new policy. Everyone was in favor of allowing accrued time to continue accruing while employees are out for military service.

**Discussion and decision on financing agreement for E-force software.** The Sheriff's Office would like to replace their jail management system and all software. This will allow them to connect with the City of Rexburg and campus. They have a proposal which includes 4% interest from a finance company, but they would like to have the County fund the expense to save on the interest fee. The costs would be repaid by the Justice fund in the next few years.

Commissioner Smith made a motion to pull funds out of the Commissioner Reserve as a loan to the Justice Fund for the E-force software purchase. Commissioner Mendenhall seconded and voting was unanimous.

**Recognition for years of Service: Mark Backstein – 20 years each.** Mark Backstein was present to receive his recognition.

Being no further business to discuss, Commissioner Mendenhall made a motion to adjourn the meeting at 12:28 p.m. Commissioner Smith seconded. The motion passed.

Approved:

Jon O. Weber, Commission Chairman

Todd Smith, Commissioner

Brent Mendenhall, Commissioner

Attest: Kim Muir, Clerk