



**Madison County
Commissioner Meeting Minutes
September 30, 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: Clerk Kim Muir

ACTION ITEMS

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

Calendar Discussion:

The next Commission meeting will be October 15, 2019, and will also be a department head meeting. The Personnel Policy will be discussed, as well as Holiday hours and employee comp time.

The 2020 Commissioner Schedule was reviewed.

Discussion and Decision Items:

Contracts/Documents:

After review and discussion, Commissioner Smith made a motion to approve Resolution #439 amending the Madison County Comprehensive Plan Map. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Weber made a motion to approve the Designation of polling place for the November 5, 2019 Election. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

The change orders (2) for the Hibbard roundabout, cement color, additional gravel was not received from Horrock's Engineering. This will be placed on a future agenda.

After review and discussion, Commissioner Weber made a motion to approve the Collection Agreement with Express Recovery for Indigent services. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the beer and wine license for Hacienda Event Center. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Mendenhall made a motion to approve the Pathology Agreement with Ada County. Commissioner Smith seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Smith made a motion to approve the Delta Fire Systems proposal. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

After review and discussion, Commissioner Weber made a motion to approve the Computer Arts 2020 contract Commissioner Mendenhall 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 \$2,197,260.24 with \$880,977.35 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 September 9, 2019, and September 18, 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 Certificate of Residencies for: Lindsey Larson, Hannah Byington and Corey Telford. Commissioner 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 Smith 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 9:17 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 recessed the executive session. After review and discussion, Commissioner Smith made a motion to sign indigent liens on Case No's. 2019025 and 2019026. Indigent collections were discussed and the statute of limitations explained by Troy Evans. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Ambulance District, Public Hearing to use forgone amount:

Commissioner Weber opened the public hearing at 9:47 a.m. Commissioner Weber – yes, Commissioner Smith – yes, Commissioner Mendenhall – yes. No conflict of interest was declared by any Commissioner. Commissioner Weber explained the hearing was to hear public comment regarding bringing forward the use the Ambulance District forgone amount. There was no one present to speak for, against or neutral. The hearing was closed at 9:50 a.m.

After review and discussion, Commissioner Mendenhall made a motion to approve the use of the forgone amount and sign Resolution #438. Commissioner Smith seconded and voting was unanimous.

Jared Ricks, Public Defense Commission, presentation of new standards:

Jared stated that there will not be public hearings this fall to present new standards, as they do not feel they have adequate information to set the new standards. The ACLU case is on appeal to the Idaho Supreme Court and they are arguing what the standard should be and if the defendant has to suffer actual harm or threatened harm. Jared doesn't see anything changing as far as number of Public Defenders or budgetary changes for Madison County in the next year. Regional offices were also discussed, as well as joint county offices and Jared states that an additional \$25,000 would be available in financial assistance (grant) funds from the PDC. Jared asks how often Commissioners would like to have him report. Commissioner Weber states once or twice a year is sufficient.

Bridger Bowen, Road and Bridge, State gravel pit: Mr. Bowen cancelled this appointment.

Eric Reiser, GPC Architects, Update on courthouse project:

Eric explained the change order requests and updated the commissioners on the progress of the courthouse HVAC project. The mechanical demo is about 90% complete and the electrical demo is complete. Five of the units in the crawl space have been installed and the remaining will be installed shortly. The electrical install will be done once all units will be installed. Removal of old units are still in progress. The expected completion date is still the end of October, with start it up of the new system the week of October 15th and be online by the third week of October 2019.

After review and discussion, Commissioner Mendenhall made a motion to approve change order #1 for Alan Clark Construction. Commissioner Smith seconded and voting was unanimous. The motion passed.

Shawn Boice, Tax credit on Joel Jenkins and Mike Merrill, DMV Merger with Driver's License:

Joel Jenkins: Shawn reports improvements to the land with the EPA having two monitoring wells on the property. Joel is asking for a credit on this property.

Commissioner Smith made a motion to approve the tax credit for Joel Jenkins in the amount of \$1,779.55. Commissioner Mendenhall seconded and voting was unanimous.

Mike Merrill, regarding the dental office near Valley Wide. The property tax charged is over what similar dental offices were per square foot.

Commissioner Weber made a motion to approve the tax credit for Mike Merrill in the amount of \$1,400.24. Commissioner Mendenhall seconded and voting was unanimous.

Shawn asked about the progress for a building for driver's license and DMV. The Sheriff's Office will be in a mess in 2020 when the Star card becomes due and they have many more customers. Options were discussed and meetings to view possible office space were set up.

Spencer Seegmiller, Oktoberfest and The Burn:

Mayor Merrill, Cameron Stanford and Evan Wise were also present.

These are two separate events. They would like to regain access to the fairgrounds to hold these events and want to see what they can do to regain confidence. Evan states they have been good to work with

and feel proper ground rules were not put in place. Security and traffic control are needed, but he feels the events could still go forward. There is plenty of parking in the fairground lot, but noise levels have been an issue.

They would like us to see the distinction between their company (The Beast) and other companies the issues have come up with. Evan suggests Madison County set up the ground rules with a stipulation that we can shut down the event if it gets out of control.

Mayor Merrill states Spencer and his groups have always been good to work with and clean up after themselves well. Oktoberfest is the October 19th in the indoor arena and The Burn is the October 11th, with hours from 8:30 to 11:00 p.m., but the music will be turned down at 10:00. Evan asks what the proper security per 100 participants would be. Spencer states they will bring security. Commissioner Smith states he would like to give them a chance, but they have got to beef up their security and they don't want to have the complaints. A gathering permit will need to be obtained also.

Bradley Petersen, FEMA/USACE update and future direction, conference update, Town site discussion:
Town site discussion: Bradley reports he hosted a community meeting on September 23, 2019, with neighbors, P&Z and the Developer, as well as TV stations wanting to know what Developer Trevor Einerson's plans were for property in the Salem area. Trevor let citizens know what he was planning for the Salem area. It appears he may now be trying to sell the property due to the public outcry over apartments being placed in the townsite.

P&Z, the Clerk's office, and the Prosecutor's office has spent a lot of time looking at this matter. On December 15, 2008, there was a public hearing, and the commissioners then adopted Resolution No.: 318. This resolution adopted the "Madison County 2020 Comprehensive Plan" and an accompanying "Madison County Land Use Map." The Table of Contents on the third page (i.e., iii) of the Comprehensive Plan had a List of Maps made a part of the Comprehensive Plan. There were 8 maps listed, with Map 1 being the Comprehensive Plan Map, and Map 3 being the Madison Zoning Map.

These 8 maps have been searched for and not found. When this was passed, record keeping in the county was not digitized and it is unclear where these 8 maps were stored. The maps were not attached to minutes as they should have been in 2008. There were different personnel in the Clerks, Planning and Zoning and Commissioner Offices back then.

The issue is there is a "Madison County Land Use Designation" map that was adopted on December 15, 2008. This map does not state it is the "Comprehensive Plan Map" nor the "Madison Zoning Map" as stated in the Madison County 2020 Comprehensive Plan.

It was initially thought this Madison County Land Use Designation map was the Madison Zoning Map for Madison County. Upon further review, however, it appears this map is more analogous to a Comprehensive plan map. This map appears on the County's website as a Comprehensive plan map. Madison County's website has an entirely different map listed as its zoning map. This is important because Town Sites are listed as a zone on the Comprehensive plan map listed online, but not on the zoning map listed online.

Troy Evans stated in order to clear it up, a public hearing would need to be held and the Comprehensive plan map and zoning map approved after giving the public notice. The only physical map he can track that is not from online is from 1997.

Where P&Z is working on the new comprehensive plan now, it was determined to let them have hearings to update the comprehensive plan, comprehensive plan map, and the county's zoning map. This would alleviate any questions going forward.

Kirsten Ruebush stated in the Madison County Code Book Section 117:50 and 59 states a town site is a zone, but landowners can apply for a zone change hearing. She believes a public hearing for a zone change is needed. Bruce Shirley states people are so confused about this issue. When the comprehensive plan was presented in 2008, work has been flowing forward and it is the working plan. Sites were designated Trans Ag and he hasn't heard anything of a change to this plan. Trevor Einerson commented in the Community meeting that there is nothing the county can do to stop him once he gets his District 7 approval for the septic permits. When you move into the town site planning phase, there seems to be no governing body – everything reverts back to the county commissioners. Commissioners agree they are as confused as everyone else. The town sites are a loophole that a developer found and the County may be sued over it all. Commissioners would like to have known when Trevor first put in application, to save him expenses he has now incurred. Over the years we have issued permits inside town sites. There are fire suppression, setbacks and other restrictions. The county has an ally in District 7 that we need to consider and commissioners are in discussion with them.

Placing a moratorium was discussed. Troy states a moratorium won't be required if the county uses its zoning map from online, because there are no townsite zones currently on the map; hence, a person would need to apply to change the zone from Trans Ag. to a Townsite Zone.

Unless any further information is received on this matter, the Commissioners are going to presume the two maps on the County's website managed by GIS are correct as to the Comprehensive Plan Map and the Madison Zoning Map. Due to the confusion this has caused, Commissioner Mendenhall made a motion to waive the fees for Chris Johnson and Trevor Einerson if they move forward within the next 6 months to change the Madison Zoning Map zone in Salem from Trans Ag. to Townsite. Commissioner Smith seconded and voting was unanimous.

Bradley reported on a FEMA/USACE meeting he attended with Mayor Merrill and Keith Davidson regarding calibration and Flood Plain meetings with the Army Corp of Engineers. FEMA has added the Henry's Fork into the study. We will have better maps as FEMA goes in and does a study and they give us the improved maps. Bradley proposed having the county give input and help them with the projects including the continuance study and give them some direction also. We have the opportunity to give them accurate and the best information on the levees.

Commissioner Smith made a motion to adjourn the meeting at 1:40 p.m. Commissioner Mendenhall seconded and voting was unanimous. The motion passed.

Approved:

Jon O. Weber, Commission Chairman
Todd Smith, Commissioner
Brent Mendenhall, Commissioner

Attest: Kim Muir, Clerk