

MADISON COUNTY COMMISSIONERS

MEETING AGENDA

March 23, 2009 8:00 a.m.

COMMISSIONERS ROOM

Madison County Commissioners
Robert Hansen, Chairman

Kimber Ricks

Jon O. Weber

- 8:00 a.m. County Business:
New Business:
Commissioner Assignment Reports & Correspondence
Commissioner Board and Committee Reports
Claims
Minutes: February 23, 2009, March 9, 2009 & March 11, 2009
Review for approval:
Retail Alcoholic Beverage License for:
Wingers - 469 N. 2nd E., Rexburg, ID
Appointment to City of Rexburg P & Z Board
Set Budget Hearing Date for 2009-10
Old Business:
Keller & Assoc. Billing for 1000 East Bridge
- 10:30 a.m. Mitch Neibaur Re: County Properties
- 11:00 a.m. Insurance Update by Carlos Aponte
- Planning and Zoning: Findings of Fact for:
11:30 a.m. Lela & Ray Gordon - Thornton Road Abandonment
- 11:45 a.m. Lee Brady Re: Tax Cancellation Consideration
- 12:00 Noon Lunch Break
- 1:30 p.m. Neil Call, Madison County Fairboard Re: Fairground Fees
- 2:00 p.m. Health and Welfare Executive Session (Idaho Code 67-2345-1(d), exempt records)
- 2:15 p.m. Mayor Larsen and Richard Horner
- 3:00 p.m. Under Sheriff Ryan Kaufman Re: Claim Item
- 3:30 p.m. Treasurer Sherry Arnold Re: Tax Cancellation Consideration
& Hardship Consideration
- 4:00 p.m. Assessor Brent Saurey Re: Ag Appraisal Update
Tax Cancellation Consideration
Building Renovation
- 4:30 p.m. Paul Sorensen, IT Administrator Re: Hardware Purchases
- 5:00 p.m. Steve Hobley Re: Mosquito Contract
- Adjourn

NOTICE: Meeting is Open to the Public Except For Executive Sessions.
NOTE: ANY PERSON NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THE ABOVE NOTICED MEETING SHOULD CONTACT THE MADISON COUNTY CLERK'S OFFICE 48 HOURS PRIOR TO THE MEETING. IT IS ASSUMED THESE SCHEDULED TIMES ARE CORRECT. THERE ARE TIMES WHEN THE SCHEDULE WILL BE ADJUSTED ACCORDINGLY.

**MADISON COUNTY
COMMISSIONERS MEETING MINUTES
March 23, 2009 8:00 a.m.
COMMISSIONERS ROOM**

Present: Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Commissioner Jon O. Weber, Attorney Troy Evans, and Clerk Marilyn R. Rasmussen

Commissioner Reports:

Commissioner Hansen reported that the Commissioners have been asked by Joseph West to speak at a Chamber of Commerce Forum and outline their roles as Madison County Commissioners.

Edward Byrne Memorial Justice Assistance Grant (JAG): Funds for Madison County have been allocated in the amount of \$19,894, under the Federal Stimulus package. The five Counties have been allocated \$47,226. Madison County is applying for this grant and it is planned to use these funds to help with the 5 County Detention facility.

Power Usage Audit: Commissioner Hansen asked that Rocky Mountain Power be authorized by a Letter of Intent to conduct an audit of power usage in the County buildings. After review, the Commissioners signed the Letter of Intent with Rocky Mountain Power.

Keller and Associates Contract for 1000 East Bridge: After review of this project and the fact that it is now annexed into Sugar City, the Commissioners will request a financial agreement with Sugar City before proceeding with the engineering and construction. Further payments will not be made to Keller and Associates for the bridge until this agreement is approved.

Golf Board Appointment: Commissioner Weber reported that Merle Jeppesen was appointed to serve on the Golf Board.

County Business:

2009-2010 Budget Hearing Date: Commissioner Ricks made a motion to approve September 2, 2009, 8:00 a.m., Commissioner Room for the 2009-2010 Budget Hearing Date for Madison County, Ambulance District and Mosquito Abatement District, Commissioner Weber seconded and voting was unanimous.

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$239,259.82, for March 23, 2009, Commissioner Weber made a motion to approve with noted adjustments, Commissioner Ricks seconded and motion passed.

Personnel Actions:

<u>Name</u>	<u>Current Status</u>	<u>Proposed Status</u>	<u>Reason</u>
Sheriff's Office:			
Howard M. Overton		\$10.00	New Hire
Tri County Probation:			
Greg Malstrom		\$13.46	New Hire
D7 Treatment Program			
Jared Bingham	\$51,500.08	\$53,900	Promotion
Kristie Westover	\$46,367.70	\$48,000	Promotion
Amy Ohs	\$42,848	\$47,000	Promotion
Michelle Schweitzer	\$43,775.12	\$47,000	Promotion

Commissioner Ricks made a motion to approve the above listed personnel actions, Commission Hansen seconded and voting was unanimous.

Alcoholic Beverage License: Commissioner Hansen made a motion to approve an Alcoholic Beverage License for Wingers, located at 469 North 2nd East, Rexburg, Commissioner Ricks seconded and voting was unanimous.

City of Rexburg P & Z Board Appointment: Commissioner Ricks made a motion to reappoint Dan Hanna for a new term as the County representative for the impact area to the City of Rexburg P & Z Board, Commissioner Hansen seconded and voting was unanimous.

Mitch Neibaur discussed his ownership of real estate located near the County facilities. He asked if they had a plan for the area where the Co-op had been located and discussed some of his ideas for the area. The Commissioners stated that they are still working on plans for this area.

Carlos Aponte, Black Ink Insurance reported that Blue Cross is coming out with a dynamic reporting tool which will allow us to do some unique reports that will help track the Madison County medical insurance usage. He reviewed the new Cobra laws showing that the government subsidizes 65% of the cost for an employee when they leave or are laid off, but this will end December 31, 2009. He also reported that starting in 2010 a Mental Parity Act will take effect and will cover mental illness or depression and that the County will need to be prepared to handle this issue.

Planning and Zoning:

Findings of Fact: Ray and Lela Gordon request for a Thornton Town Site Road Abandonment

Commissioner Hansen entered the Findings of Fact submitted by the Planning and Zoning Commission into record.

FINDINGS OF FACT AND RECOMMENDATIONS

OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION

RE: Ray and Lela Gordon Abandonment of Plat Roads

The Madison County Planning and Zoning Commission held a public hearing on February 12, 2009 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Ray and Lela Gordon Abandonment of Plat Roads request. The location of the property is 4892 S. 3300 W. (Thornton Town site).

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing. No representatives from the media were present

The following members of the Madison County Planning and Zoning Commission were present at the public hearing: Chairman Dean Peterson, Vice Chairman Ed Williams, Millie Andrus, Max Clements, Barrett Wilcox, Bradley Petersen, Jolene Sutton, Garth Hillman and Anthony Merrill. Those unable to attend: Von Clark, Tom Luthy and Mike Phillips.

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Counsel Troy Evans and Eastern Idaho Public Health Department Nathan Taylor also attended.

The public hearing was called to order by Chairman Peterson. Shauna J. Ringel acted as clerk for the meeting. Chairman Peterson questioned Mr. McFadden as to whether or not notices of the hearing

had been properly published, posted and provided. Mr. McFadden stated all required legal notices had been given. The Chairman asked if any member had a conflict with the proceedings. None was stated. Mr. McFadden stated that he had not received any written correspondence.

Chairman Peterson reminded everyone in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. He then asked all those who wanted to speak in favor of the proposed Gordon Abandonment of Plat Roads if they would like to be heard. Lela Gordon, 653 Jefferson Avenue, Pocatello, ID gave their presentation.

The Thornton town site was developed in 1917, but the roads were never developed because the landowners could not agree where to put the roads. They have bought a parcel of land where they wish to place their mobile home, but can't move in until the road issue is resolved.

The Chairman asked for those in favor, neutral or opposed to the proposal to come forward and be heard. No one came forward to speak.

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendation they would make would be tentative, pending final approval from the County Commissioners. The Commission then deliberated the Ray and Lela Gordon Abandonment of Plat Roads.

Having given due consideration to the application and evidence presented, the Planning and Zoning Commission hereby makes the following findings of fact:

FINDINGS OF FACT

- 1) A public hearing was held February 12, 2009 to take the testimony on a requested abandonment of plat roads. This proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 2) Notices were published in the legal County newspaper, the Standard Journal January 28, 2009 as required. The published notice included an appropriate and accurate summary of the issue to be heard. Copies of the notice were made available as requested and were provided to political subdivisions within the planning jurisdiction at least 15 days prior to the hearing. All neighbors within 300 feet were notified by U.S. Mail on January 29, 2009.
- 3) At the beginning of the Hearing, Chairman Peterson asked whether proper notice of the Hearing had been provided. The Planning and Zoning Staff answered in the affirmative, discussing what notices had been provided.
- 4) The Public hearing was scheduled at 7:15 p.m. all as set out in the published notice, as described above.
- 5) A meeting agenda was available prior to the meeting, and the public hearing followed the order of events listed on the agenda. The presiding officer gave an explanation of the subject of the

- 6) public hearing. An opportunity was provided for members of the public to present testimony, which was followed by members of the Madison County Planning and Zoning Commission. The public testimony was closed after all present had been given an opportunity so submit oral or written testimony. A reasonable time limit was not imposed on oral testimony.
- 7) Others in attendance were given the opportunity to express approval or disapproval. There were none in favor, neutral or opposed.
- 8) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - The roads have never been improved and have always been a pasture. All the neighbors are in favor of this proposal.
- 9) Approval of the proposed zone change is in the best interests of the people of Madison County.

CONCLUSIONS OF LAW

1. Notice of the Public Hearing held to consider approval of the proposed abandonment of plat roads was published and provided as is required by Idaho Code §§67-6509 and 67-6511.
2. The public Hearing held to consider approval of the proposed abandonment of plat roads was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511.
3. A transcribable verbatim record was made and kept of the Public Hearing held to consider approval of the proposed abandonment of plat roads, in accordance with the requirements of Idaho Code §§ 67-6536.
4. A proposed abandonment of plat roads is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.
5. Approval of the proposed abandonment of plat roads is in the best interest of the people of Madison County, Idaho.
6. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

CONCLUSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the planning and zoning procedure conducted throughout the county, and the comments received at the public hearing held hereon, and the deliberation of the Planning and Zoning Commission, the Commission hereby recommends approval of the requested Ray and Lela Gordon Abandonment of Plat Roads.

Commission member Anthony Merrill made the motion to recommend to the Madison County Commissioners approval of the Ray

and Lela Gordon Abandonment of Plat Roads. Max Clements seconded the motion. Roll call was taken and the voting was unanimous.

After review of the Findings of Fact for the Ray and Lela Gordon request for a Thornton Town Site Road Abandonment, Commissioner Ricks made a motion to approve, Commissioner Weber seconded and voting was unanimous.

Lee Brady - 260 West 3rd North, Rexburg, ID: Tax Cancellation Consideration
Mr. Brady requested a partial tax cancellation for the second half of the taxes for 2008 as he felt the evaluation on the property had been estimated too high. The house has major construction problems and he claims that it is barely livable. He is in the process of purchasing the home, but does not have the final papers approved and recorded. The Commissioners explained that until he owned the property, they could not address his request.

Rodney Lusk, Madison County Fairgrounds Manager reported that the Fairboard had met and were concerned that the rates were difficult to calculate on an hourly basis because of events and their requirements. He suggested that a flat rate for events would be easier for coordinators to calculate so they would know their exact costs. Mr. Lusk recommended that the flat hourly rate be researched prior to committing to an amended resolution. **Commissioner Weber made a motion that the Fairboard be given the authorization to review the fee schedule prior to amending the resolution, Commissioner Hansen seconded and voting was unanimous.**

Welfare and Indigent: Commissioner Robert Hansen made a motion to go into Executive Session at 2:09 p.m., pursuant to Idaho Code 67-2345-1(d), exempt records, *Purpose of Executive Session: Health and Welfare cases.* (Commissioner Hansen – yes, Commissioner Ricks – yes, Commissioner Weber - yes) Commissioner Hansen returned to Open Meeting at 2:18 p.m. Commissioner Weber made a motion to approve Case Numbers 2009017 and 2008020, sign a lien for Case Number 2009019, sign appeal continuation for Case Number 2009015, and sign a denial for Case Number 2009016, Commissioner Ricks seconded and voting was unanimous.

Mayor Shawn Larsen and Richard Horner, City of Rexburg Financial Officer Joint Budget Reports: Mr. Horner presented a financial report for the Emergency Services Department and the GIS Department. (A copy of this report is on file in the Clerk's Office)

Sewer Line extension for proposed Mosquito Building: Mayor Larsen will work with John Millar to determine if it is possible to have City services extended to this building and the cost.

Joint County/City of Rexburg/ Sugar City Meeting: It was discussed that the quarterly meetings were important to review matters of business that were important to all entities. The following is a schedule of the upcoming meetings: April 13, 2009, July 13, 2009 and October 12, 2009. The meetings will be scheduled for 7:00 a.m. in the Madison County Commissioners Room. A meeting with the legislative representatives will be scheduled for December 14, 2009.

Val Christensen, City Building Inspector will be asked to continue to conduct inspections for the County on an hourly basis. Mayor Larsen asked if there was an interest for the City/County to join building inspection departments. The Clerk was asked to work with the Planning and Zoning Department to get financial and inspection information to determine if this was a feasible plan.

Urban Renewal Reimbursement: Commissioner Weber will work with Treasurer Sherry Arnold and Clerk Marilyn Rasmussen to get a resolution to this issue.

Under Sheriff Ryan Kaufman and Deputy Suzanne Bagley:

Deputy Suzanne Bagley reported that Search and Rescue is planning a Demolition Derby and would like to request a reduction in use of the area fees from the Fairboard. Last year they paid \$900 and this year they would like to pay a flat fee and not a percentage of the gate fees. Commissioner Weber asked her to present this request to the Fairboard.

Under Sheriff Ryan Kaufman asked that the County help reimburse the Sheriff's Office \$500 for a trailer that was used for the Kineko Case. This request will be taken under consideration.

Under Sheriff Ryan Kaufman reported that the Sheriff's Office will be receiving \$19,894 under the Edward Byrne Grant (JAG) and this will be used to purchase a new vehicle. They are now 22% under budget in their fuel line and requested that the Commissioners allow them to use approximately \$8,000 from this line to complete the purchase of this vehicle. **Commissioner Ricks made a motion to approve up to \$8,000 from the fuel line in the Sheriff's Budget to complete the purchase of a vehicle, Commissioner Hansen seconded and voting was unanimous.**

Treasurer Sherry Arnold asked for the following Tax Cancellations:

Name	Parcel No.	Year	Reason	Total
Nile & Joyce Lewis	RXBCA0256870	2006	Hardship	146.94
(Requesting cancellation of Interest and penalty)		2007	Hardship	148.12
		2008	Hardship	18.81

Commissioner Weber made a motion to approve the above listed tax cancellations, Commissioner Ricks seconded and voting was unanimous.

Name	Parcel No.	Year	Reason	Total
Kathy Davis	RP07N39E217809	2008	Denied	denied
Papa Kelsey's	PPP01566	2008	No longer in bus.	193.59
Agenda Clothing	PPP02315	2008	No longer in bus.	126.32
Wayne Thompson	MHMH04665	2008	No longer liveable	189.78

Commissioner Ricks made a motion to approve the above listed cancellation requests with the exception of Kathy Davis, Commissioner Weber seconded and voting was unanimous.

Assessor Brent Saurey and State Contract Appraiser Jeremy Dixon:

Assessor Brent Saurey requested the following tax cancellations:

Name	Parcel No.	Year	Reason	Total
R E Beck Construction	T2P00151	2008	Not in County	941.22
Tomer Construction Inc.	T2P00153	2008	Not in County	1,013.28
Chad Robison			Further research requested.	

Commissioner Ricks made a motion to approve the above listed cancellations with the exception of the Chad Robison request and asked that further research be done on this request, Commissioner Weber seconded and voting was unanimous.

Mr. Saurey reported that he is meeting his Ag appraisal percentages that will meet the State Tax Commission requirements. (A copy of his report is attached to the Minutes.)

A letter from Ron Crane, State Tax Commission Section Manager, was reviewed as it stated the following categories of property may be considered not equalized according to the 2008 ratio study: Improved Residential, Vacant Residential, and Vacant Commercial. Mr. Saurey stated that these values will be corrected to be within the 90% to 110% value that is required by the State Tax Commission.

Paul Sorensen, IT Administrator reported that he is purchasing a DPM Server which will allow the County to do back ups for storage off site. His department will also be replacing ten PC's at a cost of \$9,472 which was scheduled in the budget.

Mr. Sorensen also reported that he has purchased the modules to upgrade the phone system and it should be done within the next two weeks. The Commissioners asked him to give a report on the phone system during the elected officials and department head meeting scheduled for April 6, 2009.

Commissioner Weber asked if his department would work to upgrade the Web Site as he felt information needed to be current and useful to the public.

Steve Hobley, Weed & Mosquito Department Administrator:

Mr. Hobley reported that he had two contracts, one from Vector and one from Clark for mosquito control. After reviewing both proposals, he recommended that the Commissioners approve the contract from Clark for the Summer 2009.

Commissioner Ricks made a motion to authorize Steve Hobley to negotiate the Mosquito Control contract with Clark, Commissioner Hansen seconded and voting was unanimous.

Commissioner Hansen made a motion to adjourn at 5:45 p.m., Commissioner Ricks seconded.

Approved:

Robert Hansen, Chairman

Kimber Ricks

Jon O. Weber