

4/24/2009

**MADISON COUNTY COMMISSIONERS
MEETING AGENDA
April 27, 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: April 6, April 13 and April 20, 2009
IDT Weed Control Contract
Golf Board - Maintenance Fee
Report - Twin Bridges and area flooding
Emergency Resolution Declaration: Twin Bridges
And personal property flooding
Old Business:
Review Road Ordinance Information
Urban Renewal Distribution Error
- 9:30 a.m. **Planning and Zoning Business:**
Lela Gordon - Amend Plat Ordinance

Findings of Fact:
Bagley, Anderson & Luthy Zone Change
Wade Gordon Amended Plat
James Maguire Amended Plat
Stephen Parker Conditional Use Permit
Drew Eager Conditional Use Permit
- 10:00 a.m. **Kirk Mace** Re: Juvenile Probation Expense Request
- 10:30 a.m. **Steve Holey** Re: Bid presentation for Mosquito Bldg.
- 10:45 a.m. **Health and Welfare** - Executive Session (Idaho Code 67-2345-1(d), exempt records)
- 11:00 a.m. **On Site Visit to the Following**
Snow Grooming Shed
South Fork Elementary School
Twin Bridges
Landfill Site
Beaver Dick Park
- 3:00 p.m. **Public Hearing**
Idaho Ranch LLC Subdivision
Snow Mobile Easement Agreement
Road Plowing Agreement for:
Baseline road
Pony Creek Road
Unnamed Road South of Pony Creek
- 5:00p.m. 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
April 27, 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:

1000 East Bridge: Mayor Dalling has sent a letter confirming that the City of Sugar City is willing to offer any assistance it can to Madison County so that the bridge relocation and building project for the grant awarded to Madison County can go forward. The Commissioners will now meet with Todd Tuckett from Keller and Associates to work out of the details to proceed with the completion of the project.

Sheriff Roy Klingler and Under-Sheriff Ryan Kaufman discussed the strategy that the Commissioners would follow to alleviate the flooding situation at Twin Bridges. Gary Wilcox reported that the work would need to be done within the next two days in order to prevent more flooding issues in June. It will also be necessary to do more work on the river channels this summer to remedy this situation for next year.

After discussion, **Commissioner Hansen made a motion to approve Madison County Resolution Number 321, Disaster Declaration, regarding potential flooding and high water, caused by severe winter weather, creating an imminent threat to life and property. Commissioner Ricks seconded and voting was unanimous.**

Commissioner Ricks reported that Idaho Department of Transportation will be working on the road from Sage Junction to Beaver Dick Park and installing lights at the Rexburg exits this summer.

Commissioner Weber reported that the Golf Board requested a \$25,000 increase adjustment for their budget. The City of Rexburg had approved the adjustment and the County was now being asked to approve the Maintenance Fee adjustment increase. After discussion, **Commissioner Weber made a motion to authorize the \$25,000 increase budget adjustment for the golf Board, Commissioner Ricks seconded and voting was unanimous.**

**Planning and Zoning:
Ordinance Number 354:**

ORDINANCE NO. 354

AN ORDINANCE VACATING A PORTION OF THE THORNTON TOWN SITE ROADS DESCRIBED HEREIN BE VACATED; AND, ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

1. Section 5.2 of Ordinance 176, being the Zoning Ordinance of Madison County Idaho, is hereby amended to provide that the real property located at 4892 South 3300 West, and described as follows:

Parcel 1 (Road to Be Vacated)

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 14, more particularly described as follows:

Beginning at the Southwest Corner of Section 14, Township 5 North, Range 39 East. B.M.;
Thence N00°20'21"E along the West line of Section 14 for a distance of 132.00 feet;
Thence S89°45'32"E for a distance of 33.00 feet to the Southwest Corner of Block 7, of the Thornton Townsite;
Thence N00°20'21"E for a distance of 75.00 feet to the Northwest Corner of said Block 7, said point also being the True Point of Beginning;
Thence N00°20'21"E for a distance of 66.00 feet to the Southwest Corner of Block 6 of the Thornton Townsite;
Thence N89°45'32"E for a distance of 250.00 feet to the Southeast Corner of said Block;
Thence N00°20'21"E for a distance of 125.00 feet to the Northeast Corner of said Block 6;
Thence S89°45'32"E for a distance of 66.00 feet to the Northwest Corner of Lot 18 of Block 5 for the Thornton Townsite;
Thence S00°20'21"W for a distance of 125.00 feet to the Southwest Corner of Block 5;
Thence S89°45'32"E for a distance of 250.00 feet to the Southeast Corner of said Block 5;
Thence N00°20'21"E for a distance of 125.00 feet to the Northeast Corner of Lot 9 of said Block 5;
Thence S89°45'32"E for a distance of 61.00 feet to appoint on the East line of the Thornton Townsite;
Thence S00°20'21"W for a distance of 266.00 feet to the Southeast Corner of the Thornton Townsite;
Thence N89°45'32"W for a distance of 61.00 feet to the Southeast Corner of Block 8 of the Thornton Townsite
Thence N00°20'21"E for a distance of 75.00 feet to the Northeast Corner of said Block 8;
Thence N89°45'32"W for a distance of 250.00 feet to the Northwest Corner of said Block 8;
Thence S00°20'21"W for a distance of 75.00 feet to the Southwest Corner of said Block 8;
Thence N89°45'32"W for a distance of 66.00 feet to the Southeast Corner of Block 7 of the Thornton Townsite;
Thence N00°20'21"E for a distance of 75.00 feet to the Northeast Corner of said Block 7;
Thence N89°45'32"W for a distance of 250.00 feet to the True Point of Beginning.
Containing 1.53 acres. More or less.

Hereby is vacated.

2. This ordinance shall become effective upon its passage, approval and publication.

After review of Ordinance Number 354, Commissioner Ricks made a motion to approve, Commissioner Weber seconded and voting was unanimous.

Findings of Fact - Bagley, Anderson & Luthy Zone Change:

Commissioner Hansen entered the Findings of Fact from the Planning and Zoning Commission for the Terry Bagley, Norman Anderson and Tom Luthy Zone Change from Transitional Agriculture Two to Commercial (Retail) into record.

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Terry Bagley, Norman Anderson and Tom Luthy Zone Change from
Transitional Agriculture Two to Commercial (Retail)

The Madison County Planning and Zoning Commission held a public hearing on March 12, 2009 at 7:15 p.m. at the Commissioner's Room in the

Madison County Courthouse, Rexburg, Idaho to consider the Terry Bagley, Norman Anderson and Tom Luthy Zone requests to change the Madison County Zoning Map from Transitional Agriculture Two to Commercial (Retail) zoning. This property is located at 4700 S 3500 W and 2787 W 4700 S and it consists of 62 acres in the Lyman area of the County.

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, Tom Luthy, Anthony Merrill, Von Clark, Mike Phillips, Max Clements, Millie Andrus and Bradley Petersen. Those unable to attend were: Jolene Sutton, Garth Hillman and Barrett Wilcox. Madison County Planning and Zoning Administrator Brent G. McFadden, Counsel Troy Evans and Eastern Idaho Public Health Environmental Specialist Nathan Taylor and Coordinator Shauna J. Ringel 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. Mr. McFadden asked if any member had a conflict with the proceedings. Commission member Tom Luthy recused himself so he could testify in his own behalf. 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 Bagley, Anderson and Luthy zone change if they would like to be heard.

Terry Bagley and Tom Luthy gave their presentation. The three properties are surrounded by commercial zoning, especially when the proposed interchange comes in just north of this property. Mr. Luthy's commercial business was grandfathered in, but he wants to be in compliance.

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

Georgia Hansen, 3365 W. 5200 S., Rexburg opposed any commercial zoning in and around agriculture zoning. She did not want to lose her country life style and have the night sky lighted at night.

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 Terry Bagley, Norman Anderson and Tom Luthy Zone Change from Transitional Agriculture Two to Commercial (Retail.)

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 March 12, 2009 to take the testimony on the requested Bagley, Anderson and Luthy zone change. 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, February 19, 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 February 26, 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 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.
- 6) The existing land use of Transitional Agriculture Two was requested to be changed to Commercial (Retail).
- 7) Others in attendance were given the opportunity to express approval or disapproval. There were none in favor or neutral. Those wishing to speak in opposition were given the opportunity to do so.
- 8) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - All the surrounding land was already commercial
 - The proposed interchange at 4700 South will be just north of these properties

- The proposed 5000 South county road will bisect the Terry Bagley property

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 zone change 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 zone change 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 zone change, in accordance with the requirements of Idaho Code §§ 67-6536.
4. A proposed zone change is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.
5. Approval of the proposed zone change 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 Zone Change for Terry Bagley, Norman Anderson and Tom Luthy.

Commission member Bradley Petersen made the motion to recommend to the Madison County Commissioners approval of the Terry Bagley, Norman Anderson and Tom Luthy from Transitional Agriculture Two to Commercial (Retail). Vice Chairman Ed Williams seconded the motion. Voting was unanimous.

After review of the Findings of Fact submitted by the Planning and Zoning Commission, Commissioner Ricks made a motion to approve the request, Commissioner Hansen seconded and voting was unanimous.

Findings of Fact - Wade Gordon Amended Plat:

Commissioner Hansen entered the Findings of Fact from the Planning and Zoning Commission for the Wade Gordon Amended Plat request:

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Wade Gordon Amendment of Plat for the Northland Subdivision

The Madison County Planning and Zoning Commission held a public hearing on April 9, 2009 at 8:35 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Wade Gordon request for an amendment of the Northland Subdivision located at 1513 Red Cedar Road on 5.24 acres.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing.

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

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans, Kimberly Eger from Eastern Idaho Public Health Department also attended representing Madison County.

No media were in attendance at the meeting.

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.

Chairman Peterson reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. He asked if anyone had a conflict of interest. None was stated. He then asked all those who wanted to speak in favor of the proposed amendment of plat if they would like to be heard.

Presentation:

Wade Gordon, 1513 Red Cedar Road, owns with 2 deeds for 5.24 acres and he wants to sell off 2 acres to a former neighbor. By doing so it would make the cul-de-sac look complete.

The Chairman asked for those in favor to come forward and speak.

Rick Clements, 1676 Clements Lane, Rexburg is a neighbor and he was in favor of the amendment.

Scott Dixon, 1512 Red Cedar Road, Rexburg also is a neighbor who was in favor of this request.

The Chairman asked those neutral or opposed to come forward and speak.

Two letters in opposition were read into the record:

Ned and Alverta Greenwood, 3159 Bannock Drive, Provo, Utah
J. David and Kimberly J. Fitzpatrick.

(Letters are attached to this record)

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendations they would make would be tentative, pending final approval from the Board of County Commissioners. The Commission then deliberated the Wade Gordon amendment of plat for the Northland Subdivision.

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

- 10) Public hearings were held April 9, 2009 to take the testimony on a requested amendment of plat. This proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 11) Notice was published in the legal County newspaper, the Standard Journal, March 25, 2009 as required. The published notice included an appropriate and accurate summary of the issues to be heard. Copies of the notices were made available as requested and were provided to political subdivisions within the planning jurisdiction at least 15 days prior to the hearings. Copies of the notice were sent to all residents within the 300 feet, as required, on March 26, 2009.
- 12) 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.
- 13) The Public hearing was scheduled at 8:35 p.m. all as set out in the published notices, as described above.
- 14) The 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 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. Public testimony was closed after all present had been given an opportunity to

- submit oral or written testimony. Reasonable time limit was not imposed on oral testimony.
- 15) Others in attendance were given the opportunity to express approval or disapproval.
 - 7) Approval of the proposed Amendment of the Northland Subdivision Amendment to the Plat change is in the best interests of the people of Madison County.

CONCLUSIONS OF LAW

1. Notices of the Public Hearing held to consider approval of the Amendment of Plat was published and provided as is required by Idaho Code §§67-6509 and 67-6511.

2. The Public Hearing was held to consider approval of the proposed Amendment of Plat and 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 Amendment of Plat, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Amendment of Plat is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.

5. Approval of the proposed Amendment of Plat change 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 Wade Gordon Amendment of Plat for of the Northland Subdivision.

Commission member Bradley Petersen made the motion to recommend to the Madison County Commissioners approval of the Wade Gordon Amendment of Plat for the Northland View Subdivision. Commission member Garth Hillman seconded. Voting for the motion were: Vice Chairman Ed Williams, Jolene Sutton, Tom Luthy, Anthony Merrill, Garth Hillman and Bradley Petersen. Those against the motion: Millie Andrus and Mike Phillips. They objected after hearing the letters against saying those people in the subdivision bought the property wanting larger lot sizes. Mr. Gordon bought his property knowing the lot size was larger.

After reviewing the Finding of Fact submitted by the Planning and Zoning Commission, Commissioner Weber made a motion to approve Wade

Gordon Amended Plat request, Commissioner Ricks seconded and voting was unanimous.

Findings of Fact - James Maguire Amended Plat for the Butte View Subdivision:

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Jim Maguire Amendment of Plat for the Butte View Subdivision

The Madison County Planning and Zoning Commission held a public hearing on April 9, 2009 at 7:55 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Jim Maguire request for an amendment of the Butte View Subdivision located at 3580 S. 5500 W. on 14 acres.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing.

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

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans, Kimberly Eger from Eastern Idaho Public Health Department also attended representing Madison County.

No media were in attendance at the meeting.

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.

Chairman Peterson reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. The Chairman asked if anyone had a conflict of interest. None was stated. He then asked all those who wanted to speak in favor of the proposed amendment of plat if they would like to be heard.

Presentation:

James Maguire, 3015 S. 2815 W., Rexburg said he did not know, until he started this process, that when he bought the land that he was in a subdivision. With his large acreage of 14 acres, he would like to

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

No written comments were submitted for the record.

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendations they would make would be tentative, pending final approval from the Board of County Commissioners.

CONCLUSIONS OF LAW

1. Notices of the Public Hearing held to consider approval of the Amendment of Plat was published and provided as is required by Idaho Code §§67-6509 and 67-6511.

2. The Public Hearing was held to consider approval of the proposed Amendment of Plat and 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 Amendment of Plat, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Amendment of Plat is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.

5. Approval of the proposed Amendment of Plat change 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 request.

Commission member Tom Luthy made the motion to recommend to the Madison County Commissioners approval of the James Maguire Amendment of Plat for the Butte View Subdivision. Commission member Jolene Sutton seconded. Voting was unanimous.

After review of the Findings of Fact submitted by the Planning and Zoning Commission, Commissioner Ricks made a motion to approve the James Maguire Amended Plat for the Butte View Subdivision, Commissioner Hansen seconded and voting was unanimous.

Findings of Fact: Stephen Parker Conditional Use Permit

Commissioner Hansen entered into record the Findings of Fact submitted by the Planning and Zoning Commission for the Stephen Parker Conditional Use Permit request:

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Jim Maguire Amendment of Plat for the Butte View Subdivision

The Madison County Planning and Zoning Commission held a public hearing on April 9, 2009 at 7:55 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Jim Maguire request for an amendment of the Butte View Subdivision located at 3580 S. 5500 W. on 14 acres.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing.

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

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans, Kimberly Eger from Eastern Idaho Public Health Department also attended representing Madison County.

No media were in attendance at the meeting.

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.

Chairman Peterson reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. The Chairman asked if anyone had a conflict of interest. None was stated. He then asked all those who wanted to speak in favor of the proposed amendment of plat if they would like to be heard.

Presentation:

James Maguire, 3015 S. 2815 W., Rexburg said he did not know, until he started this process, that when he bought the land that he was in a subdivision. With his large acreage of 14 acres, he would like to

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

No written comments were submitted for the record.

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any

recommendations they would make would be tentative, pending final approval from the Board of County Commissioners.

CONCLUSIONS OF LAW

1. Notices of the Public Hearing held to consider approval of the Amendment of Plat was published and provided as is required by Idaho Code §§67-6509 and 67-6511.

2. The Public Hearing was held to consider approval of the proposed Amendment of Plat and 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 Amendment of Plat, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Amendment of Plat is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.

5. Approval of the proposed Amendment of Plat change 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 request.

Commission member Garth Hillman made the motion to recommend to the Madison County Commissioners approval of the Conditional Use Permit with the condition that the Planning and Zoning Administrator review this application yearly. Commission member Mike Phillips seconded. Voting was unanimous.

After review of the Findings submitted by the Planning and Zoning Commission, Commissioner Ricks made a motion to approve the Conditional Use Permit for Stephen Parker, Commissioner Weber seconded and voting was unanimous.

Findings of Fact for Drew Eager's request for a Pre-School Conditional Use Permit:

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Drew and Kim Eagar Conditional Use Permit

The Madison County Planning and Zoning Commission held a public hearing on April 9, 2009 at 7:35 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Drew and Kim Eagar request for a Conditional Use Permit to have a pre-school in their garage in a Transitional Agriculture Two zone. This building would be located at approximately 2768 W. 1000 N. on 2 acres in the Hibbard area.

The entire meeting was recorded to allow for preparation of a transcribable verbatim record of the hearing.

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

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans, Kimberly Eger from Eastern Idaho Public Health Department also attended representing Madison County.

No media were in attendance at the meeting.

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.

Chairman Peterson reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing. He asked if anyone had a conflict of interest. None was stated. He then asked all those who wanted to speak in favor of the proposed Conditional Use Permit if they would like to be heard.

Presentation:

Drew Eagar, 2768 W. 1000 N., Rexburg requested permission to remodel their 1500 square foot garage into a pre-school for 3-4 year olds to have a county style setting where they can interact with farm animals.

The Chairman asked for those in favor to come forward and speak.

Rik Wadholm, 2760 W. 1000 N. owns the home next to the Eagar's and maintains the private lane that would be used by patrons of the pre-school. He was concerned about the increased traffic and requested a slower flow of traffic because of all the little children in their neighborhood.

The Chairman asked for those neutral or opposed to come forward and speak. No one came forward to speak.

No written comments were submitted for the record.

Thereafter, there being no further comments, the public hearing was closed. The Planning and Zoning Commission noted that any recommendations they would make would be tentative, pending final approval from the Board of County Commissioners. The Commission then deliberated the Eagar Conditional Use Permit requesting permission to put a pre-school in their garage.

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) Public hearings were held April 9, 2009 to take the testimony on a requested Conditional Use Permit. This proposed amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 2) Notice was published in the legal County newspaper, the Standard Journal, March 25, 2009 as required. The published notice included an appropriate and accurate summary of the issues to be heard. Copies of the notices were made available as requested and were provided to political subdivisions within the planning jurisdiction at least 15 days prior to the hearings. Copies of the notice were sent to all residents within the 300 feet, as required, on March 26, 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 7:35 p.m. all as set out in the published notices, as described above.
- 5) The 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 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. Public testimony was closed after all present had been given an opportunity to submit oral or written testimony. Reasonable time limit was not imposed on oral testimony.
- 6) Others in attendance were given the opportunity to express a approval or disapproval.
- 7) Chairman Peterson read the Conditional Use Permit Standards for consideration as to whether this application should be approved or denied.

- 8) The following points were factors in the recommendations by the Planning and Zoning Commission for the approval of the County Commissioners.
- The septic system would have to be large enough to handle the effluent from both the residence and the loft above the garage. They must submit a letter of approval from Eastern Idaho Public Health
 - Must have a letter of approval from the Rexburg-Madison Emergency Services stating the lane would be sufficient for any emergency vehicles that may need to use it. Also a turn-around near the Eagar home will have to be large enough for large emergency vehicles
 - Speed limit of 15 miles per hour must be posted
 - Must obtain and keep current all the licenses required by the State of Idaho
 - Parking improvements must be completed as shown on conceptual drawing with the application.
 - Must share road maintenance that would be proportional to the traffic generated by the pre-school
 - Must be reviewed yearly by the Planning and Zoning Administrator
- 9) Approval of the proposed Conditional Use Permit change is in the best interests of the people of Madison County.

CONCLUSIONS OF LAW

1. Notices of the Public Hearing held to consider approval of the Conditional Use Permit was published and provided as is required by Idaho Code §§67-6509 and 67-6511.

2. The Public Hearing was held to consider approval of the proposed Conditional Use Permit and 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 Conditional Use Permit, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Conditional Use Permit is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.

5. Approval of the proposed Conditional Use Permit change 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 Conditional Use Permit by Drew and Kim Eagar to operate a pre-school out of their garage in a Transitional Agriculture Two zone.

Commission member Barrett Wilcox made the motion to recommend to the Madison County Commissioners approval of the Conditional Use Permit with the conditions listed above. Commission member Bradley Petersen. Voting was unanimous.

After review of the Findings of Fact submitted by the Planning and Zoning Commission for the Conditional Use Permit for a Pre-School for Drew Eager, Commissioner Ricks made a motion to approve, Commissioner Hansen seconded and voting was unanimous.

Kirk Mace, Juvenile Probation Director, requested that special counseling be provided to a juvenile who has completed probation, but still need further counseling. After review of the legality of this request, the Commissioners stated that they could not approve this request because they have no jurisdiction.

Chamber of Commerce: Jamie Birch, President; Darrell Olsen, Past President; and Donna Benfield, Chamber Director:

Donna Benfield reported that the Chamber of Commerce will be moving to the location previously occupied by First American Title Company, June 1, 2009. As they will be doing renovation during the next three weeks, they asked if a dumpster directly behind the building on the County property could be allowed and the Commissioners gave their approval. They would also like to work with the County to use the parking lot behind the building. The Commissioners will work with Dusty Cureton, County Road Supervisor to get a bid for paving the area and with Sheriff Klingler to explore changes to the compound area. They were asked to meet with the Commissioners for further discussion on this issue at their next meeting.

Mosquito Building Bid and Building Location: Dusty Cureton, Road Supervisor; Steve Hobley, Weed and Mosquito Supervisor and Johnny Watson, JRW and Associates:

Mr. Watson reviewed the Mosquito Building Bid given by Harold Harris. His papers were in order and they are working with the City of Rexburg for a Conditional Use Permit for the building location. Mr. Hobley is working with the City of Rexburg for the sewer system hookup location and with Dusty Cureton for the final location of the building.

After review of the information presented by Mr. Watson, Mr. Cureton and Mr. Hobley regarding the Mosquito Building Bid and Building Location, Commissioner Ricks made a motion to approve Harold Harris as the contractor, Commissioner Weber seconded and voting was unanimous.

Agreement for Noxious Weed Control with the Idaho Transportation Department: After review of the agreement with legal council, Commissioner Hansen made a motion to approve the Noxious Weed Control Agreement with the Idaho Transportation Department that will remain in effect from April 20, 2009 to December 31, 2009, Commissioner Weber seconded and voting was unanimous.

Welfare and Indigent: Commissioner Robert Hansen made a motion to go into Executive Session at 11:10 a.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 11:18 p.m. Commissioner Weber made a motion to approve Case Number 2009008, deny Case Number 2009026, sign appeals for Case Numbers 2009016 and 2009021, sign liens for Case Numbers 2009029, 2009028 and 2009027, do further research on Case Numbers 2009015 and 2009013, Commissioner Ricks seconded and voting was unanimous. Commissioner Hansen recessed at 11:25 a.m.

Commissioner Hansen reconvened Commissioner Meeting at 3:00 p.m. Commissioner Hansen Opened the Public Hearing for Idaho Ranch LLC Subdivision at 3:09 for Snow Mobile Easement and Plowing Agreements for Baseline Road, Pony Creek Road and Unnamed Road South of Pony Creek.

Present: Attorney Karl Decker, Harley Wilcox and Marty Kribs

Conflict of Interest: Commissioner Hansen - No, Commissioner Ricks - No, Commissioner Weber - No

Publication Notices: Brent McFadden, Planning and Zoning Administrator reported that all publications has been noted properly and all parties involved had been notified.

Copy of Public Hearing: Available on digital recording and listed as Exhibit A.

Decision: Commissioner Ricks made a motion to approve the Snow Mobile Easement Agreement and the Road Plowing and Improvement Agreement for the Idaho Ranch LLC Subdivision, Commissioner Weber seconded and voting was unanimous.

Census 2010 - Zerelda Quintana, Partnership Specialist, reported that they are working with Dwayne Adamson and Craig Rindlisbacher from Rexburg to coordinate the Census program which will begin April 1, 2010. She requested that the County issue a Census Proclamation which would make the importance of the 2010 Census visible to the community.

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$240,279.51, for April 27, 2009, Commissioner Ricks made a motion to approve with noted adjustments, Commissioner Weber seconded and motion passed.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
Jacob R. Hill	Reserve Det.	\$10.00	Detention Officer	\$14.38

Commissioner Weber made a motion to approve the above Personnel Action, Commissioner Hansen seconded and voting was unanimous.

Summer County Picnic: The County Picnic was scheduled for June 18, 2009, at Beaver Dick Park.

Twin Bridges Area Flooding: The Commissioners are working with representatives from BLM, Army Corps of Engineers, Water Resources and Homeland Security to coordinate efforts for flooding issues.
This meeting will recess until 8:30 a.m., April 28, 2009.
Madison County Commissioners Meeting recessed at 5:40 p.m.

**MADISON COUNTY
COMMISSIONERS MEETING MINUTES
April 28, 2009 8:30 a.m.
COMMISSIONERS ROOM**

Present: Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Commissioner Jon O. Weber, Attorney Troy Evans,

Also Present:

Gerald Williams and Bill Moss, Williams Engineering; Sheriff Roy Klingler, Under Sheriff Ryan Kaufman, Jerome Bowen and Gary Wilcox

Commissioner Hansen opened the Emergency Meeting at 8:40 a.m. in the Madison County Commissioners Room. The reason for the emergency meeting was stated at the outset as being for the high water flooding in the southern parts of the County and preventing the potential damage to bridge, property and persons.

The discussion at this meeting was about the permitting process from the Army Corps of Engineers, Idaho Department of Water Resources and Bureau of Land Management. The following items were discussed: (1) Costs and timeframe involved for the work to be accomplished. (2) What could be done to relieve the pressure on Twin Bridges. (3) Reimbursement from agencies for work. (4) Access to the river. (5) What needs to be done now and reclamation in the Fall 2009.

Commissioner Hansen made a motion to move forward with Williams Engineering to fill out the required permitting for Jerome Bowen and Gary Wilcox to do the work on the river. A dollar limit was set at \$10,000 total for the entire project (not to exceed \$3,500 costs to Williams engineering, leaving the rest for excavating). This is for channel repair only. If costs will exceed this amount, prior approval by the Madison County Commissioners will be needed first. Commissioner Hansen is authorized to sign for the Commissioners for these projects. Work around the bridge will begin on the north side of the bridge, then move to the south. A dollar limit is set at \$25,000 total for all the work to be completed around the bridge. If costs will exceed this amount, prior approval by the Madison County Commissioners will be needed first. Commissioner Ricks seconded the motion and voting was unanimous by the Commissioners.

Commissioner Weber made a motion to adjourn the Emergency Meeting at 10:54 a.m., Commissioner Hansen seconded.

Approved:

Robert Hansen, Chairman

Kimber Ricks

Jon O. Weber