

5/15/2009 - Final

**MADISON COUNTY COMMISSIONERS
MEETING AGENDA**

May 18, 2009 8:00 a.m.

COMMISSIONERS ROOM

Madison County Commissioners

Kimber Ricks

Robert Hansen, Chairman

Jon O. Weber

8:00 a.m. County Business:

New Business:

Commissioner Assignment Reports & Correspondence

Commissioner Board and Committee Reports

Claims

Minutes: April 27, 2009, April 28, 2009, May 5, 2009 & May 11, 2009

Relay for Life participation

Old Business:

- 9:30 a.m. Madison Soil & Water Conservation Board Re: Weed MOU
- 10:00 a.m. Dana Izaat Re: 2008 Audit Report
- 10:30 a.m. Glen Pond Re: Road Ordinances
- 11:30 a.m. Todd Tuckett, Keller & Associates Re: 1000 East Bridge
- 12:00 Noon LUNCH BREAK
- 2:00 p.m. Treasurer Sherry Arnold Re: Tax Deed Sale
- 2:30 p.m. Misty Berger, Parks & Recreation Re: Apex Alarm Yearly Plan
- 2:45 p.m. **Planning and Zoning**
Findings of Fact for the following:
Wind Turbine Ordinance
- 3:00 p.m. Treasurer Sherry Arnold Re: Hardship Case
- 3:15 p.m. **Health and Welfare - Executive Session (Idaho Code 67-2345-1(d),
exempt records)**
Planning and Zoning Public Hearing
- 5:00 p.m. **Old Teton Reserve Subdivision Appeal**

Adjourn: At close of the Public Hearing

**NOTICE: Meeting is Open to the Public Except For Executive Sessions.
ANY PERSON NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN
THE ABOVE NOTICED MEETING SHOULD CONTACT THE
MADISON COUNTY CLERKS 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.**

5/15/2009

**MADISON COUNTY COMMISSIONERS
WORK MEETING AGENDA**

May 19, 2009 8:00 a.m.

COMMISSIONERS ROOM

Madison County Commissioners

Kimber Ricks

Robert Hansen, Chairman

Jon O. Weber

County Business:

8:00 a.m. - 10:00 a.m.

Road Department Ordinances

10:00 a.m. - 10:20 a.m.

**Todd Tuckett, Keller & Associates
Re: East Parkway Corridor**

10:20 a.m. - 11:00 a.m.

Review Co-op Property

- **Paving**
- **Sheriff Compound Area**
- **Chamber of Commerce Parking**
- **Urban Renewal Offer for Property**

11:00 a.m.

**Paul Sorensen - IT Department
Personnel Support
Cell Phone Contract**

11:30 a.m.

Adjourn

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**MADISON COUNTY
COMMISSIONERS MEETING MINUTES
May 19, 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

Dusty Cureton, Road Department and Les Fadness, Enforcement Officer:

The Right-of-Way Ordinance was reviewed for recommended changes. After discussion and changes, Attorney Troy Evans was asked to rewrite the five ordinances into one comprehensive ordinance as it was felt this would be easier for the public to understand. A revised version will be reviewed at the next Commissioner Meeting.

Personnel Actions:

<u>Name</u>	<u>Current Status</u>	<u>Salary</u>	<u>Proposed Status</u>	<u>Reason</u>
Road & Bridge				
Trent Wood	Laborer/Operator	\$15.00	\$17.25	Promotion

Commissioner Ricks made a motion to approve the above listed personnel action for Trent Wood as recommended by Dusty Cureton, Commissioner Weber seconded and voting was unanimous.

Todd Tuckett, Keller and Associates reported that they had received the contracts from the LTHAC for the East Parkway Study. He did not know if the County had an agreement with the City of Rexburg and Sugar City to participate financially in this project study. The study is for \$193,000 with a local match of \$14,200. He would like to know if the local match is going to be split and if so how much will each entity be responsible for financially. This will be an important study as it will identify a belt route that will alleviate traffic issues on second east. There will be scheduled meeting times for public input during the next six months and Keller & Associates will conduct studies regarding how it will affect irrigation, property owners and the environment. The report will be used for requesting future funding. After discussion, Mayor Larsen stated that he would ask the City Council to pay for half of the match due to the benefit that this study would be to the City of Rexburg.

Co-op Property:

Also Present:

Dusty Cureton	Terry Butikofer	Marilyn Fife
Todd Tuckett	Rich Ballou	Mayor Larsen
Daryl Olsen	Bill Moss	
Judy Coy	Rex Erickson	
Richard Horner	Rich Woodland	
Craig Rindlisbacher	Glen Pond	

The Commissioners reviewed the offer from the Urban Renewal Agency for the Co-op Property. It was pointed out that the Sheriff would need to maintain a building for his equipment located in an area that could be monitored. Sheriff

Klingler also suggested that one option for relocation of the impound area would be in the parking area behind the administration building.

Mayor Larsen reported that the City of Rexburg would offer engineering services to pave the parking area by the Sheriff's Office and Courthouse. The City of Rexburg would also like to work with the County to apply for a Community Block Grant to revitalize this area.

Commissioner Weber stated that this is an important project and that Tom Hudson had envisioned a concept that this property could be turned into an inviting area to downtown Rexburg.

Mitch Neibaur presented a proposal for a three level parking structure.

The Commissioners will make a decision at their next meeting, May 26, 2009.

Mayor Larsen invited the Commissioners to meet with the Dept. of Commerce to present their project request for grant assistance at their June 16, 2009 meeting.

Paul Sorensen, IT Administrator presented a proposal for compensation for handling the County phone system for the last three years. After his presentation, the Commissioners stated that they would like to study his request and would meet with him on May 26, 2009 to give him a decision.

Commissioner Hansen made a motion to adjourn at 1:00 p.m., Commissioner Ricks seconded and voting was unanimous.

Approved:

Robert Hansen

Kimber Ricks

Jon O. Weber

**MADISON COUNTY
 COMMISSIONERS MEETING MINUTES
 May 18, 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

County Business:

The Commissioners discussed hiring Dorothy Bowen to write grants for the County after she retires from The Development Company in December.
 Mosquito Building Permit: Commissioner Hansen signed the City of Rexburg building permit request for a Conditional Use Permit for the Mosquito and Weed Building.

Minutes: Commissioner Weber made a motion to approve the Minutes for April 23, 2009, Commissioner Ricks seconded and voting was unanimous.

Commissioner Weber made a motion to approve the Minutes for April 27, 2009 as corrected, Commissioner Ricks seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the Minutes for April 28, 2009, Commissioner Ricks seconded and voting was unanimous.

Commissioner Weber made a motion to approve the Minutes for May 5, 2009 with changes, Commissioner Ricks seconded and voting was unanimous.

Commissioner Ricks made a motion to approve the Minutes for May 11, 2009 as corrected, Commissioner Hansen seconded and voting was unanimous.

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$45,105.11, for May 18, 2009, Commissioner Ricks made a motion to approve, Commissioner Weber seconded and motion passed.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
Planning and Zoning Department				
Ralph Robison		\$18.50/hr PT	Building Inspector	New Hire
Commissioner Ricks made a motion to approve Ralph Robison as the Building Inspector, Commissioner Hansen seconded and motion passed. Commissioner Weber voted No.				
Transfer Station				
Daniel J. Demott		\$10.35/hr PT	Equip. Operator	New Hire
Mosquito & Weed Department				
Brett Burnside		\$9.00/hr PT	Equip. Operator	New Hire
Tony Pozenel		\$8.00/hr PT	Equip. Operator	New Hire
Spencer Tibbitts		\$8.00/hr PT	Equip. Operator	New Hire
Sheriff's Office				
Kevin W. Bennett	\$6/55/hr PT	\$10.00/hr PT	Detention Officer	New Hire
Jacob R. Hill	\$10.00/hr PT	\$14.38/hr FT	Detention Officer	New Hire

Jonathan C. Jensen	\$6.55/hr PT	\$10.00/hr PT	Detention Officer	New Hire
Matthew James Kent	\$6.55/hr PT	\$10.00/hr PT	Detention Officer	New Hire
Emerson S. Parsons	\$6.55/hr PT	\$10.00/hr PT	Detention Officer	New Hire

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

Madison Soil and Water Conservation District: (Greg Blaser, Robbie Taylor, Brent McFadden and Steve Hobley)

Greg Blaser presented the following Proclamation for the War on Weeds:

PROCLAMATION

WHEREAS, the State of Idaho is recognized a leader in it's efforts to combat 57 unwanted noxious weeds that are not native to the state and that by their invasive nature pose a genuine danger to the economic, environmental and social well being of the state; and

WHEREAS, Idaho farmers, ranchers, government, private sector entities, state agencies and conservation groups unanimously support implementation of all aspects of integrated weed management; and

WHEREAS, the State of Idaho established Cooperative Weed Management Areas (CWMAs) to assist landowners and land managers of a given area come together to work cooperatively to control weeds; and

WHEREAS, Madison County is an active partner in the Upper Snake River CWMA and seeks to stop the spread of all invasive noxious weeds;

NOW, THEREFORE, We, the Madison County Commissioners, do hereby proclaim to officially kick off the MADISON COUNTY "WAR ON WEEDS". We strongly encourage all citizens to help develop and participate in invasive weed eradication and management programs, and to assist in preventing the spread of invasive weeds thereby reducing the threat to the economic, social and environmental well being of Madison County.

Commissioner Hansen made a motion to approve the Proclamation for the War on Weeds in support of weed control as outlined by the Madison Soil and Water Conservation District, Commissioner Weber seconded and voting was unanimous.

Present: Dawn Holman, Sue Bagley and Treasurer Sherry Arnold

Dana Izatt, Outside Auditor presented the 2008 Audit Report. At the present time there is a discrepancy of \$22,000 between the Clerk and the Treasurer's receipt records. They are working to resolve this issue and the adjustment will be made by the end of June 2009. (2008 Audit Report is on file in the Clerk's Office)

Glen Pond, Rocky Mountain Power expressed concern regarding the new right-of-way ordinances. One concern was getting permits from the Road Department

when new power poles were installed. The Commissioners are going to have a work meeting with Dusty Cureton and Les Fadness to review a new draft of the ordinance as recommendations from the public are now being reviewed to determine if they should be incorporated into the ordinance prior to the public hearing.

Todd Tuckett, Keller and Associates, was informed by the Commissioners that an agreement had been made with Sugar City and they would now like Keller and Associates to proceed with the 1000 East Bridge project.

Treasurer Sherry Arnold - Tax Deeded Property: Parcel Number RP06N39E150641 - Property Address 1886 North 3519 West was auctioned by Gale Harding for Tax Deeded Property. The Buyer was Shane Despain for the amount of \$239.

Cancellation of Taxes:

Name	Parcel No.	Reason	Amount
Lynn P. Shirley	RP06N40E076031	Homeowner's Exemption deleted For 2004, 2005, 2006, 2007 & 2008 Hardship for 2006	\$2,498.34 \$ 267.92

Commissioner Hansen made a motion to approve the above listed Cancellation of Taxes, as recommended by Treasurer Sherry Arnold, Commissioner Weber seconded and voting was unanimous.

Misty Berger, Parks and Recreation, reported that Apex Alarm has a yearly plan. They have discussed scaling down the party and perhaps holding the event at the Fairgrounds and not Beaver Dick park. They are fixing the sprinklers that were broken and will get back with the County with a final plan for their event in September.

Planning and Zoning:

Commissioner Hansen entered the Findings of Fact from the Planning and Zoning Commission for the Wind Turbine Ordinance into record.

**FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION**

RE: Wind Turbine Ordinance

The Madison County Planning and Zoning Commission held a public hearing on May 14, 2009 at 7:45 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the proposed Wind Turbine Ordinance.

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 ("Commission") were present at the public hearing:

Chairman Dean Peterson, Vice Chairman Ed Williams, Jolene Sutton, Von Clark, Anthony Merrill, Garth Hillman, Millie Andrus, Barrett Wilcox and Tom

Luthy. Those unable to attend: Mike Phillips, Bradley Petersen, Max Clements and Counsel Troy Evans. Madison County Planning and Zoning Administrator Brent G. McFadden and Coordinator Shauna J. Ringel also attended.

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 meetings. 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 there were any conflicts of interest. None were stated.

Brent McFadden gave the presentation on behalf of Madison County Planning and Zoning Department, the Wind Turbine Ordinance. Mr. McFadden was asked questions by the Commission. A summary of this discussion at the hearing is attached hereto and incorporated herein.

After hearing the presentation by Madison County officials, and from the applicant(s) on behalf of the Wind Turbine Ordinance, 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 for those in favor, in neutral, or opposed to the proposal to come forward and be heard.

Those in favor were: None
Those in neutral were: None
Those opposed were: None
Correspondence: None

A summary of this discussion at the hearing is attached hereto and incorporated herein.

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 Wind Turbine Ordinance. A summary of this discussion at the hearing is attached hereto and incorporated herein.

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 May 14, 2009 to take the testimony on a proposed Ordinance. This proposed ordinance is consistent with the goals and objectives of the Comprehensive Plan.
Notice was published in the legal County newspaper, the Standard Journal on April 29th and May 6, 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.
- 2) 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.
- 3) The Public hearing was scheduled at 7:45 p.m. all as set out in the published notices, as described above.
- 4) The meeting agenda was available prior to the meeting, and the public hearing followed the order of events listed on the agenda. The Madison County Planning and Zoning Administrator gave an explanation of the subject of the public hearing. An opportunity was provided for the applicant(s) and 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 imposed on oral testimony.
- 5) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - This would be of great benefit to the citizens of Madison County by giving them a cheap and effective source of renewable energy.
- 6) Approval of the proposed Ordinance is in the best interests of the people of Madison County.

CONCLUSIONS AND RECOMMENDATIONS

1. Notices of the Public Hearing held to consider approval of the proposed Ordinance 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 Ordinance and was conducted in accordance with the requirements of Idaho Code §§ 67-6509 and 6511 as well as Madison County Zoning Ordinance No. 176.

3. A transcribable verbatim record was made and kept of the Public Hearing held to consider approval of the Ordinance, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Ordinance is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seq.*

5. Approval of the proposed Ordinance 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, Conclusions and Recommendations, the planning and zoning procedures conducted throughout the county, 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 Wind Turbine Ordinance.

Commission member Millie Andrus made the motion to approve the Madison County Wind Turbine Ordinance. Commission member Barrett Wilcox seconded the motion. The vote was unanimous in favor of the motion.

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

Welfare and Indigent: Commissioner Robert Hansen made a motion to go into Executive Session at 3:15 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 3:20 p.m. **After review of Case Number 2009023, Commissioner Ricks made a motion to deny, Commissioner Weber seconded and voting was unanimous.**

Planning and Zoning Public Hearing:

Old Teton Reserve Appeal (Exhibit A)

Decision: Commissioner Hansen made a motion to approve the appeal for the Old Teton Reserve Subdivision, Commissioner Weber seconded and motion passed. Commissioner Ricks voted No.

Commissioner Ricks made a motion to adjourn at 6:45 p.m. Commissioner Hansen seconded.

Approved:

Robert Hansen

Kimber Ricks

Jon O. Weber