

7/23/2009

**MADISON COUNTY COMMISSIONERS
MEETING AGENDA**

July 27, 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
Claims
Minutes: July 13, 2009
Certificate of Residence for Tara Muir
Letter from City regarding Urban Renewal Funds
Co-op Property Bid
Set Calendar Dates for Month of August
William Schofield Re: Salary Survey Study
Old Business:
- 10:00 a.m. Planning and Zoning:**
Stephen Parker Conditional Use Permit Findings of Fact
Jordyn Bybee Conditional Use Permit Findings of Fact
- 10:30 a.m. Health and Welfare - Executive Session (Idaho Code 67-2345-1(d),
exempt records)**
- 10:45 a.m. Treasurer Sherry Arnold - Quarterly Financial Report and Hardship Consideration**
- 11:00 a.m. Arvelle Case Re: Beaver Dick Park Plaque**
- 11:15 p.m. Adam Hardy Re: Eagle Project**
- 11:30 a.m. Vickie Grover Re: Madison County Fair Parade**
- 11:45 a.m. Assessor Brent Saurey Re: Tax Cancellation Consideration Personnel Issue
Contract for Debit/Credit Card Machine**
- 12:00 Noon - 2:00 p.m.**
Convene - BOARD OF EQUALIZATION
Re: Decision for Agricultural Land Values & Final BOE Approvals

Adjourn at the conclusion of Board of Equalization

**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.**

**MADISON COUNTY
COMMISSIONERS MEETING MINUTES
July 27, 2009 8:30 a.m.
COMMISSIONERS ROOM**

Present: Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Attorney Troy Evans, and Clerk Marilyn R. Rasmussen
(Commissioner Jon O. Weber was excused due to personal business)

County Business:

The City of Rexburg presented the County with an offer regarding funds in an Urban Renewal District that were distributed to the City that should have gone to the County. The error in distribution of funds was caused by a glitch in the State computer software. (A copy of the letter is attached.) Attorney Troy Evans was asked to conduct research regarding the Statute of Limitations regarding these funds.

Certificate of Residency: Commissioner Ricks made a motion to approve a Certificate of Residency for Tara Muir to the College of Southern Idaho, Commissioner Hansen seconded and motion passed.

Co-op Property: Morgan Construction withdrew their offer for the Co-op property. Commissioner Hansen made a motion to again offer the Madison County Co-op property for sale and to publish the proper public notices, Commissioner Ricks seconded and motion passed.

Bill Scholfield presented information regarding conducting a salary survey for the County and discussed information that he had gathered from other counties. The Commissioners asked Mr. Scholfield to meet with the Elected Officials and Department Heads on August 10, 2009 to discuss his findings and concerns.

Commissioner Ricks made a motion to amend the Agenda to include the Airport Board Decision regarding the Master Plan Study for the Airport, Commissioner Hansen seconded and motion passed.

John Millar, City Engineer reported that the FAA is providing match funding to the County and the City of Rexburg to conduct a Master Plan Study to the Airport as the Armstrong Report was the last study conducted. A notice to conduct this study was sent to several engineering firms and the Board interviewed three firms. Kaufman and Associates was chosen unanimously by the Board and will conduct this study over an eight to twelve month period. After review of the information, **Commissioner Ricks made a motion to support the decision of the Airport Board to proceed with the study by Kaufman and Associates, Commissioner Hansen seconded and motion passed.**

Brent McFadden, Planning and Zoning Administrator
Commissioner Hansen entered the following Findings of Fact into record.

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Stephen Parker Conditional Use Permit

The Madison County Planning and Zoning Commission held a public hearing on July 9, 2009 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Stephen Parker request for a Conditional Use Permit to have a rental loft above his garage in a Rural Residential One zone. This building would be located at approximately 2306 E. 1000 N. on 3.5 acres in the Moody 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, Jolene Sutton, Barrett Wilcox, Millie Andrus, Bradley Petersen and Anthony Merrill.

Those unable to attend: Vice Chairman Ed Williams, Tom Luthy, Mike Phillips and Max Clements.

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans,
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.

Stephen Parker, 2306 E. 100 N., Rexburg requested the right to have a rental loft above his garage. His family lived in the loft while they built their home and then rented it to a university couple. He was informed by Mr. McFadden that he could not do that because our then Subdivision Ordinance did not allow it. Since then, the new Subdivision Ordinance allows it with a conditional use permit.

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. The Commission then deliberated the Stephen Parker request for a Conditional Use Permit to have a rental loft above his garage in a Rural Residential One zone.

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 July 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, June 24, 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 June 24, 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 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.

- 5) Others in attendance were given the opportunity to express approval or disapproval.
- 6) The following points were factors in the recommendations by the Planning and Zoning Commission for the approval of the County Commissioners.
 - This usage was allowed with the new Subdivision Ordinance with a conditional use permit.
 - The septic system would be large enough to handle the effluent from both the residence and the loft above the garage.
- 8) 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. seq.
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 Stephen Parker to have a rental loft above his garage in an

Rural Residential One Zone.

Commission member Anthony Merrill made the motion to recommend to the Madison County Commissioners approval of the Conditional Use Permit with the conditions:

1. Planning and Zoning Administrator review this application yearly.
2. If the home is sold the conditional use permit would be null and void. The new owner would have to apply for a new conditional use permit.

Commission member Barrett Wilcox seconded. Voting was unanimous.

Commissioner Hansen made a motion to approve the Findings of Fact submitted by the Planning and Zoning Commission for Stephen Parker, Commissioner Ricks seconded and motion passed.

Commissioner Hansen entered the Findings of Fact for Jordyn Bybee into record.

FINDINGS OF FACT AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: Jordyn Bybee Conditional Use Permit

The Madison County Planning and Zoning Commission held a public hearing on July 9, 2009 at 7:25 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Jordyn Bybee request for a Conditional Use Permit to have a pre-school in her home in an Agriculture zone. This home is located at approximately 11477 South Snake River Road in the Sunnydell 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, Jolene Sutton, Barrett Wilcox, Millie Andrus, Bradley Petersen and Anthony Merrill.

Those unable to attend: Vice Chairman Ed Williams, Tom Luthy, Mike Phillips and Max Clements.

Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel, Legal Counsel Troy Evans,

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.

Jordyn Bybee would like to have 12 students two days a week to start out with the possibility of four days a week at a later time. Her classes would currently be held Tuesdays and Thursday from 9-11 am and 12-2pm. The children would be dropped off and collected after classes. A restroom is located just inside just inside the door for easy access. A new septic system had been added along with re-carpeting their home.

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. The Commission then deliberated the Jordyn Bybee request for a Conditional Use Permit to have a pre-school in her home in an Agriculture zone.

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 July 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, June 24, 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 June 24, 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 7:25 p.m. all as set out in the published notices, as described above.
 - 7) 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.
 - 8) Others in attendance were given the opportunity to express approval or disapproval.
 - 9) 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 be large enough to handle the effluent from both the residence and the pre-school.
 - 8) 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 Jordyn Bybee to have a pre-school in her home in an

Agriculture Zone.

Commission member Barrett Wilcox made the motion to recommend to the Madison County Commissioners approval of the Conditional Use Permit with the conditions:

- 1. Planning and Zoning Administrator review this application yearly.**
- 2. All licensing and regulations required by the State must be obtained prior to the opening of the pre-school.**
- 3. Must show proof from Eastern Idaho Public Health that the septic system would be large enough for a residence and pre-school.**
- 4. May increase the days of operation to four days a week.**

Commission member Von Clark seconded. Voting was unanimous.

After review of the information submitted by the Planning and Zoning Commission, Commissioner Hansen made a motion to approve the Findings of Fact for a Conditional Use Permit for Jordyn Bybee to have a pre-school in her home in an Agriculture Zone, Commissioner Ricks seconded and motion passed.

Health and Welfare: Commissioner Hansen made a motion to go into Executive Session at 10:50 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 Hansen returned to Open Meeting at 10:55 p.m. Commissioner Hansen made a motion to deny Case Numbers 2009030, 2009032 and 2009038, sign approval for Case Number 2009029 and sign a lien release for Case Number 2009031, Commissioner Ricks seconded and motion passed.**

Treasurer Sherry Arnold presented the Third Quarter Financial Report (Copy of file in the Clerk's and Treasurer's Office).

She also presented a Tax Cancellation for Fireplace by Design.

Name	Parcel No.	Reason	Total Tax
Fireplace by Design	RPRRXB10400220	Cancel interest & penalty	\$ 85.69
Fireplace by Design	RPRRXB10400220	Cancel interest & penalty	\$538.64

Commissioner Hansen made a motion for Mr. Clay to provide information to the Assessor for an income approach to be applied to his assessed value and to delete interest and penalty for 2008 Taxes, Commissioner Ricks seconded and motion passed.

Arvelle Case - Beaver Dick Park Commemorative Plaque: Ms Case reported that the family will pay the expenses for installation of the plaque that would commemorate the last granddaughter of Richard Beaver Dick Lee. Ms. Case was asked to work with Misty Berger, Parks and Recreation Director to locate and install the plaque. **Commissioner Ricks made a motion to approve the proposed plaque for the Richard Lee family, Commissioner Hansen seconded and motion passed.**

Vickie Grover, Leigh Ann Ball and Rodney Lusk: Ms. Ball reported that the Fair Board is hosting a Madison County Centennial Fair Parade that will represent agricultural heritage. The parade will be August 13, 1009 at 6:00 p.m. on Main Street.

Assessor Brent Saure y - Cancellation of Taxes:

Name	Parcel No.	Reason	Total Tax
Stephanie Whaley	RPSSOND0530140	Mailed to wrong address & Returned undeliverable	830.50

Commissioner Hansen made a motion to cancel the above listed cancellation of tax, as recommended by Assessor Brent Saurey, Commissioner Ricks seconded and motion passed.

After review of the claims submitted by the Elected Officials and Department Heads Claims in the amount of \$278,555.7571 for July 27, 2009, Commissioner Ricks made a motion to approve, Commissioner Hansen seconded and motion passed.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
<u>Sheriff's Office</u>				
Courtney L. Miller		\$ 7.25/hr.	Reserve Secretary	New Hire
Amber Plagmann		\$14.38/hr.	Patroll Officer	New Hire
<u>Clerk's Office</u>				
Charlotte Haderlie		\$12.00/hr.	Deputy Clerk	New Hire/PT
<u>Mosquito Department</u>				
Brett Burnside	\$ 9.00/hr.	\$ 9.50/hr.	Passed exam	Promotion

<u>Name</u>	<u>Current Status</u>	<u>Salary</u>	<u>Proposed Status</u>	<u>Reason</u>
<u>Juvenile Probation</u>				
Monika Havolange	\$9.50/hr.	\$15.24	Juvenile Prob. Officer	Promotion
<u>7th Judicial Drug Treatment</u>				
Aimee S. Austin		\$41,000/annual	Counselor	New Hire

Commissioner Hansen made a motion to approve the above listed Personnel Action requests, Commissioner Ricks seconded and motion passed.

Commissioner Hansen made a motion to adjourn at 2:36 p.m., Commissioner Ricks seconded.

Approved:

Robert Hansen, Chairman

Kimber Ricks