

11/19/2009

**MADISON COUNTY COMMISSIONERS
MEETING AGENDA
November 23, 2009 8:00 a.m.**

**COMMISSIONERS ROOM
Madison County Commissioners
Robert Hansen, Chairman**

Kimber Ricks

Jon O. Weber

- 8:00 a.m.** County Co-op Property
- 8:30 a.m.** Mitch Neibaur Re: Plat
- 9:00 a.m. Planning and Zoning Business:**
Findings of Fact for Martin McDonald
Findings of Fact for Williams Family (Comp Plan Zone Change)
- 9:30 a.m.** Donna Bridge Re: Tax Concern
- 9:45 a.m.** Kelly Eyring Re: Tax Concern
- 10:00 a.m.** Treasurer Sherry Arnold Re: Hardship Case
& Madison Ground Water District
- 10:15 a.m. County Business:**
Claims
Commissioner Assignment Reports & Correspondence
Tamira Waddell and Janet Statham - Certificate of Residency Affidavit
East Corridor Plan Bill from Keller & Associates
AFLAC Insurance Decision
Custodial Decision
Minutes for Approval: October 5, 2009, October 13, 2009,
October 26, 2009, November 9, 2009
RC&D 5 Year Plan
- 11:00 a.m.** Randy Johnson , Forsgren & Associates Re: Lyman-Archer Highway
- 11:30 a.m.** Frank Jenkins Re: Purchase of ground for road
- 12:00 Noon** Health and Welfare - Executive Session (Idaho Code 67-2345-1(d),
exempt records)
- 12:15 p.m.** Review Co-op Property Information
- 4:30 p.m. Public Hearing for Right-of-Way Ordinance 358**

Adjourn at the conclusion of 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.**

**MADISON COUNTY
COMMISSIONERS MEETING MINUTES
November 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

Mitch Neibaur - Rexburg, Idaho reviewed the background of the Plat for County View Estates. He explained that William Waldom bought four three acre parcels and one six acre parcel and then proceeded to do lot splits. He bought the center two parcels and then divided the parcels into two acre parcels. The division was done by record of surveys and he did not know that the splits were done improperly. He proposed donating 4/9's of the bill to the County.

Commissioner Ricks made a motion to accept Mr. Neibaur's offer of \$ for the forced plat for County View Estates and that all homeowner's in the subdivision be contacted to give them the opportunity to donate their portion of the cost for the forced plat, Commissioner Hansen seconded and voting was unanimous.

County Business:

East Parkway Corridor: Commissioner Weber made a motion to approve the third LHTAC bill from Keller & Associates for \$8,211.01 with the County Match being \$602.69, Commissioner Hansen seconded and voting was unanimous.

Certificate of Residency: Commissioner Hansen made a motion to approve the Certificate of Residency to the College of Southern Idaho for Janet Statham and Tamira Waddell, Commissioner Weber seconded and voting was unanimous.

Planning and Zoning:

Findings of Fact for Martin McDonell:

Commissioner Hansen entered the Findings of Fact for Martin McDonell into record:

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

**FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS
OF THE MADISON COUNTY PLANNING AND ZONING COMMISSION
RE: *Martin and Loraine McDonell Amendment of the
Northland Subdivision Plat***

The Madison County Planning and Zoning Commission held a public hearing on November 12th, 2009 at 7:15 p.m. in the Commissioner's Room at the Madison County Courthouse, Rexburg, Idaho to consider the Martin and Loraine McDonell request to amend the plat for the Northland Subdivision. This subdivision is located at 1545 North Red Cedar Road and the McDonell land consists of 8.29 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 ("Commission") were present at the public hearing: Chairman Dean Peterson, Vice Chairman Ed Williams, Bradley Petersen, Kay Burrell, Bill Squires, Millie Andrus, Anthony Merrill and Max Clements. Those unable to attend: Jolene Sutton and Barrett Wilcox. Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel and Legal Counsel Troy Evans 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 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 there were any conflicts of interest. Max Clements excused himself because his father was the developer of this subdivision.

Martin and Loraine McDonell, 55-149 Puuahi Street, Laie, Hawaii gave their permission to Brent McFadden to speak on their behalf for the Amendment of Plat for the Northland Subdivision. The presenter was asked questions by the Commission. A summary of this discussion at the hearing is attached hereto and incorporated herein.

Mr. McFadden stated the original plat was recorded in error because it showed the two parcels purchased by Martin and Loraine McDonell to be only one parcel.

After hearing the presentation by Madison County official on behalf of the Martin and Loraine McDonell Amendment of Plat for the Northland Subdivision, the Chairman asked for those in favor, in neutral, or opposed to the proposal to come forward and be heard. The Chairman reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing.

Those in favor were:

Ross Clements, 1473 Red Cedar Road, Rexburg
He was the developer of the Northland Subdivision and the 8.29 acres purchased by the McDonell's was supposed to be in two parcels; however when the surveyor prepared the plat the two parcels were

made into one large parcel. They should have been 6.9 acres and 2 acres respectively. This mistake was not caught until after the plat had been recorded.

Rick Clements, 1676 Clements Lane, Rexburg

He was in favor of the adjustment to the plat because it was always understood that there would be two parcels for the McDonells. What happened was a mistake by the surveyor.

Those in neutral were: None

Those opposed were: None

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

There were no written comments.

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 Martin and Loraine McDonell Amendment of Plat for the Northland Subdivision. 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) A public hearing was held November 12, 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.
- 2) Notice was published in the legal County newspaper, the Standard Journal, October 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 October 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 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 Madison County Planning and Zoning Administrator 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 imposed on oral testimony.
 - 6) Madison County's Zoning Ordinance No. 176 outlines the purposes of a conditional use permit standards as follows:
 - A. To protect property rights and enhance property values;
 - B. To provide for the protection and enhancement of the local economy;
 - C. To ensure that important environmental features are protected and enhanced;
 - D. To encourage the protection of prime agriculture lands for the production of crops;
 - E. To avoid undue concentration of population and overcrowding of land;
 - F. To ensure the development on land is commensurate with the physical characteristics of the land;
 - G. To protect life and property in areas subject to natural hazards and disasters;
 - H. To protect recreational resources;
 - I. To avoid undue water, air and noise pollution;
 - J. To ensure safety from fire and provide adequate open spaces for light and air; and
 - K. To implement the Madison County Comprehensive Plan.
 - 7) The following points were factors in the recommendation by the Planning and Zoning Commission for the approval of the County Commissioners.
 - The original intent was always to have two parcels purchased by Martin and Loraine McDonell.
 - The surveyor made a mistake by making the two parcels into one large parcel. This mistake was not discovered until after the plat had been recorded.

- Applicants have been out of the Country, but intend to return and wish to build a home on the parcel that was not added to the plat.
- 8) Approval of the proposed Amendment of Plat of the Northland Subdivision 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 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 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 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. These Findings of Fact and Conclusions of Law are maintained and submitted in accordance with Idaho Code § 67-6509.

Commission member Bill Squires made the motion to approve the Amendment of Plat for Northland Subdivision. Commission member Anthony Merrill seconded the motion. The vote was unanimous or show dissention.

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 Martin and Loraine McDonell Amendment of Plat for the Northland Subdivision.

After review of the information presented, **Commissioner Hansen made a motion to approve the Findings of Fact for Martin McDonell for the Northland Subdivision, Commissioner Weber seconded and voting was unanimous.**

Findings of Fact for the Williams Family Comprehensive Plan Change

Commissioner Hansen entered the Findings of Fact for the Williams Family Comprehensive Plan Change

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

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

*RE: Tom Williams, Doug Williams, Marlis Williams, Shannon Ostler,
Wendy Clark, Marjorie Karren, Thomas Williams,
Bonnie Lou Thomason and Nancy Kay Stewart
Comprehensive Plan Land Use Map Change Request*

The Madison County Planning and Zoning Commission held a public hearing on November 12, 2009 at 7:35 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Williams Family request for a change to the Madison County Comprehensive Plan Land Use Map from Agriculture to Transitional Agriculture Two. The property is located at 1152 East Butte Road on approximately 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 ("Commission") were present at the public hearing: Chairman Dean Peterson, Vice Chairman Ed Williams, Bradley Petersen, Kay Burrell, Bill Squires, Millie Andrus, Anthony Merrill and Max Clements. Those unable to attend: Barrett Wilcox and Jolene Sutton. Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel and Legal Counsel Troy Evans 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 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 there were any conflicts of interest. None were stated.

Doug Williams, 12355 N. Fallen Shadow Road, Marana, Arizona and Tom Williams, 2059 W. Spruce Creek Lane, South Jordan, Utah gave their presentations on behalf of the Phyllis Williams Family Comprehensive Plan Land Use Map Change. The presenters were asked questions by the Commission. A summary of this discussion at the hearing is attached hereto and incorporated herein.

Their mother, Phyllis Williams, wanted to deed her children two acres each of land that was their farm for the last 26 years. They requested a comprehensive land map change from Agriculture to Transitional Agriculture so that some of the siblings can build a home or homes.

After hearing the presentation by Madison County officials, and from the applicant on behalf of the Phyllis Williams Family Comprehensive Plan Land Use Map Change, the Chairman asked for those in favor, in neutral, or opposed to the proposal to come forward and be heard. The Chairman reminded the citizens in attendance that they would need to sign up on the appropriate lists if they wished to speak at the hearing.

Those in favor were:

Stan Washburn, 172 Stone Run Lane, Idaho Falls

He owns property to the south of the parcels in question. He was in favor of the change. He has an easement through those properties to his land.

Those in neutral were: None

Those opposed were:

Glen Heward, 1152 E. Butte Road, Menan

He felt the change was not in conformance to the Zoning or Subdivision Ordinances. He was concerned about the sensitive lands issues with the building that would be so close to the Henry's Fork of the Snake River and to all the wildlife and birds.

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

Written comments from Allen and Kathy Stanger, Menan were read into the record by Glen Heward. The Stangers had concerns about the changes that would take place to the different habitat in the area that included mule deer, white-tail deer, elk, moose, geese ducks, sage grouse, pheasant, Hungarian partridge and sharp-tailed grouse.

Thereafter, Doug and Tom Williams spoke in rebuttal on behalf of the proposed Phyllis Williams Family Comprehensive Plan Land Use Map Change saying they love the wildlife and the river too and would not do anything to change them. Those offering rebuttal were asked questions by the Commission.

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 Phyllis Williams Family request for a Comprehensive Plan Land Use Map Change from Agriculture to a Transitional Agriculture Two zone.

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

- Request is in compliance with the Sensitive Lands and Zoning Ordinance
- All roads into the property would be private
- Property rights would be upheld
- All needed protections are in place to assure compliance when and if there is any building constructed on these parcels.

FINDINGS OF FACT

- 1) Public hearings were held November 12, 2009 to take the testimony on a requested Comprehensive Plan Land Use Map Change. 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, October 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 October 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 7:35 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 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.

6) Madison County's Zoning Ordinance No. 176 outlines the purposes of a Comprehensive Plan Land Use Map Change noted on the Comprehensive Plan Components, Idaho Code § 67-6508, as follows: The Commission, in deciding whether to approve or deny an application to amend the Madison County Comprehensive Plan (dated December 15, 2008), must analyze whether the amendment would be compatible with the individual components the legislature requires counties to consider when preparing, implementing, reviewing, and updating a comprehensive plan. Not all may apply.

- A. Property Rights: An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.
- B. Population: A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex and income.
- C. School Facilities and Transportation: An analysis of public school capacity and transportation considerations associated with future development.
- D. Economic Development: An analysis of the economic base of the area including employment, industries, economics, jobs and income levels.
- E. Land Use: An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities Comprehensive Plan Land Use Map Change. A map shall be prepared indicating suitable projected land uses for the jurisdiction.
- F. Natural Resources: An analysis of the rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.
- G. Hazardous Areas: An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in known or probable path of snow slides and avalanches, and floodplain hazards.

H. Public Services, Facilities, and Utilities: An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

- I. Transportation: An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public and other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.
- J. Recreation: An analysis showing a system of recreation areas, including parks, parkways, trail ways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.
- K. Special Areas and sites: An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.
- L. Housing: An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.
- M. Community Design: An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.
- N. Implementation: An analysis to determine actions,

including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

- O. National Interest Electric Transmission Corridors: After notification by the Public Utilities Commission (PUC) concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based up the United States Department of Energy's most recent national electric transmission congestion study pursuant to sections §368 and §1221 of the Energy Policy Act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures forty (40) feet or more in heights.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

- 7) Approval of the proposed Comprehensive Plan Land Use Map Change is in the best interests of the people of Madison County.

Commission member Kay Burrell made the motion to approve the motion for a comprehensive plan land use map change. Commission member Ed Williams seconded the motion. Vote was those for: Ed Williams, Bradley Petersen, Kay Burrell, Bill Squires and Max Clements. Those opposed were: Anthony Merrill (too close to the river) and Millie Andrus abstained (too close to the river).

CONCLUSIONS AND RECOMMENDATIONS

1. Notices of the Public Hearing held to consider approval of the Comprehensive Plan Land Use Map Change 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 Comprehensive Plan Land Use Map Change 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 Comprehensive Plan Land Use Map Change, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Comprehensive Plan Land Use Map Change is an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 *et. seg.*

5. 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 Comprehensive Plan Land Use Map Change.

After review of the information presented, **Commissioner Hansen made a motion to send the Williams Family Comprehensive Plan Change request back to Planning and Zoning for a new Public Hearing, Commissioner Weber seconded and voting was unanimous.**

Alain and Donna Budge reported that they had refinanced their home last year, but had not received the new tax notice for June. They did not know about the delinquent tax until they received the 2009 Tax Assessment and asked that the interest charge of \$127.94 be forgiven because of this error.

Commissioner Hansen made a motion to eliminate the interest charge of \$127.94 for Alain and Donna Budge for the 2008 tax assessment, Commissioner Ricks seconded and voting was unanimous.

Kevin and Suzette Clay: Treasurer Sherry Arnold presented the hardship case for Kevin and Suzette Clay. After review of the information, the Commissioners asked them to update their situation periodically and to see if they could resolve their tax issue prior to the third year of delinquency.

Ground Water Assessment: Commissioner Hansen made a motion to approve that the Treasurer's Office collect the 2009 Assessment for the Ground Water District, Commissioner Weber seconded and voting was unanimous.

Amend Agenda: Commissioner Hansen made a motion to add the following items of business to the Agenda: 1) Clarence Gummow - tax issue, 2) Paul Sorensen - personnel issue and 3) P & Z Appointment, Commissioner Ricks seconded and voting was unanimous.

Paul Sorensen, Information Technology Department reported that Jason Povey has tendered his resignation and his last day will be December 31, 2009.

He requested and was given authorization to advertise for a new hire for this position.

Planning and Zoning Appointment: Commissioner Hansen made a motion to appoint Todd Smith to a three year appointment for the Madison County Planning and Zoning Board, Commissioner Ricks seconded and voting was unanimous.

Randy Johnson, Forsgren & Associates:

Mr. Johnson reviewed the LHTAC Scope of Work on the Lyman-Archer Highway. They have come to an agreement on all points for the scope of work except three items. They were concerned about the ITD Seal Coat Design, ITD format of documents and templates used in regard to County liability. Even with the concerns, they will continue to proceed with getting the application finalized.

Clarence Gummow stated that he had moved a home from the Hemming property in Rexburg to Sugar City and that it was not occupied until October 12, 2009. He asked that the tax on the home be prorated from the October 12, 2009 date. After review of the information presented, **Commissioner Hansen made a motion to evaluate the prorated number information with the Assessor's Office and adjust the 2009 taxes for Mr. Gummow, Commissioner Ricks seconded and voting was unanimous.**

Joel and Frank Jenkins, presented ideas for a feeder road around Bear World and near their business.

Health and Welfare: Commissioner Hansen made a motion to go into Executive Session at 12:20 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 12:28 p.m. Commissioner Hansen made a motion to deny Case Number 2010003, approve Case Number 2009037, sign lien for Case Number 2010005 and 2010006, release liens for Case Number 2009042 and 2006024, Commissioner Ricks seconded and voting was unanimous.

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$382,133.50, for November 23, 2009, Commissioner Ricks made a motion to approve, Commissioner Weber seconded and voting was unanimous.

Morgan Construction Company Extension: Commissioner Hansen made a motion to grant a 90-day extension for Morgan Construction Company to complete their due diligence study for purchase of the Co-op property, Commissioner Weber seconded and voting was unanimous.

Public Hearing for Right-of-Way Ordinance 358:

Present: Commissioner Robert Hansen, Commissioner Kimber Ricks, Commissioner John Weber, Attorney Troy Evans and Clerk Marilyn Rasmussen

Commissioner Hansen opened the Public Hearing at 4:40 p.m., November 23, 2009.

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

Publication: All Legal Notices were done according to State Law.

(Public Hearing - Exhibit A)

Close Hearing at: 5:40 p.m.

Commissioner Weber made a motion to deny Right of Way Ordinance 358, Commissioner Ricks seconded and voting was unanimous.

AFLAC Contract: Commissioner Hansen made a motion to approve the AFLAC Contract for one year for individual employees and for payment to be made by payroll deduction, Commissioner Weber seconded and voting was unanimous.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
<u>Sheriff's Office</u>				
Shantel B. Cordove	Detention Officer	\$14.38	Resignation	
McKay Walker	Detention Reserve	\$7.25	\$8.50	New Hire
Ron J. Guymon	Reserve Dispatcher		\$8.50	New Hire
<u>Prosecutor's Office</u>				
Aaron Davis	\$14,000/with benefits		\$47,000/full time	

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

Commissioner Weber made a motion to adjourn at 6:55 p.m., Commissioner Ricks seconded.

Approved:

Robert Hansen, Chairman

Kimber Ricks

Jon O. Weber