

**Commissioner Meeting Minutes April 26, 2010**

**Category : Commissioner Minutes 2010**

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MADISON COUNTY COMMISSIONERS

MEETING AGENDA

April 26, 2010 8:00 a.m.

COMMISSIONERS ROOM

Madison County Commissioners

Kimber Ricks Robert Hansen, Chairman Jon O. Weber

8:00 a.m. Health and Welfare - Executive Session (Idaho Code 67-2345-1(d), exempt records)

8:15 a.m. County Business:

Minutes: April 12, 2010 and April 19, 2010

Claims

Invoice No. 2 & 3 - Lyman-Archer Hwy Seal Coat

Noxious Weed Control Agreement

Professional Services contract - East-Central Idaho Planning &

Development and Madison County - Sugar City Fire Station

Commissioner Reports

10:00 a.m. Planning and Zoning:

Sign Conditional Use Permit for Ricky King

Sign Variance for Nephi Allen

Findings of Fact for: Phyllis Williams Family Zone Change

10:30 a.m. County Employee Committee Re: Summer Party

10:45 a.m. Vicky Grover & LeeAnn Ball Re: Heritage Parade

11:00 a.m. Don Sherwood Re: County Wellness Insurance

Jeff Cook

11:30 a.m. Derek Thomson Re: Salary Step & Grade Study

11:45 a.m. Gary and Myron Wood Re: Old Hansen Furniture Bldg. Taxes

12:00 Noon LUNCH BREAK

1:00 p.m. Madison Memorial Hospital

2:00 p.m. Morgan Construction Re: Madison Co-op Property

2:30 p.m. Treasurer's Office Re: Tax Cancellation Considerations  
Lori Stevens  
Laretta Dayton  
Stephen Snow

3:00 p.m. County Business: Paul & Connie Egbert Quit Claim Deed

3:30 p.m. Madison High School Presentation on Animal Safety

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MADISON COUNTY COMMISSIONERS  
MEETING AGENDA

April 26, 2010 8:00 a.m.

COMMISSIONERS ROOM

Madison County Commissioners

Kimber Ricks Robert Hansen, Chairman Jon O. Weber

PUBLIC HEARINGS

4:00 p.m. Ordinance 363 Open Burning within Madison County

4:20 p.m. Ordinance 362 Proposed Madison County Ordinance

Repealing Ordinance 178 and adopting the  
International Fire Code, 2006 Edition, Copyrighted by the International Code Council, requiring  
copies

Of said code to be kept in the office of the Madison County Clerk; providing for a penalty for the  
violation of this ordinance and for severability; and repealing all ordinances and parts of ordinances  
in conflict herewith and providing when this ordinance shall become effective.

4:40 p.m. Ordinance 364 Ordinance authorizing Madison County to charge  
for Solid Waste disposal and to collect fees thereon;

provide for the address and hours of operation of  
the Madison County Transfer Station and Madison County Landfill site; setting forth what will and will  
not be collected; provide for out of County prices; repeal all ordinances and resolutions in conflict  
hereto and providing an effective date.

5:00 p.m. Adjourn

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  
April 26, 2010 8:00 A.M.  
COMMISSIONERS' ROOM

Present: Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Commissioner Jon O. Weber, Attorney Troy Evans and Deputy Clerk Karen England

(Commissioner Weber - personal business at 8:00 a.m.)

Welfare and Indigent – (Deputy Welfare Clerk, Liz Boyce): Commissioner Hansen made a motion to go into Executive Session at 8:35 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 Hansen returned to Open Meeting at 8:45 a.m. After review of the Welfare Cases with Deputy Welfare Clerk Liz Boyce, Commissioner Hansen made a motion to deny Case Numbers 2010025, 2010021, 2010022 and 2010015, sign a Notice of Appeal Hearing for Case Number 2010019, Commissioner Ricks seconded and motion passed.

Forsgren & Associates: Commissioner Hansen made a motion to approve Invoices 2 and 3 to Forsgren & Associates for the Lyman-Archer Highway seal coat through the Local Highway Technical Assistance Council, Commissioner Ricks seconded and motion passed.

Agreement for Noxious Weed Control: Commissioner Hansen made a motion to approve the 2010 Agreement for the Noxious Weed Control contract with the Idaho Transportation Department and the Madison County Weed Control, Commissioner Ricks seconded and motion passed.

(Commissioner Weber is now present - 9:30 a.m.)

Minutes: Commissioner Hansen made a motion to approve the Minutes for the April 12 & 13, 2010, County Commissioners Meeting with changes, Commissioner Ricks seconded and motion passed.

Minutes: Commissioner Weber made a motion to approve the Minutes for the April 19, 2010, County Commissioners Meeting with changes, Commissioner Hansen seconded and motion passed.

Planning and Zoning Items of Business:

Present: Brent McFadden

The Commissioners signed the Conditional Use Permit for a home business for Ricky King.

CONDITIONAL USE PERMIT

NAME: Ricky King

ADDRESS: 1858 W. 5500, Rexburg    PHONE# 356-7824 & 390-5824

ZONE: Transitional Agriculture Two

DESCRIPTON OF NEED FOR CONDITIONAL USE PERMIT: Wants to run a internet distribution company out of his detached garage.

CONDITIONS FOR CONDITIONAL USE PERMIT:

1. This Conditional Use Permit will be good for one year from date approved, and must be reviewed annually by the Board of County Commissioners.
2. Hours of operation are from 8:00 a.m. until 6:00 p.m.
3. Monday through Saturday days of operation.

The Commissioners signed a Variance for two septic systems for Nephi Allen.

MADISON COUNTY  
VARIANCE PERMIT

NAME: Nephi Allen

ADDRESS: 1191 N. 6000 W., Rexburg    PHONE# 390-0150, 359-0817

ZONE: Agriculture

DESCRIPTON OF NEED FOR VARIANCE: Wishes to have an additional septic system on one parcel of 22.3 acres. The rule is that only one septic system can be installed for every 16 acres in the Agriculture Zoning.

DESCRIPTION OF CONDITIONS ON THE PROPERTY:

Variance would allow two separate septic systems, but only one can be used, at a time, per dwelling.

Commissioner Hansen entered into record the Findings of Fact for the Phyllis Williams Family Zone Change.

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

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Phyllis Williams Family Zone Change

The Madison County Planning and Zoning Commission held a public hearing on April 8, 2010 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the Phyllis Williams Family request to change the Madison County Zoning Map from Agricultural to Transitional Agriculture Two zoning. This property is located at 1152 East Butte Road and consists of 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 Ed Williams, Vice Chairman Millie Andrus, Jolene Sutton, Bill Squires, Todd Smith, Kay Burrell, Dean Peterson and Anthony Merrill. Those unable to attend: Doug Sakota, Barrett Wilcox, Max Clements, Bradley Petersen and Troy Evans. Madison County Planning and Zoning Administrator Brent G. McFadden, Coordinator Shauna J. Ringel also attended.

No media were in attendance at the meeting.

The public hearing was called to order by Chairman Williams. Shauna J. Ringel acted as clerk for the meeting. Chairman Williams 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. Vice Chairman Millie Andrus recused herself because the presenter, Mr. Wood, worked for the same law firm as her husband.

Rob Wood, (Rigby, Andrus and Rigby Law Firm), 25 N. 2nd E., Rexburg gave the presentation on behalf of the Phyllis Williams Family Zone Change. The presenter was asked questions by the Commission.

After hearing the presentation by Madison County officials, and from the applicant on behalf of the Phyllis Williams Family Zone 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: None

Those in neutral were: None

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Those opposed were:

Wendy Brockish, 2736 S. 6000 W. Rexburg

Glenn Howard, 1152 E. Butte Road, Menan

Richard Cannon, 1161 E. Butte Road, Menan

Beebe Hitz, 2212 Belmont, Idaho Falls

Tom Ryan, 1143 E. Butte Road, Menan

Carlton Mortensen, 1139 E. Butte Road, Menan

Tim Brockish, 2736 S. 6000 W., Rexburg

No written comments were read.

Thereafter, Rob Wood spoke in rebuttal on behalf of the proposed Phyllis Williams Family zone change. 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 Zone Change from Agriculture to Transitional Agriculture Two zone. A summary of the 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 April 8, 2010 to take the testimony on a requested Zone 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 March 23, 2010 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 17, 2010.
- 3) At the beginning of the hearing, Chairman Williams asked whether proper notice of the hearing had been provided. The Planning and

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- 4) Zoning Staff answered in the affirmative, discussing what notices had been provided.
- 5) The Public hearing was scheduled at 7:15 p.m. all as set out in the published notices, as described above.
- 6) 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 applicants 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.
- 7) Madison County's Zoning Ordinance No. 176 outlines the purposes of the zone change 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 denial by the Planning and Zoning Commission for the

approval of the County Commissioners.

&#61567; Half of the ground was on the sensitive land that would fall under the Sensitive Lands Ordinance.

8) Denial of the proposed Zone Change is in the best interests of the people of Madison County.

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Commission member Bill Squires made the motion to deny the Phyllis Williams Family Zone Change request. Commission member Jolene Sutton seconded the motion. Vote was for the motion: Anthony Merrill, Todd Smith, Bill Squires and Jolene Sutton. Those against the motion to deny: Dean Peterson and Kay Burrell. Motion carried.

#### CONCLUSIONS AND RECOMMENDATIONS

1. Notices 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 was held to consider approval of the proposed Zone 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 Zone Change, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed Zone Change is not an appropriate exercise of the planning and zoning responsibilities established by Idaho Code §§ 67-6501 et. seg.

5. Disapproval of the proposed Zone Change is in the best interest of the people of Madison County, Idaho, based upon the following:

Most of the proposed lands were in a sensitive land designation listed in the Sensitive Lands Ordinance.

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 denial of the requested Zone Change.

The applicant may appeal in writing this decision of the Commission relative to any action taken by the Commission, as long as the appeal is submitted to the Board of County Commissioners within then (10) days from such Commission action, per Madison County Zoning Ordinance.

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Commissioner Ricks made a motion to schedule the Phyllis Williams Family Zone Change for a

Public Hearing, Commissioner Hansen seconded and voting was unanimous.

Employee Committee:

Present: Shauna Ringel, Monika Havelange, Misty Berger, Amanda Klingler, Steve Hobley and Helen Harris

Shauna Ringel reported that the Madison County Employee committee is recommending a summer picnic with an evening of entertainment oriented towards the family. The dates of July 16 or August 6, 2010 were suggested and they asked for an amount of funds to be approved for the event.

Commissioner Ricks made a motion to authorize funding in the amount of \$1200 and schedule July 16, 2010, 5:00 p.m. for the Employee Summer Party, Commissioner Weber seconded and voting was unanimous.

LeeAnn Ball and Vicky Grover and Rodney Lusk reported they are scheduling participants for the parade and they are writing a letter to the Standard Journal to help people remember the importance of the Heritage Parade.

Don Sherwood - Blue Cross, Carlos Aponte and Jeff Cook - Black Ink Solutions: Commissioner Hansen has requested that Don Sherwood and Jeff Cook report on the Blue Cross Wellness Program. Jeff Cook reported that about two years ago they were invited to Boise to present Black Ink's concept for the program. Mr. Sherwood reported that at the present time they are doing an in-house pilot wellness program with the Blue Cross employees. The application for the employee is filled out partially by them and partially by their physician. Points are assigned to each area of health and then deductibles are based on different levels of health. Prescriptions are also driven by the plan design. The participation in the program will be driven by the deductible and premium. Mr. Sherwood stated that they are still researching how to implement the plan and meet the guidelines of the National Health Plan

Derik Thomson reported that he is working on the Step and Grade Study and he will present a report the middle of May.

Gary and Myron Wood asked to have the County cancel the late fees and interest on the Old Hansen building. Commissioner Ricks made a motion to cancel the late fees and one half of the interest if the taxes for the old Hansen building are brought current by June 21, 2010 by Gary and Myron Wood, Commissioner Weber seconded and motion passed. (Commissioner Hansen voted No.)

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$235,406.94, for April 26, 2010, Commissioner Weber made a motion to approve, Commissioner Ricks seconded and voting was unanimous.

Madison Memorial Hospital:

Present: Dr. David Rowe, Administrator and Marshall Merrill, Board Chairman

Commissioner Weber stated the Commissioners support the Hospital administration, but have had some questions arise from the employees. The

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meeting today is to get information . Mr. Rowe reported the following: 1) A meeting with mid management is being held each month to update them on hospital issues and to address questions. Mid management is then asked to take this information to their respective employees. 2) The Hospital purchased the Surgical Center and they will be able to pay for the Center within three years. 3) There has been some resistance to changes being made by the Hospital administration, but he is having quarterly meetings with employees to review their concerns. 4) A quarterly newsletter is also being sent to all employees to enhance communication between the employees and the administration. 5) Four values are being promoted, respect & caring, integrity, initiative and teamwork. 6) They now have an accreditation from the State. The Commissioners expressed

appreciation for the report.

Morgan Construction: Ryan Gregersen, Scott Johnson, Ted Hendricks, Mitch Neibaur

Ted Hendricks reviewed the grant requirements for the County if they receive funding to upgrade the Co-op property. The Commissioners asked Mr. Hendricks to set up a meeting with representatives from the Department of Commerce to discuss the grant requirements in further detail.

Ryan Gregersen from Morgan Construction requested an additional 60 day due diligence extension. He stated that they need time to finalize the project financing. Commissioner Hansen made a motion to approve the 60 day due diligence extension (July 5, 2010) for the Madison Co-op Property, Commissioner Ricks seconded and voting was unanimous.

Treasurer's Office: (Present - Deputy Treasurer Kathryn Brown)

Lori Stevens: Commissioner Ricks made a motion to cancel taxes for 2008 and 2009 due to hardship, Commissioner Weber seconded and voting was unanimous.

Stephen Snow: Commissioner Ricks made a motion to accept \$400 towards the his 2008 taxes, cancel interest and penalty charges and grant an extension on the remaining amount until October 20, 2010, Commissioner Hansen seconded and voting was unanimous.

Professional Services Contract - Madison County and Sugar City Fire Station: Commissioner Hansen made a motion to approve the Professional Services Contract between Madison County and East-Central Idaho Planning and Development Association, Inc. for the Sugar City Fire Station, Commissioner Ricks seconded and voting was unanimous.

Personnel Action Approvals:

Name	Current Status	Proposed Status	Reason
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Mosquito & Weed Dept.

Thomas Boucer	\$10.00/Equip.	Operator	New Hire
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Elliot Huntsman	\$10.00/Equip.	Operator	New Hire
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Jase Rydalch	\$10.00/Equip.	Operator	New Hire
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Erin Walters	\$10.00/Equip.	Operator	New Hire
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Sheriff's Office

Travis Anderson	\$7.25/Detention Res.	\$8.50/Detention Reserve	New Hire
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Cameron J. Stanford	\$20.84/LT-Patrol	\$20.84/same	Acct.Change
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Paul & Connie Egbert Quit Claim Deed: Commissioner Weber made a motion to sign the Quit Claim Deed from Madison County to Paul and Connie Egbert for an abandoned road, Commissioner Ricks seconded and voting was unanimous.

Madison High School political communications class gave a presentation regarding their concepts on handling animal safety and health in Madison County.

Public Hearings:

Ordinance 363 Open Burning within Madison County

Commissioner Hansen opened the Public Hearing at 4:00 p.m.

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

Commissioner Weber - No.

Commissioner Hansen asked Dave Davis from the Emergency Services Department to review the Ordinance for Open Burning.

Dave Davis: Asst Fire Chief: The Ordinance is for registration for open burning. It is not to restrict or allow open burning, but it is to have residents register either on line or in person. This gives the Fire Department knowledge of who is burning, what they are burning and if they have checked with DEQ to determine if they have the proper permits. This will allow the Fire Department to know weather conditions and if people are going to be present to monitor the fire. There are fifteen questions to answer for the permit and will then receive a permit number. By getting this information from the resident they have the information available to answer public questions regarding the fire or respond quicker because they know the location. This would save tax payer money by responding to only those fires that get out of control. The definition for open burning would be a fire out in the open, an old structure, ditch banks or agricultural fields. The Web site also gives the public information as to what can and can't be burned. An open pit is considered a recreational and is not covered by this ordinance.

Neutral Position:

Bill Moss -

Mr. Moss expressed concern about increasing the roll of government when we have State and Federal Statues that cover this issue. He felt the ordinance defining open burning should be more specific and wanted burning in forest

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lands better defined.

Robert Powell - 431 S 3000 W, Rexburg, ID:

Mr. Powell wanted to know if this ordinance included a burn barrel behind the house as he burns paper sacks each week. He was concerned about the fence lines and ditch banks as it was important to be able to burn these areas each spring. He also did not know the closed season for fires. He felt there were getting to be so many regulations that it was hard to abide by all of them.

Commissioner Weber stated that the closed fire season is May through October. Mr. Davis stated that the rule applies mainly for the Forest Service lands. He also stated that a burn barrel in the yard was probably okay if they were mainly just burning paper, but household garbage was restricted. Also, Mr. Davis clarified that there was no cost for the permit and if a resident did not comply it could be a misdemeanor

The Commissioners asked that some of the definitions be better defined so the public could easily understand the ordinance.

Commissioner Hansen closed the hearing at 4:18 p.m.

Commissioner Hansen made a motion to table Ordinance 363 until there was clarification of definitions, Commissioner Ricks seconded and voting was unanimous.

Public Hearing: 4:20 p.m.

Ordinance 362 Proposed Madison County Ordinance Repealing Ordinance 178 and adopting the International Fire Code, 2006 Edition, Copyrighted by the International Code Council, requiring copies of said code to be kept in the office of the Madison County Clerk; providing for a penalty for the violation of this ordinance and for severability; and repealing all ordinances and parts of ordinances in conflict herewith and providing when this ordinance shall become effective.

Commissioner Hansen opened the Public Hearing at 4:20 p.m.

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

Dave Davis: Ordinance 178 was repealed a few years ago to make improvements to the International Fire Code of 2006. At that time this did not have the ordinance of the lock box which needed to be added for the new so businesses could install a lock box so the Fire Department could get in the building without damaging the building. On Page 5 and 6 at 506.3 the lock box

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section has been added. They found some typographical errors and they have been corrected.

Bill Moss - 410 Partridge Lane, Rexburg, ID: I think that when ordinances are put out for public view that they should be correct both grammatically and in context. He reviewed his concerns and corrections. After review of his corrections the

Commissioners asked him to work with Mr. Davis to incorporate these changes into the Ordinance prior to adoption.

Commissioner Weber asked about security for the keys to the lock box. Mr. Davis stated that there are four keys and they are given to the four full time personnel on duty each day.

Commissioner Ricks made a motion to table Ordinance 362 until Mr. Moss meets with Chief Child and they incorporate his corrections, Commissioner Weber seconded and voting was unanimous.

Public Hearing: Ordinance 364 Ordinance authorizing Madison County to charge for Solid Waste disposal and to collect fees thereon; provide for the address and hours of operation of the Madison County Transfer Station and Madison County Landfill site; setting forth what will and will not be collected; provide for out of County prices; repeal all ordinances and resolutions in conflict hereto and providing an effective date.

Present: Ken Phillips, Solid Waste

Commissioner Hansen opened the Public Hearing at 4:45 p.m.

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

Ken Phillips, Solid Waste Department: The change being requested from the last ordinance is the fees for in county will remain the same except for a semi truck which is raised to \$40 from \$25 and that would be the only change for in-County. The out of county fees would be increased because the County residents pay a fee of \$25 per household. Paragraph 6D - \$40 all truck loads larger than a 10-wheeler.

Due to out of county residents not paying a household fee, the following charges are being recommended for the Construction and Demolition Site:

- A. \$5 per small dead animal.
- B. \$10 per large dead animal.
- C. \$30 for dead animal parts in a trailer.

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- D. \$15 for all pickup loads.
- E. \$25 for all 6-wheel truck loads.
- F. \$50 for all 10-wheel truck loads.
- G. \$75 for all truck loads up to 18-wheels (semi-truck loads).

H. For each vehicle load set forth above, the applicable charge will be assessed regardless of whether the vehicle is fully or partially loaded.

I. The Madison County Landfill Site does not accept any liquids, hazardous materials of any kind, or garbage bags. (No household garbage.)

The Commissioners asked to have the hours and days of operation clearly specified.

No resident signed in to testify for or against this ordinance.

Neutral:

Bill Moss - 410 Partridge Lane, Rexburg, ID:

He asked that the hours of operation be clearly specified, C& D and Landfill Site should be clearly defined, and some misspelling corrected. It was noted that the document should only show Construction and Demolition as the County does not have a landfill. He asked where it tells what residents can do with hazardous materials such as paints, pesticides, etc.

Commissioner Ricks stated that there are periodic days set up to address this issue of hazardous materials.

Mr. Moss wondered if it would be a good idea to have a statement in the ordinance that specific days for drop off of hazardous items would be announced.

Commissioner Hansen said he did not think that should be a part of the ordinance, but part of communication to residents.

Mr. Moss asked that a fee per unit is listed, but should be defined. He was concerned about paying the \$25.00 fee and also a fee when he dropped off bags of garbage.

Commissioner Ricks stated that the purpose of this ordinance is to clarify the difference between County residents and out-of-county residents.

Commissioner Hansen closed the Public Hearing at 5:03 p.m.

Commissioner Hansen made a motion to approve Ordinance 364, after all grammatical corrections have been made, Commissioner Ricks seconded and voting was unanimous.

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Commissioner Weber made a motion to adjourn at 5:09 p.m., Commissioner Hansen seconded.

Approved:

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Robert Hansen, Chairman

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Kimber Ricks

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Jon O. Weber