

October 11, 2010

Category : Commissioner Minutes 2010

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MADISON COUNTY COMMISSIONERS 10/7/2010-1

MEETING AGENDA

October 11, 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 September 27, 2010, October 4, 2010 and June 4, 2010
- Claims October 11, 2010
- Certificate of Residency for: Jasmine Taylor

10:30 a.m. Kirk Mace, Juvenile Probation Re: Personnel

11:00 a.m. Public Hearing: AN ORDINANCE OF MADISON COUNTY PROVIDING FOR THE PROHIBITION OF THE USE, MANUFACTURE, POSSESSION, AND/OR DELIVERY OF CERTAIN INTOXICATING CHEMICAL SUBSTANCES; PROVIDING FOR A GENERAL DEFINITIONS SECTION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

12:00 Noon Lunch Break

2:00 p.m. Public Hearing: A MADISON COUNTY RESOLUTION SETTING THE MADISON COUNTY SHERIFF CIVIL FEES AND PROVIDING AN EFFECTIVE DATE THEREON

2:30 p.m. Treasurer Sherry Arnold Re: Adoption of a Resolution to authorize Tax Collector to make adjustment of late charges, interest and Fees.

2:45 p.m. Assessor's Office Re: Tax Consideration for Calvary Chapel
Tom Jones – Homeowner's Exemption

3:00 p.m. Dave Walrath, Public Works Director

3:30 p.m. Alesa Gulley Re: Family Crisis Center Proclamation Signing

4:00 p.m. City of Rexburg Re: Executive Session (Idaho Code 67-2345-1)
Contract Matter

4:30 p.m. Brent McFadden, P & Z Admin.

Re: Chapter 16, Geothermal Findings of Fact

5:00 p.m. Public Hearing: Re: Appeal for Lloyd Bradshaw Variance

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
October 11, 2010 8:00 A.M.
COMMISSIONERS' ROOM

Present: Commissioner Kimber Ricks – Vice Chairman, Commissioner Jon O. Weber, Attorney Troy Evans and Clerk Marilyn Rasmussen (Commissioner Robert Hansen is excused as he is out of town on business)

Welfare and Indigent – (Deputy Welfare Clerk, Liz Boyce): Commissioner Ricks made a motion to go into Executive Session at 8:24 a.m., pursuant to Idaho Code 67-2345-1(d), exempt records, Purpose of Executive Session: Health and Welfare cases. (Commissioner Ricks – yes, Commissioner Weber - yes), Commissioner Ricks returned to Open Session at 8:41 a.m. Commissioner Weber made a motion to sign lien for Case Numbers 2010051 and 2011001, approve Case Number 2010049, deny Case Number 2010046, approve notice of appeal hearing for Case Number 2010043, Commissioner Ricks seconded and motion passed.

Commissioner Ricks made a motion to amend the agenda to address work on a County road through the Sally and Rod Smith property, Commissioner Weber seconded and motion passed.

Sally Smith reported that the County road through their property in the White Owl area has been upgraded. She was concerned that she had not been contacted prior to the work being done and asked the reason for work being done on a road that was not well traveled. The Commissioners stated that they would research her questions. The Commissioners further explained that road work is scheduled following a master work plan.

Certificate of Residency: Commissioner Ricks made a motion to approve the Certificate of Residency to the College of Southern Idaho for Jasmine Taylor, Commissioner Weber seconded and motion passed.

Claims: After review of the claims submitted by the Elected Officials and Department Heads in the amount of \$380,984.69, for October 11, 2010, Commissioner Weber made a motion to approve, Commissioner Ricks seconded and motion passed.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
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Sheriff's Office

Jason L. Horrocks	Detention Officer	\$14.38	\$14.88	Merit Step
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Nathan Kerbs	Detective	\$17.03		Resignation
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Clerk's Office

Lyndsay Muir	Deputy Clerk	\$8.00		New Hire
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Steven Dalling	Law Clerk	\$40,943		Law Clerk/\$43,600 New Hire
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Probation Office

Anita Knapp Lab Supervisor \$12.39 \$15.00 Merit Step

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

Minutes: Commissioner Weber made a motion to approve the Minutes for the June 4, 2010, County Commissioners Meeting, Commissioner Ricks seconded and motion passed.

Minutes: Commissioner Weber made a motion to approve the Minutes for the September 27, 2010, County Commissioners Meeting, Commissioner Ricks seconded and motion passed.

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Kirk Mace, Juvenile Probation Director: Chrystina Adair is a current tracker and she is currently being paid \$8.50/hour. She has experience as a tracker and has a master's degree and due to these reasons it is proposed to increase her salary to \$10.50 and have her oversee this program.

Commissioner Weber made a motion to increase Christina Adair's salary from \$8.50 an hour to \$10.50 an hour, Commissioner Ricks seconded and motion passed.

PUBLIC HEARING: AN ORDINANCE OF MADISON COUNTY PROVIDING FOR THE PROHIBITION OF THE USE, MANUFACTURE, POSSESSION, AND/OR DELIVERY OF CERTAIN INTOXICATING CHEMICAL SUBSTANCES; PROVIDING FOR A GENERAL DEFINITIONS SECTION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Conflict of Interest: Commissioner Ricks – no, Commissioner Weber - no

Notification to public: All legal notices were published and posted as required by law.

A digital recording of the Public Hearing for Ordinance 362 is on file in the Clerk's Office.

Commissioner Ricks opened the Public Hearing at 11:05 a.m. and asked Prosecuting Attorney Sid Brown and Civil Attorney Aaron Davis to give a presentation regarding the Ordinance.

(Presentation is attached as Exhibit A)

Ryan Brown, Drug Court Coordinator stated that this drug is now affecting the effectiveness of the Drug Court program. They have clients that have been successful in the program and after being introduced to Spice have totally relapsed.

He supports this ordinance and intends to take the ordinance to Jefferson County to have it adopted.

Kirk Mace, Juvenile Probation Director stated that he wanted to give his full support to the adoption of this ordinance. He also reported that this is affecting the success of the drug programs that they offer to Juveniles and there are more Emergency Room incidents with young people. This is a serious problem that is spreading rapidly.

Testimony against Ordinance 369: No testimony was given against the Ordinance

Testimony in the Neutral position regarding Ordinance 369: No testimony was given in the neutral position.

Commissioner Ricks closed the Public Hearing for Ordinance 369 at 11:52 a.m.

Commissioner Weber thanked those who had worked to put this ordinance together.

Commissioner Weber made a motion to adopt Ordinance 369, AN ORDINANCE OF MADISON

COUNTY PROVIDING FOR THE PROHIBITION OF THE USE, MANUFACTURE, POSSESSION, AND/OR DELIVERY OF CERTAIN INTOXICATING CHEMICAL SUBSTANCES; PROVIDING FOR A GENERAL DEFINITIONS SECTION;

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PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW be adopted, Commissioner Ricks seconded and motion passed.

PUBLIC HEARING: A MADISON COUNTY RESOLUTION SETTING THE MADISON COUNTY SHERIFF CIVIL FEES AND PROVIDING AN EFFECTIVE DATE THEREON

Conflict of Interest: Commissioner Ricks – no, Commissioner Weber - no

Notification to public: All legal notices were published and posted as required by law.

A digital recording of the Public Hearing for Ordinance 335 is on file in the Clerk's Office.

Also Present: Sheriff Roy Klingler and Deputy Suzanne Bagley

Commissioner Ricks opened the Public Hearing at 2:08 p.m. and asked Sheriff Klingler and Deputy Bagley to explain the changes to the ordinance.

Sheriff Roy Klingler, The changes being proposed are: Posting fee is currently \$5.00 and we are recommending a change to \$10.00. The fee for the Sheriff's sales is currently \$100 and we are recommending an increase to \$250. These are the only two changes proposed for this ordinance.

Testimony for Ordinance 335: No further testimony was given for the Ordinance.

Testimony against Ordinance 335: No testimony was given against the Ordinance

Neutral:

Bill Moss, 410 Partridge Lane, Rexburg, Idaho: As the document was reviewed he had a couple of questions. He noted that in the wording it stated that the document had been diligently reviewed and he wanted to know how that had been done.

Sheriff Klingler stated that the review of the fees is ongoing and this particular change was discussed at length at the Commissioners Meeting last month prior to setting the Ordinance for public hearing.

Bill Moss stated that only two had been changed out of the seven pages of fees and wanted to know if the costs were realistic.

Sheriff Klingler stated that they try to align the costs, but his office still serves the civil duties of the County and they must work to keep the fees reasonable and in line with State Code.

Mr. Moss stated that he just wanted to know that the fees were being studied so that those taxpayers using the services were responsible for a majority of the cost.

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Commissioner Ricks closed the hearing at 2:25 p.m.

Commissioner Weber made a motion to rescind Ordinance 317 and adopt Ordinance 335, Commissioner Ricks seconded and motion passed.

Treasurer Sherry Arnold asked that the Commissioners consider adopting a resolution to authorize the Tax Collector to make adjustments of late charges, interest and fees to facilitate the collecting of property taxes. After review of the

Resolution, the Commissioners asked the Clerk to set it for a Public Hearing.

Tax Cancellation Consideration for Richard T. Jones, 117, Starview Drive, Rexburg, Idaho. Dr. Jones asked that he be allowed the Homeowner's Exemption for 2009 and 2010 as he had signed the closing papers for his home out of state. He stated that his mortgage lender did not inform him about the need to sign the exemption with the Assessor's Office.

Deputy Assessor Angie Allen stated that they had documentation showing they had visited the home and also mailed out a form.

The Commissioners asked Angie Allen to do further research on the request and return to the next meeting with a recommendation.

Dave Walrath, Public Service Director, reviewed the following items of business: (1) Sally Smith had met with the Commissioners and asked why the road through their property on White Owl had been upgraded and why they had not been contacted. Mr. Walrath explained that the road through their property to the forest was in poor condition and because it is a County road it needed repair. This was the reason for repairing the road. 2) The County has received a letter from ITD recommending that the Texas Slough Bridge be closed to traffic. There is \$260,000 designated from LHTAC for design of a new bridge, but construction is not scheduled for funding at this time. Commissioner Weber made a motion to authorize Dave Walrath to proceed with an RFP for the Texas Slough Bridge, Commissioner Ricks seconded and motion passed. 3) They are patching the road at Bear World. 4) Crack sealing is being done in the County until weather conditions will not permit any further work. 5) Ruby Creek Bridge will be replaced next week with Forest Service Stimulus funds. 6) How to repair or replace the Grizzly at Solid Waste is being studied.

Alesa Gulley, Women's Crisis Center reported that October is Domestic Violence Awareness Month. Commissioner Ricks made a motion to approve the proclamation declaring October as Domestic Violence Awareness Month, Commissioner Weber seconded and motion passed.

Commissioner Ricks made a motion to go into Executive Session at 4:02 p.m., pursuant to Idaho Code 67-2345-1(e), exempt records, Purpose of Executive Session: consider preliminary negotiations involving matters of trade or commerce. (Commissioner Ricks – yes, Commissioner Weber - yes), Commissioner Ricks returned to Open Session at 4:33 p.m.

Brent McFadden, Planning and Zoning Administrator reviewed the Findings of Fact for the Chapter 16, Geothermal Power.

Commissioner Ricks entered the Findings of Fact for Chapter 16, Geothermal Power into record:

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

Title 10: Unified Development Code
New Chapter 16 Geothermal Power

The Madison County Planning and Zoning Commission held a public hearing on September 9th, 2010 at 7:15 p.m. at the Commissioner's Room in the Madison County Courthouse, Rexburg, Idaho to consider the proposed Title 10 Unified Development Code, Chapter 16, Geothermal Power.

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, Jolene Sutton, Dean Peterson, Bill Squires, Bradley Petersen, Barrett Wilcox, Mike Munns and Kevin Willmore.

Those unable to attend: Vice Chairman Millie Andrus, Anthony Merrill, Doug Sakota, Kay Burrell, Legal Counsel Troy Evans and County Planning and Zoning Administrator Brent G. McFadden. Planning and Zoning Coordinator Shauna J. Ringel 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 meetings. Chairman Williams questioned Mrs. Ringel as to whether or not notices of the hearing had been properly published, posted and provided. Mrs. Ringel stated all required legal notices had been given. The Chairman asked if there were any conflicts of interest. None were stated.

Shauna Ringel gave the presentation on behalf of Madison County Planning and Zoning Administrator of the Chapter 10 Unified Development Code, Chapter 16 Geothermal Power. Mrs. Ringel was asked questions by the Commission.

After hearing the presentation by the Madison County official on behalf of the Title 10 Unified Development Code, new Chapter 16, Geothermal Power, Chairman Williams 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 then asked all those who wanted to speak in favor, in neutral, or opposed to the proposal to come forward and be heard. A summary of this discussion at the hearing is attached hereto and incorporated herein.

Those in favor were: None

Those in neutral were: None

Those opposed were: None

There were no written comments.

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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 Title 10 Unified Development Code, Chapter 16 Geothermal Power. 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 September 11, 2010 to take the testimony on a proposed Title 10

Unified Development Code, Chapter 16 Geothermal Power. This proposal is consistent with the goals and objectives of the Comprehensive Plan.

Notice was published in the legal County newspaper, the Standard Journal August 26, 28 and September 4, 2010 as required. Said notice was also published in the Madison County Courthouse (2 locations), Madison County Administration Building, Madison County Public Library, Albertsons and Broulim's Supermarket. The published notice included an appropriate and accurate summary of the issues to be heard.

2) At the beginning of the hearing, Chairman Williams 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 7:15 pm 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 Coordinator 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.

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 This was a very thorough, year long process to research the best ways to allow for Geothermal Power in Madison County.

 Experts in this field had been consulted with prior to the public hearing.

 On site examination of a Geothermal Power Plant in southern Idaho was made by the Administrator and the Chairman.

6) Approval of the proposed Title 10 Unified Development Code, Chapter 16 Geothermal Power 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 Title 10 Unified Development Code, Chapter 16 Geothermal Power 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 Title 10 Unified Development Code, Chapter 16 Geothermal Power 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 Title 10 Unified Development Code, Chapter 16 Geothermal Power, in accordance with the requirements of Idaho Code §§ 67-6536.

4. The proposed 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 Bradley Petersen made the motion to approve the Title 10: Unified Development Code, Chapter 16 Geothermal Power. Commission member Dean Peterson seconded the motion. Vote was unanimous.

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 Title 10 Unified Development Code, Chapter 16

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Geothermal Power.

Commissioner Ricks made a motion to accept the Findings of Fact for Chapter 16, Geothermal Power, as recommended by the Planning and Zoning Commission, Commissioner Weber seconded and motion passed.

The Public Hearing for the Lloyd Bradshaw Variance Appeal was cancelled due to a discrepancy in legal notifications.

Commissioner Ricks made a motion to adjourn at 5:15 p.m. and Commissioner Weber seconded.

Approved:

Kimber Ricks, Commissioner

Jon O. Weber, Commissioner