

September 13, 2010

Category : Commissioner Minutes 2010

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MADISON COUNTY COMMISSIONERS 9/8/2010-1

MEETING AGENDA

September 13, 2010 8:00 p.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:

 Claims – September 13, 2010

 Minutes – September 7, 2010, September 1, 2010 & August 23, 2010

 Certificates of Residency Approvals:

 Retail Alcoholic Beverage Licenses for the following:

Maverik Inc. #168 and #195

Byron Jensen – Valley Wide Cooperative

Amrest LLC – Applebee's Neighborhood Grill and Bar

Leishman Investments Inc. – Horkley Self Service

39 South 2nd West * 727 North 2nd East

 Certificate of Residency Requests for College of Southern Idaho

Mikael J. Edelmayer, Korth D. Petersen, Rachael Petersen

& Shawn Paris

 Certificate of Residency Request for College of Western Idaho

Ryan Blunck

 East Parkway Corridor Study Invoice No. 11 and No. 12

 Airport Board Appointment

 Commissioner Reports

10:00 a.m. Steve Hobley, Public Services Director Re: Building Issues

10:30 a.m. Mike Walker, Emergency Services Asst. Dir. Re: Union Contract

11:00 a.m. Sheriff Klingler, Under Sheriff Kaufman & Sue Bagley

Re: Civil Fee

11:30 a.m. Mallory Harling Re: Tax consideration re late fee & interest

12:00 Noon Lunch Break

2:00 p.m. Morgan Construction, Ted Hendricks, Sheriff Klingler, John Millar, Mayor Woodland, Glenn Pond

Re: Co-op Property

3:30 p.m.

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Public Hearings

4:00 p.m. Ordinance 362 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.

4:30 p.m. Ordinance 363 Guiding the process of registering an Open Burning within Madison County.

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
September 13, 2010 8:00 A.M.
COMMISSIONERS' ROOM

Present: Commissioner Robert Hansen, Chairman, Commissioner Kimber Ricks, Commissioner Jon O. Weber, Attorney Troy Evans and Clerk Marilyn Rasmussen

Welfare and Indigent – (Deputy Welfare Clerk, Liz Boyce): Commissioner Hansen made a motion to go into Executive Session at 8:10 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 Weber - yes), Commissioner Hansen returned to Open Session at 8:23 a.m. Commissioner Ricks made a motion to prepare a letter of appeal for Case Number 2010036, deny Case Numbers 2010043 and 2010048, sign lien releases for Case Numbers 2010034, 2010041 and 2010035, approve non-medical Case Numbers N0101029, N0101030 and N0101031, Commissioner Hansen seconded and voting was unanimous.

East Parkway Corridor: Commissioner Ricks made a motion to approve Invoice Numbers 11 and 12 to Keller and Associates for the East Parkway Corridor, Commissioner Weber seconded and voting was unanimous.

Airport Board Appointment: Commissioner Weber made a motion to appoint Mark Jensen to complete the Airport term now held by Howard Jensen, Commissioner Ricks seconded and voting was unanimous.

Retail Alcoholic Beverage Licenses:

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Maverik Inc. #168, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Maverik Inc. #195, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Valley Wide Cooperative – Byron Jensen, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Amrest LLC – Applebee's Neighborhood Grill and Bar Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Leishman Investments Inc. – Horkley Self Service 39 South 2nd West, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve the 2011 Retail Alcoholic Beverage License for Leishman Investments Inc. – Horkley Self Service

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727 North 2nd East, Commissioner Weber seconded and voting was unanimous.

Commissioner Reports:

Commissioner Weber reported that a Solid Waste Meeting is being held September 20, 2010, at the IAC Meetings in Boise to discuss maintenance.

Commissioner Hansen recommended that a subcommittee be formed to study the Fair Grounds location.

Steve Hobley, General Services Director reviewed the following items of business: 1) Carpet and tile

replacement for the Administration Building. The Commissioners authorized Mr. Hobley to get bids for the project. 2) Request for a new building for chemical storage which would cost approximately \$35,000. The Commissioners authorized the concrete foundation be installed, and to get plans for final construction of the building.

Dave Walrath, Public Work Director discussed the following items of business: 1) Lyman-Archer Highway stripping should be done this week, 2) The life expectancy of the Madison County Gravel Pits. 3) He will be attending a Solid Waste Management Meeting in Coeur d'Alene September 22 and 23, 2010.

Deputy Treasurer Anita Clark presented a request for Mallory Harling to consider cancellation of the penalty and interest for their 2009 taxes. Commissioner Weber made a motion to deny the request to cancel the penalty and interest for Mallory Harling, Commissioner Ricks seconded and voting was unanimous.

Commissioner Ricks made a motion to amend the agenda to review the internship project for Deputy Moroni Burton, Commissioner Weber seconded and voting was unanimous. The Commissioners reviewed financial projects regarding fair grounds, fleet management, accounting graphs and reports that he could do for them during his internship.

Commissioner Hansen made a motion to amend the agenda to include the Certificate of Residency Affidavits for the following: Garett Christenson, Katelyn R. Christensen, Jessica C. Grant, Vanessa Hill, Victoria C. Holman, Trevor J. Jones, Jake M. Jones, Tara Muir, Jalyce K. Murri, Lindsay C. Palmer, Samantha J. Porter, Lexie Thompson, Commissioner Ricks seconded and voting was unanimous.

Commissioner Hansen made a motion to approve Certificate of Residency/Affidavits for the following requests: Ryan Blunck, Garett Christenson, Katelyn R. Christensen, Mikael J. Edelmayer, Jessica C. Grant, Vanessa Hill, Victoria C. Holman, Trevor J. Jones, Jake M. Jones, Tara Muir, Jalyce K. Murri, Lindsay C. Palmer, Shawn Paris, Korth D. Peterson, Rachael M. Peterson, Samantha J. Porter, Lexie Thompson,

Sheriff Roy Klingler, Under Sheriff Ryan Kaufman and Deputy Sue Bagley: Sheriff Klingler requested changes in the Civil Fee Resolution. Sue Bagley reviewed the reasons for requesting a change in the fee for a Sheriff's Sale.

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Commissioner Weber made a motion to send the revised Civil Fee Resolution to Public Hearing, 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 \$460,975.14, for September 13, 2010, Commissioner Ricks made a motion to approve, Commissioner Weber seconded and voting was unanimous.

Personnel Actions:

Name	Current Status	Salary	Proposed Status	Reason
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7th Judicial Treatment Program

Ashley Bringhurst	Counselor	\$22.28/hr	Supervisor/\$23.59	Promotion
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Sheriff's Office

Steven C. Cook	Detention Officer	\$16.34		Resignation
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Jessica A. Miller	Res. Dispatcher	\$ 8.50	Res. Dispatcher/\$10.00	Merit Step
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Jacob F. Olson	Detention Officer	\$14.88		Resignation
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Commissioner Ricks made a motion to approve the listed Personnel Actions, Commissioner Hansen

seconded and voting was unanimous.

Minutes: Commissioner Ricks made a motion to approve the Minutes for the August 23, 2010, County Commissioners Meeting, Commissioner Weber seconded and motion passed.

Minutes: Commissioner Weber made a motion to approve the Minutes for the September 1, 2010, County Commissioners Meeting, with changes, Commissioner Ricks seconded and voting was unanimous.

Commissioner Hansen made a motion to amend the agenda to include Resolution 334, 2010 Elections for National Forest related Safety Net Payments, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to approve Resolution 334, 2010 Elections for National Forest related Safety Net Payments (Secure Rural Funding), Commissioner Ricks seconded and voting was unanimous.

Co-op Property sale with Morgan Construction:

Present: Matt Morgan, Ryan Gregerson – Morgan Construction, Mayor Woodland, Richard Horner, Keith Davidson – City of Rexburg, Glenn Pond – Urban Renewal, Sheriff Klingler, Under Sheriff Ryan Kaufman - County, Donna Benfield, Chamber of Commerce

The members discussed the co-op parking area issues; construction of a new Sheriff's building and impound area and the urban renewal contribution to the project. Glenn Pond from the Urban Renewal Agency stated that the County would need to present a plan and cost prior to the Urban Renewal District making a financial commitment.

Commissioner Weber made a motion to insert a brochure in payroll information for the Group Basic Life and Supplemental Benefit Highlights and Dental and Vision Insurance, Commissioner Ricks seconded and voting was unanimous.

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PUBLIC HEARING: Ordinance 362: 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.

Conflict of Interest: Commissioner Hansen - no, 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.

Fire Chief Corey Childs: This ordinance adopts the 2006 Fire Code which is the current code which is used for fire rules and regulations for buildings in the County. Due to several typographical and grammatical errors made in the first adoption, the Commissioners asked that Chief Childs correct prior to this Public Hearing. Mr. Bill Moss, from the community has helped in this process and so today is the version with corrections. Chief Childs then reviewed the document with the corrections.

Neutral Testimony:

Bill Moss 410 Partridge Lane, Rexburg, ID: He noted two items of concern with the updated copy. 1) Section BB, Page 7, 508.6 is out of sequence and should go between V and W, page 6. 2) Page 10, the purpose of the ordinance. He did not think it should state that it was an ordinance for the County and City.

Commissioner Hansen closed the Public hearing at 4:23 p.m.

Commissioner Weber made a motion to pass Ordinance 362 with the changes of placing section 508.6 in proper sequence and deleting the word City from the Purpose of the Ordinance, Commissioner Hansen seconded and voting was unanimous.

Commissioner Hansen opened the Public Hearing regarding Ordinance 363, Guiding the process of registering an Open Burning within Madison County at 4:31 p.m.

Conflict of Interest: Commissioner Hansen - no, 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.

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Fire Chief Corey Childs: This ordinance is in an effort to get the residents of Madison County to register their burns with the Fire Department, thus lowering the number of false alarms. It has been through many revisions. It was approved by the Emergency Services Board and recommended to the Commissioners for approval. Open Burning and Recreational Fire paragraphs were revised by Attorney Troy Evans. However, after reviewing this ordinance, it is the recommendation that substantial changes be made to the document. The Fire District Board discussed this document at their last meeting and several significant items were pointed out that needed to be changed. The document states the public would need to obtain a permit and EMS only wants the public to register burns. He requested the change of deleting the word permit and inserting the wording of registration is obtained by contacting Emergency Services and then let the paragraph continue.

Commissioner Weber suggested that hours of visiting the Fire Station to register a burn should be stated.

Chief Childs said they would insert the hours of 9:00 a.m. to 5:00 p.m. They could either visit the station or register on the internet.

He stated that Number 2 and 3 should be deleted from the document. The reason is to get people to register, not to enforce State Law with governance to Forest burning or DEQ law. In support of these changes Fire Commissioner Anderson did not want this to be turned into a misdemeanor, but stay an infraction and a \$50 fine each time of occurrence which was the opinion of the Fire District Board.

Testimony for adoption of Ordinance 363:

None

Neutral Testimony:

Bill Moss 410 Partridge Lane, Rexburg, ID: He stated his concern of the wording, "burning other than rubbish" be taken out of the document as he did not feel it was defined clearly. His other concerns had been addressed with Chief Childs and he was in agreement with the document.

Brent McFadden, 5335 North 6000 West, Rexburg, ID: As Planning and Zoning Administrator, he stated that the Commission was addressing this concern in the Planning and Zoning Ordinance documents. His concern was that the two foot diameter for outdoor pits was too small as he had seen people use tractor rims that were three and four feet in diameter. He also stated that a member of the Planning and Zoning Commission was very opposed to the Ordinance.

Ken S. Anderson, Fire Commissioner, 2401 West 3800 South, Rexburg, ID: He entered into record a

letter regarding Ordinance 363.

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Madison County Fire Protection District
26 North Center Street
Rexburg, ID 83440

September 9, 2010

Madison County Commissioners:
Commissioner Robert Hansen
Commissioner Kimber Ricks
Commissioner John Weber

P.O. 389
Rexburg, ID 83440

Re: Proposed County Ordinance No. 363
Gentlemen:

As the board of commissioners of the fire district, we have examined proposed Madison County Ordinance 363 as published under the "Notice of Public Hearing". We agree with the concept that it is desirable that "controlled burns" be reported to the fire department. This is important so as to prevent the emergency response of fire personnel, apparatus and resources on avoidable false alarms. We appreciate your efforts at addressing this matter.

However, we cannot support the proposed ordinance in its present form. We would respectfully request the following changes:

- 1) Change Section II.1 to read the following: "Register with the Rexburg-Madison County Emergency Services. Registration can be obtained online at www.fdmadison.org, by calling the station at (208) 359-3010, or personally visiting the station at 26 N. Center Street in Rexburg, Idaho."
- 2) Delete Section II.2 and II.3 and any references to them.
- 3) Keep the penalty at the maximum of a \$50.00 fine and in all cases classify it as an infraction only.

We believe these changes will serve the residents of Madison County well, without unnecessarily burdening them.

Very Truly Yours,
Fire Commissioner Cole Baldwin
Fire Commissioner Wesley Donahoo
Fire Commissioner Ken S. Anderson

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Commissioner Hansen closed the Public Hearing at 4:44 p.m.

Commissioner Ricks made a motion to deny Ordinance 363, with the understanding that it will be submitted again with changes, Commissioner Weber seconded and voting was unanimous.

Commissioner Hansen made a motion to adjourn at 4:47 p.m., Commissioner Ricks seconded.

Approved:

Robert Hansen

Kimber Ricks

Jon O. Weber