

Abbreviated Minutes: Complete Set Of Minutes Are On File In The Clerk's Office

Madison County Commissioners		
Meeting Minutes		
APRIL 28, 2014	8:00 AM	COMMISSIONERS' ROOM
ATTENDEES	Commissioners: Chairman Kimber Ricks and Jon Weber and Todd Smith Deputy Prosecuting Attorney: Troy Evans County Clerk: Kim Muir Deputy Clerk: Brenda Stoor	

AGENDA TOPICS

Public Comment:

Present: Don Fletcher; East Idaho Flame

Dan Roberts: Discussion about the Farmers Market, Ace Hardware and the Parking Lot. There is a possibility that the Farmer's Market will move from the County/City Parking location.

Dawn Hunter - Employee Benefit/Long Term Disability Billing:

Rudy Ballard and Lynn Rydalch were present. There was discussion about billing and the fluctuating costs. There was also discussion on whether or not to keep the Long Term Disability Policy.

Commissioner Weber made a motion to discontinue the Long Term Disability Plan for county employees effective immediately. Commissioner Smith seconded and voting was unanimous. There was discussion on the motion, and Commissioner Ricks prefers more discussion with employees first before discontinuing the insurance. The motion passed with Commissioner Ricks' vote against the motion.

County Business:

Committee & Board Reports:

Commissioner Ricks:

- High Country, RC&D Magistrate Commission, RDA and RC&D annual sponsors meeting was held last week.
- The Magistrate Commission will meet in June to review Judge Walker's service.
- The annual RDA meeting is set for May 13, 2014.
- The new Avaya Phone System is up and running.

Commissioner Weber – MEDCO:

A discussion was held on the Community Block Grant for the Firehouse. This will start early summer.

Contracts/Documents:

Madison County Ordinance #392, Repealing Madison County Ordinance Section 14-1, Prohibiting Possession of Dangerous Weapons in Public Building. The matter was discussed at the public hearing below.

Commissioner Ricks made a motion to sign the Right of Way Certificate for the guardrail project. Commissioner Smith seconded and voting was unanimous.

Commissioner Smith made a motion to sign the Election Systems & Software Agreement. Commissioner Ricks seconded and voting was unanimous.

Commissioner Weber made a motion to sign the Horrock's Engineers Contract Transportation Study and Master Plan project. Commissioner Smith seconded and voting was unanimous.

Discussion Items:

Sherry/Troy – Odd Lot Discussion on .5 Acre Parcel Located By Max & Renee Palmer. A discussion was held declaring this property as an odd lot. Sherry Arnold and Troy Evans discussed the history of this property and reviewed the procedures for declaring it an odd lot and the public notification involved.

Calendar Items - Discussion of Pending Matters:

- Teton Lodge and Spa - May 6- 7 (Jan Brown/HUD Grant)
- LEPC/Cameron Stanford - A 6-County readiness demonstration for emergency services will be held at Madison High School on June 6-7. All emergency responders will be in attendance.
- There will be an all-day budget training held in room 541 of the Alexander Creek Building on Hitt Road at the ITEC Building in Idaho Falls on May 13, 2014.
- Cameron Stafford will be on the May 12th Commissioner Meeting Agenda to give an LAPC training report and a general flood report for the area.

Routine Items:

- Commissioner Ricks made a motion to approve the claims presented by the clerk. Commissioner Smith seconded and voting was unanimous.
- Commissioner Ricks made a motion to approve the April 14, 2014 Commissioners' Meeting Minutes. Commissioner Weber seconded and voting was unanimous.
- Commissioner Smith made a motion to approve Certificates of Residency for Mackenzie Jones and Laurisa Pierce. Commissioner Weber seconded and voting was unanimous.

Personnel Actions:

Commissioner Smith made a motion to approve the personnel actions. Commissioner Ricks seconded and voting was unanimous.

Health and Welfare - Indigent Clerk (Ann Marie Sorensen):

Commissioner Ricks made a motion to go into Executive Session at 9:00 a.m. pursuant to Idaho Code 67-2345 (1)(b, d) exempt records. (Commissioner Ricks–yes, Commissioner Weber – yes, Commissioner Smith - yes). Commissioner Ricks returned to Open Session at 9:35 a.m. Commissioner Smith made a motion to sign a Lien on Case No. 2014019, sign a Lien Release on Case No. 2014012, sign a Determination of Approval on Case No.

2014014 and sign an Indigent Non-Medical Determination of Approval on Case No. N2014011. Commissioner Ricks seconded and voting was unanimous.

There was discussion of what allowable expenses should be for non-medical indigent cases. Luke Erickson has been asked to do research on allowable expenses for Indigent Resolution #287, and be able to present his research at the next Commissioner meeting on May 12, 2014.

Brent Saurey/ Sherry Arnold - Tax Issues/ Bart Webster:

An error was made in assessing the Webster property. An agreement was reached to satisfy all parties. Commissioner Smith made a motion to cancel \$7,000.00 of past tax assessed and apply this credit for future taxes. Commissioner Ricks seconded and voting was unanimous.

Exemptions:

Kartchner/Summerfield Development is asking for exemption on un-improved sections of the subdivision. Commissioner Ricks made a motion to approve the exemption on the Kartchner/Summerfield Development. Commissioner Weber second and voting was unanimous.

Discussions were held on parcels and ag exemptions.

Commissioner Ricks made a motion to approve the AG Exemption on Parcel No. PO6N40E090400 for Galbraith Tree Farm. Commissioner Smith seconded and voting was unanimous.

Commissioner Weber made a motion to approve the Ag Exemption on Parcel Nos. PRHRVH2B40080, RPRHRVH2B40070, RPRHRVH2B40050, RPRHRVH2B30150, RPRHRVH2B30140, RPRHRVH2B30130, RPRHRVH2B30120, RPRHRVH2B30110, RPRHRVH2B30100, RPRHRVH2B30090, RPRHRVH2B30080, RPRHRVH2B30070, RPRHRVH2B30060, RPRHRVH2B30050, RPRHRVH2B30041, RPRHRVH2B10170, RPRHRVH2B40060, RPRHRVH2040110, RPRHRVH3010140, RPRHRVH3010130, RPRHRVH3010120, RPRHRVH3010110, RPRHRVH3010100 and PRHRVH3010090 for Harvest Heights.. Commissioner Smith seconded and voting was unanimous.

Commissioner Ricks made a motion to approve the Ag Exemption on Parcel No. RPOSDLCE040400 for Stacey and Chantri Keele. Commissioner Smith seconded and voting was unanimous.

Commissioner Smith made a motion to approve the Ag Exemption on Parcel No. RPOSOFK0000090 for Bruce Westover. Commissioner Weber seconded and voting was unanimous.

Commissioner Smith made a motion to deny the Ag Exemption on Parcel No. RPOSNRS0030110 for Yohan and Alla Delton. Commissioner Ricks seconded and voting was unanimous.

Commissioner Smith made a motion to approve the Ag Exemption on Parcel Nos. (RPRVVE60080060, RPRVVE60080050, RPRVVE60080040, RPRVVE60080030, PRVVE60080020, RPRVVE60070130, RPRVVE60070120, RPRVVE62080180, RPRVVED5070020, RPRVVE60070111 and RPRVVED5070070 for Bart and Jan Stevens. Commissioner Ricks seconded and voting was unanimous.

Commissioner Smith made a motion to approve the Ag Exemption on Parcel Nos. RPRBBB62080120, RPRVVE6208130, RPRVVE6208140, RPRVVE6208150, RPRVVE62080160, RPRVVE6208170, RPRVVE6208190, RPRVVE62080200, RPRVVE62080210, RPRVVE63060070, RPRVVE63060080, RPRVVE63060090, RPRVVE63060100, RPRVVE63060110, RPRVVE63060120, RPRVVE63060130, RPRVVE63060140 and RPRVVE63060150 for Hillview Properties. Commissioner Weber seconded and voting was unanimous.

Commissioner Ricks made a motion to approve the Ag Exemption on Parcel No. RPO6N4OE061830 for Craig Rammell. Commissioner Smith seconded and voting was unanimous.

Commissioner Ricks made a motion to deny Westover Ranch's request for an exemption on Section 18, Township 6, Range 40. Commissioner Smith seconded and voting was unanimous.

Commissioner Weber made a motion to approve the exemptions on Parcel No. RRXB10130130 for Grace Baptist Church, Parcel No. RRXB10490140 for Community Presbyterian Church of Rexburg, Parcel No. 06N40E082211 for Lighthouse Bible Baptist and 06N40E082051 for Apostolic Assembly of the Faith in Christ Jesus, Inc. Commissioner Ricks seconded and voting was unanimous.

Sugar City has not been notified that they should turn in an exemption application.

Max and Renee Palmer's odd-lot property will be handled in the near future.

East Idaho Community Action Partnership is scheduled for the May 12, 2014 Commissioners' Meeting.

The Commissioners need clarification on the Upper Snake River Valley Historical Society before a motion can be made.

Property Tax Exemptions

Commissioner Smith made a motion to approve the same exemption as the previous year on Parcel No. RP06N40E172690 for Development Workshop. Commissioner Ricks seconded and voting was unanimous.

Commissioner Smith made a motion to approve the property tax exemption on Parcel No. RPRRXB10230160 for Twin Pines Apartments. Commissioner Ricks seconded and voting was unanimous.

Commissioner Smith made a motion to approve the property tax exemption on Parcel No. RRXB10451140 for Four Paws Pet Adoption. Commissioner Ricks seconded and voting was unanimous.

Friendship Club/Alcoholics Anonymous will need to apply for this exemption each year. Commissioners cannot act on non-application for exemption. More information is needed from this organization before it can be decided.

Yohan and Alla Delton are requesting a 50% exemption for their building on Parcel No. RPOSNRS 0030110. Commissioner Smith made a motion to deny the exemption. Commissioner Weber seconded and voting was unanimous.

Commissioner Ricks made a motion to approve Madison School District exemptions. Commissioner Smith seconded and voting was unanimous.

BYU-Idaho and LDS Church will need further review. This is scheduled for the May 12, 2014 Commissioner's Meeting.

Brent McFadden - General Services LIDAR Opportunities/Courthouse/Jail Updates:

A discussion was held on the opportunity for a LIDAR flight study to be done for several parcels in the Burton area. LIDAR gives area flood information, the contour and the flow. This study will determine which homes will be in the flood plain.

Tests on the Court House and Jail proved positive for asbestos. If it is not disturbed, it will be ok. The asbestos is in the basement of the court house.

Dave Walrath/Public Works - Updates on Roads and Bridges, Thornton Interchange:

- A discussion was held on the landscaping contract for the Gravel Pit. There will be 87 aspen trees planted on the berm, and Rob Huffman will be moving them. Commissioner Ricks made a motion to approve the amended landscaping contract. Commissioner Weber seconded and voting was unanimous. Commissioner Weber made a motion to sign the Road and Bridge Contract with O'Brien Landscaping, Inc. on the Archer Gravel Pit. Commissioner Smith seconded and voting was unanimous.
- Commissioner Ricks made a motion to approve the Tiger Grant Application. Commissioner Weber seconded and voting was unanimous.
- RPO consists of representatives from the City of Rexburg, City of Sugar City, ITD and BYU-I University. There are capital improvements built in for 20 years. This will incorporate the interchange, egress and 5000 South and Frontage Road.

RPO would like the consultants to look at certain intersections and give possible solutions for these intersections.

- A discussion was held on the guard rail right of way certificates on the Hibbard and Archer/Lyman Highways. Interchange Agreement is close to being executed, and it is strictly State funding. The county will maintain from the state right of way line to 4300 West.
Commissioner Smith made a motion to approve Guard Rail Right of Way Contract. Commissioner Weber seconded and voting was unanimous.
- A discussion was held on the BYU-I recycling business. It is closed, and Western Recycling has taken over.
- A discussion was held on the Thornton Interchange.

Kathleen Price/Kellye Eager - Eastern Idaho Public Health District Ordinance Update:

- There was a discussion about keeping or modifying the ordinance of septic sizing, Madison County Resolution # 236.
- The Commissioners would like to reconsider this ordinance and, possibly, turn it over to the Public Health District. Health Department is concerned with the lot size and not the septic size.
- Commissioners would like to have a more simplified wording so the public can understand it clearly. The Department of Health wants to support the commissioners in whatever they decide. If the county does away with this ordinance, then it will default to the procedures that are already in place around the state. The simplified version would read: Any system in the county has to meet the standards of the Public Health Departments regulations.
- The County can be more restrictive but not less than the State.
- It was suggested to have Planning and Zoning hold a public hearing on this ordinance.

Rudey Ballard - Blue Cross Insurance Renewal:

Rudey reported that we will be looking at a 14% reduction in healthcare premiums, but 4% of premium is going right back to the Federal Government to fund the ACA. When we lock it in, we have a guarantee that it will stay the same. There is still good value in staying grandfathered. Commissioner Smith made a motion to accept the renewal rate offered by Ballard Insurance. Commissioner Weber seconded and voting was unanimous.

Kirk Mace - Wellness Program:

Wellness update begins this week. Kirk has had several people talk to him about wanting to participate, but they don't have the 5% weight to lose. Option B was presented to do what everyone else does, weigh in weekly, provide a log that shows four days per week of exercise and would be subject to the eight hours comp. time.

Commissioner Ricks recessed the meeting until 5:30 p.m. Commissioner Smith seconded and voting was unanimous.

Public Hearing: To Receive Public Comment Regarding Ordinance #392 Repealing Madison County Ordinance Section 14-1 Prohibiting Dangerous Weapons In Public Buildings and Providing Effective Date:

Commissioner Ricks opened the public hearing at 5:35 p.m. The Clerk reported that the public hearing had been properly noticed. All three Commissioners stated that they had no conflicts of interests. Those present were encouraged to keep comments to no more than five minutes and that if you agree with someone else, avoid being repetitive. The presenter was given ten minutes.

Troy Evans was the presenter on behalf of Madison County and was sworn in and gave a history of these events. He reviewed the history of the original ordinance passed on December 18, 1995 and how the law was changed in 2008 by the Idaho Legislature with the enactment of Idaho Code, Section 18-3302J and how during August of 2013, Judge Shinderling issued an Administrative Order 2013-14-8 prohibiting dangerous weapons in the courthouse. There was discussion on the applicability of the Administrative Order on other county owned facilities and that it applies to the courthouse.

The meeting was then turned over to the public for testimony.

Speaking In Favor:

Kelly McKamey

Would like to see the ordinance pass for county employees and citizens to protect and defend themselves.

Donald K. McDougal

He encouraged Commissioners to repeal the ordinance to be in line with the 2nd Amendment.

Dan Roberts

He has concerns about areas not being protected. There is very little security at the hospital. Law abiding citizens are those at the most risk and become trapped without the ability to protect themselves. He encouraged the Commissioners to have faith in the moral majority of Madison County. Innocent people have died because they are unable to protect themselves. Look at the natural laws that the 2nd Amendment gives us.

Kirsten and Shane Ruebush

They appreciate Commissioners taking the time to hear this matter.

Travis Williams

He spent over 18 years with the SWAT team and the Sheriff's Office. In the past, he has responded to a threat of violence in each of the buildings. In each of the instances if the individual had been armed, someone would have been killed or injured before the officers arrived. People in these circumstances need the ability to defend themselves. He would

urge us to define the courthouse and asked if the Prosecutor's Office, Detectives' Office and Probation are part of the courthouse.

Steve Adams

He thanked the Commissioners for taking the time to look at the Ordinance. The right of self-protection is not just a constitutional right, but a natural right given by God to people. As a free citizen who is well trained and has the enhanced carry permit, would take additional training to be able to open carry to protect himself and his family. There will be firearms of a non-law abiding people.

Christy Virgin

She asked to please keep our natural law pure to protect our 2nd Amendment rights. It's not responsible to expect other people to protect us. It is our duty and constitutional right to protect ourselves.

Michael LaCourse

He is ex-military. Several things in a room can become a dangerous weapon. We need the ability to protect ourselves and our family.

Ray McDougal

He echoed what had been said and thanked the Commissioners for hearing this issue. Many citizens are for the 2nd Amendment and Constitution.

Chad Virgin

He agreed with comments.

Bret Stoddard

He thanked Commissioners for holding a hearing. Look at where there are gun free zones. Foregatherers have written the 2nd Amendment so we can protect ourselves. Stickers do not prevent people from doing crazy things. Once you walk into a door it doesn't mean that those who have guns are trained people, know how to handle firearms and are legally able to carry weapons where they are allowed. It shouldn't matter what building you are in; especially any public building.

Speaking Against:

Dave Anderson

He state those who have spoken are gun rights advocates. He is a pharmacist at the hospital and has seen ugly and volatile situations. Most people are 2nd Amendment supporters and have had experience using guns. When the legislature meets, they are passing laws to impress each other. The 2nd Amendment has no restrictions placed upon it. You can't take your gun everywhere – he doesn't see how restricting some buildings is an attack on the 2nd Amendment. It is reasonable to have guns, but not everyplace and the hospital isn't a place to have guns.

Wade Bowman

He is also an employee of the hospital, and this is concerning to him. People are under a lot of stress in the hospital, maybe feeling like their loved one isn't getting the proper care and if they are packing, it is a concern. There is security at hospitals armed and trained. Innocent people could be harmed. He would like an exemption considered for the hospital.

Nolan Bybee

He stated they are charged with the treatment and diagnosis of people. If we open this up to allow people to come in with a gun, more people will think it is their right to de-escalate a bad situation. They have security to de-escalate a situation and would like those trained to be the ones to resolve the situation. He does oppose this.

Commissioner Ricks declared the public hearing portion of the meeting closed at 6:28 p.m. There was discussion between the Commissioners.

Commissioner Weber appreciates those showing up this evening and taking the time to attend and comment. He feels that it is going to take more than a sticker on a door to stop someone wanting to shoot, and it would take metal detectors at every entrance. We have a right to protect ourselves and to carry.

Commissioner Smith questioned if the Administrative Order is on the Courthouse and if it is restricted to the courtrooms and court clerks only. Troy Evans read the Administrative Order to clarify that it applies to the Courthouse.

There was discussion regarding other hospitals in the State and the discharge of firearms.

Commissioner Ricks moved to table the matter for now to continue studying notes that were taken. There was no second, and the motion was withdrawn. Commissioner Weber made a motion to sign Ordinance #392 Repealing Madison County Ordinance Section 14-1 Prohibiting Dangerous Weapons in Public Buildings and Providing Effective Date. Commissioner Smith seconded and voting was unanimous.

Commissioner Weber made a motion to adjourn the meeting at 6:40 p.m. Commissioner Ricks seconded and voting was unanimous.

Approved:

Kimber Ricks, Commission Chairman
Jon Weber, Commissioner
Todd Smith, Commissioner