

**POWER COUNTY COMMISSIONER MINUTES**

The Board of Power County Commissioners met in regular session on Monday, August 12, 2002. Present were Commissioners Ken Estep, Chairman, Valerie Hoybjerg and Janet S. Chapman. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney Paul Laggis.

MINUTES: Moved by Commissioner Chapman, seconded by Commissioner Estep, to approve the Minutes for July 1<sup>st</sup>, 8<sup>th</sup>, 18<sup>th</sup> and 29<sup>th</sup>, 2002, as presented. Carried.

CLAIMS: Moved by Commissioner Hoybjerg, seconded by Commissioner Chapman, to approve the claims as presented and supplemented. Carried.

Current Expense (General)	\$ 16,849.98
Ambulance	4,929.48
District Court	5,105.35
Justice Fund	35.02
Indigent	1,895.19
Revaluation	2,297.21
Solid Waste	18,542.05
Weeds	3,532.05
Waterways	2,327.44
PILT	19,599.27

EMPLOYEE MEDICAL BENEFITS: Mark Seamons of Seamons Financial appeared before the Commissioners to discuss Power County's employee medical benefit plan. Mr. Seamons presented the County's history for per employee benefit costs since the inception of the County's self funded employee medical benefit program. The Commissioners discussed the need to increase employer contributions to maintain a stable fund. Following discussion, Mr. Seamons agreed to put a couple of proposals together, including a Gem Plan proposal through ICRMP, for the Commissioners review and consideration prior to approving a plan for the new plan year, which begins October 1, 2002. The Commissioners advised Mr. Seamons to consider increasing employee out of pocket maximum to \$3,000 instead of \$2,000 and/or increasing co-pays on the prescription drugs, as well as a possible slight increase in employee deductible when putting together proposals. This matter was tabled until September 9, 2002.

PUBLIC HEARING – PLANNING & ZONING ORDINANCE #2002-04: Commissioner Estep reported it was the date and time scheduled for public hearing on Power County Planning & Zoning Ordinance #2002-04. Also present was Power County Planning & Zoning Chairman Jim Fitzgerald. There being no public input or objections, it was moved by Commissioner Hoybjerg, seconded by Commissioner Chapman, to suspend full public reading of the proposed ordinance and to approve and adopt Power

County Planning & Zoning Ordinance #2002-04 amending Title 10, Chapter 2, of the Power County Development Code. Carried. The original ordinance in it's written form will be signed by the Commissioners when it has been received by Power County's Special Planning & Zoning Attorney Jerry Mason.

STATE LAND BOARD VS. BLAINE COUNTY: The Commissioners discussed the Planning & Zoning issues being argued in *State of Idaho vs. Blaine County*. Commissioner Estep indicated the need to obtain more information. Following discussion with Power County Prosecuting Attorney Paul Laggis, it was agreed that Commissioner Estep would contact the Blaine County Commissioners to discuss their set back regulations prior to submitting a letter of support.

500 POCATELLO AVENUE – ARCHITECTS REPORT: The Commissioners reviewed the renovation proposal and cost analysis submitted by the architectural firm of Meyers & Anderson for renovation and reconstruction of the County's building located at 500 Pocatello Avenue. The Commissioners discussed the report with architect Pete Anderson via speaker telephone. Following discussion, it was moved by Commissioner Hoybjerg, seconded by Commissioner Estep, to enter into a contract with architects Meyers & Anderson to prepare a structural analysis, code analysis and a floor plan for renovation of the County's building at 500 Pocatello Avenue. Carried.

500 POCATELLO AVENUE – DOOR REPLACEMENT: Commissioners reviewed quote from Yellowstone Glass for replacement of the front door at the County's building located at 500 Pocatello Avenue. The quote is for a white aluminum door, inset with glass and containing an inside safety bar in the amount of \$3,290. The Commissioners agreed to obtain quotes for a wood door. This matter was tabled until August 26, 2002.

500 POCATELLO AVENUE – AMERICAN FALLS YOUTH CENTER LEASE: Prosecuting Attorney Laggis presented a lease agreement between Power County and American Falls Youth Center incorporating the changes previously agreed upon between Power County Commissioners and the American Falls Youth Center Board on July 18, 2002. Following discussion, the Commissioners agreed that the Lease Agreement should be more specific regarding that portion of the building being leased by the American Falls Youth Center. Prosecuting Attorney Paul Laggis will amend the agreement accordingly. This matter was tabled until August 26, 2002.

TAX REFUND REQUEST – AL & IRENE TEMPLETON: The Commissioners reviewed the request of Al & Irene Templeton for a property tax refund on property they own along Pocatello Avenue, which they feel has had an excess value over the last five years. Also present were Power County Assessor Doug Glascock and Power County Treasurer Bobbie Mauch. Power County Assessor Doug Glascock advised the Commissioners that he had adjusted the market value on the property for the 2002 tax drive to compensate Mr. And Mrs. Templeton for the preceding five years of excess value. The Commissioners agreed that the market value adjustment would satisfy Mr. and Mrs. Templeton's request for tax relief. Assessor Glascock then advised the Commissioners that he and the State Tax Commissioner have agreed that the property

will need to be reappraised for the 2003 tax drive to reflect an updated current market value; after which, Mr. and Mrs. Templeton may want to appear before the Power County Commissioners, acting as the Power County Board of Equalization in the event they dispute the reappraised value for the 2003 tax drive. Assessor Glascock also explained that unless Mr. and Mrs. Templeton can provide evidence that their property meets the requirements for an agricultural exemption as outlined in Idaho Code #63-604 and Administrative Rule 645, the agricultural category will not be used on their property. Clerk Steinlicht will draft a letter to Mr. and Mrs. Templeton advising them of the Commissioners action on the request for tax relief.

TAX CANCELLATION REQUEST – CLAUDIA J. WALTER D/B/A POCATELLO SPEEDWAY, INC.: Claudia J. Walter d/b/a Pocatello Speedway, Inc., appeared before the Commissioners with her attorney D. James Manning. Also present were Power County Assessor Doug Glascock and Power County Treasurer Bobbie Mauch. Mr. Manning presented a copy of the Stipulation between Power County and Pocatello Speedway, Inc., reducing the 2001 personal property tax value from \$47,285 to \$21,588; however, still at issue are the property tax values for 1997, 1998, 1999 and 2000. Mr. Manning indicated that as further condition of the State Board of Tax Appeals dismissal before the State Board of Tax Appeals, the personal property taxes for the 1997, 1998, 1999, and 2000 tax years should have been similarly reduced. Mr. Manning and Mrs. Walter requested that the adjustment be made not only on taxes owing for those four years, but also on penalty and interest from 1997 through 2000. Power County Treasurer Bobbie Mauch presented the Commissioners with a recalculation sheet showing reductions for 1997, 1998, 1999 and 2000 as per the 2001 reduction, which reduces the total owing (1997 through 2001) to \$3,703.30 rather than \$7,167.03. Moved by Commissioner Estep, seconded by Commissioner Hoybjerg, to settle the matter with Mrs. Walter for \$4,238.30, which includes all taxes, penalty, interest owing at the reduced rate, plus the tax deed publication fee (\$285) and the tax deed administrative fee (\$250), upon the condition that these amounts be paid in full within nine month, together with penalty and interest which will continue to accrue daily until all amounts currently owing have been paid in full. First payment to be made on or before August 20, 2002, with subsequent monthly payments due on or before the 20<sup>th</sup> of each month until paid in full on April 20, 2003. Carried.

PROSECUTING ATTORNEY BUDGET: Power County Prosecuting Attorney Paul Laggis updated the Commissioners on his attempt to hire a Deputy Prosecuting Attorney. In the meantime, the Commissioners have authorized Prosecutor Laggis to receive \$250 per pay period from the Deputy Prosecuting Attorney line item. The Commissioners and Mr. Laggis then discussed the possibility of Prosecutor Laggis becoming a full-time prosecuting attorney, which would eliminate the difficulties in hiring, training and then keeping qualified deputy prosecutors. The Commissioners agreed to increase the \$250 per pay period to \$500 per pay period until the first Commissioner meeting in November, 2002.

POWER COUNTY TRANSFER STATION/LANDFILL – SOUTHEASTERN DISTRICT HEALTH DEPARTMENT INSPECTION: The Commissioners reviewed the

landfill inspection report submitted by the Southeaster District Health Department. On May 24, 2002, the Southeaster District Health Department conducted an inspection of the Power County transfer Station and landfill and noted several violations. The Commissioners will discuss the violations with transfer station supervisor Craig Heward. This matter was tabled until August 26<sup>th</sup>, 2002.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Hoybjerg, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 for the purpose of taking up personnel issues. Carried.

FISCAL YEAR 2003 BUDGET: Clerk Steinlicht presented the fiscal year 2003 Commissioners proposed budget, which will be published in the Power County Press on August 14<sup>th</sup> and 21<sup>st</sup>, 2002. Public Hearing is scheduled for August 25<sup>th</sup>, 2002, at 6:00 o'clock p.m.

AIRPORT CHEMICAL POLICY: Prosecuting Attorney Paul Laggis suggested that the Commissioners instruct Gil Vasquez and the Power County Airport Board to obtain copies of chemical disposal policies being used at other local airports for use in adopting a chemical policy at the Power County Airport. Commissioner Chapman will contact Gil Vasquez and the Power County Airport Board and request that they provide the Board of Commissioners with a copy of those policies when received. The Commissioners then reviewed the synthetic organic chemical analysis report generated on the shop sink at Sunset Aviation, which showed small traces of the regulated compounds and small traces of unregulated compounds. This matter was tabled until August 26, 2002.

HANDICAPPED ACCESS COMPLAINT: The Commissioners the complaint of Alfredo Gonzales regarding handicapped access through the front door of the Courthouse. Clerk Steinlicht will respond to the complaint and inform Mr. Gonzales of the handicapped parking and access in the rear of the building.

PUBLIC DEFENDER CONTRACT – CONFLICT SERVICES: The Commissioners reviewed the Agreement between Power County and John C. Souza Re: Conflict Indigent Legal Services for Power County during fiscal year 2002. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Chapman, to approve the Agreement as presented. Carried.

REDISTRICTING LAWSUIT: Commissioners agreed to remove this matter from the agenda unless and until they hear from attorney John Runft.

AUDITOR CONTRACT: Moved by Estep, seconded by Chapman, to approve the Letter of Understanding submitted by the County's independent auditor Scott Jones of the firm Jones, Yost, Hatt, Erickson, P.A., to perform an examination of the financial states of Power County for the 2002 fiscal year for a total fee not to exceed \$4,400. Carried.

JR. COLLEGE – CERTIFICATE OF RESIDENCY: Moved by Commissioner Estep, seconded by Commissioner Hoybjerg, to approve the Certificate of Residency for Jonathan Craig Reaves to attend the College of Southern Idaho in Twin Falls. Carried.

LANDFILL – GROUNDWATER SAMPLING EVENT: Commissioner Estep reported that Cascade Earth Science will be conducting a groundwater sampling event at the Power County Landfill tomorrow, August 13, 2002. The Commissioners anticipate that a groundwater sampling report will be forthcoming.


EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Estep, seconded by Commissioner Hoybjerg, to move into executive session pursuant to I.C. #67-2345 for the purpose of taking up indigent matters. Carried.

ACREAGE HISTORY REPORT – U. S. DEPARTMENT OF AGRICULTURE: Commissioners reviewed the U. S. Department of Agriculture's Acreage History Reports on two parcels of property owned by Power County and being leased by Larry Fitch and Robert Zimmerman. Commissioner Estep will follow up directly with the Department of Agriculture on these reports.

COUNTY-WIDE STORM PLAN: Commissioner Estep reported that the Department of Transportation has agreed to set aside \$35,000 to assist the City of American Falls, the Power County Highway District and Power County in developing a county-wide storm water plan to take care of excess runoff. The cost share to be split equally between the City, Highway and County would be 7%. Commissioner Estep reported that the City and Highway Districts are willing to participate at the 7% equal split.

Adjourned.

  
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KEN ESTEP, Chairman

  
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CHRISTINE STEINLICHT, Clerk