

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, March 10, 2003. Present were Commissioners Ken Estep, Chairman, Vicki L. Meadows and Ray Zimmerman. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney Paul Laggis.

MINUTES: Moved by Commissioner Meadows, seconded by Commissioner Zimmerman to approve the Power County Commissioners Minutes for February 10th, 11th, 13th, 18th and 24th, 2003, as presented. Carried.

FAIRGROUND – SEWER LINE: Commissioner Estep reported that Power County Fairboard Chairman Bill Schroeder will be overseeing the extension of the sewer line to the new restrooms at the fairgrounds. Following discussion, the Commissioners agreed that Power County would pay all expenses to further expand the sewer line from the restrooms across the road to the dump station, to be paid from PILT construction funds.

GUARDIANSHIP BOARD: Moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to appoint Cheryl Permman, Mike Dismer and Barbara Eliassen, each to serve two-year terms on the Power County Guardianship Board (January, 2005). Carried.

SCHOOL RESOURCE OFFICER: Power County Deputy Sheriff Fred Harms and American Falls School District #381 Administrator Roger Johnston appeared before the Commissioners to discuss the School Resource Officer. The City of American Falls Police Department is currently providing the School Resource Officer. Officer Harms advised the Commissioners that the Power County Sheriff's Office has been working on a grant to fund the School Resource Officer position effective October 1, 2003, and presented the Commissioners with the specific budget detail provided under the grant. Power County's match would be \$11,000 and the School District's match would be in-kind office space and equipment use. Mr. Johnston indicated that the School District officials are in full support of the County's grant application. Moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to pursue grant funding for the Power County Sheriff to provide American Falls School District #381 with a School Resource Officer. Carried.

CLERK'S ANNUAL FINANCIAL REPORT: Moved by Commissioner Estep, seconded by Commissioner Meadows to approve the Clerk's Annual Financial Report for Fiscal Year ending September 30, 2002, as presented. Carried.

ECONOMIC DEVELOPMENT: Commissioner Meadows reported that she anticipates that approximately 35 people will be attending the Economic Development Forum on March 19th, 2003. The Commissioners agreed to request that Melody Lanes & Café

prepare snack trays, at County expense, to serve to the attendees. Commissioner Meadows also suggested that the Power County Board of Commissioners consider contracting with an economic development expert to assist Power County in attracting new industry to the area.

PUBLIC DEFENDER GREIVANCE: Lewis O. Jensen appeared before the Commissioners to discuss a possible Tort Claim against Power County as a result of the injury and/or damage he feels he sustained through inadequate representation by the Power County Public Defender, George Southworth. The Commissioners suggested that Mr. Jensen file a proper Notice of Tort Claim as required by Idaho Code and the Tort Claims Act.

POWER COUNTY SHERIFF INMATE LABOR DETAIL (SCILD): Milton Davidson of the Power County Sheriff's Office appeared before the Commissioners to discuss the possibility of the SCILD crew helping with the City of American Falls' clean up efforts. Mr. Davidson expressed his concerns with entering on private residential property to perform inmate labor detail without Commissioner approval. Commissioners agreed that private residences should not receive any financial benefit from the SCILD program; however, the Sheriff may authorize the SCILD crew to assist elderly or handicapped residents. The Commissioners then authorized Mr. Davidson to purchase five large packages of black garbage bags to aid with the roadside litter pickup.

SUNSET AVIATION – POWER COUNTY AIRPORT: Jolynn Werenka of Sunset Aviation appeared before the Commissioners to discuss her efforts to finalize her parents' estate and sell the Sunset Aviation buildings. Ms. Werenka questioned whether Power County would be willing to sell the real property upon which the buildings are situated. The Commissioners agreed that they would be hesitant to consider allowing any private land holdings within the boundaries of the Power County airport; however, they would consider entering into a lease arrangement with any buyer of the Sunset Aviation buildings. Ms. Werenka indicated that all potential buyers to date have insisted that the real property upon which the Sunset Aviation buildings are situated would need to be included as a part of the sale. Following discussion, the Commissioners agreed that they would contact Ms. Werenka after they have a chance to inquire as to what other airports are doing about private landholdings within their boundaries.

500 POCATELLO AVENUE – STRUCTURAL ANALYSIS: Mark P. Forbord, Senior Structural Engineer from Eagle Engineering, appeared before the Commissioners to report on his initial assessment of the structural renovations needed at the 500 Pocatello Avenue building. Also present was 500 Pocatello Avenue Renovation Board member David Bethke. Mr. Forbord indicated that he would need time to discuss the renovation plan with the 500 Pocatello Avenue Renovation Board prior to finalizing a structural assessment and cost analysis. The Commissioners presented Mr. Forbord with a copy of the initial structural analysis prepared by the architectural firm of Meyers & Anderson.

SIXTH DISTRICT JUVENILE RESIDENTIAL TREATMENT CENTER: Matt Olson of the Bannock County Juvenile Probation Office and Bannock County Commissioner

Craig Cooper appeared before the Commissioners to discuss the proposed Sixth District Juvenile Residential Treatment Center, which would be constructed to treat youth offenders and their family members in locally based programs rather than through the State Department of Juvenile Corrections. Mr. Olson indicated that the State Department of Juvenile Corrections is encouraging further study of this option as a way to reduce costs of juvenile rehabilitation. Also present was Power County Juvenile Probation Officer Russ Wheatley and Power County Magistrate Judge Mark Beebe. Judge Beebe expressed his concern with the quality of care or level of service that would be offered to participants in alternative treatment programs through the Sixth District versus the Department of Juvenile Corrections. The Commissioners and Mr. Wheatley discussed their concern that Power County could be subjected to dramatically increased costs for rehabilitation of juveniles if the number of children sent to the proposed Residential Treatment Center exceed the cap set for Power County. Mr. Olson indicated that implementation of a Sixth District Juvenile Residential Treatment Center would require legislative action and that process would not succeed without unanimous Sixth District County support. Judge Beebe and Mr. Wheatley agreed to discuss this concept further with the Department of Juvenile Corrections' Sixth District Liaison Bill Lasley. Mr. Olson advised the Commissioners that the next meeting of the Sixth District development committee is scheduled for April 9th, 2003.

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT: Ed Marugg, Craig Madsen, Diane Hill and Shannon Johnson of the Southeastern District Health Department appeared before the Commissioners to present the District's Quarterly report for Power County. Mr. Marugg indicated that he has been appointed as the new District Director to replace Jack Palmer effective April 1st, 2003.

PORTNEUF WATER QUALITY STUDY: Commissioners reviewed the Planning Proposal submitted to the Idaho Congressional Delegation by Daniel H. Israel of Colorado. The Planning Proposal requests that the Shoshone-Bannock Tribes work in partnership with neighboring local governments to restore water quality at the American Falls Reservoir and also requests Power County's partnership in this restoration project. Power County Prosecuting Attorney Paul Laggis will prepare a letter of response to Mr. Israel advising him that the Commissioners will need additional information and time to review and consider Power County's options for support and asking Mr. Israel to keep them advised of his endeavors in this regard.

CLAIMS: Moved by Commissioner Zimmerman, seconded by Commissioner Estep, to approve the claims as submitted, amended and supplemented. Carried.

Current Expense (General)	\$ 16,618.01
Ambulance	2,871.29
District Court	3,524.38
Justice	22,662.87
Indigent	630.08
Junior College	3,100.00
Revaluation	18,037.44

Solid Waste	15,493.45
Weeds	541.90
PILT	10,966.96

JUVENILE DETENTION FACILITY – JOINT POWERS AGREEMENT: The Commissioners reviewed a copy of the proposed Joint Powers Agreement between the Counties of Bannock, Caribou, Oneida, Franklin, Bear Lake and Power, to provide a facility for the detention of juveniles, which complies with the minimum standards set forth in Idaho Code #20-518. Moved by Commissioner Estep, seconded by Commissioner Meadows, to approve and execute the original Juvenile Detention Facility Joint Powers Agreement as presented. Carried. Commissioner Estep will stop by the Bannock County Commissioners' Office to sign the original.

JUNIOR COLLEGE – CERTIFICATES OF RESIDENCY: Moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to approve the Certificate of Residency for LaDawn Mills to attend the College of Southern Idaho in Twin Falls. Carried.

COMMISSIONER AGENDA – APRIL, 2003: Following a review of the Commissioners' calendars, the Commissioners agreed to hold their regular meeting on April 28th, beginning at 10:00 a.m. instead of 9:00 a.m.

COMMISSIONER AGENDA – MAY, 2003: Following a review of the calendar, it was moved by Commissioner Estep, seconded by Commissioner Zimmerman, to meet on Tuesday, May 27th, instead of Monday, May 26th, 2003, due to the Memorial Day holiday. Carried.

FISCAL YEAR 2004 BUDGET REQUEST HEARINGS: Following a review of the calendar, the Commissioners agreed to conduct their Fiscal Year 2004 Budget Request Hearings with elected officials and department heads on June 2nd, 3rd and 4th, 2003.

FISCAL YEAR 2004 BUDGET – PUBLIC HEARING: Following a review of Idaho Code #63-802(A), it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to schedule the Public Hearing on the County's 2004 Fiscal Year Budget for Monday, August 25th, 2003, at 6:00 p.m. Carried.

POWER COUNTY LANDFILL – FINANCIAL ASSURANCE: The Commissioners reviewed the letter to the Idaho Department of Environmental Quality regarding financial self-insurance against landfill post-closure costs prepared by Power County Clerk Chris Steinlicht and Power County Prosecuting Attorney Paul Laggis. Moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to approve the written notice of financial self-insurance to the State Department of Environmental Quality as presented. Carried.

POWER COUNTY SOIL CONSERVATION DISTRICT: Roger Whitnah and Debbie Tiede appeared before the Commissioners on behalf of the Power Soil Conservation

District. Mr. Whitnah presented the Soil Conservation District's Annual Report (June 2001 through July 2002). Mr. Whitnah then requested that the Commissioners submit their letter of intent to fund the Power County Soil Conservation District for their 2005 fiscal year, which letter needs to be provided prior to April 10, 2003. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to submit a letter of intent to provide the Power Soil Conservation District \$4,000 from Power County's fiscal year 2004 budget. Carried.

INTERNATIONAL BUILDING CODE: Following discussion, the Commissioners instructed Prosecuting Attorney Paul Laggis to prepare a proposed Resolution to adopt the International Building Code for use by the Power County Building Administrator. The proposed Resolution will be published in the April 2nd and 9th editions of the Power County Press and set for public hearing on Monday, April 14th, 2003, at 2:00 o'clock p.m.

HARDSHIP EXEMPTION APPLICATION (I.C. #63-711): Voyne Hansen appeared before the Commissioners pursuant to his Application for Hardship Tax Exemption under Idaho Code #63-711. Following a review by the Board of Power County Commissioners, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to forgive all taxes, fees, penalty and interest owing on Parcel #RPA0838-00 in the amount of \$60.00 for 2000, \$597.22 for 2001 and \$550.54 for 2002. Carried.

EXECUTIVE SESSION – I. C. #67-2345: Moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to move into executive session pursuant to Idaho Code #67-2345, for the purpose of taking up indigent medical applications. Carried.

INDIGENT CASE #2003-01-I: Pursuant to stipulation between the Commissioners and applicant, and there being no objection from the providers present, it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to reschedule the appeal hearing for Monday, April 14, 2003, at 3:00 p.m. Carried.

POWER COUNTY DISASTER SERVICES: Power County Disaster Services Director Mark Love appeared before the Commissioners to discuss a possible Memorandum of Agreement or Joint Exercise Agreement between Bannock, Bingham and Power Counties and the Shoshone-Bannock Tribes. Mr. Love advised the Commissioners that a cooperative agreement would be beneficial in obtaining operation grants. Commissioner Estep suggested that Mr. Love contact the Idaho Counties Reciprocal Management Program (ICRMP), who would be able to assist him in obtaining a standard form agreement to get started. Mr. Love then indicated that the next meeting of the Local Emergency Planning Committee (LEPC) has been scheduled for April 10th, 2003, to coordinate a fire, EMS, law enforcement and hospital disaster exercise and requested Commissioner attendance.

CRATERS OF THE MOON NATIONAL MONUMENT – TRANSPORTATION PLAN: Kevin Schreeve and James Mullen of Keller Associates appeared before the Commissioners to present their transportation appropriations application to construct

approximately 70 miles of roadway to provide access between the Cities of Rupert and Arco, which area is located within the Craters of the Moon National Monument boundaries. The estimated cost of the road project is \$30,000,000. Mr. Schreeve asked that the Commissioners submit a letter of support for the Minidoka-Arco Road project. Commissioners Estep indicated that he would prepare and submit a letter of support on behalf of the Power County Commissioners.

ONEIDA COUNTY – HIGHWAY #37 TRANSPORTATION PLAN: Kevin Schreeve and James Mullen of Keller Associates appeared before the Commissioners to request that the Commissioners submit a letter of support for the Oneida County Highway #37 transportation plan to make improvements in the “narrows” area. Commissioner Estep indicated that he would prepare and submit a letter of support on behalf of the Power County Commissioners.

ECONOMIC DEVELOPMENT: Linda Campbell from the American Falls Economic Advisory Board appeared before the Commissioners to report on the Idaho Economic Development Council meeting held March 4th, 2003. Ms. Campbell indicated that she had met with Kathleen Lewis at SEICOG to strategize and discuss future economic development in the American Falls/Power County area.

PUBLIC HEARING – ORDINANCE #2002-05: At 7:00 o’clock p.m., Commissioner Estep announced that it was the date and time set to continue the public hearing on proposed Power County Ordinance #2002-05, an ordinance regulating the use of firearms below the American Falls Dam within the high water mark of the Snake River down river to the confluence of the Fish Hatchery Spring within Power County. Each person present was given the opportunity to make a brief statement. The following exhibits were marked and entered as of record:

- #5 – Letter from Kevin Michaelson opposing the proposed ordinance.
- #6 – Letter from David LeMaster supporting the proposed ordinance.
- #7 – Letter from Jim Paruk supporting the proposed ordinance.
- #8 – Letter from Russell E. Manwaring supporting the proposed ordinance.
- #9 – Letter from Gary Gier supporting the proposed ordinance.
- #10 – Letter From Denise Hughes supporting the proposed ordinance.
- #11 – Letter from Dave Trochlell supporting the proposed ordinance.
- #12 – Letter from Mr. and Mrs. Vernon Anderson supporting the proposed ordinance.
- #13 – Letter from Robert Davis supporting the proposed ordinance.

#14 – Letter from Ray Laible and Katherine Korba supporting the proposed ordinance.

#15 – Letter from Lisa Weisse supporting the proposed ordinance.

#16 – Letter from Dan Svingen supporting the proposed ordinance.

#17 – Letter from Southwest Idaho Birders Association supporting the proposed ordinance.

#18 – Letter from David A. Faike supporting the proposed ordinance.

#19 – Letter from the Idaho Department of Fish & Game supporting the Commissioners' efforts to balance the needs of public safety, health and welfare relative to the discharge of firearms adjacent to American Falls while also considering the responsibilities for traditional hunting, wildlife viewing, unique migratory birds and needs of the hatchery operation.

#20 – Letter from the Idaho Department of Fish & Game offering enforcement support in the event the proposed ordinance is adopted.

#21 – Letter from Stacy Peterson supporting the proposed ordinance.

#22 – Letter from James D. Moodie supporting the proposed ordinance.

#23 – Letter from Daniel M. Taylor supporting the proposed ordinance.

#24 – Booklet entitled "Birds of the American Falls Reservoir Area, Snake River, Idaho" prepared by the Department of Biological Sciences, Idaho State University, submitted by Daniel M. Taylor.

#25 – Map of the area in question submitted by Marty Collier.

#26 – Map of the area in question submitted by Marty Collier.

#27 – Map of the area in question submitted by Marty Collier.

#28 – Minidoka National Wildlife Refuge Pamphlet submitted by Marty Collier.

#29 – Letter from Gary W. Stitzinger supporting the proposed ordinance.

#30 – Letter from Chuck Trost supporting the proposed ordinance.

#31 -- Letter from Susan Patla supporting the proposed ordinance.

#32 – Letter from Brian Sturges supporting the proposed ordinance.

#33 – Letter from Thomas Dieffenbach supporting the proposed ordinance.

#34 – Letter from Randy Mayer opposing the proposed ordinance.


#35 – Letter from Timothy D. Reynolds supporting the proposed ordinance.

#36 – Letter from Wayne Tree supporting the proposed ordinance.

#37 – Letter from Miriam L. Austin supporting the proposed Ordinance.

Following hearing of the testimony and evidence presented, it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to take this matter under advisement until Monday, March 24, 2003, at 11:30 o'clock a.m.

Adjourned.


KEN ESTEP, Chairman


CHRISTINE STEINLICHT, Clerk