

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, April 14th, 2008. Present were Commissioners Vicki Meadows, Chairman, Ken Estep and Ron Funk. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney Paul Laggis.

POWER COUNTY PLANNING & ZONING – APPELLANT FEES/COSTS: The Commissioners reviewed the memo dated March 18th, 2008, from Power County Special Planning & Zoning Attorney Doug Balfour indicating that Idaho Code #63-1311 grants Counties the authority impose fees for services, which includes costs on Planning & Zoning appeals. Following discussion, the Commissioners agreed to discuss this matter further with Mr. Balfour and this matter was tabled until April 28th, 2008.

POWER COUNTY WATERWAYS – SURPLUS VEHICLE: There being no sealed bids submitted to purchase the Power County Waterways' 1985 Chevrolet pickup, VIN #1GBGC24M1FJ127782, which was declared as surplus County property on February 25th, 2008, and properly posted on the Power County surplus property board, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to authorize Power County Sheriff Jim Jeffries to sell, trade and/or dispose of said vehicle in accordance with Idaho law. Carried.

POWER COUNTY COURTHOUSE – COURTHOUSE SECURITY: Following a review of Senate Bill 1441, which preempts all regulation of firearms in public facilities by any County, City, agency, board or any other political subdivision, the Commissioners agreed to request that Sixth District Administrative Judge Peter D. McDermott enter an order that the Power County Courthouse and Annex be designated as "firearm free facilities", excluding law enforcement personnel. Power County Prosecuting Attorney Paul Laggis agreed to make that written request and this matter was tabled until May 12th, 2008.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ): Regional Administrator of the Department of Environmental Quality Bruce Olenick appeared before the Commissioners to discuss air and water quality issues pertinent to Power County. Mr. Olenick reported that he would appear quarterly before the Board of Power County Commissioners to discuss DEQ issues and updates.

POWER COUNTY PLANNING & ZONING – COMMUNITY PLANNING (JUB ENGINEERS): Commissioner Meadows reported that the City of American Falls and Power County met jointly on April 2nd, 2008, to review and discuss the Agreements for Professional Services between JUB Engineers and the City and County for community engineering and planning, and that the City and County have agreed to suspend any

further consideration for Community Planning at this time. The Commissioners then agreed to remove this matter as an agenda item.

POWER COUNTY DRUG COURT – POLYGRAPH CERTIFICATION:

Commissioner Meadows reported that the City of American Falls and Power County met jointly on April 2nd, 2008, to review the request of Power County Prosecuting Attorney Paul Laggis and American Falls Police Department Officer Dave Chavez for Power County to share in the cost of equipment and training for Officer Chavez to become polygraph certified, with a guarantee that Mr. Chavez's services would then be provided to the Power County Drug Court free of charge. Commissioner Meadows further reported that Power County Magistrate Judge Mark Beebe has authorized and ordered the purchase of certain polygraph equipment from the Power County Interlock Monitoring Device Fund. Following discussion, the Commissioners agreed to contribute \$1,000 from the Justice Fund toward the costs of polygraph certification for American Falls Police Officer Dave Chavez.

CITY OF AMERICAN FALLS – CITY/COUNTY LAW ENFORCEMENT

AGREEMENT (DISPATCH): Commissioner Meadows reported that the City of American Falls and Power County met jointly on April 2nd, 2008, to review the Law Enforcement Agreement between the City and County for dispatch services, which is scheduled to expire on June 28th, 2008. Commissioner Meadows further reported that Power County Sheriff Jim Jeffries and American Falls Chief Police Brandon Wilkinson are working out the final details to said Agreement and the Commissioner agreed to table further consideration of this matter until May 30th, 2008.

IDAHO DEPARTMENT OF TRANSPORTATION – I-86 EXIT 40 INTERCHANGE

UPGRADE: Commissioner Meadows reported that the City of American Falls and Power County met jointly on April 2nd, 2008, to discuss the ongoing negotiations between the City and the Idaho Department of Transportation for upgrade of the I-86 Exit 40 interchange. American Falls Mayor Amy Wynn has agreed to keep the Commissioners advised as this project proceeds.

SIXTH DISTRICT JUVENILE DETENTION FACILITY – JOINT POWERS

AGREEMENT: Seth Scott of the Sixth District Juvenile Detention Facility appeared before the Commissioners to review and discuss the Joint Powers Agreement which has now been signed by the Counties of Bannock, Caribou, Oneida, Bear Lake and Franklin, to provide for the detention of juveniles with costs to be calculated on allocation rather than ownership. Also present was Power County Juvenile Probation Officer Chuck Miser. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to execute the Joint Power Agreement as presented. Carried.

POWER COUNTY DISASTER SERVICES – 2007 HSGP AWARD (HOMELAND

SECURITY): Power County Disaster Services Director Di Jones appeared before the Commissioners to present the Homeland Security HSGP 2007 Grant Award. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the following:

- 2007 HSGP Award Document #2007-GE-T7-0014
- Memorandum of Understanding between the State of Idaho, Bureau of Homeland Security and Power County regarding State use of 2007 Homeland Security Grant Funding on behalf of Power County
- Memorandum of Understanding between the State of Idaho, Bureau of Homeland Security, Idaho State University and Power County regarding State use of 2007 Homeland Security grant funding on behalf of Power County.

Carried.

POWER COUNTY COURTHOUSE – PARKING ISSUES: Power County Prosecuting Attorney Paul Laggis appeared before the Commissioners to discuss the parking issues at the Power County Courthouse. Following discussion, the Commissioners agreed to request that the parking areas be re-stripped by the Power County SCILD crew to enhance traffic flow.

FISCAL YEAR 2009 – BUDGET REQUEST HEARINGS: Following a review of the calendar, the Commissioners agreed to schedule the Fiscal Year 2009 Budget Request Hearing for May 19th, 20th, 21st and 22nd, 2008.

FISCAL YEAR 2009 – PUBLIC BUDGET HEARING: Pursuant to I.C. #63-802(A), the Commissioners agreed to schedule the Fiscal Year 2009 public budget hearing for Monday, August 25th, 2008, at 5:00 p.m.

FISCAL YEAR 2008 – AUTHORIZED FUND TRANSFER: Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve transfer of \$100,000 from PILT Fund (50-00-559-08) to Interim Abatement Fund (05-00-397-00). Carried.

GEM PLAN BOARD OF TRUSTEES – MEMBER AT LARGE NOMINATION: Following discussion, the Commissioner agreed to nominate Cleone Jolley, Bingham County Commissioner, to serve as member at large on the Gem Plan Board of Trustees.

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 prepared by Power County Clerk Chris Steinlicht pursuant to I.C. #39-7417. Moved by Commissioner Estep, seconded by Commissioner Meadows, to approve and execute the written notice of financial self-insurance to the State of Idaho Department of Environmental Quality as presented. Carried.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Funk, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but

imminently likely to be litigated. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Estep – Aye
Commissioner Funk – Aye

Carried.

BRIAN HAYNES D/B/A AMERICAN AIR – PROPERTY TAX DELINQUENCIES: Power County Prosecuting Attorney Paul Laggis appeared before the Commissioners to discuss the delinquent property taxes owing on Power County Parcel #RPD082-15, and the settlement options begin discussed by counsel. Following discussion, the Commissioners agreed to table further consideration of this matter until May 12th, 2008.

POWER COUNTY SHERIFF - POWER COUNTY RESOLUTION #2008-03 (FISCAL YEAR 2008 BUDGET OPENING): Power County Sheriff Jim Jeffries appeared before the Commissioners to report that he will be receiving unanticipated revenue from the Idaho Department of Parks & Recreation to operate the marine patrol program and requested that the Fiscal Year 2008 budget be opened pursuant to I.C. #31-1605 to allow these funds to be expended prior to September 30th, 2008. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to publish the Notice of Public Hearing and proposed Power County Resolution #2008-03 in the April 16th and 23rd editions of the Power County Press, which Resolution would open the fiscal year 2008 Power County budget to show unanticipated revenue in the amount of \$8,000 to the Power County Waterways Fund. Carried. This matter was tabled until the public hearing scheduled for April 28th, 2008, at 1:00 p.m.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Funk, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 to consider records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code, specifically indigent medical applications. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Estep – Aye
Commissioner Funk – Aye

Carried.

INDIGENT CASE #2008-12-I: Moved by Commissioner Meadows, seconded by Commissioner Funk, to deny indigent medical application #2008-12-I, since applicant has other resources sufficient to pay the medical expenses incurred. Carried.

INDIGENT CASE #2008-13-I: Moved by Commissioner Meadows, seconded by Commissioner Funk, to deny indigent medical application #2008-12-I, since applicant as other resources sufficient to pay the medical expenses incurred. Carried.

INDIGENT CASE #2008-04-I: Power County Indigent Case #2008-04-I came on for appeal hearing pursuant to Notice of Appeal filed by Portneuf Regional Medical Center. Following testimony and a review of the exhibits submitted, it was moved by Commissioner Estep, seconded by Commissioner Funk, to take this matter under advisement pursuant to I.C. #31-3505(e) until Monday, April 28th, 2008, at 2:30 p.m. Carried.

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

General Fund	\$ 15,541.18
Ambulance District	3,600.53
Interim Abatement District	16,558.33
District Court	7,886.14
Justice Fund	84,921.41
Indigent	11,165.76
Revaluation	15,385.60
Solid Waste	7,177.37
Weeds	865.20
PILT	1,011.15

POWER COUNTY TRANSFER STATION/LANDFILL – GROUP CHEMICAL LTD., INC.: Power County Transfer Station/Landfill Supervisor Craig Heward appeared before the Commissioners with Power County Deputy Clerk Maureen Schelske to review the vendor payment history for Group Chemical Ltd., Inc., formerly doing business as Paragon Laboratories, Inc. The Commissioners agreed that all invoices for this vendor have been paid and this matter will be referred to Power County Prosecuting Attorney Paul Laggis, who will make written dispute of all claims against Power County by Group Chemical Ltd., Inc.

POWER COUNTY WEED DEPARTMENT: Power County Weed Department Supervisor Curtis Munk appeared before the Commissioners to discuss the 2008 Department of Agriculture Weed Management Grant. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve and execute the following:

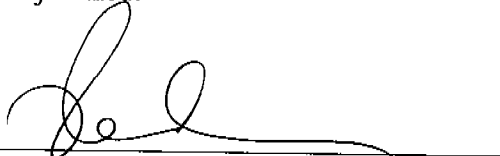
- Department of Agriculture Award of 2008 Cost Share Funds in the amount of \$20,500.
- Idaho Department of Agriculture Cooperative Weed Management Arca Disbursement Agreement.
- Certifications and Assurances for Cost Share Award.

- ISDA Noxious Weed Cost Share Program Standard Rates for In-Kind Contributions.

Carried.

POWER COUNTY WEED DEPARTMENT – RAFT RIVER COOPERATIVE WEED MANAGEMENT AREA: Power County Weed Department Supervisor Curtis Munk appeared before the Commissioners to discuss the Raft River Cooperative Weed Management Area for the eradication of noxious weeds and non-native invasive plant species across jurisdictional boundaries. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve the draft Memorandum of Understanding for Raft River Cooperative Weed Management Area among Power, Oneida, Box Elder (Utah), and Cassia Counties, and the Bureau of Land Management, U.S. Department of Agriculture and the U.S. Forest Service. Carried.

Adjourned.



VICKI MEADOWS, Chairman



CHRISTINE STEINLICHT, Clerk