

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, March 26th, 2012. Present were Commissioners Ron Funk and Delane Anderson. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney F. Randall Kline.

TABLE MOUNTAIN REPEATER SITE – EASEMENT: Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to report that the Bureau of Land Management has not yet returned the Easement Agreement for ingress and egress to the Table Mountain Repeater Site. Following discussion, the Commissioners agreed to table further consideration of this matter until April 9th, 2012.

POWER COUNTY AIRPORT – LANCE FUNK D/B/A PLEASANT VALLEY AVIATION (COMMERCIAL AIRPORT LEASE): Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to report that a proposed long term Commercial Airport Lease incorporating negotiated terms and conditions has been prepared by his office and provided to Lance Funk d/b/a Pleasant Valley Aviation for his consideration. Commissioner Anderson then reported that the Power County Airport Board has determined that the use of aircraft hangers and/or the airport property adjacent to those hangers, shall be limited to *aviation use only in accordance with federal regulations and definitions*, and that such usage shall be intended for the storage of aircraft and aircraft related equipment, tools and fixtures and not for the long term storage of boats, automobiles, household goods, farm equipment, etc. Following discussion, the Commissioners agreed to table further consideration of this matter until April 9th, 2012.

POWER COUNTY AIRPORT – RALPH BREDDING (NON-COMMERCIAL AIRPORT LEASE): Following discussion with Power County Prosecuting Attorney Randy Kline, the Commissioners agreed to issue a 10-day letter of demand to Ralph Bredding for production of the Certificates of Insurance required by paragraph 11 of the Non-Commercial Airport Lease with Power County.

POWER COUNTY AIRPORT – MIKE GLASER D/B/A DOUBLE POINT CONSTRUCTION (NON-COMMERCIAL AIRPORT LEASE): Following discussion with Power County Prosecuting Attorney Randy Kline, the Commissioners agreed to issue a 10-day letter of demand to Mike Glaser d/b/a Double Point Construction for return of the original, executed Non-Commercial Airport Hanger Lease with Power County, as amended, and for production of the Certificates of Insurance required by paragraph 11 of said Lease.

POWER COUNTY LANDFILL – IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (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 Christine Steinlicht pursuant to I.C. #39-7417. Following discussion, it was moved by Commissioner Anderson, seconded by

Commissioner Funk, to approve and execute the written notice of financial self-insurance to the State of Idaho Department of Environmental Quality as presented. Carried.

FALLS IRRIGATION DISTRICT – DECLARATION OF PUBLIC ENTITIES LANDHOLDINGS (DAVID ZIMMERMAN LEASE): Moved by Commissioner Funk, seconded by Commissioner Anderson, to approve and execute the Declaration of Public Entity’s Landholdings received from Falls Irrigation District to certify and report Power County’s farm property operated by Lessee David Zimmerman. Carried.

POWER COUNTY AIRPORT – IDAHO DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS (GRANT AGREEMENT) – RESOLUTION #2012-02: Moved by Commissioner Anderson, seconded by Commissioner Funk, to approve and execute Power County Resolution #2012-02 and accompanying Grant Agreement accepting the Idaho Department of Transportation, Division of Aeronautics, grant in the amount of \$21,600, with a \$7,200 match from Power County, to be used under the Idaho Airport Aid Program Project #SP-04134.A-13 for maintenance of the Power County Airport runways and taxiways. Carried.

BUREAU OF RECLAMATION – SNAKE RIVER ACCESS CLOSURE: The Commissioners then reviewed the Bureau of Reclamation’s “Press Release” dated March 20th, 2012, rescinding the Bureau’s recent decision to close portions of recreational property downstream from the American Falls Reservoir to provide “protection to cultural and historical resources” while the Bureau conducts a survey of the area, citing:

“The public input we’ve received in the last week has given us a better perspective on how important these lands are to local residents. While we continue to be concerned about protecting important cultural resources on these lands, we realize the need to find a way to do that without having such a large impact on public access.”

Commissioner Funk reported that he had met with Robert “Hap” Boyer, National Resource Manager for the Upper Snake River Field Office of the Bureau of Reclamation on March 20th, 2012, who expressed his desire to include the public in future Bureau of Reclamation land issues in Power County. Following discussion, the Commissioners agreed to investigate the proper procedures to establish the “Power County Federal Lands Committee” to participate as a “coordinating” and/or “cooperating” agency on federal land management issue, to include one representative from each of the following interest groups:

- Landowner
- Rock climber
- Hunting and fishing
- American Falls City Council
- Blue Ribbon ATV Coalition
- Power County Sheriff

- Power County Prosecuting Attorney
- Power County Commissioner
- Economic Development

Following discussion, the Commissioners agreed to contact various individuals to discuss appropriate appointments to a committee; accordingly, further consideration of a possible resolution to establish the “Power County Federal Land Committee” was tabled until April 9th, 2012.

POWER COUNTY SHERIFF – BUREAU OF RECLAMATION (ENHANCED PATROL AGREEMENT): Power County Sheriff Jim Jeffries appeared before the Board of Commissioners to report that the Bureau of Reclamation has requested that his office provide certain patrol services on Bureau property within Power County and presented a copy of the updated Service Contract, which Contract duplicates previous enforcement agreements between Power County and the Bureau, but also includes additional provisions that need to be addressed. Following discussion with Prosecuting Attorney Kline, the Commissioners and Sheriff Jeffries agreed to contact the Bureau of Reclamation to obtain additional details regarding certain provisions of the proposed Service Contract; accordingly, further consideration of this matter was tabled until April 9th, 2012.

MINIDOKA COUNTY BOARD OF COMMISSIONERS – BUREAU OF RECLAMATION (SNAKE RIVER ACCESS CLOSURE): The Board of Power County Commissioners then met in joint session with the Minidoka County Commissioners. Present from Minidoka County were:

Robert Moore – Commissioner
 Sheryl Koyle – Commissioner
 Patty Temple – Clerk
 Lance Stevenson – Prosecuting Attorney

At the outset, the Minidoka Board of Commissioners expressed their concern that the Bureau of Reclamation will solicit assistance from the U S Fish & Wildlife Service to close access to and/or use of certain portions of the Snake River in Minidoka and Power Counties to conduct “Endangered Species Program” studies. The Minidoka Board of Commissioners then reported that they had recently attended a training session by “American Stewards of Liberty” regarding a County’s ability to participate in federal land management via a “Coordinating Agency” versus a “Cooperating Agency”. Following discussion, the Board of Commissioners of Power and Minidoka Counties agreed to coordinate efforts when applicable or appropriate to address common federal land management issues.

POWER COUNTY CONFLICT PUBLIC DEFENDER – CONTRACT ADDENDUM: Power County’s Conflict Public Defender, Lyle Eliassen d/b/a Eliassen Law Office, appeared before the Commissioners to present a proposed “Addendum to Power County Conflict Public Defender Contract” that would allow his associate, Abe Lucas, to perform

under the current service Contract. Following discussion, it was moved by Commissioner Anderson, seconded by Commissioner Funk, to approve and execute the Addendum as presented. Carried.

DEATON & COMPANY – FISCAL YEAR 2011 AUDIT REPORT (I.C. #31-1701): Power County Auditor Christine Steinlicht appeared before the Board of Commissioners with independent auditors Charles Clark and Brandi Young of Deaton & Company, Chartered, to discuss the preparation of Power County’s audited financial statements and other financial information for the fiscal year ending September 30th, 2011, and made the following suggestions:

First, that to satisfy the “check and balance” requirements of Idaho law and Governmental Accounting Standards, Power County’s current tax anticipation bank account should be converted to Power County’s general treasury via the a “Treasurer’s Tax Anticipation Trust” in the Power County Clerk’s Chart of Accounts. Following discussion, the Commissioners agreed to review this matter with Power County Treasurer Deanna Curry.

Second, that in order to satisfy the “check and balance” requirements of Idaho Law and Governmental Accounting Standards, the Commissioners, acting as the Power County Ambulance District Board, should establish policies and procedures for approval of accounts receivable “write-offs” involving ambulance service fees. Following discussion, the Commissioner agreed to discuss this matter with Power County Ambulance District Director Di Jones.

Third, that in order to comply with new Governmental Accounting Standards, Power County’s Fiscal Year 2012 “Unexpended Fund Balance” should be designated as applicable to “assigned fund”, to-wit:

- Minimum or Accumulated Fund Balance – I.C. #31-1605(A)
- Create/Increase Fund Balance (New District/Fund or Increase)
- Contingency (Unforeseen/Emergency) – I.C. #31-1605
- Budgeted Roll-Over – Accumulated for Equipment/Projects/Bills
- Unassigned

Following discussion, the Commissioners agreed that Deaton & Company should meet directly with Clerk Steinlicht to determine appropriate designations.

POWER COUNTY SHERIFF – JAIL REMODEL: Power County Sheriff Jim Jeffries appeared before the Commissioners with Architect Lee Dille d/b/a Design Place, PLLC, to present his site plan and index of drawings to upgrade and renovate the Power County Jail. Mr. Dille then reported that he expects to receive copies of the engineer feasibility and cost evaluations within the next few days; accordingly, further discussion of this matter was tabled until April, 23rd, 2012.

STATE INSURANCE FUND (WORKERS COMPENSATION) – SAFETY INSPECTIONS/POLICY: Following discussion, the Commissioners agreed that, due to

the varied duties and responsibilities of each County office or department, a general safety policy may not be feasible. Following further discussion, the Commissioners agreed that each elected official or department head should implement a safety plan to address hazardous conditions unique to their office or department. The Commissioners agreed to table further discussion of this matter until the next meeting of elected officials and department heads scheduled for Monday, April 9th, 2012.

BOARD OF EQUALIZATION (I.C. #63-501): The Board of Power County Commissioners then met as the Power County Board of Equalization pursuant to I.C. #63-501.

HARDSHIP EXEMPTION APPLICATION (I.C. #63-711): Applicant appeared before the Commissioners to present an Application for Hardship Exemption on Power County Parcel #RPA1026-00. Following discussion with Power County Prosecuting Attorney Randy Kline, it was moved by Commissioner Funk, seconded by Commissioner Anderson, to deny the Hardship Exemption Application on Power County Parcel #RPA1026-00, since applicant does not possess any legal authority to act on behalf of the owner of Power County Parcel #RPA1026-00. Carried.

HARDSHIP EXEMPTION APPLICATION (I.C. #63-711): Applicant appeared before the Commissioners to present her Application for Hardship Exemption on Power County Parcel #RPA0666-00. Following discussion, it was moved by Commissioner Funk, seconded by Commissioner Anderson, to cancel the real property taxes, late charges and interest owing for tax years 2008 and 2009 in the amount of \$1,765.12, as well as the late charges and interest owing for tax year 2010 in the amount of \$9.76 on Power county Parcel #RPA0666-00, with the understanding that the balance of 2010 real property taxes in the amount of \$478.56 shall remain due and owing. Carried.

There being no further business to come before the Board, the Power County Board of Equalization recessed until April 9th, 2012.

IDEACOM ECSI – POWER COUNTY TELEPHONE SYSTEM (CENTURY LINK PLAN): Steve Ryan of IdeaCom ECSI appeared before the Commissioners to review Power County’s Interstate Private Line Transport Services Pricing Plan with Century Link, which is scheduled to expire on March 31st, 2012. Following discussion, Mr. Ryan agreed to investigate any and all renewal options available to Power County and further consideration of this matter was tabled until April 9th, 2012.

POWER COUNTY BUILDING & GROUNDS – 507 BANNOCK AVENUE: Following discussion with Launa Snow d/b/a Snow Property Management, it was moved by Commissioner Anderson, seconded by Commissioner Funk, to authorize Launa Snow to offer one year lease to Power County’s property at 507 Bannock Avenue, American Falls, subject to the following:

- Security/Cleaning Deposit - \$500
- Pet Deposit (Inside/Outside) - \$750
- Monthly Rent - \$900

Carried. Commissioner Anderson then reported that Eagle Rock Excavation has completed the concrete work at 507 Bannock Avenue and presented a quote from John Duffer d/b/a Duffer Construction to construct a chain link fence on the property perimeter in the amount of \$3,400. Following discussion, it was moved by Commissioner Anderson, seconded by Commissioner Funk, to approve the fencing quote as submitted. Carried.

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

Commissioner Funk – Aye
Commissioner Anderson – Aye

Carried.

INDIGENT CASE #2012-40-I: Moved by Commissioner Funk, seconded by Commissioner Anderson, to approve Indigent Medical Application #2012-40-I for the payment of medical insurance premiums and deductibles, but to deny the payment of outpatient medical services received by applicant on February 9th, 2012, since the services rendered were not emergent in nature as provided by I.C. #31-3502(12). Carried.

INDIGENT CASE #2012-39-I: Moved by Commissioner Funk, seconded by Commissioner Anderson, to approve Indigent Medical Application #2012-39-I. Carried.

INDIGENT CASE #2012-43-I: Moved by Commissioner Funk, seconded by Commissioner Anderson, to deny Indigent Medical Application #2012-43-I, since Power County is not the obligated County as provided by I.C. #31-3506(2)(A), since applicant is not a citizen of the United States according to I.C. #69-7901(1) and the State of Idaho's legislative findings that it shall be public policy to require applicants to provide proof that they are lawfully present in the United States prior to receiving benefits, and since the medical services rendered were not emergent in nature as required by I.C. #31-3502(12). Carried.

INDIGENT CASE #2012-10-I: Moved by Commissioner Funk, seconded by Commissioner Anderson, to approve Indigent Medical Application #2012-10-I, upon the condition that applicant appear annually throughout the policy period to review resources and eligibility. Carried.

INDIGENT CASE #2006-01-I: At the request of applicant, and good cause appearing therefore, it was moved by Commissioner Funk, seconded by Commissioner Anderson,

to write-off the balance owing of \$2,681.00 and to release the indigent medical lien on Indigent Medical Application #2006-01-I. Carried.

POWER COUNTY ABATEMENT DISTRICT: Moved by Commissioner Funk, seconded by Commissioner Anderson, to recess as Power County Board of Commissioners and reconvene as Power County Abatement District Board. Carried.

MOSQUITO ABATEMENT – VECTOR DISEASE CONTROL INTERNATIONAL, INC. (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM): Tim Bennett of Vector Disease Control International, Inc., appeared before the Commissioners to review the National Pollutant Discharge Elimination System (NPDES) which became effective October 1st, 2011, and will require all mosquito control operations that make pesticide applications in or near waters to adhere to strict regulations and obtain coverage under a comprehensive Pesticide General Permit, which will require additional monitoring and reporting to the Idaho Department of Environmental Quality.

MOSQUITO ABATEMENT – VECTOR DISEASE CONTROL INTERNATIONAL, INC. (PROFESSIONAL SERVICES AGREEMENT): Tim Bennett of Vector Control International, Inc., appeared before the Commissioners to review Power County's Professional Services Agreement for mosquito control, which Agreement is scheduled to expire on December 31st, 2012. At the outset, Mr. Bennett presented the Commissioners with a written proposal for renewal of the existing contract through December 31st, 2015, with no price increases. Mr. Bennett reported that VDCI would continue to provide Power County with the same full service mosquito abatement program and, in addition, will handle all of the new aspects of the National Pollutant Discharge Elimination System for the annual sum of \$192,700. Following discussion, the Commissioners agreed to table further consideration of this matter until April 23rd, 2012.

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

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| Current Expense (General Fund) | \$ 14,055.99 |
| Ambulance District | 3,014.47 |
| District Court | 2,127.10 |
| Justice Fund | 14,882.08 |
| Misdemeanor Probation/Drug Court | 1,638.00 |
| Enhanced 911 Services | 5,003.97 |
| Elections | 86.68 |
| Indigent | 13,117.78 |
| Jr. College | 8,000.00 |
| Revaluation | 4,950.00 |
| Solid Waste | 11,272.46 |
| Tort | 31,595.00 |
| Weeds | 274.26 |
| PILT | 8,703.88 |

POWER COUNTY JAIL – QUARTERLY JAIL INSPECTION (I.C. #20-622): The Commissioners then conducted their quarterly inspection of the Power County Jail and related facilities as required by I.C. #20-622.

Adjourned.



RON FUNK, Commissioner



CHRISTINE STEINHEILBER, Clerk



DELANE ANDERSON, Commissioner