



POWER COUNTY BOARD OF COMMISSIONERS

Meeting Minutes
Commission Chambers
543 Bannock Ave.
American Falls, ID 83211
www.powercounty.is.us

Monday, July 25, 2016, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Monday, July 25, 2016, and called the meeting to order at the hour of 9:00 am, in the Commission Chambers of the Power County Courthouse.

II. COMMISSIONERS/STAFF

PRESENT:	Commissioner Ron Funk, Chair Commissioner Delane Anderson Commissioner Bill Lasley
ABSENT:	None
STAFF:	Sharee Sprague, Clerk Linda Annen, Indigent Director Jennifer Rupp, Indigent Clerk Carolyn Anderson, Deputy Clerk Maureen Schelske, Deputy Auditor Anson Call, Legal Counsel
OTHER PARTIES PRESENT:	Assessor Mary Annen Sheriff Jim Jeffries Treasurer Deanna Curry Chief Deputy Assessor Kimberly Olsen Chief Deputy Treasurer Terri Kendall Bill Schroeder Brian Morris Brigham Griffin Catalina Gonzalez Connie Shepherd Daisy Hernandez Di Jones Jeremy Smith Justin Huse Kevin Ostler Nick Barron Randy Budge Terrell Sorensen Wade Dishion

III. AGENDA

A. NOTICES/REPORTS

1. **Vector Disease Control:** Justin Huse appeared on behalf of Vector Disease Control reporting that the May-June period was relatively slow. They have only received three (3) service calls and investigative visits have produced low trap numbers.
2. **Treasurer Cancellation of Taxes:** Treasurer Deanna Curry appeared and presented an Order for cancellation of taxes for execution advising that the cancellation was granted by the Board on March 28, 2016. The Board executed the Order, thereby ratifying the motion granted on March 28, 2016.
3. **Power County Misdemeanor Probation Quarterly Report:** Wade Dishion of Dishion Enterprises Inc. appeared before the board and provided a quarterly report of probation services in Power County. Mr. Dishion advises that filings are down across the state. Mr. Dishion requests the county budget continued supplemented contractual support and re-visit the matter quarterly.
4. **Idaho Transportation Department / Local Truck Traffic:** Commissioner Anderson reports that it has come to his attention that this topic would not be impacted by any decision of the County Commission, and, therefore the matter should be vacated.
5. **Budget work session/Budget Carry Forward Funds:** The Commission and Clerk worked through budget proposals and expenditures to date.

B. MOTIONS:

1. **Agenda:** A motion to approve the agenda for Monday, July 25, 2016, was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
2. **Certificate of Residency Application for Junior College Tuition IC §33-2110:** A motion to approve the Application for Certificate of Residency for the filed by Rosa Hernandez pursuant to IC §33-2110 for Junior College Tuition assistance through the College of Southern Idaho for the 2016-2017 Fall and Spring semesters was presented by Commissioner Anderson with a second by Commissioner Funk. Following an audible call of the board, motion unanimously carried.
3. **Board of Equalization - Corrected Notices:** Clerk Sprague reports that Assessor Annen advised that the Con Agra valuation approved on July 11, 2016, incorrectly categorized the values, however, the final value is not affected. A motion to accept and execute corrected notices properly categorizing the property values was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the board, motion unanimously carried.
4. **Fair Board Bids on Lamb Barn:** Bill Schroeder advises that the county previously allocated \$62,000 toward the construction of a lamb barn and the Fair Board believes they would have adequate funding to pay any additional construction costs. Legal Counsel Anson Call reports that BGM Builders, Tri-County Builders, Stout Built Buildings and M&H Contractors were contacted for submission of bids. Stout Built Buildings declined on the basis that they could not meet the time frame allotted and M&H Contractors declined as well. The county received bids from that BGM Builders, Tri-County Builders. Commissioner Ron Funk read bids received for construction of the lamb barn at the Fair Grounds. Following discussion, a motion to award the lowest submitted bid to BGM Builders in the amount of \$65,674.00 of which \$62,000 shall be paid from the 2016 fiscal budget PILT Building and grounds account line and any additional costs

be paid by the Power County Fairboard was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.

5. **Fair Week Garbage Services:** A motion to sign the release of liability agreement with the City of American Falls to provide garbage services at the Power County Fairgrounds for fair week was presented by Commissioner Anderson with a second by Commissioner Funk.
6. **Indigent Claims:** A motion to deny indigent claim no 2016-96 was presented by presented by Commissioner Lasley with a second by Commissioner Funk. Commissioner Anderson was absent. Following an audible call of the board, the motion unanimously carried.
7. **Claims:** A motion to approve the claims approval report in the amount of \$168,012.41 on the condition that the payment for Snake River Disposal be held pending payment of funds due and owing to Power county, was presented by Commissioner Lasley with a second by Commissioner Anderson. Following an audible call of the board, the motion unanimously carried. Upon approval of the Board, the summary of claims paid are as follows;

Fund	Amount Paid
0001 GENERAL FUND (CURRENT EXPENSE)	\$ 117,438.48
0003 FAIR BOARD	\$ 1,030.76
0004 POWER COUNTY AMBULANCE DIST.	\$ 2,959.63
0006 DISTRICT COURT	\$ 4,350.49
0008 JUSTICE FUND	\$ 13,288.41
0009 MISDEMEANOR PROB/DRUG COURT	\$ 92.09
0010 ENHANCED 911 SERVICES	\$ 811.72
0015 ELECTIONS	\$ 499.58
0016 INDIGENT	\$ 768.23
0020 REVALUATION	\$ 162.93
0023 SOLID WASTE (LANDFILL)	\$ 23,987.51
0027 WEEDS	\$ 1,214.94
0038 WATERWAYS	\$ 838.70
0050 PAYMENT IN LIEU OF TAXES	\$ 568.94
TOTAL	\$ 168,012.41

8. **Ambulance Administration Financial Report:** EMS Director, Di Jones, appeared before the Board and presented administrative financial reports. A motion to approve the financial report as submitted by Entrada was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
9. **Treasurer Updates:** Treasurer Deanna Curry presented the Board of Commissioners with a LGIP monthly statement, Treasurer' s Cash, Joint Quarterly Report ending June 30, 2016. Reports were discussed and reviewed by the Board and following discussion, a motion to accept the reports was presented by Commissioner Funk with a second by

Commissioner Anderson. Following an audible call of the board, motion unanimously carried.

10. **Retail Alcoholic Beverage License Application of Jo Ann Bailey dba Pocatello Raceway LLC:** The application for a retail alcoholic beverage license came before the Commission at 11:19 am. The applicant, Jo Ann Bailey dba Pocatello Raceway LLC requests an extension of current license, namely wine by the drink.

Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Sharee Sprague

A motion to approve the application for an extension of current license, namely wine by the drink was presented by Commissioner Lasley with a second by Commissioner Anderson. Following roll call vote, motion carried unanimously and the record concluded at 11:20 am.

11. **Retail Alcoholic Beverage License Application of El Jaciense Inc. dba L&J Brothers:** The application for a retail alcoholic beverage license came before the Commission at 11:20 am. The applicant, El Jaciense Inc. requests approval of retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises.

Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Sharee Sprague

A motion to approve the application of El Jaciense Inc. dba L&J Brothers for a retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises was presented by Commissioner Lasley with a second by Commissioner Funk. Following roll call vote, motion carried unanimously and the record concluded at 11:21 am.

12. **Retail Alcoholic Beverage License Application of El Jaciense Inc. dba Tres Hermanos:** The application for a retail alcoholic beverage license came before the Commission at 11:21 am. The applicant, El Jaciense Inc. dba Tres Hermanos requests approval of retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises.

Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Sharee Sprague

A motion to approve the application of El Jaciense Inc. for a retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises was presented by Commissioner Lasley with a second by Commissioner Anderson. Following roll call vote, motion carried unanimously and the record concluded at 11:22 am.

13. **Retail Alcoholic Beverage License Application of Vernessa Rupe dba Rupe's Rockland Cafe:** The application for a retail alcoholic beverage license came before the Commission

at 11:22 am. The applicant, Vernessa Rupe dba Rupe's Rockland Cafe requests approval of retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises, bottled or canned beer not to be consumed on presmeis and wine by the drink.

Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Sharee Sprague

A motion to approve the application for approval of retail alcohol beverage license for 2016-2017, namely bottled or canned beer to be consumed on premises, bottled or canned beer not to be consumed on presmeis and wine by the drink was presented by Commissioner Anderson with a second by Commissioner Funk. Following roll call vote, motion carried unanimously and the record concluded at 11:23 am.

14. **Compensatory Time/Employee Payout:** Payroll Clerk Carolyn Anderson presented final-pay request for employee Rochelle Whitnah, who had resigned. Following discussion, a motion to pay Rochell Whitnah for 61.34 hours of vacation time and 24 hours regular pay at a rate of \$18.12 for a total payout of \$1,546.36 and authorize four (4) months cobra insurance is requested by Ms. Whitnah was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the board, motion unanimously carried.
15. **Cancellation of Taxes parcel MHZ0123-00:** The applicant was directed to appear at 11:00 am by letter mailed on July 15, 2016. The applicant did not appear and Clerk Sprague concurs that the applicant was verbally advised to be here at 3:30 pm, however, the time required changing, therefore, the letter was mailed out to verify the corrected time setting. By consensus, the Board agreed to defer the topic to 3:30 pm to allow for any possible miscommunication. Assessor Mary Annen advises that the applicant is requesting a cancellation of the second half of 2016 taxes stating that the applicant advised on July 6, 2016 that she had removed the mobile home from the property in 2014 however paid the first half taxes and written notice was not provided. In October 2015, Appraiser Hartley reported the frame was still present on the property however the mobile home had been removed, therefore, the mobile home was removed from the 2016 property taxes. The applicant reports that in mid 2014 she called the Treasurer's Office and was transferred to the Assessor's Office and was told that she would need to pay the 2014 taxes and the home would be removed for 2015, however, was not advised of the formal procedure. The applicant advises that she incorrectly assumed the matter would be properly removed and requests the first half be reimbursed and the second half be cancelled. Treasurer Curry reports the amount owing for 2015 taxes would be \$82.09, including penalties and interest. Commissioner Funk clarified the applicant's requests. Following discussion a motion to cancel the taxes and penalty and forgive interest the remaining balance for 2015 in the total amount of \$82.09 was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible, motion unanimously carried.

C. POINTS OF ORDER:

1. **Direct Communications Connectivity Discussion:** Brigham Griffin appeared on behalf of Direct Communications and presented conduit trade options for the county's consideration. Mr. Griffin reports if Direct Communications purchases the duct, it would

be of a lesser value than if it was installed themselves in the form of brand new material, customized to their preference.

2. **Sick Leave Bank Committee:** Carolyn Anderson updated the parties on the history sick leave accounting and recommendations of the outside auditor. The Sick Leave Bank Committee advised the Board of forthcoming policy changes pending legal determination for approval. Clerk Sprague advises that the budget line has been exhausted this fiscal year, therefore, any additional claims for the current fiscal year would need to have unanimous approval of the Board. The matter is continued for discussion on August 8, 2016.
3. **Community Education Update:** Clerk Sprague was advised this morning that both Mr. Rasmussen and Ms. Rhoades are out of the office and could not attend the hearing. Therefore, she has continued the matter to August 8, 2016, and verified scheduling availability with Mr. Rasmussen's office.

IV. EXECUTIVE SESSION:

1. **Executive Personnel Session I.C. 74-206(1)(b) 1:00 pm:** A motion to enter into executive session to consider personnel actions pursuant to Idaho Code 74-206(1)(b) was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
2. **Executive Personnel Session I.C. 74-206(1)(b) 1:29 pm:** A motion to exit into executive session pursuant to Idaho Code 74-206(1)(b) was presented by Commissioner Anderson with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.
3. **Executive Session pursuant to I.C. §74-206(1)(c) 1:30 pm:** A motion to enter into executive session pursuant to I.C. §74-206(1)(c), to acquire an interest in real property which is not owned by a public agency was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
4. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(c) 2:01 pm:** A Motion to exit executive session pursuant to I.C. §74-206(1)(c), was presented by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.
5. **Executive Indigent Session pursuant to I.C. §74-206 2:47 pm:** A motion to enter into executive session pursuant to I.C. §74-206, to consider records that are exempt from disclosure under Chapter 3, Title 9, Idaho Code, specifically indigent medical applications was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
6. **Executive Indigent Session pursuant to I.C. §74-206 2:50 pm:** A Motion to exit executive session pursuant to I.C. §74-206, to consider records that are exempt from disclosure under Chapter 3, Title 9, Idaho Code, specifically indigent medical applications was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
7. **Executive Session pursuant to I.C. §74-206(1)(c) 3:22 pm:** A motion to enter into executive session pursuant to I.C. §74-206(1)(c), to acquire an interest in real property which is not owned by a public agency was presented by Commissioner Funk with a

second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.

8. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(c) 3:58 pm:** A Motion to exit executive session pursuant to I.C. §74-206(1)(c), was presented by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.
9. **Executive Legal Advice Session pursuant to I.C. §74-206(g) 4:09 pm:** A motion to enter into executive session pursuant to I.C. §74-206(g), 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 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.
10. **Executive Legal Advice Session pursuant to I.C. §74-206(g) 4:19 pm:** A Motion to exit executive session pursuant to I.C. §74-206(g), was presented by Commissioner Anderson with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.

V. ASSESSMENTS/CONCLUSIONS:

1. **Next Meeting:** The next regular session for the board to meet is slated for August 8, 2016.
2. **Adjourn:** Having no further business to come before the Board, a motion to adjourn was presented by Commissioner Anderson with a second by Commissioner Funk. Following audible call of the Board, motion carried and the meeting was adjourned at 5:44 pm.

The foregoing minutes were approved by the Board of County Commissioners during the Regular Board Meeting held August 22, 2016.



COMMISSIONER FUNK, Chairman

ATTEST:



SHAREE SPRAGUE, Clerk

**The following is a record of parties that participated in the Business of
the Power County Commissioners on Monday, July 25, 2016**

ARRIVED	APPEARED	LEFT
8:45 am	Sharee Sprague	5:45 pm
8:45 am	Bill Lasley	5:45 pm
8:52 am	Ron Funk	5:45 pm
8:56 am	Delane Anderson	5:45 pm
8:59 am	Sheriff Jim Jeffries	10:23 am
9:02 am	Carolyn Anderson	10:23 am
9:02 am	Daisy Hernandez	10:23 am
9:06 am	Terri Kendall	10:23 am
9:07 am	Anson Call	10:23 am
9:07 am	Di Jones	10:57 am
9:17 am	Connie Shepherd	10:14 am
10:55 am	Kimberly Olsen	11:15 am
10:55 am	Mary Annen	11:15 am
11:00 am	Deanna Curry	11:15 am
11:18 am	Wade Dishion	12:00 pm
1:00 pm	Connie Shepherd	1:29 pm
1:30 pm	Randy Budge	2:01 pm
1:30 pm	Nick Barron	2:01 pm
1:30 pm	Deanna Curry	2:02 pm
2:00 pm	Brian Morris	2:40 pm
2:00 pm	Bill Schroeder	2:34 pm
2:00 pm	Anson Call	2:34 pm
2:00 pm	Terrell Sorensen	2:34 pm
2:42 pm	Jenni Rupp	2:45 pm
2:42 pm	Maureen Schelske	2:47 pm
2:42 pm	Justin Huse	2:50 pm
3:22 pm	Anson Call	5:23 pm
3:48 pm	Mary Annen	4:26 pm
3:48 pm	Catalina Gonzalez	4:26 pm
4:08 pm	Brigham Griffin	4:52 pm
4:08 pm	Jeremy Smith	4:52 pm
4:08 pm	Kevin Ostler	4:52 pm
4:08 pm	Di Jones	4:52 pm
4:08 pm	Deanna Curry	4:26 pm
4:08 pm	Sheriff Jim Jeffries	4:52 pm
4:48 pm	Carolyn Anderson	5:43 pm