



POWER COUNTY BOARD OF COMMISSIONERS

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

Tuesday, October 11, 2016, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Tuesday, October 11, 2016, and called the meeting to order at the hour of 9:02 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
Ryan Petersen, Legal Counsel
Anson Call, Legal Counsel

OTHER PARTIES PRESENT: Sheriff Jim Jeffries
Treasurer Deanna Curry
Austin Turley
Bob Steinlicht
Brigham Griffin
Cameron Arial (Telephonic)
Chet Taylor
Craig Heward
Denise Ralphs
Di Jones
Dirk Driscoll

Eric Sorensen
Jason Medinger
Joe Jones
John Schutte
Ladd Permann
Lance Funk
Mayor Marc Beitia
Stephanie Heaton
Stuart Pankratz
Terrell Sorensen
Wade Povey

III. AGENDA

A. MOTIONS:

1. **Agenda:** A motion to approve the agenda for Tuesday, October 11, 2016, was presented

by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.

2. **Direct Communications:** Brigham Griffith of Direct Communication appeared before the Board and advised of the status of the contract for rack space rental. Legal counsel Anson Call provided the Board with a draft of the contract for lease. Mr. Griffith reports that the City of American Falls authorized them to boar under the city park, which resolved some of their issues. A motion to execute the contract lease for use of rack space at the Power County Ambulance District Building between Direct Communication and Power County for was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
3. **Bond Discussion Continued:** Commissioner Ron Funk explained to the members of the public how the county became aware of the availability of the water rights and urgency expressed by constituents to attempt to retain the rights. Cameron Arial of Idaho InSights introduced himself and explained marketing points to share in support of the pending bond. Commissioner Funk advised the county is limited appraised value purchase price. Commissioner Funk reports that should the appraisal come in to low, the Board would need to pull the bond from the election no later than October 21, 2016. Terrell Sorensen inquired of the asking price. Commissioner Funk reports that there is another bid on the table that would push the counties bid to \$10 million dollars to secure the water rights. Wade Povey inquired of the value to purchase versus the rental of the rights. Legal Counsel Ryan Petersen advises that he can advise that the impact to the taxpayer who has a homeowner exemption of \$14.00 per \$100,000 taxable value annually. Cameron Arial interjected the impact does not account for any growth anticipation, therefore as the county incurs growth, the impact to the taxpayer would also decrease. Mr. Petersen continued to explain that the lease value at this point cannot be fully determined as the value is dependent on whether the water right location can be reverted back to its original site. Commissioner Anderson interjected that the impact is based on a thirty (30) year note, however, the Board has vowed pay off the bond as early as possible by use of lease fees and a portion of Payment in Lieu of Taxes funding received. Wade Povey inquired of the acre feet value of the water rights. Commissioner Funk advised that the current location has a value of 5070 CFS now and would increase to 6100 CFS if reverted back the original site. The Board advised that a super majority is required to pass the bond and if the constituents are in agreement with what the Board is seeking to accomplish requested assistance in getting the information out and the bond supported. Mayor Marc Beitia commended the Commission on their foresight and committed to assisting in the passage of the bond.

A motion to contract with Idaho Insights based on conversations for \$20,375.00 less the \$4,375.00 "Shock and Awe", adding instead an ad with the Power Co Press for approximately \$1000.00 for a total amount of \$17,000.00 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.

4. **Indigent Claims:** A motion to deny claim 2016-0114 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
5. **Claims:** A motion to pay claims for fiscal year 2016 as reported was presented by Commissioner Anderson, with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried. A motion to pay claims for fiscal year 2017 as reported was presented by Commissioner Lasley, with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried. The following amounts shall be assessed against the appropriate budget;

FUND	FY2016	FY2017
01 GENERAL FUND (CURRENT EXPENSE)	\$ 38,546.77	\$ 36,426.96
04 POWER COUNTY AMBULANCE DIST.	\$ 6,210.71	\$ 5,019.93
05 POWER COUNTY ABATEMENT DIST.	\$ -	\$ 16,060.00
06 DISTRICT COURT	\$ 1,161.46	\$ 1,000.00
08 JUSTICE FUND	\$ 41,134.77	\$ 4,230.76
09 DRUG COURT	\$ 355.57	\$ -
10 ENHANCED 911 SERVICES	\$ 5,957.60	\$ 167.30
15 ELECTIONS	\$ 2,829.74	\$ -
16 INDIGENT	\$ 5,275.77	\$ 675.00
17 JUNIOR COLLEGE	\$ 300.00	\$ -
20 REVALUATION	\$ 1,110.45	\$ 35.00
23 SOLID WASTE (LANDFILL)	\$ 2,194.45	\$ 71.95
24 TORT	\$ 1,046.84	\$ 33,296.50
38 WATERWAYS	\$ 4,746.29	\$ 22.00
50 PAYMENT IN LIEU OF TAXES	\$ 42,455.27	\$ 26,531.83
TOTAL PAID	\$ 153,325.69	\$ 123,537.23

6. **Certificate of Residency Application pursuant to I.C. §33-2110:** A motion to approve the Applications for Certificate of Residency for the filed by Kenadie Krell and Trey Freeman pursuant to I.C. §33-2110 for Junior College Tuition assistance through the College of Southern Idaho for the 2016-2017 Academic Year was presented by Commissioner Anderson with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
7. **Memorandum of Agreement (MOA) - Mini Cassia Juv. Detention:** A motion to execute the MOA between Power County and the Mini-Cassia Juvenile Detention Facility was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
8. **Memorandum of Agreement - Id. Dept. of Juvenile Corrections:** A motion to execute the Memorandum of Agreement with Idaho Department of Juvenile Corrections was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
9. **Falls View Cemetery:** Chester Taylor appeared before the Board and advised that in 1958 Idaho Power began providing water to the cemetery from the cooling tower. Idaho

Power has closed their cooling tower and will no longer be providing water for the cemetery. Connection to the City of American Falls is cost prohibitive based on the Cemetery budget. Idaho Power has agreed use of one (1) of their wells that has 1956 water rights attached providing 2200 gallons per minute, however, the Cemetery Board would need to install their own meter, electrical and mainline. The total cost estimate is \$65,000.00 and the Cemetery Board is seeking financial assistance from the County rather than seek a bond election to pay for the costs. The Board inquired of continuing operational costs and cost share grant funding. Mr. Taylor advises that they understand they can apply for some cost share grant funding through Idaho Power, but have not fully determined the continuing operational costs. Following discussion, a motion to contribute \$35,000.00 from Payment in Lieu of Taxes building and grounds account to the Falls View Cemetery District on the contingency that Idaho Power will release authority to utilization of their well was presented by Commissioner Anderson with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.

10. **Retail Alcoholic Beverage License transfer Application of M&J Brothers Inc previously granted to El Jaciense Inc.:** The application to transfer the alcoholic beverage license came before the Commission at 3:07 pm. The applicant, M&J Brothers Inc requests transfer of retail alcohol beverage license for 2016-2017 previously granted to El Jaciense Inc for bottled or canned beer to be consumed on premises at 535 Oregon Trail, American Falls, Idaho.

Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Carolyn Anderson

A motion to approve the application to transfer retail alcohol beverage license for 2016-2017 previously granted to El Jaciense Inc for bottled or canned beer to be consumed on premises at 535 Oregon Trail, American Falls, Idaho, was presented by Commissioner Funk with a second by Commissioner Lasley. Following roll call vote, motion carried unanimously and the record concluded at 3:08pm.

B. POINTS OF ORDER:

1. **Lance Funk:** Lance Funk appeared before the Board and expressed concerns that the county should have contacted him before negotiating forward on the purchase of the water rights from Magnolia. Mr. Funk explained that he believes if he were unable to purchase the water rights, there would be a significant job loss within the county. Commissioner Anderson explained that the county did not have any knowledge of Mr. Funk's interest in the purchase of the water rights and believed that the need to secure the water rights to assist sustain the citizens of American Falls as well as assist with future development options. Commissioner Lasley explained the history of the water right discussions and advised that the county can only purchase the water rights for the appraised value. Mr. Funk expressed concerns that the appraisal is not skewed.

Commissioner Lasley explained that the appraisal would consider the value of the water if the location of the water rights could be restored. Mr. Funk expressed the agricultural market is in a decline, which could affect the value. Mr. Funk advises that he would entertain a partnership with the county on securing the water rights.

Commissioner Funk reported his communications with the appraisers on this matter and communications with the Magnolia legal counsel advising that the values provided to the county thus far have been established. Ryan Petersen advises that if the deal falls through, the county would be looking for rental of water as well and recognizes the importance of assuring that any appraisal given is accurate. Commissioner Anderson reports that these water rights are industrial water rights that allow for continuous water flow which enhances the value. Mr. Funk inquired if the county has funds available to purchase a portion of the water rights. Commissioner Lasley advises that the county has saved Payment in Lieu of Tax funds over the years to allow for the county be sustained. Those funds are invested and would need to be transferred if needed. Commissioner Funk explained the history of the savings secured by the county. Mr. Funk advises that his goal is to keep the water in the county and is fully invested to work with the county to attain that goal. Mr. Funk advises that a large plant would only require use of a portion of the water rights. John Schutte reports that ConAgra utilizes about 2-3 million gallons water usage per day and believes the rights should supply 5-6 million gallons per day.

John Schutte advises that he is representing Lamb Weston and expressed an interest in purchasing and/or renting a portion of the water rights in the future. Commissioner Funk reports that the county is still in the process of attempting to secure the water rights and have not entered into discussion on the leasing process as of yet. Legal Counsel, Ryan Petersen advises that however the county moves forward, it will be fair, legal, and published for all interested parties. Mr. Petersen inquired if Lamb Weston (Con Agra) would be interested in pooling together with another plant for a water treatment plant. Mr. Schutte reports that the company would be very interested in a joint water treatment venture. Mr. Schutte inquired about the paper statement that the water rights would expire 2017 and asked for explanation. Commissioner Funk advises that the paper was incorrect as the water rights would not expire so long as they remain in the same bank. The air quality control permit is scheduled to expire in 2017. Mr. Schutte inquired about the paper statement that Magnolia would retain first choice at the water rights. Commissioner Anderson clarified that the statement was erroneous. Commissioner Lasley reports that several members of the community will be meeting at 11:30 am to strategize the implementation of the bond and water rights.

2. **Tax Deed Auction:** Commissioners Anderson and Lasley facilitated the Tax deed auctions. Commissioner Anderson reports that the auctions were completed at 10:08 am and advised as follows;
 - Minimum bid for Parcel # RPC0191-00, located at 3033 Garden Rd, American Falls, Idaho, legally described as Lot 2 Block 1, Garden Grove Estates, Power County, Idaho as recorded on Instrument #107760 and #114432, was \$2,398.13. Said parcel was sold to David and Doug Neibaur farms for \$5,998.13.

- Minimum bid for Parcel # RPA0028-00, located at 144 Grant, American Falls, Idaho, legally described as Lot 13 & 14, Block 30, Original Townsite of the City of American Falls, Power County, Idaho, according to the plat thereof, was \$2,138.33. Said parcel was sold to Betty Stevenson for the minimum bid.
3. **Extrication Agreement:** Anson Call presented the Board with a draft Agreement between Power County Ambulance District and Rockland Fire District. The Board discussed the terms of the agreement. Di Jones reports that she was unsure if a member of the Rockland Fire District could attend a meeting during the day, but would present it at their board meeting and return a signed copy. A motion to table the agreement for completion on October 24, 2016, was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
 4. **Natural Resource Litigation:** Commissioner Anderson reports that Idaho Association of Counties has a discrepancy in their By-laws and had two (2) region out of compliance. The Fifth (5th) District was one of the districts and would need to nominate a clerk for appointment.

Commissioner Anderson presently serves on the Board and advises that the fund is currently whole and, therefore, there would be no fees assessed this year. Commissioner Anderson reported on the guidelines for application of the funds. By consensus the Board decided to recommend Oneida County Clerk Lon Colton be the Clerk representative for the Region.
 5. **Jail Inspection:** Discussion on the Jail Inspection was tabled to the next meeting.
 6. **Public Defense Service Update:** Commissioner Lasley advised that Michael Morrissey had accepted the offer and has been hired and the joint county public defender. Clerk Sharee Sprague reported that the office has been cleaned and painted and Twisted Cable is scheduled to come and repair the network wiring in the office. Mr. Morrissey has agreed to attend the Public Defense Commission rules hearing at the Hampton Inn on October 19, 2016 at 6:00 pm.
 7. **Health West Grant opportunity:** Stephanie Heaton, Director of Grants and Special Programs for Health West Inc. appeared before the Board and advised of Department of Commerce grant funds available to help with clinic remodel, interior and exterior. Ms. Heaton advises that the application needs to come from City or County. Ms. Heaton is certified grant writer and would handle the majority of the work. All expenses associated with the grant would be divided equally between Health West and the Department of Commerce. Commissioner Lasley expressed concerned that the county already has a current community grant in the works (Annex Architecture, Sr. Center), and that the Board is limited to its capabilities. Ms. Heaton agreed to look into other options for funding. The Board expressed concerns with other county obligations related to the bond election. Ms. Heaton agreed to reach out after the November 8th election.