



POWER COUNTY BOARD OF COMMISSIONERS

Meeting Minutes

Commission Chambers

543 Bannock Ave.

American Falls, ID 83211

www.powercounty.is.us

Monday, November 14, 2016, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Monday, November 14, 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: Assessor Mary Annen Jared Turner
Chief Deputy Assessor Kim Olson Matt Nielsen
Treasurer Deanna Curry Max Sprague
Cameron Arial (Telephone) Melissa Heflin
Christian Anderson (Telephone) Mike Glaser
Craig Heward Sabrina Smith
Daniel Moore (The Press) Steve Marshall, JUB Engineering
Dannielle Quade (Telephone) Toby Eflar JUB Engineering
Doug Balfour

III. AGENDA

A. NOTICES/REPORTS

1. **JUB Engineering Airport Planning:** Steve Marshall, Aviation Planning Project Manager for JUB Engineering presented the Board with a developmental plan for the Power

County Airport. Mr. Marshall advises that the presentation is a pre-requisite of what will be presented to the Airport Board later tonight. Mr. Marshall explains following the Board meeting tonight, they will streamline the plan and will provide an update to the Board. The matter is continued for discussion on February 13, 2016, at 3:00 pm.

B. MOTIONS:

1. **Agenda:** A motion to approve the agenda for Monday, November 14, 2016, was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
2. **Idaho InSights- Water Bond Discussion:** Cameron Arial of Idaho InSights, Danielle Quade of HawleyTroxell, Christian Anderson of Zions Bank, and Douglas Balfour, Attorney at Law joined the Commission for discussion. Commissioner Funk thanked everyone for their work on the bond. Cameron Arial of Idaho InSights reported that the election results are very encouraging and remarkable. Idaho InSights completed TWO (2) mailings to the electorate and the county did a remarkable job locally.

Christian Anderson of Zions Bank advised that the Idaho Bond Bank Authority application and process will be as follows;

1. The county will need to make application to the Bond Bank. Zions will do the majority of the work, but will reach out to the Clerk's Office for financial information. The application is due at the end of November and the County would need to pay a \$500 application fee at the outset. By consensus, the Board directed the Clerk Sprague to process a demand for the \$500.00 and to send the check out immediately.
2. The Bond Bank will review the application and meet 2nd week of December. A member of the county will need to attend the meeting preferably in person, but at minimum by telephone.
3. Bonds are then sold mid-February with closing at the end of February.

Bond Attorney, Danielle Quade, of Hawley Troxell, explained that the legal work will begin after the approval of the Bond Bank. The bond attorney will draft a resolution on behalf of the County in support of the loan and specifying a maximum interest rate obligation.

Legal counsel Ryan Petersen presented the Board with an agreement for services through Zions Bank and an engagement letter with Hawley Troxell advising that both have been reviewed and are acceptable for execution by the Board.

A motion to execute the agreement between Zions Bank and Power County was presented by Commissioner Lasley with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.

A motion to execute the engagement letter with Hawley Troxell was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.

By consensus, the board directed Clerk Sprague to immediately upon receipt of an

invoice, issue a \$500.00 check for the loan application fee and to e-mail the election canvass results to Christian Anderson.

3. **Sho-Ban T.E.R.O.:** Doug Balfour appeared before the Board explaining his interpretation of the Sho-Ban Tribal Employment Rights Ordinance (T.E.R.O.) and presented a draft letter explaining the following two (2) concerns;

1. The TERO Ordinance places an emphasis on farming activities, however specifically excludes farming and livestock businesses owned by enrolled tribal members.
2. The TERO Ordinance attempts to expand jurisdiction to fifty (50) miles surrounding the reservation.

Legal counsel Ryan Petersen advises that he has reviewed the proposed letter and would support the same, however, inquired if strict scrutiny language should be included pursuant to race-based legislation. Commissioner Funk concurred with Mr. Petersen's suggestion.

Following discussion, a motion to include suggested changes and move forward with the response was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.

By consensus and with the authority of the Prosecuting Attorney, the Board directed Mr. Balfour to follow up and reach out to Pocatello on the matter.

4. **Power County Resolution No. 2016-05.2:** A RESOLUTION TO SETTING ONE (1) YEAR LIMITATION FOR ASSESSMENT ERROR CORRECTIONS was read by Clerk Sharee Sprague. Upon conclusion, Chairman Funk called for discussion. No discussion having been offered a motion to approve Resolution No. 2016-05.2 was presented by Commissioner Anderson with a second by Commissioner Funk. Following audible call, motion unanimously carried and the resolution was adopted.
5. **Solid Waste Agreement:** A motion to execute the agreement with Southern Idaho Solid Waste was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
6. **2016 General Election Board of Canvassers:** Clerk Sharee Sprague reports that there were 562 early/absentee ballots processed as of November 4, 2016. However, mailing deadlines and proficiency missed a couple of electors, which has been a consistent concern across the state. The Idaho Association of Clerks and Recorders is discussing the best measures moving forward to report the issues and protect the rights of the electors. The Clerk's Office did receive a couple of concerns regarding improving ADA Access to the building. It is reported that the ADA Access door and hallway needs to be widened to accommodate larger wheelchairs and that the curb ramp could be improved. Voter turnout prior to adjusting for same day voter registrations was 82.8%. There were 384 registrations filed. Upon closing of the election, there are 3,706 registered voters and 2,841 electors participated in the election making the final voter turnout 76.66%. All the local incumbents were successful. The hospital bond narrowly failed with 59.78% approval and the county bond passed with 79% voter approval.

Following discussion, a motion to accept results for the election held November 8, 2016 as submitted, was presented Commissioner Lasley with a second by Commissioner Anderson. Commissioner Funk was absent. Following an audible call of the board, the motion unanimously carried.

7. **Personnel Executive Session:** A motion to issue final payroll check administered on Holly Johnston in the amount of \$1,980.51 plus one (1) month of COBRA was presented by Commissioner Anderson with a second by Commissioner Lasley. Commissioner Funk was absent. Following audible call of the Board, motion unanimously carried.
8. **Indigent Claims:** A motion deny Indigent Claim 2016-0122, approve Claim 2016-0131 in the amount of \$800.00 and approve Claim 2016-119 in amount of \$235.00 presented by Commissioner Lasley with a second by Commissioner Anderson. Commissioner Funk was absent. Following an audible call of the board, the motion unanimously carried.
9. **Claims:** A motion to approve the claims approval report in the amount of \$97,228.32 was presented by Commissioner Lasley with a second by Commissioner Anderson. Commissioner Funk absent. 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)	\$ 29,013.51
0003 FAIR BOARD	\$ 692.28
0004 POWER COUNTY AMBULANCE DIST.	\$ 3,454.73
0005 POWER COUNTY ABATEMENT DIST.	\$ 16,060.00
0006 DISTRICT COURT	\$ 3,518.98
0008 JUSTICE FUND	\$ 5,934.27
0010 ENHANCED 911 SERVICES	\$ 3,822.70
0015 ELECTIONS	\$ 12,395.78
0016 INDIGENT	\$ 1,953.85
0020 REVALUATION	\$ 189.32
0023 SOLID WASTE (LANDFILL)	\$ 5,392.62
0027 WEEDS	\$ 5,733.39
0038 WATERWAYS	\$ 1,243.59
0050 PAYMENT IN LIEU OF TAXES	\$ 7,823.30
TOTAL PAID	\$ 97,228.32

10. **Approval of Past Meeting Minutes:** A motion to accept minutes as printed for meetings held on September 16, 19, 21, 26, and October 7, 2016, was presented Commissioner Anderson with a second by Commissioner Lasley. Commissioner Funk was absent. Following an audible call of the board, the motion unanimously carried.

C. POINTS OF ORDER:

1. **Airport Irrigation Reservoir Bids:** Commissioner Ron Funk updated the parties on the process of the pond. Commissioner Funk proposes that the parties submit bids pursuant to the design presented by Lindle Offenbacker and submit bids for alternate scenarios. The bids should be pond, trenching, and tree removal (370') and a separate bid for the mainline(1,000'), pump, and panel. Discussion is continued to November 16, 2016, at 9:00 am.
2. **Landowner Cleanup of Unlawful Dumping:** Commissioner Lasley advises that there has been a complaint for unlawful dumping in the Rockland Area. Commissioner Lasley inquired if there could be consideration to waive landfill fees for landowners bringing in debris caused by the unlawful dumping that they have cleaned up. Mr. Heward requests that should a landowner incur unlawful dumping on their property that a Sheriff's Deputy review the unlawful dumping and relay the information to the Landfill and if it has been so identified and the landowner cleans up the area, they could do so without charge.
3. **2017 Airport Leases:** Legal Counsel Ryan Petersen reports that the bond meetings have prevented him from completing work on the Airport Leases and requests the matter be tabled to November 28, 2016.
4. **Rockland/BigSky/Arbon Landfills Site Mileage:** Craig Heward reports that Sabrina Smith will be covering in Rockland while Bill Reaves is on vacation and request that Ms. Smith be reimbursed mileage for the travel. By Consensus, the Board authorized use of the Ford Expedition for travel coverage.
5. **Prosecutor - Travel Expense:** Chief Deputy Max Sprague advised of a historical event wherein a Sheriff's Deputy was killed. Detective Sprague advises that the officer will be recognized by the National Law Enforcement Association in Washington and requests Sheriff Jeffries be sent to Washington DC for the presentation. Detective Sprague was directed to research anticipated expenditures and report back to the Board on November 28, 2016.
6. **Sick Bank Contributions:** Carolyn Anderson reports that the sick leave bank would like final Board determination on future contributions from the county to the sick leave bank. By consensus, the Board agreed to research minutes and continue discussion to November 28, 2016.
7. **Fairground Fencing Update:** By Consensus, the Board vacated this agenda item and determined that an airport fencing update may be provided at a later date.

IV. EXECUTIVE SESSION:

1. **Executive Personnel Session I.C. 74-206(1)(b) 1:35 pm:** A motion to enter into executive session to consider personnel actions pursuant to Idaho Code 74-206(1)(b) was presented by Commissioner Lasley with a second by Commissioner Anderson. Commissioner Funk was absent. Following audible call of the Board, motion unanimously carried.
2. **Executive Personnel Session I.C. 74-206(1)(b)2:24 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 Lasley. Commissioner Funk