

## POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, April 12, 2004. Present were Commissioners Ken Estep, Chairman, Vicki L. Meadows and Ray Zimmerman. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney Paul Laggis.

MINUTES: Moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to approve the Power County Commissioner Minutes for March 8<sup>th</sup> and 22<sup>nd</sup>, 2004, as presented. Carried.

SOUTHERN IDAHO SOLID WASTE: Commissioners Estep and Meadows reported on their recent meeting with Terry Schultz, Executive Director of Southern Idaho Solid Waste, to re-negotiate Power County's waste transport and disposal agreement. The Southern Idaho Solid Waste Board of Directors is offering Power County a disposal fee reduction, proposing to reduce the present disposal fee of \$21.05 per ton to \$16.50 per tone and to extend the contract through 2011. Following discussion, it was moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to accept the proposal of Southern Idaho Solid Waste to amend Power County's waste transport and disposal agreement. Carried. Terry Schultz will send a draft amendment for the Commissioners review and approval.

SHOSHONE BANNOCK TRIBES – ECONOMIC DEVELOPMENT: Commissioner Estep reported that a joint meeting of the Power County Commissioners and the Fort Hall Business Council has been scheduled for Monday, April 26<sup>th</sup>, 2004, at 2:00 p.m. at the Fort Hall Business Council Chambers. Also present at that meeting will be representatives from Vita Nuova, LLC, who will be prepared to review and discuss their marketing study on the FMC properties, after which the Commissioners and Fort Hall Business Council will tour the FMC site. This matter was tabled until that time.

SUNSET AVIATION – POWER COUNTY AIRPORT PROPERTY: Clerk Steinlicht reported that Sunset Aviation has not yet made their annual lease payment for 2004. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to authorize Power County Prosecuting Attorney Paul Laggis to make written demand to Sunset Aviation requesting that the 2004 lease payment in the amount of \$2,862 be brought current. Carried.

PILT/FOREST APPORTIONMENTS: The Commissioners reviewed PILT and Federal Forest Apportionment monies distributed to the Power County Highway District, School District #381, School District #382 and School District #383 during 2002, 2003 and 2004 fiscal years.

POWER COUNTY WEED DEPARTMENT: Power County Weed Supervisor Curtis Munk appeared before the Commissioners to advise them that a weed group out of Southern Idaho and Northern Utah had contacted him. The group is requesting signatory

and financial support to control further spread of dyer's woad, a highly noxious weed that is quickly spreading throughout Northern Utah and Southern Idaho and may reach Power County in the near future. Mr. Munk and the Commissioners agreed that Power County should contribute \$500 to the dyer's woad multi-entity control program and \$500 to the dyer's woad multi-entity advertising campaign, to be paid from the Weed Department's chemical budget.

HERD DISTRICTS/OPEN RANGE ORDINANCE: Prosecuting Attorney Laggis reported that he has been reviewing Power County options in expanding the County's animal at large ordinances to include enforcement provisions when stray horses and cattle trespass and cause property damage. Following discussion and a review of Idaho Code #25-2407 and #25-2408, the Commissioners and Prosecutor Laggis agreed to continue current enforcement under existing laws and not pursue further County ordinance adoption or expansion at this time.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to move into executive session pursuant to I.C. #67-2345, for the purpose of taking up indigent medical applications. Carried.

INDIGENT CASE #2004-09-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to approve indigent medical application #2004-09-I. Carried.

POWER COUNTY DISASTER SERVICES: Power County Disaster Services Deputy Director Virgil Barnard appeared before the Commissioners to tender his resignation as Deputy Director effective immediately. Also present was power County Disaster Services Director Mark Love, who indicated that he will interview potential replacements for Mr. Barnard and report back to the Commissioners on April 26<sup>th</sup>, 2004.

AMBULANCE: Moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to recess as Power County Board of Commissioners and reconvene as Power County Ambulance District Board. Carried.

MEDICAL SOLUTIONS: Power County Ambulance District Director Mark Love and Lois Akers of Medical Solutions appeared before the Commissioners to advise them of the computer upgrades Medical Solutions will need to made prior to July 1<sup>st</sup>, 2004. Ms. Akers is requesting one-time financial assistance upgrade cost of \$1,000 from Power County Ambulance District. Following discussion, the Commissioner and Mr. Love agreed to contribute \$1,000 to Medical Solutions for the upgrade to Net Practice Software being used by Medical Solutions.

Moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to recess as Power County Ambulance District Board and reconvene as Power County Board of Commissioners. Carried.

POWER COUNTY TRANSFER STATION/LANDFILL: Steve Pew of the Southeastern District Health Department and Transfer Station Manager Craig Heward appeared before

the Commissioners with Dee Johnson, Solid Waste Coordinator from the Department of Environmental Quality. At the outset, Ms. Johnson indicated that grass clippings have been reclassified as non-municipal waste and need to be handled differently at the Power County Transfer Station, and the Commissioners reviewed the analysis of the soil samples taken at the grass pit for concentrated nitrates. The Commissioners and Ms. Johnson discussed several options, i.e. transporting grass clippings, selling clippings to compost companies, installing a liner under the grass pit, spreading grass clippings over branches. Ms. Johnson indicated that she would discuss these options with Tom Mullican at the DEQ and report back to the Commissioners or Mr. Heward.

FAIRGROUNDS – LIABILITY INSURANCE: The Commissioners discussed use and rental of the Community Building at the fairgrounds by individuals with Gary Gunerson of Idaho Counties Reciprocal Management Program (ICRMP). The Commissioners and Mr. Gunerson agreed that only vendors who rent the fairground facilities for business opportunities, either for profit or non-profit charity, should carry their own liability insurance and provide the Fairboard with proof of such coverage prior to use of the facilities. Individual personal use should be covered under that person’s personal liability insurance coverage, with the county’s liability policy to be secondary coverage only. Commissioner Estep shall so advise the Power County Fairboard.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Meadows, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 for the purpose of taking up potential litigation issues. Carried.

CLAIMS: Moved by Commissioner Zimmerman, seconded by Commissioner Estep, to approve the claims as presented. Carried.

General Fund	\$ 14,805.81
Ambulance	11,696.42
District Court	11,707.09
Justice Fund	50,557.03
Indigent	1,077.07
Revaluation	9,710.76
Solid Waste	7,602.85
Tort	38,723.88
Weeds	432.51
Waterways	100.26
PILT	8,248.19

EASTERN POWER COUNTY – ECONOMIC DEVELOPMENT: Commissioner Estep reported on the Idaho Optimum Initiative (IOI) meeting he recently attended in Pocatello to discuss the economic development potential of the FMC site. The IOI is constructing a web page to assist potential developers, which will include links to Power County’s Building Code, Shoshone-Bannock Tribes information, Idaho Department of Environmental Quality regulations and Federal Environmental Protection Agency information.

500 POCATELLO AVENUE – RENOVATION: Gary Ferguson of BGM Builders appeared before the Commissioners to present them with a copy of the letter he received from Eagle Engineering assessing the structural integrity of the 500 Pocatello Avenue building. The Commissioners and Mr. Ferguson discussed the reconstruction and renovation options for the roof structure. The Commissioners agreed to meet with architect Ken Douglass, Mark Forbord of Eagle Engineering and Gary Ferguson of BGM Builders on Tuesday, April 20<sup>th</sup>, 2004, at 5:00 p.m., and this matter was tabled until that time.

PLANNING & ZONING APPEAL – PUBLIC HEARING (BINGHAM INVESTMENT GRAVEL PIT): At 7:00 p.m. Commissioner Estep announced that it was the date and time set for public hearing on the appeal of Shelly L. Lish on the Power County Planning & Zoning Board's approval of the application of Bingham Investment to develop a gravel pit in Eastern Power County. The following exhibits were offered and admitted as evidence:

Exhibit #1 – Letter from George A. Adams of Chevron Pipeline Company dated April 5<sup>th</sup>, 2004 regarding the Special Use Application of Bingham Investment, with attached pipeline route map.

Exhibit #2 – Letter from Tim Swenson of the Idaho Transportation Department to Beco Construction Company, Inc., dated September 30, 1999, regarding citizens complaints at State Source #FK-51-S.

Following hearing of the testimony and evidence presented, it was moved by Commissioner Meadows, seconded by Commissioner Zimmerman, to continue further hearing of this matter until Tuesday, April 20<sup>th</sup>, 2004, at 7:00 p.m. Carried.

PLANNING & ZONING – PUBLIC HEARING (KBC FARMS LLC SUBDIVISION): At 8:10 p.m. Commissioner Estep announced that it was the date and time set for public hearing on the re-zone application of KBC Farms, LLC, to rezone approximately 110.63 acres from agricultural to rural residential. Following hearing of the testimony and evidence presented, it was moved by Commissioner Zimmerman, seconded by Commissioner Meadows, to grant the application of KBC Farms LLC, to rezone approximately 110.63 acres, more or less, located in Section 1, Township 8 South, Range 30 E.B.M. and Section 7, Township 8 South, Range 31 E.B.M. presently zoned agricultural, to rural residential. Carried.

Adjourned.

  
KEN ESTEP, Chairman

  
CHRISTINE STEINLICHT, Clerk