

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, May 12th, 2008. Present were Commissioners Vicki Meadows, Chairman, Ken Estep and Ron Funk. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney Paul Laggis.

POWER COUNTY PROSECUTING ATTORNEY – FISCAL YEAR 2009 BUDGET:

Power County Prosecuting Attorney Paul Laggis appeared before the Commissioners to report that he had been appointed by the Sixth District Magistrate Commission to serve as the resident Magistrate Judge beginning July 1st, 2008; however, he will remain as Power County Prosecuting Attorney until formal resignation is tendered. Prosecutor Laggis indicated that he intends to hire City of American Falls Attorney Randy Kline to serve as Deputy Prosecutor through the transition period. Prosecutor Laggis further reported that he intends to submit a fiscal year 2009 budget request for the Prosecuting Attorney's Office and will attend the budget hearing as scheduled on Monday, May 19th, 2008, and this matter was tabled until that time.

POWER COUNTY COMMISSIONER MINUTES: Moved by Commissioner Estep, seconded by Commissioner Funk, to approve the Power County Commissioner Minutes for April 1st, 14th and 28th, 2008, as presented. Carried.

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT – REGIONAL HEALTH CARE PREPAREDNESS (MUTUAL AID AGREEMENT):

Following discussion with Denise O'Farrell of the Southeastern District Health Department, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve and execute the Mutual Aid Agreement for regional health care preparedness and the sharing of medical supplies and equipment in Southeastern Idaho when responding to bioterrorism, outbreaks of infectious disease, and/or other public health threats and emergencies between Bear Lake, Bingham, Butte, Caribou, Franklin, Oneida and Bannock Counties. Carried.

POWER COUNTY PLANNING & ZONING – LEGAL ISSUES:

The Commissioners reviewed the "Vendor Payment History" for Power County Special Planning & Zoning Attorney Douglas J. Balfour from September, 2007, through March, 2008. Commissioner Funk reported that he is scheduled to meet with Mr. Balfour on May 13th, 2008, to discuss his fiscal year 2009 budget request and review his Employment Contract with Power County, which is scheduled to expire on September 30th, 2008.

POWER COUNTY TRANSFER STATION/LANDFILL – FEE SCHEDULE:

Power County Transfer Station/Landfill Supervisor Craig Heward appeared before the Commissioners to discuss updating the Power County Transfer Station/Landfill fee schedule and the imposition of "on-site" disposal fees. Following discussion, Mr.

Heward reported that the collection and receipting of additional "on-site" fees would require at least one additional "on-site" employee. The Commissioners agreed to discuss these fees further during the fiscal year 2009 budget process.

POWER COUNTY TRANSFER STATION/LANDFILL – BUSINESS HOURS:

Following discussions with Power County Transfer Station/Landfill Supervisor Craig Heward, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to grant a permanent change in business hours for the Power County Transfer Station/Landfill from 8:30 a.m. until 5:30 p.m., year-round. Carried.

UNITED STATES DEPARTMENT OF INTERIOR (BUREAU OF RECLAMATION) – AMERICAN FALLS RESERVOIR (BEACH USE ORDINANCE):

Thomas Hess of the Bureau of Reclamation appeared before the Commissioners to request that the Commissioners adopt an ordinance prohibiting glass containers of any kind from being present on Bureau of Reclamation beach property on the American Falls Reservoir, which could then be enforced by the Power County Sheriff. The Commissioners agreed to discuss the issues of jurisdiction and enforcement with Power County Prosecuting Attorney Paul Laggis and Power County Sheriff Jim Jeffries and this matter was tabled until July 14th, 2008.

POWER COUNTY BOARD OF EQUALIZATION (I.C. #63-501) – CIRCUIT BREAKER EXEMPTIONS (I.C. #63-706):

Power County Deputy Assessor Elna Neu appeared before the Commissioners pursuant to I.C. #63-706 to present the circuit breaker exemption applications for the 2008 tax year. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve the applications for circuit breaker exemption as presented. Carried. There being no further business to come before the Board, the Power County Board of Equalization recessed until May 30th, 2008.

RESTRICTED VEHICLE OPERATION (HOUSE BILL 602): Power County Sheriff Jim Jeffries, Chief Deputy Sheriff Jackie Morris and American Falls Chief Police Brandon Wilkinson appeared before the Commissioners with Power County Deputy Assessor Elna Neu to discuss House Bill 602 which allows for the operation of restricted vehicles on City streets and County roads effective January 1st, 2009. Following discussion, the Sheriff Jeffries and Chief Wilkinson agreed to review House Bill 602 in greater detail and report any concerns to their respective governing boards.

AMERICAN AIR – DELINQUENT PROPERTY TAXES: Power County Prosecuting Attorney Paul Laggis reported that the case of American Air vs. Power County will be scheduled for hearing on the parties' Motions for Summary Judgment on June 12th, 2008; accordingly, the Commissioners agreed to table further discussion of this matter until June 23rd, 2008.

ECONOMIC DEVELOPMENT – POWER COUNTY RESOLUTION #2008-04 (IDAHO DEPARTMENT OF COMMERCE GEM GRANT – COMMUNITY PLANNING): Following discussion, it was moved by Commissioner Meadows,

seconded by Commissioner Estep, to approve and adopt Power County Resolution #2008-04, authorizing and instructing the Southeast Idaho Council of Governments (SEICOG) to seek and secure an Idaho Department of Commerce Gem Grant in the amount of \$50,000 for community planning and development. Carried.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Meadows, seconded by Commissioner Funk, to move into executive session pursuant to I.C. #67-2345 to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Estep – Aye
Commissioner Funk – Aye

Carried.

VECTOR DISEASE CONTROL, INC. – MOSQUITO ABATEMENT: Dan Markowski and Tim Bennett of Vector Disease Control, Inc., appeared before the Commissioners to discuss and review the Professional Services Agreement for mosquito control services between Power County and Vector Control, Inc. Mr. Bennett reported that monthly Mosquito Surveillance Reports for 2008 will be submitted via e-mail to the Power County Clerk on or before the fourth Monday of each month beginning in June, 2008.

POWER COUNTY COURTHOUSE – SIDEWALK REPAIRS/SECURITY FEATURE: The Commissioners discussed the sidewalk and concrete repairs that need to be done at Power County properties adjacent to the Courthouse, as well as the placement of a security feature in front of the Courthouse, as proposed and discussed in August, 2007. Following discussion, Commissioner Estep agreed to discuss this matter with several area vendors and this matter was tabled until June 23rd, 2008.

CLAIMS: Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve the claims as presented and supplemented. Carried.

General Fund	\$ 27,568.18
Ambulance District	1,157.93
Interim Abatement District	16,558.33
District Court	3,338.89
Justice Fund	50,375.67
Indigent	2,182.86
Revaluation	41,125.00
Solid Waste	25,200.55
Weeds	387.48
Waterways	1,089.85
PILT	9,527.83

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 to consider records that are exempt from disclosure as provided in Chapter 3, Title 9, Idaho Code, specifically indigent medical applications. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Estep – Aye
Commissioner Funk – Aye

Carried.

INDIGENT CASE #2008-10-I: Power County Indigent Case #2008-10-I came on for appeal hearing pursuant to Notice of Appeal filed by Applicant. Following testimony and a review of the exhibits submitted, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to take this matter under advisement pursuant to I.C. #31-3505(E) until Monday, May 30th, 2008, at 2:30 p.m. Carried.

INDIGENT CASE #2008-15-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to deny indigent medical application #2008-15-I since the application has been withdrawn and applicant has other resources sufficient to pay the medical expenses incurred pursuant to I.C. #31-3505(A). Carried.

POWER COUNTY PROSECUTING ATTORNEY – RESIGNATIONS AND VACANCIES (I.C. #59-906): Lyle Eliassen and Jan Skeen of Eliassen Law Office appeared before the Commissioners to inquire into the vacancy to be created in the office of Power County Prosecuting Attorney upon the appointment of Paul Laggis as Magistrate Judge in Power County effective July 1st, 2008. Following a review of I.C. #59-901, et. seq., the Commissioners encouraged Mr. Eliassen and Ms. Skeen to direct their inquiries to the Power County Democratic Central Committee.

POWER COUNTY TREASURER – TAX DEEDS: Power County Treasurer Bobbie Mauch and Deputy Treasurer Teri Kendall appeared before the Commissioners to present a copy of the proposed Tax Deed on delinquent property tax owing on Power County Parcel #RPA0207-00 in the amount of \$4,557.64. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to approve the proposed tax deed and authorize the Power County Treasurer to schedule a public auction with a minimum bid amount of \$4,557.64 plus attorney fees. Carried.

SOUTHEAST IDAHO DISTRICT HEALTH DEPARTMENT – QUARTERLY REPORT: Sandy Sorrell of the Southeastern District Health Department appeared before the Commissioners to present the District's Quarterly Report for Power County for the period ending March 31st, 2008.

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT – HOUSEHOLD SEWAGE DISPOSAL SYSTEMS (NEW CONSTRUCTION): Steve Pew and Craig Madsen of the

Southeastern District Health Department appeared before the Commissioners with Power County Building Administrator Robert Steinlicht, to discuss the Idaho Department of Environmental Quality's proposed rules for individual/subsurface sewage disposal systems on the construction of homes, which will require sewer disposal systems based on daily wastewater flows. The Southeastern District Health Department will enforce the proposed rules pursuant to a Memorandum of Agreement with the Idaho Department of Environmental Quality.

POWER COUNTY SHERIFF – JAIL MASTER PLAN (ROCKY MOUNTAIN CORRECTIONS): Power County Sheriff Jim Jeffries appeared before the Commissioners to report that Rocky Mountain Corrections is still working on Phase III of the Jail Master Plan and requested that the Commissioners make time available on Friday, June 27th, 2008, at 1:00 p.m. to meet with representatives of Rocky Mountain Corrections regarding long-term State/Federal Contracts, and this matter was tabled until that time.

U. S. FOREST SERVICE – CRYSTAL SUMMIT PARKING LOT: Power County Clerk Christine Steinlicht reported that the Memorandum of Understanding between Idaho Department of Parks & Recreation, U.S. Forest Service and Power and Bannock Counties on the Crystal Summit Parking Lot located in the Mink Creek area of Power County has not yet been delivered to Power County for review and approval. Additionally, Clerk Steinlicht provided the Commissioners with a copy of the e-mail received from Janice Leonard at the Idaho Department of Parks & Recreation on April 30th, 2008, indicating that Grant Project #GMB8-5-39-1 for placement of ADA facilities at the parking lot is scheduled to expire on June 30th, 2008. Following discussion, Commissioner Estep agreed to contact Deb Tiller, Gerald Towers or Dave Sleight of the U. S. Forest Service to discuss these issues and this matter was tabled until May 30th, 2008.

IDAHO WOOL GROWERS – DISTRICT #4 ANIMAL DAMAGE CONTROL BOARD: Pursuant to I.C. #25-2612, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to appoint Power County resident Vernon Miller to the Idaho Wool Growers Association's District #4 Animal Damage Control Board. Carried.

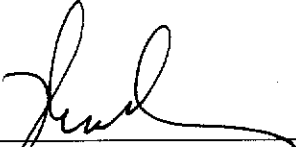
POWER COUNTY WEED DEPARTMENT – FISCAL YEAR 2008 NOXIOUS WEED PROGRAM FUNDING: Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Idaho State Department of Agriculture Terrestrial Noxious Weed Control Program Fund Certification as presented. Carried.

POWER COUNTY PLANNING & ZONING – APPEAL FEES/COSTS: Following discussion, the Commissioners agreed to table further consideration of this matter until May 30th, 2008.

RECORD RETENTION (I.C. #31-781): Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to transfer possession of all

historical records pertaining to public schools from the Power County Clerk to the Power County Historical Society/Museum Board. Carried.

Adjourned.


VICKI MEADOWS, Chairman


CHRISTINE STERNLICHT, Clerk