

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, January 26th, 2009. Present were Commissioners Vicki Meadows, Chairman, Ken Estep and Ron Funk. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney F. Randall Kline.

POWER COUNTY CONCERNED CITIZENS – JUVENILE DIVERSION PROGRAM:

A group of Power County citizens appeared before the Commissioners to report that they have organized a citizens group to encourage Power County to implement a “juvenile diversion program” for minor and/or first time juvenile offenders to keep those children out of the State’s Criminal Justice System while continuing to maintain a high level of accountability. Tina Chavez and Jennifer Rupp, representatives of the group, presented the Commissioners with copies of a Petition signed by Power County citizens requesting a juvenile diversion service in Power County. Following discussion, the Commissioners and Prosecuting Attorney F. Randall Kline agreed that Power County should work towards implementing a diversion program for juvenile offenders, and suggested that the citizen group, along with the Commissioners and Prosecuting Attorney, should meet with the American Falls School District #381 Board of Trustees at their next regular meeting. This matter was tabled until March 9th, 2009.

POWER COUNTY ORDINANCE #2009-01 – BEACH USE: Commissioner Meadows announced that it was the date and time scheduled for further consideration of proposed Power County Ordinance #2009-01, which is an ordinance regulating the control and use of public beaches and lands surrounding the American Falls Reservoir and to provide penalties for the violation of such regulations. Following third and final reading by Power County Prosecuting Attorney F. Randall Kline, it was moved by Commissioner Estep, seconded by Commissioner Funk, to adopt Power County Ordinance #2009-01 as published. Carried. Power County Ordinance #2009-01, as adopted, will be duly published as provided by I.C. #31-715.

POWER COUNTY GUARDIANSHIP BOARD: Moved by Commissioner Funk, seconded by Commissioner Estep, to reappoint Gwen Kress, Elna Neu, Barbara Eliassen, Donna Thornton and Cherilyn Permann each to serve an additional two (2) year term on the Power County Guardianship Board (January, 2011). Carried.

POWER COUNTY WATERWAYS BOARD: Power County Waterways Board Chairman Ron Anderson appeared before the Commissioners to report that Galen McMasters has resigned his position on the Power County Waterways Board effective immediately, leaving a vacancy on the Board. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to reappoint Allen Phillips and Robert Williams each to serve an additional three (3) year term on the Power County

Waterways Board (January, 2012) and to appoint Larry Wright to fill the vacant position (January, 2010). Carried.

POWER COUNTY FAIRBOARD: Commissioner Meadows reported that two vacancies exist on the Power County Fairboard, the first by resignation of Patty Porath and the second upon the death of R. D. Kuttler. Following discussion, the Commissioner agreed to table further consideration of this matter until February 9th, 2009.

POWER COUNTY DEVELOPMENT AUTHORITY (PDCA) – IDAHO DEPARTMENT OF COMMERCE (COMMUNITY DEVELOPMENT GRANT): Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to execute the letter of support to Power County Development Authority to obtain a Rural Community Development Block Grant from the Idaho Department of Commerce in an amount up to \$500,000, to cover planning and engineering costs necessary for road improvements in the heavy industrial zone near Lamb Weston. Carried.

SUPERIOR PHYSICAL THERAPY – DOCTORS CLINIC LEASE: Bart McDonald and Richard Lemon of Superior Physical Therapy appeared before the Commissioners to further discuss the availability of space at the Doctors Clinic for part-time physical therapy services. Following discussion, the Commissioners and Mr. Lemon agreed that the renovations required for use of the facility by Superior Physical Therapy, are extensive and would be cost prohibitive.

POWER COUNTY INDUSTRIAL DEVELOPMENT BOARD – FMC POLLUTION CONTROL BONDS (IRS AUDIT): The Commissioners reviewed the IRS notice dated January 25th, 2009, indicating that the Industrial Development Corporation of Power County, Idaho, has been selected for audit of the tax exempt bonds issued to FMC Corporation in 2001 in the amount of \$20 million. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to execute the IRS Form #2848 entitled “Power of Attorney and Declaration of Representative” to allow FMC Corporation and their tax attorney Peter G. Bakas to handle all matters relating to the IRS Audit of the 2001 FMC tax exempt bonds issued by Power County. Carried.

JUNIOR COLLEGE – CERTIFICATES OF RESIDENCY: Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the Certificates of Residency submitted by the College of Southern Idaho and North Idaho College. Carried.

POWER COUNTY AIRPORT – PROMISSORY NOTE: Power County Airport Manager Stan Bearup appeared before the Commissioners to review the Promissory Note issued in favor of Power County on December 17th, 2004. Mr. Bearup reported that Power County Airport Board has sufficient funds available to pay the Promissory Note in full. Following discussion, the Commissioners agreed to mark the Promissory Note “PAID IN FULL” immediately upon receipt of the principal balance and interest owing in the amount of \$5,714.31.

POWER COUNTY AIRPORT – AIRPORT MANAGER (JOB DESCRIPTION): Power County Airport Manager Stan Bearup appeared before the Commissioners to discuss a job description for the Airport Manager position. Following discussion, Mr. Bearup agreed to provide Clerk Steinlicht with a written job description.

POWER COUNTY AIRPORT – INVENTORY LIST: Power County Airport Manager Stan Bearup appeared before the Commissioners to present an updated inventory list for the Power County Airport. Clerk Steinlicht will provide a copy to Power County's independent auditors at Deaton & Company.

IDAHO DEPARTMENT OF TRANSPORTATION – I-86, EXIT 40 INTERCHANGE UPGRADE: Commissioner Funk reported that he had been contacted by Kathi Buffat at Idaho Transportation Department, who has reported that the options presented to the Commissioner by the Idaho Transportation Department on January 12th, 2009, for upgrade of the I-86, Exit 40 Interchange as it relates to the impact on the Power County Airport, will be determined solely by the Idaho Department of Transportation. Following discussion, the Commissioners agreed that they would like to discuss this matter further with Idaho Department of Transportation Engineer Ed Bala.

POWER COUNTY PLANNING & ZONING – POWER COUNTY ORDINANCE #2009-02 (ABATEMENT OF DANGEROUS BUILDINGS): Power County Planning & Zoning Attorney Douglas J. Balfour and Building Administrator Robert Steinlicht appeared before the Commissioners for a work session on proposed Power County Ordinance #2009-02, which is an ordinance adopting the Uniform Code for the abatement of dangerous buildings. Following discussion, the Commissioners agreed to amend proposed Ordinance #2009-02 and instructed Mr. Balfour to prepare an Amended Ordinance and provide a copy to Clerk Steinlicht prior to February 13th, 2009. Following further discussion, the Commissioners agreed to publish proposed Power County Ordinance #2009-02, as amended, in the February 18th and 25th, 2009, editions of the Power County Press and schedule public hearing on said amended Ordinance for Monday, March 9th, 2009, at 11:00 a.m., and this matter was tabled until that time.

POWER COUNTY PLANNING & ZONING – POWER COUNTY RESOLUTION #2009-03 (URBAN RENEWAL AGENCY): Power County Planning & Zoning attorney Douglas J. Balfour appeared before the Commissioners with Building Administrator Robert Steinlicht to present a copy of proposed Power County Resolution #2000-03, which is a resolution pursuant to I.C. #50-2903(9) making findings and fact in relation to the need for an Urban Renewal Area compromising the heavy industrial zones within Power County. Following discussion, the Commissioners agreed to publish proposed Power County Resolution #2009-03 in the February 18th and 25th, 2009, editions of the Power County Press and schedule public hearing on said Resolution for Monday, March 9th, 2009, at 11:30 a.m., and this matter was tabled until that time.

POWER COUNTY WATERWAYS – IDAHO DEPARTMENT OF PARKS & RECREATION (DOCKS GRANT): Power County Waterways Board Chairman Ron Anderson appeared before the Commissioners to report that the Waterways Board intends

to apply for a grant from Idaho Department of Parks & Recreation to upgrade the docks at the West Boat Ramp. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Idaho Department of Parks & Recreation Grant Application in the amount of \$11,000 to construct new wooden boat docks on the West Boat Ramp near American Falls and to provide a letter of support in favor of said grant and obligate \$4,500 in County matching funds. Carried.

BOARD OF EQUALIZATION (I.C. #63-501): The Board of Power County Commissioners then met as the Power County Board of Equalization pursuant to I.C. #63-501. There being no applications for equalization of the Power County Assessor's missed property roll under I.C. #63-311(2), and no further business to come before the Board, the Power County Board of Equalization recessed until February 23rd, 2009.

POWER COUNTY EMPLOYEE MEDICAL BENEFIT PLAN – GEM PLAN: Moved by Commissioner Meadows, seconded by Commissioner Funk, to nominate Power County Commissioner Ken Estep to serve as District V representative to the Gem Plan Board of Trustees. Carried.

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

General Fund	\$ 30,810.03
Ambulance District	9,154.32
Mosquito Abatement District	16,558.33
District Court	2,794.01
Justice Fund	21,464.70
Indigent	1,327.63
Revaluation	365.00
Solid Waste	6,681.99
Weeds	3,839.48
Waterways	157.91
PILT	31.25

POWER COUNTY CLERK – FISCAL YEAR 2008 ANNUAL REPORT (I.C. #31-2307): Moved by Commissioner Estep, seconded by Commissioner Funk, to approve the 2008 Fiscal Year Annual Financial Report prepared and presented by Power County Clerk Christine Steinlicht pursuant to I.C. #31-2307. Carried.

POWER COUNTY CLERK – FISCAL YEAR 2009 QUARTERLY REPORT (I.C. #31-1611): Power County Clerk Christine Steinlicht appeared before the Commissioners pursuant to I.C. #31-1611, to present the Clerk's fiscal year 2009 financial report for the quarter ending December 31st, 2008. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve the Clerk's quarterly financial report as presented. Carried.

FISCAL YEAR 2009 BUDGET – AUTHORIZED FUND TRANSFER: Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to approve the transfer of \$100,000 from Mosquito Abatement District Fund (50-00-559-09) to Power County's PILT Fund (50-00-397-00). Carried.

POWER COUNTY WATERWAYS – DOCK USE/SWIMMING RESTRICTIONS: Power County Sheriff Jim Jeffries and Prosecuting Attorney F. Randall Kline appeared before the Commissioners to discuss a possible ordinance prohibiting or restricting swimming or fishing from docks on the American Falls Reservoir and along the Snake River within Power County. Prosecuting Attorney Kline reported that he would prepare the proposed ordinance for the Commissioners' review and this matter was tabled until February 23rd, 2009.

POWER COUNTY SHERIFF – JAIL MEDICAL: Power County Sheriff Jim Jeffries appeared before the Commissioners to discuss medical care for inmates housed at the Power County Jail. Sheriff Jeffries plans to obtain a proposal for in-house medical services from Badger Medical and will provide a copy of the same to the Commissioners.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Estep, seconded by Commissioner Funk, 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 #2004-21-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to accept the offer of settlement presented by applicant and to release the statutory indigent medical lien on file in Case #2004-21-I immediately upon receipt of the settlement payment. Carried.

INDIGENT CASE #1999-02-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to accept the offer of settlement presented by applicant and to release the statutory indigent medical lien on file in Case #1999-02-I immediately upon receipt of the settlement payment. Carried.

INDIGENT CASE #2003-24-I, #2006-04-I, #2007-04-I, #2004-22-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to accept the offer of settlement presented by applicant and to release the statutory indigent medical liens on file in Case #2003-24-I, #2006-04-I, #2007-04-I and #2004-22-I immediately upon receipt of the settlement payment. Carried.

POWER COUNTY INDIGENT SERVICES – ACCOUNTS RECEIVABLE: The Commissioners reviewed the Customer Balance Summary Report of receivables that are billed monthly through the Power County Clerk's Office to collect past due accounts for indigent medical services. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to write off the following accounts receivable as "uncollectible", including that pro-rated portion over \$10,000 payable to the Idaho Catastrophic Health Care Program:

Indigent Case #2000-08-I
Indigent Case #2003-23-I
Indigent Case #2006-09-I
Indigent Case #2002-03-I
Indigent Case #2007-17-I
Indigent Case #2008-09-I
Indigent Case #2006-17-I

Carried.

HARDSHIP EXEMPTION APPLICATION (I.C. #67-711): Power County Deputy Assessor Elna Neu appeared before the Commissioners with applicant to present an Application for Hardship Exemption on Parcel #RPA1117-00. Following discussion and a review of the evidence and testimony submitted, it was moved by Commissioner Estep, seconded by Commissioner Funk, to cancel 2008 real property taxes owing on Parcel #RPA1117-00 in the amount of \$1090 plus 2008 solid waste disposal fees owing in the amount of \$50, for a total cancellation of \$1,140. Carried. The balance of \$532.10 shall remain due and owing.

HARDSHIP EXEMPTION APPLICATION (I.C. #67-711): Power County Deputy Assessor Elna Neu appeared before the Commissioners to review the evidence and testimony submitted by applicant on December 22nd, 2008, in support of a Hardship Exemption Application filed under I.C. #67-711. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to forgive 2008 real property taxes owing on Parcel #RPA1365-24 in the amount of \$1,409.19. Carried. The balance of \$2,803.39 shall remain due and owing.

ORDER FOR CANCELLATION OF TAXES: Following discussion with Power County Treasurer Bobbie Mauch and Chief Deputy Treasurer Carol Whitnah, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Order for Cancellation of Taxes as presented in the amount of \$16,509.67. Carried.

POWER COUNTY TREASURER – MONTHLY REPORT (I.C. #31-2113): Power County Treasurer Bobbie Mauch appeared before the Commissioners pursuant to I.C. #31-2113 to present her Statement of Treasurer's Cash for the month ending December 31st, 2008. Treasurer Mauch also presented the Commissioners with a copy of Treasurer's taxes receivable report as of December 31st, 2008.

TREASURER/CLERK JOINT QUARTERLY REPORT (I.C. #31-2306): Power County Treasurer Bobbie Mauch and Power County Clerk Christine Steinlicht appeared before the Commissioners pursuant to I.C. #31-2306, to present the Treasurer/Auditor Joint Quarterly Report for the period ending December 31st, 2008.

Adjourned.



VICKI MEADOWS, Chairman


CHRISTINE STEINLICHT, Clerk