

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, April 27th, 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.

IDAHO DEPARTMENT OF JUVENILE CORRECTIONS – STATISTICAL/BUDGET INFORMATION: Idaho Department of Juvenile Corrections Sixth District Liaison Bill Lasley and Power County Probation Office Supervisor Connie Shepherd appeared before the Commissioners to present a copy of the State-wide statistical information on juvenile probation offenders for the period ending September 30th, 2008. Mr. Lasley then reported that State funding for Power County Juvenile Justice during County fiscal year 2010 will be reduced 2.5% over the State's allocation for fiscal year 2009.

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT – FISCAL YEAR 2010 BUDGET REQUEST: Ed Marugg of the Southeastern District Health Department appeared before the Commissioners to present the District Health Department's fiscal year 2010 budget request from Power County in the amount of \$59,426, which represents a 1.97% decrease over the fiscal year 2009 allocation.

POWER COUNTY SHERIFF – COMMUNICATION TOWERS (SITE FEES): Power County Sheriff Jim Jeffries appeared before the Commissioners with Deputy Sheriff Kevin Ostler to report that Clark Radio is currently assessing an annual \$7,200 fee for Power County's use of the repeater sites at Paps Mountain and atop the General Mills elevator; and, he has been advised that Power County's annual use fee for the Kimport 700 MHz site will be \$25,000. Sheriff Jeffries suggested that each Power County taxing entity that intends to use the Kimport radio repeater be required to share in that cost. The Commissioners agreed to review this matter further during the fiscal year 2010 budget process.

POWER COUNTY SHERIFF/JAIL – QUARTERLY JAIL INSPECTION (I.C. #20-622): Following discussion with Power County Sheriff Jim Jeffries, the Commissioners agreed to conduct their quarterly jail inspection of the Power County Jail and related facilities on Tuesday, April 28th, 2009. Sheriff Jeffries reported that he would provide a copy of the Commissioners' Jail Inspection Report to the Idaho Sheriff's Association.

POWER COUNTY SHERIFF – MEMORANDUM OF UNDERSTANDING (CITY OF AMERICAN FALLS): Following discussion with Power County Sheriff Jim Jeffries, it was moved by Commissioner Meadows, seconded by Commissioner Estep to approve and execute the Memorandum of Understanding between Power County and the City of American Falls regarding cross-deputization and jurisdictional issues as prepared by Power County Prosecuting Attorney Randy Kline. Carried.

AMERICAN FALLS HIGH SCHOOL – DIVERSION PROGRAM: American Falls High School Principal Jeff Reed, Vice Principal Travis Hansen and Prosecuting Attorney Randy Kline appeared before the Commissioners to discuss diversion and/or other programs that could maintain or increase student achievement while relieving the financial burden that has been created for the local juvenile justice system. Also present were Idaho Department of Corrections District Liaison Bill Lasley, Power County Probation Department Supervisor Connie Shepherd, Power County Sheriff Jim Jeffries and Power County Magistrate Judge Paul Laggis. The Commissioners and Mr. Reed agreed to review options for sharing costs associated with attendance/truancy/diversion services and this matter was tabled until May 26th, 2009.

POWER COUNTY DISASTER SERVICES – HOMELAND SECURITY GRANTS: Power County Disaster Services Director Di Jones appeared before the Commissioners to report that Power County will be receiving a refund today from Clark Radio in the amount of \$115,000 for State of Idaho Bureau of Homeland Security grant funds that were paid to Motorola by Power County on January 9th, 2009. Ms. Jones further reported that the State of Idaho Bureau of Homeland Security will reimburse Power County in the amount of \$10,000 for County funds paid to Whisper Mountain on April 14th, 2009, for preparation of the “All Hazards Mitigation Plan”, which reimbursement should be received within the next week. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the following:

- 2009 Emergency Management Performance Grant Award Document in the amount of \$10,345.39
- 2008 State Homeland Security Grant Program Award Document in the amount of \$43,037.05.
- Memorandum of Understanding between State of Idaho Bureau of Homeland Security and Power County regarding State use of 2008 Homeland Security Grant Funding on behalf of Power County.

Carried. Ms. Jones then reported that the 2006 Homeland Security Grant Program documents will need to be amended before they can be signed, and this matter was tabled until May 11th, 2009.

POWER COUNTY WATERWAYS – AMERICAN FALLS RESERVOIR (ORDINANCE #2009-03): Commissioner Meadows announced that it was the date and time scheduled for further public hearing and consideration of proposed Power County Ordinance #2009-03, which is an ordinance to regulate and control the use of the public west side boat dock at the American Falls Reservoir and to provide penalties for the violation of such regulations. Following second reading, and there being no public objection, it was moved by Commissioner Funk, seconded by Commissioner Estep, to close public hearing and schedule third and final reading for May 11th, 2009, at 1:30 p.m. Carried.

EXECUTIVE SESSION (I.C. #67-2345): At the request of Power County special attorney Sam Angell of the firm Anderson, Nelson, Hall, Smith, PA, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 to communicate with legal counsel to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Upon a call for the question, the following roll call vote was taken:

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

Carried.

POWER COUNTY PROBATION DEPARTMENT – EMPLOYEE APPEAL HEARING: Following discussion, the Commissioners agreed to schedule the appeal hearing requested pursuant to Section IX(C)(4) of the Power County Personnel Manual for Wednesday, May 20th, 2009, at 10:00 a.m.

POWER COUNTY BOARD OF EQUALIZATION (I.C. #63-711): The Board of Power County Commissioners then met as the Power County Board of Equalization pursuant to I.C. #63-711. There being no business to come before the Board, the Power County Board of Equalization recessed until May 26th, 2009, at 1:30 p.m.

EASTERN POWER COUNTY FIRE DISTRICT – WILDLAND FIRE MITIGATION PLAN: Commissioner Estep reported that the Eastern Power County Fire District, in conjunction with Chubbuck Fire Department, is investigating fire mitigation and defensible space options for development in wildland/urban interface areas within their boundaries. The Eastern Power County Fire District Board of Commissioners has agreed to keep the Power County Planning & Zoning Board and the Power County Commissioners apprised of their intentions with regard to wildland fire mitigation.

HARDSHIP EXEMPTION APPLICATION (I.C. #63-711): Power County Deputy Treasurer Teri Kendall and Deputy Assessor Elna Neu appeared before the Commissioners with applicant to further review the Hardship Exemption Application on Power County Parcel #RPA0245-03. Upon a review of the testimony and evidence presented on March 23rd, 2009, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to forgive the real property taxes, penalty and interest owing for tax year 2005 in the amount of \$983.94, with the understanding that the balance owing for 2006, 2007 and 2008 shall be paid at the rate of \$100 per month beginning May, 2009; and that in the event the monthly payments are made consistently and timely, interest and penalties owing for 2006, 2007 and 2008 will also be forgiven. Carried.

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 under 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 #2009-15-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to deny indigent medical application #2009-15-I, since applicant has other resources sufficient to pay the medical expenses incurred. Carried.

INDIGENT CASE #2009-16-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to deny indigent medical application #2009-16-I. Carried.

INDIGENT CASE #2009-02-I: Moved by Commissioner Meadows, seconded by Commissioner Estep, to take indigent medical application #2009-02-I under advisement until May 11th, 2009, at 2:30 p.m. Carried.

INDIGENT CASE #2009-18-I: Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve indigent medical application #2009-18-I. Carried.

CLAIMS: Moved by Commissioner Meadows, seconded by Commissioner Funk, to pay the claims as presented, amended and supplemented. Carried.

General Fund	\$ 14,115.84
Ambulance District	691.01
District Court	2,306.30
Justice Fund	4,171.83
Indigent	1,674.28
Revaluation	13,481.60
Solid Waste	879.23
Weeds	54.73
Waterways	106.99
PILT	306.72

CITY OF AMERICAN FALLS – NUISANCE ORDINANCES (WARRANTS OF DISTRAINT): American Falls Mayor Amy Wynn and City Building Administrator Jeff Nelson appeared before the Commissioners with City Attorneys Stephen J. Muhonen and Mark Nye of the law firm Racine, Olson, Nye, Budge & Bailey, Chartered, to discuss the City's nuisance ordinances and how those may relate to warrants of distraint issued by the Power County Treasurer on the following parcels:

Parcel #MHZ0049-06
Parcel #MHZ0072-02

Parcel #MHZ0096-00

Also present were Power County Sheriff Jim Jeffries, Civil Deputy Gaylene Cardona, Power County Treasurer Bobbie Mauch and Chief Deputy Treasurer Carol Whitnah. Following discussion with Prosecuting Attorney Randall Kline, the Commissioners and Treasurer Mauch agreed to hold the Warrants of Distrain in abeyance until June 22nd, 2009, to allow the City of American Falls to proceed with criminal and/or civil charges against the owner of the unlicensed trailer park where the personal property parcels are situated, and this matter was tabled until that time.

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 March 31st, 2009.

POWER COUNTY TREASURER – DELINQUENT PROPERTY TAXES: Power County Treasurer Bobbie Mauch appeared before the Commissioner to present her Delinquent Property Tax List dated April 24th, 2009. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to proceed with pending issue and tax deed on following parcels:

#RPD2070-00	#RPA0300-09
#RPC0075-00	#RPA1026-00
#RPA0297-02	#RPD0914-00
#RPA0666-00	#RPD2490-00
#RPA0340-00	#RPA0053-00
#RPD1573-06	#RPD1573-07
#RPA1365-11	#RPA0812-00
#RPA0074-00	#RPA0352-01
#RPD0266-00	#RPA1372-03
#RPC0259-00	#RPC0049-00
#RPD0267-01	#RPD0269-01
#RPD0259-02	#RPD0349-00
#RPD2062-00	#RPC0463-00

Carried.

POWER COUNTY TREASURER – ORDER FOR CANCELLATION OF TAXES: Moved by Commissioner Meadows, seconded by Commissioner Estep, to approve the Order for Cancellation of Taxes in the amount of \$919.35 as presented by the Power County Treasurer Bobbie Mauch. Carried.

POWER COUNTY TREASURER/CLERK – JOINT QUARTERLY REPORT (I.C. #31-2306): Power County Treasurer Bobbie Mauch and Clerk Chris Steinlicht appeared before the Commissioners pursuant to I.C. #31-2306 to present their Joint Quarterly Report for the period ending March 31st, 2009.

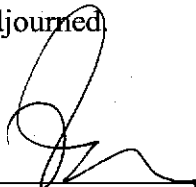
POWER COUNTY CLERK – QUARTERLY REPORT (I.C. #31-1611): Power County Clerk Christine Steinlicht appeared before the Commissioners pursuant to I.C. #31-1611 to present her quarterly report for the period ending March 31st, 2009.

POWER COUNTY AIRPORT – EXTENSION OF AIRPORT LEASE AGREEMENT (DAVE SAVAGE): Following discussion with Prosecuting Attorney Randy Kline, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Extension of Airport Lease Agreement between Power County and David E. Savage for the term February 1st, 2009, through January 1st, 2012. Carried.

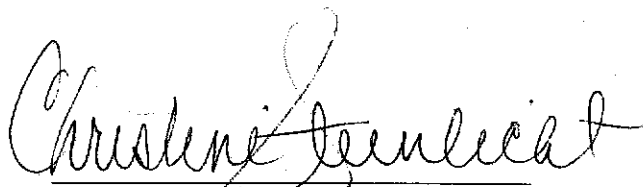
POWER COUNTY FARM LEASE – DAVID ZIMMERMAN: Following discussion with Prosecuting Attorney Randy Kline, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Extension of Farm Lease Agreement between Power County and David Zimmerman for the term November 1st, 2009, through November 1st, 2014. Carried.

DEATON & COMPANY, CHARTERED – FISCAL YEAR 2008 AUDIT REPORT (I.C. #31-1701): Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the Audited Financial Statements and other financial information for Power County's fiscal year ending September 30th, 2008, which was prepared by Deaton & Company and presented to the Board of Power County Commissioners on April 13th, 2009, and subsequently amended. Carried. Pursuant to I.C. #31-819, Clerk Steinlicht shall cause to be published the Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balance from said annual audit report.

Adjourned



VICKI MEADOWS, Chairman



CHRISTINE STEINLICHT, Clerk