

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Monday, July 27th, 2009. Present were Commissioners Vicki Meadows, Chairman, Ken Estep and Ron Funk. Also present was Power County Clerk Christine Steinlicht.

HARDSHIP EXEMPTION APPLICATION (I.C. 63-711#): Power County Treasurer Bobbie Mauch appeared before the Commissioners with applicant to review the Hardship Exemption Application on Power County Parcels #PPA0698-00, #RPA0698-00, #RPA0695-00, #RPA0697-00 and #RPA0701-00. Upon a review of the testimony and evidence present, it was moved by Commissioner Estep, seconded by Commissioner Funk, to forgive all penalty and interest owing on Power County Parcels #PPA0698-00, #RPA0698-00, #RPA0695-00, #RPA0697-00 and #RPA0701-00 in the amount of \$695.28. Carried.

NATIONAL LEGAL AID & DEFENDER ASSOCIATION (NLADA) – PUBLIC DEFENDER EVALUATION: The Commissioners reviewed the evaluation prepared by NLADA of trial level indigent defense systems in Idaho, and specifically within Power County, dated May, 2009. Following discussion, the Commissioners declined the invitation of NLADA to supplement or amend the evaluation as presented.

POWER COUNTY PROSECUTING ATTORNEY – FISCAL YEAR 2010 BUDGET: Power County Prosecuting Attorney F. Randall Kline appeared before the Commissioners to report that, as elected Prosecuting Attorney, he intends to provide all required legal counsel to the Power County Planning & Zoning Board beginning October 1st, 2009, and requested that the increases set forth in his fiscal year 2010 budget request be granted to fund these additional services by his office. The Commissioners reiterated their concerns that scheduling conflicts and Prosecuting Attorney's criminal work load have restricted, and even eliminated, the ability of previous Prosecutors to perform those vital Planning & Zoning legal functions; therefore, the Commissioners, by the authority vested in them under I.C. #31-818, have deemed it necessary to contract with Planning & Zoning legal counsel separate and apart from the Power County Prosecuting Attorney's office and budget. Following discussions, Prosecuting Attorney Kline reported that he intends to pursue all avenues available to protect the integrity of, and to exercise all of the statutory and constitutional duties of the office of Power County Prosecuting Attorney.

POWER COUNTY PLANNING & ZONING – ATTORNEY CONTRACT (FISCAL YEAR 2010): The Commissioners reviewed the proposed Contract between Power County and Douglas J. Balfour for Power County Planning & Zoning legal service during fiscal year 2010. At the outset, Power County Prosecuting Attorney Randy Kline set forth his objection to the County entering into a contract for his prosecutorial duties. Following discussion with Jim McNall at the Idaho Counties Risk Management Program

(ICRMP), it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve and execute the Contract for legal services between Power County and Douglas J. Balfour, Chartered, during fiscal year 2010 as presented. Carried.

POWER COUNTY PLANNING & ZONING – HEAVY INDUSTRIAL ZONES (PERMITTED USES) – RESOLUTION #2009-08: Following telephone discussions with Power County Planning & Zoning Attorney Douglas J. Balfour, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve and execute Power County Resolution #2009-08, which is an additional amendment to the Power County Heavy Industrial Zones regarding permitted uses and emphasizing that agricultural endeavors are protected uses inside Heavy Industrial Zones. Carried.

U.S. CENSUS BUEARU – 2010 CENSUS: Dr. Sergio Romero of the U.S. Census Bureau appeared before the Commissioners to present a copy of the “Complete Count Committee Guide” for the 2010 Census being conducted by the U.S. Department of Commerce. Dr. Romero requested that the Commissioners appoint a local, volunteer Complete Count Comm ittee Chairman to assist the U.S. Census Bureau in building awareness about the census and to encourage the community to fully participate, which will ultimately increase the accuracy of the census count in Power County. Following discussion, the Commissioners agreed to take this matter under advisement until August 10th, 2009.

POWER COUNTY COURTHOUSE – HOLDING CELL (RESTROOM FACILITY): Following discussion with Power County Building & Grounds Supervisor Gary Thomsen, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to authorize the replacement of the toilet in the prisoner holding cell at the Power County Courthouse. Carried.

POWER COUNTY SHERIFF – BUREAU OF LAND MANAGEMENT (BLM PATEROL GRANT): Power County Chief Deputy Sheriff Jackie Morris appeared before the Commissioners to review the patrol agreement between Power County and the Bureau of Land Management. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve and execute the Amendment of Solicitation and Modification Contract #DDP070059 between Power County and the Bureau of Land Management for patrol services on the Great Rift National Monument. Carried.

POWER COUNTY SHERIFF/POWER COUNTY EXTENSION DEPARTMENT – VEHICLE TRADE-IN: Power County Chief Deputy Sheriff Jackie Morris appeared before Commissioners to discuss the proposed trade-in of the County’s 1994 Mercury Villager Van (VIN #4M2DY11W8R0J08376). Following discussion, the Commissioners agreed to allow the Power County Extension Department to continue to utilize the van for fair operations rather than as a trade-in for the Power County Sheriff, with the understanding that the Extension Department’s use of the vehicle shall not exceed the current budget allocation for vehicle expense.

POWER COUNTY SHERIFF – ENHANCED 911 GRANT: Power County Deputy Sheriff Kevin Ostler appeared before the Commissioners to discuss the Enhanced 911 Security Grant being offered through the State of Idaho from Enhanced 911 telephone and cellular fees. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Estep, to approve and execute the Enhanced 911 Security Grant application as presented. Carried.

EXECUTIVE SESSION (I.C. #67-2345): At the request of Power County's special attorney Sam Angell of the firm Anderson, Nelson, Hall & Smith, it was moved by Commissioner Estep, seconded by Commissioner Funk, to move into executive session pursuant to I.C. #67-2345 to communicate with legal counsel for the public agency 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 DISASTER SERVICES – HOMELAND SECURITY GRANTS (QUARTERLY FINANCIAL REPORTS): Moved by Commissioner Estep, seconded by Commissioner Funk, to approve the following homeland security grant reports, which were submitted to the Department of Homeland Security by Power County Disaster Services Director Di Jones on July 16th, 2009.

- 2008 HSGP Financial Status Report #2008-GE-T8-044
- Financial Status Report #EMS-2007-PC-0004
- 2007 HSGP Financial Status Report #2007-GE-T7-0014
- 2006 HSGP Grant Reimbursement Request.
- Financial Status Report #2008-EM-E8-0035

Carried.

GATEWAY WEST TRANSMISSION LINE PROJECT – MEMORANDUM OF UNDERSTANDING (UTILITY TRANSMISSION COORIDORS): Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Memorandum of Understanding between the Counties of Power, Cassia, Bannock, Oneida Twin Falls, Jerome, Gooding and Box Elder (Utah) as presented in order to facilitate coordination and cooperation between these Counties and their citizens and residents concerning the Gateway West Transmission Line Project. Carried.

ALCOHOL BEVERAGE LICENSES (I.C. #23-903): Commissioner Meadows announced that it was the date and time scheduled to consider a number of alcohol

beverage licenses. There being no public objection, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve the following alcohol beverage licenses:

15. El Jaliciense, Inc., d/b/a Tres Hermanos for the sale of bottled or canned beer to be consumed on the premises.
16. Patricia J. Payne d/b/a O'Grady's Gas & Grocery for the sale of bottled or canned beer not to be consumed on the premises.

Carried.

IDAHO DEPARTMENT OF TRANSPORTATION – I-86, EXIT 40 INTERCHANGE UPGRADE (AIRPORT ENCROACHMENT): Fred Walling of the Idaho Department of Transportation appeared before the Commissioners discuss the I-86, Exit 40 interchange project. Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve and execute the Property Use Agreement to grant a 30' x 20' encroachment to the Idaho Department of Transportation to reconstruct a driveway approach on Airport Road with an appropriate borrow pit as a part of the I-86, Exit 40 interchange upgrade. Carried.

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

General (Current Expense) Fund	\$ 35,553.85
Ambulance District	1,165.82
Mosquito Abatement District	16,558.00
District Court	2,233.84
Justice Fund	5,400.69
Indigent	1,696.87
Revaluation	1,331.44
Solid Waste	7,401.12
Weeds	12,339.85
PILT	14,845.89

POWER COUNTY CLERK – QUARTERLY FINANCIAL REPORTS (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 June 30th, 2009.

CITY OF AMERICAN FALLS – I-86, EXIT 40 INTERCHANGE UPGRADE (SIDEWALKS/PEDESTRIAN FACILITIES): Following discussion it was moved by Commissioner Meadows, seconded by Commissioner Funk, to submit a letter to the Idaho Transportation Department supporting the City of American Falls' request that sidewalks and/or other appropriate pedestrian facilities be included in the I-86, Exit 40 interchange upgrade project. Carried.

POWER COUNTY PROBATION – ADULT MISDEMEANOR SERVICES (CONTRACT): Power County Magistrate Judge Paul Laggis and Probation Office Supervisor Connie Shepherd appeared before the Commissioners to discuss contracting adult misdemeanor probation services. Following discussion, the Commissioners and Judge Laggis agreed to schedule a meeting with Nancy Cladis of the Ada County Probation Office to discuss monthly probation fees and a contract for misdemeanor probation services in Power County during fiscal year 2010, and this matter was tabled until August 10th, 2009.

POWER COUNTY MAGISTRATE COURT – PRE-TRIAL RELEASE: Power County Magistrate Judge Paul Laggis appeared before the Commissioners with Deputy Sheriff Max Sprague and Deputy Sheriff/Bailiff Brian Morris to discuss pre-trial release orders and the costs to the Sheriff's Office and District Court Fund to monitor those defendants. Following discussion, the Commissioners and Judge Laggis agreed that all costs of pre-trial release should be borne by the defendant through direct pay to appropriate vendors. Following further discussion, the Commissioners and Judge Laggis agreed that Bailiff Morris's time on-site at the Power County Courthouse will be somewhat reduced while monitoring the pre-trial defendants; however, Deputy Sprague reported that other Power County Sheriff Deputies could be available when necessary for Courthouse security.

POWER COUNTY TREASURER – STATEMENT OF TREASURER'S CASH (I.C. #31-2113): At the request of Power County Treasurer Bobbie Mauch, the Commissioners agreed to table consideration of the Power County Treasurer's report for the period ending June 30th, 2009, until August 10th, 2009.

POWER COUNTY TREASURER – WARRANTS OF DISTRAINT: Power County Treasurer Bobbie Mauch appeared before the Commissioners to discuss the warrants of distraint that will be reissued on the following parcels:

#MHZ0049-06
#MHZ0072-02
#MHZ0096-00

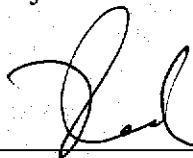
The Commissioners agreed to follow up with the City of American Falls regarding any criminal and/or civil charges against the owner of the unlicensed trailer park where the personal property parcels listed above are situated, and this matter was tabled until August 24th, 2009.

POWER COUNTY TREASURER/CLERK – JOINT QUARTERLY REPORT (I.C. #31-2306): At the request of Power County Treasurer Bobbie Mauch, the Commissioners agreed to table consideration of the Power County Treasurer & Clerk Joint Quarterly Report for the period ending June 30th, 2009, until August 10th, 2009.

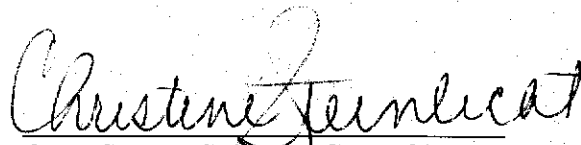
FISCAL YEAR 2010 BUDGET – PUBLICATION: Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to publish Notice of Public Hearing and the Commissioners' final proposed budget for fiscal year 2010 in the

August 12th and 19th, 2009, editions of the Power County Press. Carried. Further consideration of this matter was tabled until the public budget hearing scheduled for August 24th, 2009, at 5:30 p.m.

Adjourned.



VICKI MEADOWS, Chairman



CHRISTINE STEINLICHT, Clerk