



POWER COUNTY BOARD OF COMMISSIONERS

Meeting Minutes
Commission Chambers
543 Bannock Ave.
American Falls, ID 83211
www.powercounty.id.us

Monday, May 10, 2021, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Monday, May 10, 2021, and called the meeting to order at the hour of 9:04 am, in the Commission Chambers of the Power County Courthouse.

II. COMMISSIONERS/STAFF

PRESENT:	Commissioner Ron Funk, Chair Commissioner Delane Anderson Commissioner Bill Lasley	
ABSENT:	None	
STAFF:	Sharee Sprague, Clerk Anson Call, Legal Counsel	
OTHER PARTIES PRESENT:	Assessor Mary Annen Chief Deputy Assessor Laura Porath Deputy Assessor Kirk Mottishaw Treasurer Deanna Curry Bob Schreiber Dave Strickland Jeff Rankin John Schutt	Kristen Jensen Mark Winn Mike Hilliard Paul Bastian Sara Wageman Senator Jim Guthrie Stewart Ward Tara Hagen
ZOOM ATTENDEES:	Andi Higgins Daniel Moore	Karima Tomasino Pat Sullivan

III. AGENDA

A. NOTICES/REPORTS

1. **Bureau of Reclamation Safe Harbor Proposal:** Bureau of Reclamation Upper Snake Field Office representatives Realty Specialist Tara Hagen, Field Manager Mike Hilliard, and Acting Outdoor Recreational Specialist Sara Wageman appeared before the Commission. Commissioner Anderson requested the Commission enter into executive session to obtain legal advice. The Commission entered executive session per Idaho Code 74-206(1)(f) at 1:10 pm and exited executive session at 2:04 pm. No action was taken following executive session.

2. **Sage Brush Habitat Proposal:** Sagebrush Habitat Conservation Fund representative Dave Strickland appeared and presented a proposal to develop a national park in the Craters of the Moon and Ice Cave area in Power County. Mr. Strickland reports that the federal bill would allow for a highway and campground to be built with no economic impact to the County. Commissioner Lasley inquired about the impact such a project would be on the locals and public land expressing concern that it would grant authority for future power lines etc. to be pushed over to the private sector. No action was taken following the presentation.
3. **Pat Sullivan:** Power County lobbyist Pat Sullivan appeared via Zoom and provided a Legislative Update. Mr. Sullivan reports that Idaho is currently entering the longest Session in Idaho History. Sen. Winder introduced Senate Resolution 111 to allow both chambers to recess from May 6th until May 12th. Mr. Sullivan reports that the Resolution passed after several legislators expressed discord and voted no as they would not receive their per diem. Mr. Sullivan advises that the HO389 Tax Bill has passed and was delivered to the Governor for signature on May 6, 2021. Mr. Sullivan reports that the Governor is presently trying to meet with all the entities affected by the bill before deciding whether to sign or veto the bill. Mr. Sullivan reports that there are currently a handful of bills and 4 executive authority bills pending determination by the Legislature. Mr. Sullivan reports that the Legislature is discussing adjourning by recess by Thursday which would allow them reconvene to address process of spending federal funding dollars associated with the American Recovery Program which allows for spending to commence on or before February of 2023. Mr. Sullivan estimates that the increase in home values will eat up any increase in the HO exemption increase afforded by HO363. Assessor Annen advises that the Circuit Breaker aspect of that bill would negatively affect eighteen (18) applicants in the county. Assessor Annen reports that the State Tax Commission is requiring the county to index residential properties, which they will be doing at different rates based on market changes within the area.
4. **Lamb Weston Update:** Mark Winn and John Schutt appeared in person on behalf of Lamb Weston. Karima Tomasino appeared via Zoom on behalf of Lamb Weston. Legal Counsel Anson Call, Assessor Mary Annen, and Chief Deputy Laura Carlon were present for discussion. Mark Winn requested the Commission enter into executive session per current disclosure agreement with the county. The Commission entered executive session per Idaho Code 74-206(1)(e) at 11:07 am and exited executive session at 12:31 pm. No action was taken following executive session.
5. **Homeowners Exemption Discussion:** Assessor Mary Annen and Chief Deputy Assessor Laura Porath presented a spreadsheet reflecting the projected impact the increase in homeowners' exemption would have on the County. The parties discussed what the process would be to address the 2020 homeowners' legislation wherein the Legislature removed the filing deadline for homeowner exemption applications. Assessor Mary Annen reported on the deadlines she has to assess and send notice for BOE and valuation determination. Clerk Sharee Sprague reported that applications granted following the budget process would need to be handled like an assessment appeal wherein the County would reimburse taxes if they were paid and withhold remittances from Taxing Districts or send notification to the Taxing Districts of the budgetary impact

as anticipated taxes would not be paid. Treasurer Curry expressed concerns as well on what the correct process should look like. Upon conclusion Anson Call recommended creating a timeline with input from all offices that could be followed.

6. **Legislative Discussion:** Senator Jim Guthrie joined the Commission and provided an update on the Legislative session. Senator Guthrie advised that there is a push from the House to recess instead of Sine Die. Senator Guthrie reported that the Property Tax Bill HO389 passed and is awaiting signature from the Governor. Senator Guthrie reported that he is getting a lot of questions about the negative impact that the \$300 per week of federal money for unemployment is causing as employers cannot get people to work. Inquiry with the Governor's Office advised that there will be a decision forthcoming from the Office. Commissioner Anderson inquired if there was a process to get the online vendor monies back to the local governments. Senator Guthrie reported that there is no known process of discussion that he is aware of. The Commission inquired if there was anything that could be done to lessen the impact of the homeowner's exemption application deadline withdrawal. Senator Guthrie advised that he would dig into the process and report back with any options.

B. MOTIONS:

1. **Agenda:** A motion to approve the agenda for Monday, May 10, 2021, was presented by Commissioner Funk with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
2. **Department of Commerce Grant:** Kristen Jensen appeared advising that she will once again be applying for a \$30,000.00 grant. Ms. Jensen advised that her Great Rift Board consists of President Dirk Driscoll, Vice President Mark Lupo, Secretary/Treasurer Dan Hammond, Commissioner Bill Lasley, Nate Murray of Idaho Power, Rick Phillips of Simplot, Brocke Allen of Direct Communication, Jerry Miller of the Department of Commerce Aberdeen Council Member Mary Leisy and there is one vacancy. Meeting tomorrow and will be touring new commerce businesses during that visit. Currently serving on 1 board including Pocatello development and SICOG Pocatello airport East Idaho Development

Commissioner Lasley asked for an update of companies looking at the Airport. Ms. Jensen provided information on projects that are pending and needs forthcoming.

Commissioner Anderson inquired of Ms. Jensen's comments from the Press. Ms. Jensen clarified that many of the contacts she receives is for persons wanting property that is already connected to water and sewer.

A motion to approve a letter of support in the amount of \$5,000.00 for funding toward matching funds for the Department of Commerce grant application and approve the letter of support therein was presented by Commissioner Lasley with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.

3. **Landfill Update:** Landfill Supervisor Jeff Rankin provided an update advising that Magic Valley Crushing and Excavation could be available to begin crushing concrete this summer as they are currently completing a large job in Pocatello. The Commission recognized that they had received a bid for services in the amount of \$23,750.00.

Following discussion, a motion to accept Magic Valley Crushing & Excavation LLC quote #113 submitted on 4/19/2021 in the amount of \$23,750.00 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.

Paul Bastian appeared on behalf of Xcell advises that they can expand the demo pits at the Landfill and with sufficient coverage much like they are doing at Mud Lake they could create a visual landscape that would suffice at such time as the landfill would be closed. Stewart Ward of Dioptra explained the process of filling in between the cells and the construction process. The Commission inquired of who would manage the project and logistics. The Commission reviewed the proposal and upon conclusion directed the parties to present a contract with defined deliverables and expectations for review by legal counsel and consideration of the Board. Following discussion a motion to cease with the disbursement of top soil from the landfill was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.

Commissioner Lasley discussed Big Sky and the need of having Lee Dille finish working on doing the Big Sky Transfer station renovation since they may have a few more business out in the Airport vicinity and current demand is exceeding 1 household bin. Following discussion, a motion to direct Jeff Rankin to contact Lee Dille and discuss needs for Big Sky and a present and update to the Commission was presented by Commissioner Lasley with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.

Mr. Rankin advised that he is still searching for a water truck and will be needing to get one operational soon. Following discussion, the Commission directed Mr. Rankin to contact Bill Funk for availability to provide services in the interim. The Commission advised they would assist in the research for water truck availabilities.

4. **Youth Center Update:** Bob Schreiber and Mary Annen appeared on behalf of the Gerald Fehringer Youth Center. Mr. Schreiber reports that last year they had just over 1200 participants. Mr. Schreiber advised that as the school is going to a four (4) day school week, the Youth Center will change their schedule to the same days. Mr. Schreiber advised they are proposing a new program with the School District that would work toward getting high school students more involved with community service and activities. Ms. Annen confirmed that the School does not financially support the Youth Center. Mr. Schreiber confirmed that the majority of their participants are middle school aged. Commissioner Lasley advised that the Commission has determined that there shall not be any alcohol permitted on county owned businesses and would not compete with businesses. Following discussion, a motion to continue to support the Youth Center in the amount of \$6,500.00 for Fiscal Year 2022 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
5. **COVID-19 Updates:** Commissioner Ron Funk inquired from the elected officials in attendance on the necessity to continue the mask mandate. Assessor Mary Annen, Clerk Sharee Sprague, and Treasurer Deanna Curry concurred that the safety glass

installed on the counters creates a sufficient barrier for protection. Upon conclusion of discussion, a motion to rescind the mask mandate within county buildings and adjust signage to reflect parties practice social distancing and hygiene was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the board, the motion unanimously carried.

6. **Tax Exemption:** Commissioner Anderson inquired of the status of proposed tax deeded property. Treasurer Deanna Curry advised that they just sent out notices. Assessor Mary Annen advised the tax exemption to Franciscan Family Life Center for parcel RPD0314-00 was approved last meeting, however it has been found that the property is being rented does not qualify. Upon conclusion of discussion, a motion to rescind the exemption previously granted to Parcel # RPD0314-00 was presented by Commissioner Anderson with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.
7. **Appraiser Contract:** Assessor Mary Annen confirmed that the current budget is able to sustain the contract with Kevin Franck and request a decision by the Commission. Following discussion, a motion execute the appraiser contract with Kevin Franck was presented by Commissioner Funk with a second by Commissioner Anderson. Following an audible call of the board, the motion unanimously carried. The Assessor was directed to secure the contractor's signature and return the original for recording with the Clerk's Office. Chief Deputy Assessor Laura Porath reported that there is a large influx of out of county residents coming to Power County for services. Ms. Porath reports that on Friday the Office took in \$13,000 of which \$7,000 was from out of county transactions. Assessor Mary Annen reports that the county only receives \$3.00 per registration.
8. **Resolution 2021-05 – Adjust FY2021 Election Budget for Unanticipated Funds:** Resolution 2021-05 A Resolution to adjust FY2021 election budget for unanticipated funds came before the Commission at 9:08 am. The following parties acknowledged roll call of attendance;
 - Bill Lasley
 - Ron Funk
 - Delane Anderson
 - Sharee SpragueLegal Counsel Anson Call recited Power County Resolution 2021-05 a Resolution to adjust FY2021 election budget to receive unanticipated funds. Upon conclusion, Chairman Funk called for discussion. Britni Jones member of the public present. Commissioner Funk called for discussion and none having been offered, a motion to approve Resolution No. 2021-05 was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call, motion unanimously carried, the resolution was adopted and the matter concluded at 4:08 pm.
9. **Retail Alcoholic Beverage License Application of Pocatello Raceway:** The application for a retail alcoholic beverage license came before the Commission at 4:09 pm. The applicant, Victoria M. Oharo requests approval of retail alcohol beverage license for 2020-2021, namely bottled or canned beer to not be consumed on premises.. Roll call of attendance:

- Bill Lasley
- Ron Funk
- Delane Anderson
- Sharee Sprague

A motion to approve the application of Pocatello Raceway for approval of retail alcohol beverage license for 2020-2021, namely bottled or canned beer to not be consumed on premises. was presented by Commissioner Funk with a second by Commissioner Anderson. Following roll call vote, motion carried unanimously and the record concluded at 4:10 pm.

10. **Personnel Updates:** Clerk Sharee Sprague reported on a personnel change for the county. Clerk Sprague reports that impacted budget lines have been reviewed for sustainability of the requested changes and submitted the following changes;

- The Ambulance District hired an employee and requests Zachary Scott Blaser receive payment per call.

Upon conclusion, a motion to approve the salary request was presented by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, Commissioners Anderson opposed the motion and the motion carried.

11. **Claims:** A motion to deny the ambulance claim in the amount of \$51.66 as it references purchase of supplies for a baby shower and approve the remaining claims listed in the approval report in the amount of \$147,615.91 was presented by Commissioner Lasley with a second by Commissioner Anderson. Following an audible call of the board, the motion unanimously carried. Upon approval of the Board, the summary of claims paid are as follows;

FUND	Submitted	Adjusted	Paid
0001 GENERAL FUND (CURRENT EXPENSE)	\$ 15,569.63		\$ 15,569.63
0003 FAIR BOARD	\$ 250.00		\$ 250.00
0004 POWER COUNTY AMBULANCE DIST.	\$ 2,599.28	\$ 51.66	\$ 2,650.94
0005 POWER COUNTY ABATEMENT DIST.	\$ 16,060.00		\$ 16,060.00
0006 DISTRICT COURT	\$ 2,210.62		\$ 2,210.62
0008 JUSTICE FUND	\$ 14,841.31		\$ 14,841.31
0009 DRUG COURT	\$ 480.00		\$ 480.00
0010 ENHANCED 911 SERVICES	\$ 1,846.44		\$ 1,846.44
0015 ELECTIONS	\$ 120.03		\$ 120.03
0016 INDIGENT	\$ 495.29		\$ 495.29
0020 REVALUATION	\$ 1,020.00		\$ 1,020.00
0023 SOLID WASTE (LANDFILL)	\$ 888.91		\$ 888.91
0024 TORT	\$ 27,211.50		\$ 27,211.50
0027 WEEDS	\$ 115.34		\$ 115.34
0038 WATERWAYS	\$ 36,073.73		\$ 36,073.73
0050 PAYMENT IN LIEU OF TAXES	\$ 27,782.17		\$ 27,782.17
Total Amount Paid	\$ 147,564.25	\$ 51.66	\$ 147,615.91

Deputy Auditor Lissette Aguirre advised that after claims were submitted to the Commission for review, the county received a billing for lease of the juvenile probation copier and if the payment is not processed prior to the next meeting, the country will incur a late fee. Ms. Aguirre advises that they have set up eStatements moving forward to rectify the issue. Upon conclusion, a motion to authorize demand payment for Great America Financial Services in the amount of \$105.95 was presented by Commissioner

Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.

12. **Silver Creek Supply Application:** Clerk Sharee Sprague advises that this matter was set to request the Commission authorize a county charge account with the business. Clerk Sprague inquired if the Commission would prefer to issue a credit card to the Building and Grounds Department for departmental purchases in lieu of opening various charge accounts. Upon conclusion of discussion a motion to authorize a credit card for Chester Taylor with a credit limit of \$2,000.00 was presented by was presented by Commissioner Anderson with a second by Commissioner Lasley. Following an audible call of the board, the motion unanimously carried.

C. POINTS OF ORDER:

1. **PDC Financial Assistance Application:** Clerk Sharee Sprague advised that the reporting for the application is now done online and she is awaiting clarification from the PDC on a couple of questions. Clerk Sprague reports she will be seeking the same \$50,000.00 assistance amount and anticipates the information be the same as provided in December. Clerk Sprague requests the matter be tabled and the Commission allow the application to be filed with the information provided in December and then be ratified at the next regular meeting. Clerk Sprague advised that if there are significant changes from the December report, she would request a special meeting. Clerk Sprague advises the final report would be emailed to the Commission for review and authorization to use digital signatures prior to finalizing the application by the May 17th deadline. Upon conclusion the matter was tabled to the next meeting.
2. **Approval of Past Meeting Minutes:** Commissioner Anderson reports that he did not have a chance to review all the minutes and requests the matter be tabled. By consensus, the minutes were tabled to May 24, 2021.

IV. EXECUTIVE SESSION:

1. **Executive Trade or Commerce Session pursuant to I.C. §74-206(1)(e) 11:07 am:** A motion to enter into executive session pursuant to I.C. §74-206(e), to communicate with legal counsel for the public agency to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations was presented by Commissioner Lasley with a second by Commissioner Funk. Clerk Sharee Sprague conducted roll call on the motion;
 - Commissioner Funk, AYE
 - Commissioner Lasley, AYE
 - Commissioner Anderson, AYEFollowing roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 12:31 pm.
2. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(f) 1:10 pm:** A motion to enter into executive session pursuant to I.C. §74-206(f), 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 was presented by Commissioner Anderson with a second by Commissioner Funk. Clerk Sharee Sprague conducted roll call on the motion;

- Commissioner Funk, AYE
- Commissioner Lasley, AYE
- Commissioner Anderson, AYE

Following roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 2:04 pm.

3. **Executive Personnel Session I.C. 74-206(1)(j) 4:21 pm:** A motion to enter into executive session to consider labor contract matters authorized pursuant to Idaho Code 74-206(1)(j) was presented by Commissioner Anderson with a second by Commissioner Lasley. Clerk Sharee Sprague conducted roll call on the motion;
- Commissioner Funk, AYE
 - Commissioner Lasley, AYE
 - Commissioner Anderson, AYE
- Following roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 4:42 pm.

V. ASSESSMENTS/CONCLUSIONS:

1. **Next Meeting:** The next regular session for the board to meet is slated for May 24, 2021.
2. **Adjourn:** Having no further business to come before the Board, a motion to adjourn was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion carried and the meeting was adjourned at 5:00 pm.

The foregoing minutes were approved by the Board of County Commissioners during the Regular Board Meeting held May 24, 2021.



COMMISSIONER FUNK, Chairman

ATTEST:



FLOR CARDONA, Deputy Clerk