

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS, CLARK COUNTY, IDAHO**

May 13, 2013

The board met this day in regular session. Those present were Commissioners Greg Shenton, Tod Shenton and William Frederiksen, Attorney Kent Gauchay and Clerk Velvet Killian.

APPROVAL OF MINUTES

CLAIMS

Current Expense	22,030.48
Road & Bridge	17,942.96
Ambulance	1,544.12
District Court	244.25
County Fair	232.43
Health District	139.23
Indigent	524.78
Economic Development	1,597.27
County/City Building	290.35
Solid Waste	2,344.48
Weeds	5,819.75
Land Use	633.89
911 System	369.90
PILT	601.42
Forest Funds Title III	8,465.00
Election Consolidation	63.63
TOTAL	\$64,283.73

ROAD & BRIDGE UPDATE

Kevin Hathaway, road and bridge supervisor met with the Board to update them on his department. Mr. Hathaway reported that the damaged cattle guard on Jacoby road had been fixed. He also expressed the need to get working on other road repair for the season. Commissioner Tod Shenton moved to begin crackseal from approximately 3 miles out of town, or the end of the crabs chipping project, into Dubois. Commissioner William Frederiksen seconded, Commissioner Tod Shenton amended the motion to sealcoat. Commissioner William Frederiksen seconded. Passed. Discussion was held concerning the waste dumpsters. Billing, key access and locks were the focus. Kevin had placed combination locks on some dumpsters this season. The Board felt it would be better to stick to keyed locks. Mr. Hathaway said that would be addressed. He also expressed the need for another pickup for his crew. There was a used Ford available for \$ 2,260.00

which he recommended. After discussion Commissioner William Frederiksen moved to allow the purchase of this Ford for \$ 2,270.00. Commissioner Tod Shenton seconded, approved. Attention turned to the fence on Egan's land which was damaged by the Clark County snowplow, and request for a cattle guard on Roland road. Commissioner Tod Shenton stated that he thought the county has some responsibility to help with the situation, and moved that the county share in the cost of placing a cattle guard on Rowland Lane, west of Medicine Lodge Creek. Commissioner Frederiksen seconded. Discussion. Commissioner William Frederiksen voted nay, Commissioner Greg Shenton, nay. Commissioner Frederiksen moved to have Egans buy the cattle guard. Clark County would install cattle guard and fencing on both sides of the road to tie in with existing fences. Commissioner Greg Shenton seconded, Commissioner Tod Shenton, nay. Passed. Commissioner William Frederiksen moved to place the cattle guard in conjunction with Kirk Egbert on Jacoby road. Stipulations include Mr. Egbert buying a cattle guard built to regulations and the County will help with installation. Commissioner Tod Shenton seconded, Roll call vote: Commissioner Frederiksen, aye, Commissioner Tod Shenton, aye, Commissioner Greg Shenton, aye. Commissioners requested that Mr. Hathaway have his crew attend the upcoming ICRMP training on May 15, 2013 – 1:00 pm.

MEDICINE LODGE BRIDGE BIDS 10:00 AM

Attorney Kent Gauchay opened sealed bids from DL Beck, Inc, and Boyd Foster Backhoe Service, Inc. Bids were presented as listed:

DL Beck, Inc	Medicine Lodge, North Bridge	\$ 146,102.00
	Medicine Lodge, South Bridge	\$ 149,437.00
Boyd Foster Backhoe, Inc	Medicine Lodge, North Bridge	\$114,392.00
	Medicine Lodge, South Bridge	\$ 114,348.96

Commissioner Tod Shenton made a motion to accept the Boyd Foster Backhoe, Inc bid for the Medicine Lodge North Bridge only, at \$ 114,392.00 and get started as soon as possible. Commissioner William Frederiksen seconded. Discussion . What is the timeframe for the project? Approximately two and a half weeks. Contractor has sixty days from notice to proceed and needs to set a start date. Clark County also needs to insure that the contractor will be responsible for traffic control day and night through the duration of the project. Roll Call vote; Commissioner Greg Shenton, aye, Commissioner William Frederiksen, aye, Commissioner Tod Shenton, aye, unanimous.

ECONOMIC DEVELOPMENT UPDATE

Kerri Ellis, economic development professional, and Aaron Swenson representing Forsgren, met with the Board discuss development issues. Ms. Ellis would like to again apply for the Tiger Grant seeking funding for the rail spur and paving of roadway in the energy park. Mr. Swenson is offering grant writing support and help with administration of the grant. Application must be completed by June 13, 2013. Ms. Ellis also sought continued financial support from Clark County for her position. Commissioner Tod Shenton moved to continue with the appropriated budget which allows for benefit coverage in the 2014 fiscal budget year. Commissioner Greg Shenton seconded the motion. Unanimous.

SHERIFF UPDATE

Sheriff Bart May, met with the Board to update them on his department. He reported on the DARE graduation for 2013, highlighting guest speaker Mr. Jason Black of St. Anthony. He also presented the Board with the monthly incident report. Sheriff May told of the ATV training class held recently within the county. He said more youth signed up than could be accommodated in one class, so a second class would soon be organized. He felt that having the class available on a local level was of great benefit to our community. Other training classes he is involved with include the EMT class and firearms training for which he is now NRA certified to teach. He is hoping he can use income from these classes to help offset the increasing cost of equipment and ammunition for his office. Concerning ammunition, he stated the need to increase his budget for this purpose next year. Costs have risen considerably and he needs to keep his officers current and well trained. There is also a contract in place for sheriffs and county employees which will allow them to purchase ammunition at a better price. He will send out a memo containing explanatory information.

ELECTED OFFICIALS MEETING

The county elected officials met with the Board. Those present were Greg Shenton, Tod Shenton, William Frederiksen, Kent Gauchay, Carrie May, Annette Zweifel, Velvet Killian, and Bart May. Discussion was held concerning the Pacificorp judgment, the proposal of district wide public defenders, and Sage Grouse litigation. Clark County does not want to be federally listed; as our classification would be that of a core area for Grouse, and would affect much of our county in an adverse course. Governor Otter is proposing a state plan which would be more favorable. Commissioner William Frederiksen has been involved with contacting necessary organizations and representing County views. The final item was the upcoming visit and training scheduled by ICRMP. Jim McNall will arrive on May 15, 2013 and provide two training sessions in the courtroom. The first session will begin at 1:00 pm and will focus on payroll, timesheets, expenditures, ethics, and any concerns from the floor. The second session will begin at 6:00 pm, and will address open meeting laws, district management by boards, executives sessions and more. All county employees, and district board members are encouraged to attend.

2013-2014 BUDGET

The Board held a 2013-2014 Commissioner's budget work session.

. EXECUTIVE SESSION

Commissioner Tod Shenton made the motion to enter into executive session pursuant to provisions of Idaho Code 67-2345, subsection 1 (d) to discuss indigent case # 2013-02, seconded by Commissioner Frederiksen, unanimous. Performed roll call vote, Commissioner Frederiksen aye, Commissioner Tod Shenton aye, and Commissioner Greg Shenton aye.

Regular session resumes.

Commissioner William Frederiksen moved to deny indigent case # 2013-02 based on incomplete application, possible third party responsibility, and claimant's decision to not seek assistance. Commissioner Greg Shenton seconded. Passed. Roll call vote; Commissioner Tod Shenton, aye, Commissioner Greg Shenton, aye, Commissioner William Frederiksen, aye.

EXECUTIVE SESSION

Commissioner Frederiksen made the motion to enter into executive session pursuant to provisions of Idaho Code 67-2345, subsection 1 (b) to discuss personnel issues, seconded by Commissioner Tod Shenton, unanimous. Performed roll call vote, Commissioner Frederiksen aye, Commissioner Tod Shenton aye, and Commissioner Greg Shenton aye.

Regular session was resumed.

BOARD OF EQUALIZATION

Carrie May met with the board to discuss the upcoming BOE requirements. She is sending out assessment notices before the first week of June. The final day to protest is June 24, 2013 at 5:00 pm. Idaho State Code requires a BOE session on or before July 8, 2013. As the next scheduled Commissioner meeting is July 8, 2013 the Board of Equalization will be held on that day during the regular meeting.

EMERGENCY SERVICES COORDINATOR

Russ Kerr, met with the Board to update them on his departments. Mr. Kerr reported that he has scheduled a Tour Bus training exercise on May 16, 2013. It would be a round table exercise in the annex building from 10:00 am to 1:00 pm. He reported on the preparedness fair held May 11, 2013 in the Community building. There were twenty one vendors with information booths and products. The fair was well received by the community. Our percentage of attendance for the area was good. Many vendors expressed a desire to attend next year. The most popular item shown was the re-usable hand warmer.

PLANNING & ZONING UPDATE

Kerri Ellis, P&Z administrator met with the Board to update them on her department. She has scheduled June 5, 2013 for the Community review with the Rural partnership. She updated the Board on the status of the apartment buildings currently being held by USDA. They have issued letters to the tenants allowing them to stay in the apartment until the sale or auction is held. Decisions at that time would be made by the new owners. Ms. Ellis expressed a desire to attend a grant writing seminar which would allow her to prepare and submit grant application with supervision and training for a year. She is planning to seek local sponsorship for this event.

BUDGET HEARING DATE

The Clark County Board of Commissioners set Wednesday, August 28, 2013 at 5:00 pm as the time for the FY14 budget hearing date.

BLM MEMORANDUM OF UNDERSTANDING

The Board received for review a right-of-way grant renewal for the continued use of an existing road on public land, serial number IDI-13949. County Attorney Kent Gauchay, along with all commissioners verified the legal descriptions, viewed the map, and discussed the stipulations. Finding the contents agreeable Commissioner Tod Shenton moved to sign the MOU with the Bureau of Land Management. Commissioner William Frederiksen seconded. Unanimous.

JUVENILE PRPBATION CONTRACT

Commissioner Tod Shenton made the motion to accept the 5C Juvenile probation contract and pay our allocation of \$5,700 to Fremont County, seconded by Commissioner Frederiksen, unanimous.

2009 PACIFICORP JUDGMENT

On May 13, 2013 the Board of County Commissioners received a letter from Idaho Attorney General Lawrence G. Wasden regarding the 2009 Centrally Assessed Property Tax Judgment;

Re: *Pacificorp v. Idaho State Tax Commission*
Ada County District Court Case No. VE 09 17130
Court Judgment

Judgment was found in favor of Pacificorp. Clark County is listed among the affected Counties, our tax refund amount being listed at \$11,265.01 plus interest; totaling \$ 12,736.

District breakdown:

Clark County	\$ 7,328.00
Clark School Dist # 161	\$ 5,067.00
Dubois	\$ 18.00
Spencer	\$ 8.00
Clark County Cemetery	\$ 154.00
Clark County Library	\$ 161.00

TOTAL: \$ 12,736.00

Commissioner Greg Shenton moved to pay the county portion of from PILT. Full payment would be made by Clark County and other levying districts would be billed for reimbursement. This motion was seconded by Commissioner William Frederiksen, unanimous.

CLARK COUNTY DROUGHT DECLARATION

After consultation with area water masters, farmers, ranchers and local water users, the Board acknowledged low water levels throughout Clark County. In response to this situation Commissioner Tod Shenton moved that Clark County be declared a drought emergency area pursuant to Sections 42-222A, and 46-1011 of Idaho Code.

Commissioner William Frederiksen seconded the motion and the vote was unanimous. Letters of declaration will be sent to Governor Otter and related department directors.

There being no further business, the meeting was adjourned.



Velvet Killian, Clerk



Gregory Shenton, Chairman