



Cassia County Board of Commissioners

Cassia County Courthouse
Commission Chambers
1459 Overland Ave. – Room 206
Burley, ID 83318
www.cassiacounty.org

Board Chairman:
Dennis Crane

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Board Members:

Paul Christensen (District #1) ~ pchristensen@cassiacounty.org
Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org
Dennis Crane (District #3) ~ dcrane@cassiacounty.org

Tuesday, September 2, 2014

The Board of Cassia County Commissioners met in a special session on Tuesday, September 2, 2014, at 9:00 a.m. in the Commission Chambers of the Cassia County Courthouse.

THOSE PRESENT:

County Commissioners:

Dennis Crane, Chairman

Paul Christensen

Bob Kunau

Clerk of the Board:

Joseph W. Larsen

Prosecuting Attorney:

Douglas Abenroth

County Administrator:

Kerry D. McMurray

Others:

Decembre Noriyuki, Prosecutor's Office

Michelle Dozier, Prosecutor's Office

Robin Bronson, Prosecutor's Office

Kimberli Seely, Abenroth Family

McCord Larsen, Deputy Prosecutor

Dwight Davis, Assessor

Blain Cannon, Magistrate Judge

Patty Justesen, Treasurer

Sheri Bedke, Treasurer's Office

Trevor Petersen, Abenroth Family

David Nebeker, Abenroth Family

Marci Nebeker, Abenroth Family

Marni Nebeker, Abenroth Family

Joe Petersen, M.D., Abenroth Family

Linda Petersen, Abenroth Family

Jay Lenkersdorfer, The News Journal

Todd Quast, County Mapper

Jay Heward, Sheriff

Kevin Horak, Sheriff's Office

Darwin Johnson, MCCJC

George Warrell, Undersheriff

Susan Keck, Elections Office

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, ADMINISTERING OF THE OATH OF OFFICE FOR DOUGLAS ABENROTH AS CASSIA COUNTY PROSECUTOR, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY PAYABLES, COUNTY ROAD AND BRIDGE, BUILDING AND GROUNDS MATTERS, GATEWAY MATTERS
 - a) 9:05 AM ADMINISTRATION OF OATH OF OFFICE FOR CASSIA COUNTY PROSECUTOR

CASSIA COUNTY COMMISSION

SPECIAL SESSION

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- i) Chairman Crane administered the Oath of Office to Douglas Abenroth, who was appointed by the Board to fill the vacancy left by Alfred E. Barrus, the elected County Prosecutor who resigned effective August 31, 2014.
- ii) Abenroth introduced family members and friends present to witness the event.
- b) 9:10 AM CALENDAR
 - i) IAC Annual Conference on September 15th through 17th in Moscow
 - ii) Cassia County Historical Society and Museum annual membership drive and fundraising banquet at 6:00 p.m. Thursday, September 11, 2014, at the Arts Building at the Cassia County Fairgrounds. Assignments were given as follows:
 - (1) Chairman Crane – roast beef
 - (2) Commissioner Kunau – potatoes
 - (3) Treasurer Justesen – rolls
 - (4) Assessor Davis – butter and condiments
 - (5) Commissioner Christensen – green salad
 - (6) Clerk Larsen – baked beans
 - (7) Sheriff Heward – desert
 - (8) Prosecutor Abenroth – drink
 - iii) Juvenile Meeting at 7:30 a.m. Tuesday, September 9, 2014, at the Minidoka Juvenile Probation office
 - iv) Joint Jail Meeting at 8:00 a.m. Tuesday, September 9, 2014, at the Minidoka Juvenile Probation office
 - v) Fair Board meeting Tuesday night, September 2, 2014, for Chairman Crane
 - vi) County Appreciation Luncheon Thursday, September 25, 2014, at the Masonic Lodge
- c) 9:05 AM CORRESPONDENCE
 - i) Notification from the Idaho Department of Lands concerning an application the State Board of Land Commissioners received for an oil and gas lease in the County. A list of tract descriptions were included. Commissioner Christensen indicated that the area affecting the County is land in a school controlled by the State of Idaho near property owned by Austin's in Oakley. A hearing has been scheduled for September 5, 2014, in Boise. The Board discussed whether or not it was important to submit comment. It was pointed out that they were not far enough in the process to even have an opinion. Chairman Crane suggested that Abenroth do research on the matter.

10:47 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO HAVE PROSECUTOR ABENROTH FOLLOW THROUGH WITH RESEARCH ON THE MATTER OF LEASING STATE LANDS FOR THE EXPLORATION OF GAS AND OIL. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) Invitation from DL Evans Bank to a celebration on Saturday, September 13, 2014, from 3:00 pm. to 7:00 p.m. at the Albion City Park for their celebration of 110 years in business.
- iii) Notification that IAC Policy Analyst Seth Grigg has been hired as the new Executive Director for the Association of Idaho Cities (AIC)
- iv) Chairman Crane was approached by Emergency Response representative Shirley Hubbard who expressed concern about not being made aware of the budget workshop where the Board discussed a reduction in their budget of an amount designated for EMT immunizations. That designated amount had never been used since it was added to the budget a few years

ago. With County-wide budget concerns for FY2015, the Board's approved budget eliminated funding allocation for immunizations. Chairman Crane asked Larsen about notification of the budget workshops. Larsen indicated that Kerry McMurray, who is designated over that budget, had been notified.

i) Commissioner Kunau discussed comments he had received by patrons attending the Cassia County Fair who had expressed concern of overflowing garbage cans and the condition of restrooms.

b) 9:08 AM PERSONNEL

i) CHANGE OF STATUS

(1) SHERIFF'S OFFICE

(a) Transfer of Detention Officer Todd Williams Rittel from the Mini-Cassia Criminal Justice Center (MCCJC) to work in the Court Security/Bailiff division

(2) MCCJC

(a) Increase in rate of pay for Andrew Lawrence Burns for meeting requirements for Level I Detention Certification. Following discussion the Board determined to not approve the request at this time.

(b) Increase in rate of pay for Edna Popoca Guadarrama for meeting requirements for Level I Detention Certification. Following discussion the Board determined to not approve the request at this time.

(c) Increase in rate of pay for Stephanie Lee Olson for meeting requirements for Level I Detention Certification. Following discussion the Board determined to not approve the request at this time.

(3) PROSECUTING ATTORNEY

(a) Resignation/Retirement of elected Prosecuting Attorney Alfred E. Barrus

(4) Timecard of Sam Adams from Road and Bridge was reviewed by the Board.

9:17 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE CHANGE OF STATUS REQUESTS, EXCEPT FOR MCCJC REQUESTS, AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

c) 10:46 AM APPROVAL OF MINUTES

10:46 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM AUGUST 25, 2014. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

d) 9:13 AM JUNIOR COLLEGE RESIDENCY APPLICATIONS

i) The Board reviewed 15 Junior College Residency Applications from CSI; two high school dual credit and 13 adults.

9:13 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 15 JUNIOR COLLEGE RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

e) 10:46 AM COUNTY PAYABLES

CURRENT EXPENSES	104	\$8,199.58
INDIGENT FUND	105	\$1,826.50
DISTRICT COURT FUND	106	\$508.18
HISTORICAL SOCIETY FUND	112	\$4,000.00
COMMUNITY COLLEGE FUND	113	\$0.00
REVALUATION FUND	114	\$385.59
COUNTY ELECTION FUND	116	\$509.00
COUNTY BOAT LICENSE FUND	117	\$16,601.11
COUNTY SNOWMOBILE FUND	118	\$360.00
ASSESSOR TRUST FUND	123	\$112.04
JUSTICE FUND	130	\$14,185.34
MINI-CASSIA DRUG ENFORCEMENT TASK FORCE	136	\$800.00
PHYSICAL FACILITIES FUND	144	\$86.38
ADULT MISDEMEANOR PROBATION	149	\$7,988.92
	TOTAL	\$55,562.64

10:46 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED SEPTEMBER 2, 2014. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- f) 9:18 AM COUNTY ROAD AND BRIDGE
- i) Chairman Crane reported that he had talked to Road and Bridge Supervisor Sam Adams today and things were going well.
- g) 9:19 AM BUILDING AND GROUNDS MATTERS
- i) McMurray reported the flag pole problem at the Cassia County Judicial Center (CCJC) had been resolved. The poles had been repositioned and one was replaced so the flags do not make contact with the building.
 - ii) McMurray also reported he had received an email from LCA Architects regarding the placement of a variable damper in elected Clerk's office. Following approval, they were given the go ahead. The architects will cover the cost according to McMurray it appears.
 - iii) Assessor Davis requested to know what has been approved and what has not for his proposed facility changes. Chairman Crane asked Davis to present his desires for changes to Commissioner Kunau.
- h) 9:18 AM GATEWAY MATTERS
- i) McMurray reported on a meeting held in Idaho Falls that appeared to be just a political gathering.
 - ii) The general coverage of that meeting included nuclear energy issues.
- 2) 9:27 AM DELIBERATE ON APPLICATION FOR FEDERAL ASSISTANCE FOR WEED DEPARTMENT
- a) The Board reviewed an Application for annual continuance of Federal Assistance for the County Weed Department in the estimated amount of \$96,733.00 for October 1, 2014 to September 30, 2014.

9:29 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE AND SIGN SAID AGREEMENT FOR FEDERAL ASSISTANCE FOR THE COUNTY WEED DEPARTMENT THROUGH THE BLM. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 3) 9:29 AM DELIBERATE ON REQUEST FROM IDAHO BARLEY COMMISSION AND IDAHO GRAIN PRODUCERS ASSOCIATION FOR DISASTER DECLARATION
- a) The Board received an email regarding a disaster declaration request from the Idaho Barley Commission and the Idaho Grain Producers Association.
 - b) Chairman Crane asked McMurray to check further into the matter.
- 4) 9:30 AM DELIBERATE ON AND EXECUTE SCRAM AGENCY SALES AND SERVICES AGREEMENT FOR ADULT MISDEMEANOR DEPARTMENT
- a) A SCRAMx Agency Sales and Services Agreement between Alcohol Monitoring Systems, Inc. (AMS) and Mini-Cassia Adult Misdemeanor Probation was reviewed by the Board.
 - b) This contract is for the use of ankle monitors by Adult Misdemeanor Probation.
 - c) The contracts were provided in duplicate to be signed if approved.

9:31 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE AND SIGN THE AGREEMENT BETWEEN AMS AND ADULT MISDEMEANOR PROBATION FOR ANKLE MONITORING AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 5) 9:35 AM DELIBERATE ON DIOPTRA PROVISIONS OF SURVEYING/GIS/DATA ANALYSIS SERVICES FOR THE COUNTY
- a) County Mapper Todd Quast presented to the Board a request for consideration of Dioptra from Chubbuck to provide surveying/GIS/data analysis services for the verification and data input of existing control points in Cassia County.
 - b) This is in collaboration with and support of a Multi-State Control Point Database (MCPD) with ArcGIS.
 - c) This effort will be funded by the Idaho Transportation Department up to a limit of \$4000.00.
 - d) An additional MCPD effort includes observations of new control located in and around the City of Albion funded by the County in an amount not to exceed \$3000.00 which they anticipate completion of the process on 30 new control points prioritized on the recommendation of Quast.
 - e) Having the bearings and control points all the same will take pressure off the Assessor's office according to Quast. He also said Albion is currently where the biggest problem exists.
 - f) Quast said there were funds available in the current year's budget if the Board approves the expenditure.
 - g) Areas that need to be addressed were discussed with Karen Dayley in the Assessor's office. Other areas can be done as funds are available.
 - h) Davis asked about Desert West and what the price comparison would be to do control points. Quast indicated that \$100 is pretty much standard.

9:37 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE DIOPTRA SERVICES TO PROVIDE THE SERVICES AS PRESENTED UP TO \$4000.00 AS FUNDED BY THE IDAHO TRANSPORTATION DEPARTMENT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:38 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE DIOPTRA SERVICES TO COMPLETE THE PROCESS FOR MCPD ON APPROXIMATELY 30 NEW CONTROL POINTS FROM THE SURVEY LINE OF THE BUDGET FOR FY2014 UP TO \$3000 AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

6) 9:55 AM ELECTION SOFTWARE AND EQUIPMENT DISCUSSION

- a) Chief Elections Officer Larsen and Deputy Elections Supervisor Susan Keck presented to the Board proposals for the purchase of recently-approved ExpressVote universal voting system from Elections Systems & Software (ES&S) to replace the aged Automark system, upgrading of the Unity software to ElectionWare, and an approved hardened laptop to process electronic reporting from precinct tabulators.
- b) Funds remain in the County Elections budget for FY2014 that was going to be used for the purchase of electronic poll books, but legislation did not pass to approve the equipment this year. Those dedicated funds would be applied to budgeted funds for FY2015 along with Democracy Funds from Help America Vote Act (HAVA) allocations to facilitate the purchase.
- c) The Board deliberated on the proposed purchase.

10:10 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE PURCHASE OF THE ELECTIONS EQUIPMENT AS PRESENTED FROM WITHIN FY2014 AND FY2015 BUDGETS AND FROM FEDERAL FUNDS AVAILABLE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

7) 10:12 AM DISCUSSION OF OPENING THE FY2014 BUDGET

- a) Larsen asked for the Boards approval to hold a hearing on September 22, 2014, for the purpose of opening the budget to approve changes from the FY2014 Budget. That will give time for a legal notice of the hearing.
- b) The Board deliberated on the proposal of that date to open the budget.

10:13 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE A HEARING TO OPEN THE FY2014 BUDGET ON SEPTEMBER 22, 2014, AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

8) 10:10 AM DISCUSS TAX DEED EXCESS FUND TO SOCIAL SERVICES

- a) Larsen asked for interpretation of the statute from the Prosecutor regarding the effect of tax deed sale excesses.
- b) Excesses are required after a period of time to be transferred to the Indigent Fund. That amount may affect what can be levied against property owners.
- c) Larsen will adjust the levy if needed upon the recommendations of Abenroth.

9) 10:15 AM AUDITOR'S OFFICE ANNUAL BUDGETED PAYMENT OVERSIGHT

- a) Larsen expressed that as Auditor, he is required by statute to see that Board-approved expenditures are appropriately paid in a timely manner.
- b) The Board approves payments during the course of the year to be included in the budget and paid appropriately.
- c) As there had been an oversight in the payment of some of those warrants, Larsen requested that the Board approve the Auditor's office processing of such payments for Department Head and Board approval as is done with other periodic obligations from various funds in the County.

- d) Chairman Crane asked about which payments are currently processed in that manner through the Auditor's office. Larsen indicated that it is done as he explained for Guardian Ad Litem, Conflict Public Defender, Life Run Ambulance, and South Central Public Health Department.
- e) The Board concurred with Larsen's request for those type payments to assure they are paid appropriately.

10) 10:18 AM DISCUSSION OF SOLID WASTE FEES

- a) Justesen again expressed concerns to the Board of inconsistencies with solid waste fee structure and the ordinance pertaining to that. She indicated that more research needs to be done.
- b) A printout was provided by McMurray of solid waste fees for the schools. It was pointed out that Declo schools are way out of line.
- c) Justesen said we can't make changes this fiscal year since budgets are already set and out of courtesy we should notify each entity of changes as some include a considerable amount of money.
- d) McMurray provided and explained calculations of charges for the schools.
- e) Kunau questioned the totals provided by the schools. Justesen said the information was provided by them. White Pine School was assessed \$2,400 which was questioned.
- f) Abenroth discussed working through this with schools, businesses, and churches.
- g) Budgets have been set and sent in for the L-2's for FY2015 already.
- h) Abenroth indicated that Justesen did the best she could with the ordinance in force which needs to be addressed further.

11) 10:30 AM DISCUSSION OF STEP AND GRADE

- a) Step and Grade processes were discussed with the Board.
- b) Larsen suggested that possible involvement with the Administrative office and Timbri Hurst, who has worked with that concept before would be appropriate.
- c) The Board determined to place that on the agenda for a future meeting after consideration of that suggestion.

12) 10:35 AM REVIEW THE FOLLOWING IDAHO PUBLIC UTILITIES COMMISSION CASES: IPC-E-14-20, IPE-E-14-19, INT-G-14-01

- a) IPC-E-14-20 – the request of Idaho Power that the PUC accept or reject the Energy Sales Agreement between Idaho Power and Boise City Solar, LLC.
- b) IPC-E-14-19 – the request of Idaho Power that the PUC accept or reject the Energy Sales Agreement between Idaho Power and Grand View PV Solar Two, LLC.
- c) IPC-G-14-01 – annual filing of Intermountain Gas Company's Purchased Gas Cost Adjustment Application to institute new rate schedules to increase revenues by \$6.7 million.
- d) The Board determined no action of the Board was necessary with PUC cases presented.

13) 10:50 AM INDIGENT MATTERS

10:50 AM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D).

COMMISSIONER KUNAU SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE.

Welfare Director Susan Keck presented the following cases for review and approval of the Board:

- a) Certificate of Denial: 2014066
- b) Certificate of Approval: 2014078

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- c) Order of Dismissal: 2014042, 2014045
- d) Notice of Lien and Application for Medically Indigent Benefits: 2014076, 2014077, 2014079, 2014081
- e) Notice of Continuance of Hearing: 2013075, 2013108, 2014022, 2014043, 2014046, 2014047
- f) Release of Medically Indigent Lien: 2014031, 2014034, 2014042, 2014045

11:05 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:05 AM.

14) 11:08 AM EXECUTIVE SESSION IC67-2345(1)(B) TO REVIEW A COMPLAINT AGAINST A COUNTY EMPLOYEE

11:08AM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(A). COMMISSIONER KUNAU SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE. THE BOARD RETURNED TO REGULAR SESSION AT 11:20 AM.

15) 11:25 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board