

## **COMMISSIONER MINUTES**

**May 23, 2011**

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Bob Kunau, Board Members; Alfred E. Barrus, Prosecuting Attorney; Joseph W. Larsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

### **AGENDA ADDITION**

Chairman Crane received an email this morning from the Cache Peak Civic Association regarding City of Rock alternatives. Commissioner Kunau made a motion to add this item to the agenda, seconded by Commissioner Christensen, followed by a unanimous yea vote.

### **PREVIOUS WEEK'S MINUTES**

The Minutes for May 16, 2011, and the Special Department of Transportation were discussed. A motion was made and seconded to approve. Roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

### **CALENDAR**

The Board reviewed the calendar.

1. Public Defender meeting to be held at 7:30 a.m. Tuesday, May 24, 2011
2. Joint Jail and Juvenile Detention meeting to be held at 8:00 a.m. Tuesday, May 24, 2011
3. Solid Waste Board Meeting to be held at 9:30 a.m. Thursday, May 26, 2011
4. Cassia Regional Medical Center Board Meeting to be held at 5:30 p.m. Wednesday, May 25, 2011
5. South Central Public Health District – Board of Health Budget Hearing to be at 1:30 p.m. Wednesday, May 25, 2011 at the Katz Conference Room in Twin Falls
6. Region IV Development Association Meeting on Thursday, June 2, 2011
7. Veteran's Association Meeting on Thursday, June 2, 2011
8. Board of County Commissioners will not meet on Monday, May 30, 2011, as it is Memorial Day.
9. Board of County Commissioners will hold a special meeting on Tuesday, May 31, 2011

### **CORRESPONDENCE**

The Board reviewed the following:

1. Application for Oakley Pioneer Days 2011 parade participation to be held on Saturday, July 23, 2011 at 5:00 p.m.
2. South Central Community Action Partnership thank you letter for the County's support.
3. Department of Defense, Idaho Committee of Employer Support of The Guard and Reserve invitation of business leaders for their "We All Serve" Employer Outreach Event to be held on June 14-15, 2011

### **COUNTY EXPENDITURES**

The Board reviewed the County's Payables Approval Report dated May 23, 2011. A motion was made and seconded to approve the report and the roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CURRENT EXPENSES	104	\$3,084.74
INDIGENT FUND	105	\$187.36
DISTRICT COURT FUND	106	\$3,398.90
COUNTY ROADS & BRIDGES FUND	107	\$1,831.54
WEED & PEST FUND	108	\$0.87
911 COMMUNICATIONS FUND	115	\$4,331.51
COUNTY ELECTION FUND	116	\$15,626.42
COUNTY SNOWMOBILE FUND	118	\$46.47
ASSESSOR TRUST FUND	123	\$194.05
JUSTICE FUND	130	\$28,204.65
COURT RESTITUTION FUND	139	\$1,304.93
PHYSICAL FACILITIES FUND	144	\$28,821.02
ADULT MISDEMEANOR PROBATION	149	\$4,616.79
	<b>TOTAL</b>	<b>\$91,649.25</b>

The Board reviewed the County's Payables Approval Report as amended with an additional approve expenditure from last Board meeting and dated May 17, 2011. A motion was made and seconded to approve the report and the roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CURRENT EXPENSES	104	\$4,547.98
INDIGENT FUND	105	\$25,510.85
DISTRICT COURT FUND	106	\$190.19
COUNTY ROADS & BRIDGES FUND	107	\$4,433.41
REVALUATION FUND	114	\$174.98
911 COMMUNICATIONS FUND	115	\$394.00
COUNTY ELECTION FUND	116	\$848.95
ASSESSOR TRUST FUND	123	\$385.36
JUSTICE FUND	130	\$23,056.23
TAXING DISTRICTS FUND	132	\$86.99
COURT RESTITUTION FUND	139	\$25.00
PHYSICAL FACILITIES FUND	144	\$138.00
ADULT MISDEMEANOR PROBATION	149	\$1,235.59
	<b>TOTAL</b>	<b>\$61,027.53</b>

#### **CHANGE OF STATUS**

The Board reviewed two (2) change of status forms for the hiring of a custodian, Clark Dickson in the Administrator's Office and for an increase in wages for Lisa Heisel, Chief Deputy in the Treasurer's Office. It was moved and seconded to approve the changes of status and roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

#### **CASSIA PEAK CIVIC ASSOCIATION MATTER**

The Cassia Peak Civic Association was concerned about alternatives for the City of Rocks National Reserve's future plans. They presented a draft of preferences they wished to be

considered. Primarily, they desired that the current reserve boundaries, the Research Natural Area, and wildlife inventory be retained with no modifications. Their desires were for utilizing most portions of both Alternative A and B and with some modifications adopting portions of Alternative C and D as proposed by the U.S. National Park Service.

### **DEPARTMENT HEAD MEETING**

#### ***Randy Kidd – Sheriff***

Sheriff Kidd indicated that some of his personnel were getting back from the injured reserve list. Things are going well. He reviewed with the Board the Spudman Special Events Contract that was approved by the Board.

#### ***Dwight Davis – Assessor***

Assessor Davis revised his office's appeal form that is to be used for property owner's appeal of valuation. The statute requires that those forms be available in the Clerk's Office as well as the Assessor's Office. 16,581 assessment notices are ready to mail on Tuesday, May 31, 2011. Reappraisals are on schedule and will begin on June 1, 2011.

#### ***Patty Justesen – Treasurer***

Treasurer Justesen indicated that June tax reminders just went out. She discussed with the Board and Administrator McMurray and Prosecutor Barrus the need to establish an ordinance by the Board for Warrant of Destraint where it is not under the jurisdiction of the County. She indicated that they were planning on keeping the fee at its current rate of \$10. There will need to be a public hearing which will necessitate public notification to establish that ordinance.

#### ***Amber Prewitt – Adult Probation Director***

Director Prewitt indicated that everything in her office was going well. They are looking at closed cases for the past five years in an internal audit of back-owed fees. They are considering using Advanced Collection Technology as a collection agency. They are going to send out letters to try and collect those fees first. Minidoka is helping to serve some civil judgments. Barrus indicated that they have more clout than a collection agency and asked about the statute of limitation on back-owed fees on closed cases. Prewitt indicate that their department has one (1) officer going to POST in July and two (2) going to Gang Training in June. Painting, carpeting, and remodeling of a bathroom in the basement is ongoing. They still need chairs then they are ready to hold classes there instead of at the Sheriff's Office. McWork is helping and domestic violence people are doing public service hours there as well.

#### ***Joel Packham – Extension Office Director***

The State has asked the Extension Office to collect sales tax on any sales from their office. They will use the County's EIN number to accomplish that. Requirement should not be retroactive. This requirement will create additional bookkeeping in their office. Some 4-H weigh-ins remain. A recent concern for the herpes virus in horses was raised by Sheriff Kidd. The Fair Board is looking at how that will impact our area.

#### ***Gordon Edwards – Weed Control Director***

Edwards indicated that this is his department's busy time of the year. He indicated that new

species showing up in high numbers due to increased moisture. They are inspecting nurseries to look for new species. He indicated that landowners are getting concerned with Scotch Thistle and Rush Skeletal weed which are prevalent. The Department of Transportation has cut in half road spraying crews. He indicated that the Invasive Species Task Force has intercepted 8 watercraft with zebra/quagga mussels coming from out of state. One (1) was found in Juniper and two (2) in Twin Falls.

***Russ Rasmussen – Assistant Jail Supervisor***

Rasmussen indicated that their numbers have been down lately. The jail has contacted the State and they took on more females up from five (5) to thirty-five (35). They have lost Border Patrol population as they have moved their housing closer to the Boise area. They haven't had Border Patrol population for the past several months and may not over the next year. One jail tech on FLMA resigned recently. They have received five (5) applications for that position. They are still receiving some applications for an open detention officer position. The jail will be having ICE inspections for the next three days. One (1) officer will be graduating from POST this next week. Rasmussen asked the Board if the contract for their medical provider had been completed. McMurray indicated that she needed to stop by the Administration Office to compete that.

***Joe Larsen – Clerk***

Clerk Larsen reported on the continued escalation of indigent expenses to the County. The election this past week proceeded appropriately and the canvass of the election with the Board will be held later today. The Auditor's Office is well into the FY 2012 budgeting cycle. He asked that all department heads who have proposed increases in spending, justify that by explanation and reiterated that A budget items be maintained at the request of the Board for the time being. Larsen indicated that Connie Uriguen had been appointed as Lead Deputy Clerk of The Court to coordinate scheduling and jurisdiction with court deputies.

***Al Barrus – Prosecuting Attorney***

Prosecutor Barrus indicated that his office was functioning well and that things were going alright.

***Kerry McMurray – Administrator***

Administrator McMurray indicated that Planning and Zoning had approved the County's first anaerobic digester. He indicated that they were reviewing Planning and Zoning ordinances to tighten things up to make things operate a little more smoothly. McMurray reported on the hiring of a new Building and Grounds Supervisor and a custodian who begins work today. He indicated that there had been a little increase in building and permits issued in the County.

**CANVASS OF MAY 17, 2011 ELECTION**

The Board reviewed the Election of May 17, 2011. The vote included the American Falls Joint School District Supplemental Levy, American Falls Joint School District Board of Trustee for Zone 1, Oakley Highway District Commissioner Sub District 2, Albion Highway District Commissioner Sub District 2, City of Burley – Public Library, Cassia Creek Irrigation District Creation, Cassia Creek Irrigation Commissioner Sub District 1, 2, & 3, and the Cassia County Joint School District Supplemental Levy. The results of the election were presented by Deputy

Elections Clerk, Theresa Forthun and certified as true and correct by ex-officio Clerk of the Election, Joseph W. Larsen. Following review, a motion was made by Commissioner Christensen on behalf of the Board of Canvassers of Election to certify as true and correct the canvass of the election, seconded by Commissioner Kunau, followed by a unanimous ye vote.

### **U.S. FOREST SERVICE/BLM**

Scott Nannenga, Sawtooth National Forest Service Ranger provided the Board with details on snow packs which are significantly higher this year. He indicated that Memorial Day camping is open in some areas but indicated that recreationists will be inhibited this year due to late snow fall and colder weather. Howell Canyon will in all likelihood not be open until the 4<sup>th</sup> of July this year.

Mike Courtney, BLM Field Director indicated that grazing permits may be delayed due to weather. Low elevation grass has been delayed due to cold weather. Their crews are set to go and prepared for this summer and fall. Cottrell wind towers are still uncertain. He will report on the progress with that issue when he meets with the Board again.

### **EXECUTIVE SESSION**

At 10:22 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(c) with Commissioner Christensen voting ye, Commissioner Crane voting ye, and Commissioner Kunau voting ye. The purpose and general tenor of the meeting was to discuss real property matters. Following the discussion, the Board returned to regular session at 10:40 a.m.

### **EXECUTIVE SESSION**

At 11:08 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(d) with Commissioner Christensen voting ye, Commissioner Crane voting ye, and Commissioner Kunau voting ye. The purpose and general tenor of the meeting was to discuss medical indigent matters. Welfare Director Susan presented and the Board approved the following: Stipulation for Enlargement of Time Limitation on Case # 2011-026; Notice of Lien and Application for Medically Indigent Benefits on Case # 2011-063 and # 2011-010; Release of Medically Indigent Lien on Case # 205082 and # 2010-039; Certificate of Denial on Case # 2011-053, # 2011-055, # 2011-049, and # 2011-058; Certificate of Approval on Case # 2011-010; and Order of Reimbursement on Case # 2011-010. Following the discussion, the Board returned to regular session at 11:22 a.m.

### **OTHER BUSINESS ITEMS**

1. The Board considered a Special Event Resource Request from the Burley Lions Club for the Burley Lions Spudman Triathlon submitted by Scott Bloxham. They requested the assistance of the Sheriff's Department for traffic control and search and rescue. Accompanying required agreements were included with the request. A motion was made by Commissioner Kunau to accept the request, seconded by Commissioner Christensen, followed by a unanimous ye vote.

2. Administrator McMurray referred to a bid from Contech Construction Products that was accepted by the Board last week. He indicated that the Board needed to determine if they wanted a polymer coat on the culvert material or not. If included, the increased cost would be \$1720. Commissioner Christensen made a motion to not include the poly coat on the culvert material, seconded by Commissioner Kunau, followed by a unanimous yea vote. Chairman Crane indicated that the natural water course had changed near Elba Park from the main tributary to a smaller tributary. The new Cassia Creek Water District re-channeled that water. Chairman Crane had also talked with Road and Bridge Supervisor, Sam Adams, who indicated that his crew was in the process of grading some roads.
3. The Board discussed proposed changes to the Deseret West surveyor contract. McMurray asked the Board to look at the information obtained through surveying as to whether or not it would be proprietary information. Prosecutor Barrus indicated that it possibly would not be proprietary information where the County is paying for the survey. Chairman Crane requested that McMurray get additional information.
4. Clerk Larsen indicated that there were concerns regarding electronic recording that has surfaced. Larsen asked for some guidance and interpretation from Prosecutor Barrus regarding the legality of electronic filing. Barrus reviewed the statute with the Board following a conversation with Larry Roberts at Land Title & Escrow. The recommendation was that standards regarding security protection must be in place prior to allowing electronic recording. Commissioner Christensen made a motion to recommend delay of electronic recording in the Recorder's Office until appropriate security protection statute requirements are met, seconded by Commissioner Kunau, followed by a unanimous yea vote.
5. Cassia County Credit/Debit Card Cardholder Agreements were presented to the Board on behalf of several County employees for approval. Commissioner Christensen made a motion to sign the agreements, seconded by Commissioner Kunau, followed by a unanimous yea vote. Clerk Larsen requested on behalf of the Auditor's office to receive a listing of all County credit/debit cardholder's names and card numbers for the Auditor's Office which was approved by the Board.
6. The Board reviewed Resolution No. 2011-012 regarding authorization for the County Commissioners to sign a property purchase agreement and the Clerk to attest such agreement. Commissioner Kunau made a motion to adopt Resolution No. 2011-012, seconded by Commissioner Christensen, followed by a unanimous yea vote. A motion was made by Commissioner Christensen for the Board to execute a Purchase and Sale Agreement between the County and Von Lee Mecham and Sheryl K. Mecham for property at 1555 Overland Avenue in Burley, seconded by Commissioner Kunau, followed by a unanimous yea vote.
7. The Board discussed a request from Gordon Cruickshank from the IACC for questions to be discussed at the upcoming IACC Conference in Pocatello. The Board was asked to provide any questions regarding federal land payments for Secure Rural Schools (SRS) and Payment in Lieu of Taxes (PILT) prior to that meeting.
8. The Board discussed upcoming budget hearings. They determined to schedule budget hearings all day on Monday, June 6, 2011, and until 2:00 p.m. on Monday, June 13, 2011, at regularly scheduled Board meetings. A District Court Hearing with Judge Bevan and Linda Wright was scheduled for 1:00 p.m. on June 13, 2011. A budget hearing date will be

- discussed at tomorrow's jail meeting. The Board asked Clerk Larsen and Administrator McMurray to coordinate scheduling of hearings.
9. The Board reviewed the city-county law enforcement agreement for the FY 2012 budget. A meeting had been scheduled on Thursday, May 26, 2011, with City of Burley officials for contract discussions. Following the Board's discussion, they determined that it would be in the best interest of residents of all of Cassia County to schedule a meeting for public input regarding their desires for future law enforcement before negotiations proceed further.
  10. The Board reviewed Doug Nye's application for Permit to Use Right-of-Way in Elba to place a pipe across road to obtain to access water for a stock tank currently only available intermittently from an irrigation ditch. Road and Bridge Supervisor, Sam Adams and his road crew will monitor scheduling and signage for that project. Commissioner Christensen made a motion to allow subject to payment of fee and compliance with LTAC requirements, seconded by Commissioner Kunau, followed by a unanimous yea vote.
  11. There were no Board of Equalization matters.
  12. The Board reviewed five (5) CSI Residencies. Commissioner Kunau made a motion to accept and sign those residencies, seconded by Commissioner Christensen, followed by a unanimous yea vote. A request for payment from Nashea Hansen had been made and approved by the Board for CSI residency, which has been followed by a request for payment at CWI as well. The statute precludes any instance of payment exceeding \$500 per semester. Based on that, Commissioner Christensen made a motion to deny the additional request from Nashea Hansen for payment to CWI, seconded by Commissioner Kunau, followed by a unanimous yea vote.

#### LUNCH

At 12:25 p.m. the Board continued with a working lunch in the Board of Commission Chambers and completed agenda items at 1:40 p.m.

#### RECESS

Meeting was recessed until a Special Board Meeting to be held at 10:00 a.m., Tuesday, May 31, 2011.

#### OTHERS IN ATTENDANCE AT TODAY'S MEETING

Stacey Hughey, Weekly News Journal and Kent Searle, 911 Coordinator.

**ATTEST:**

**APPROVED:**

/s/ \_\_\_\_\_  
Joseph W. Larsen, Clerk

/s/ \_\_\_\_\_  
Dennis Crane, Chairman