

COMMISSIONER MINUTES

April 4, 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.

AMENDMENT TO AGENDA

Legislation issues regarding wind energy facilities were requested to be added to the agenda. Information from Rep. Scott Bedke regarding this issue came too late to be included on the agenda. Commissioner Christensen made a motion to add this item to the agenda, seconded by Commissioner Kunau, followed by a unanimous yea vote. Discussion on landfill matters that just occurred were too late to be added to the agenda. Commissioner Christensen made a motion to add that to the agenda, seconded by Commissioner Kunau, followed by a unanimous yea vote. Sheriff Randy Kidd just received information on OHV grant application. Commissioner Christensen made a motion to add that to the agenda, seconded by Commissioner Kunau, followed by a unanimous yea vote.

PREVIOUS WEEK'S MINUTES

The Commissioner Minutes for March 28, 2011, 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.

CORRESPONDENCE

The Board reviewed the following:

1. City of Rocks General Management Plan/Environment Impact Statement, Newsletter #3 Preliminary Alternatives, Spring 2011
2. IAC verbal correspondence to Commissioner Christensen regarding proposed wind energy legislation
3. 2010 Selected Facts and Figures brochure from the Idaho Transportation Department
4. NACO County News for March 28, 2011
5. The Art of Political Campaigning Seminar in Washington, DC
6. The US Census Bureau regarding the 2010 Census Count Question Resolution Program
7. Letter for Sen. James E. Risch regarding electricity transmission lines.

CALENDAR

The Board reviewed the following:

1. Criminal justice meeting tomorrow
2. CAT Board Conference call tomorrow
3. Meetings for volunteers for CRMC on Friday.
4. Fair board tomorrow evening
5. Campaigning and Elections on June 16-18 in Washington DC
6. County Commissioner Training on April 28, 2011, from 8:00 a.m. to 4:00 p.m. for Board of Equalization at the Burley City Council Chambers

COUNTY EXPENDITURES

The Board reviewed the County's Payables Approval Report dated April 1, 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	\$10,226.53
INDIGENT FUND	105	\$17,324.54
DISTRICT COURT FUND	106	\$394.50
COUNTY ROADS & BRIDGES FUND	107	\$1,923.50
AMBULANCE SERVICE	110	\$13,916.67
911 COMMUNICATIONS FUND	115	\$37,859.29
COUNTY ELECTION FUND	116	\$16.35
JUSTICE FUND	130	\$34,871.00
D.A.R.E TRUST	137	\$2,783.77
PHYSICAL FACILITIES FUND	144	\$152.99
ADULT MISDEMEANOR PROBATION	149	\$335.04
	TOTAL	\$119,804.18

CHANGE OF STATUS

The Mini-Cassia Criminal Justice Center presented a Request for Change of Status for Randall Kirk Buffalo for an increase in wages as Detention Officer for certification and for Donald Perry Shaff for an increase in wages as Detention Officer for certification. 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.

HEARING ON PROPOSED FEE INCREASE FOR AG SITING AND DEVELOPMENT PERMITS

At 9:10 a.m., a hearing for a proposed fee increase for AG Siting and Development Permits was held. Notice of Hearing was published in the Weekly News Journal on March 17, 2011 and March 24, 2011 as by law provided. Building Inspector Dave Zanone presented that the current \$50 fee be increased to \$75 for Ag Siting. It takes approximately an hour and a half to perform the Ag Siting and compliance with the inspection. The intent is to keep costs at just administration fees to perform this responsibility and the increase accomplishes that. The Flood Plain Development Permit is necessary to be reviewed to determine what is required by FEMA in allowing building to take place in a flood plain. Currently there is no cost for this service. The Building Inspector said that it requires a half hour to an hour to perform this responsibility and it was proposed to charge \$25 for these services. No others appeared to present at the hearing. A motion was made by Commissioner Kunau to make these changes, seconded by Commissioner Christensen, followed by a unanimous yea vote.

OHV FUNDING

Sheriff Kidd initiated a program for OHV training. They applied for a grant for funding and \$6917.04 of unanticipated revenue was received which can be used for education patrol and equipment where there are 75,269 acres of available property for ATV use.

WIND ENERGY FACILITIES

Prosecuting Attorney Al Barrus was contacted by Rep Bedke regarding proposed legislation on wind energy facilities. Barrus indicated that it appears to be an attempt to stop windmill projects. Among other items, it includes in the proposed legislation that no energy facility can be approved by a county that is two (2) miles from residences and five (5) miles from cities. Also, flicker or visual effects from windmills would preclude approval. Concern was expressed by the Board over how you measure visual effects and it appears as though liability would rest on counties to fight litigation. Administrator McMurray suggested the better avenue would be to leave it to local jurisdiction to decide on approval. It was also the Board's opinion that this is being brought forward late in the legislative session and moving too fast. The Board decided to contact Rep. Bedke on the phone to discuss this further. Bedke indicated that the siting of windmills in Bonneville County had been close to housing which had spawned this proposed legislation. It was the consensus that the language in the proposal was too restrictive and the process should be stalled for more study and discussion. Bedke requested the Board send a letter to him regarding their stance and expressing concerns. A letter was prepared and sent to Rep. Bedke.

LANDFILL MATTERS WITH JAIL

The Southern Idaho Solid Waste Board approved reimbursement to the Mini-Cassia Criminal Justice Center for litter cleanup at the Milner Butte Landfill sight and neighboring property. The district approved reimbursement for the supervising officer, inmate lunches, mileage reimbursement at the county rate for transportation of inmates, and workman's compensation cost to cover the inmates. These costs would be reimbursed for those days the work is preformed providing a minimum of four (4) workers are provided. It is anticipated that inmates will work at the landfill two (2) days each week during regular business hours as the weather permits. Commissioner Kunau expressed concern about containment of landfill material. Christensen said it is a big issue and there needs to be appropriate windscreens as a solution to keep landfill material on landfill property. This work will include cleaning areas of private property that materials from the landfill had breached. Chairman Crane asked about the hiring of a new director for the landfill. Commissioner Christensen indicated that interviews of applicants will begin on April 15th.

72 HOUR PSYCHIATRIC HOLDS – ROY PRESCOTT

Roy Prescott presented to the Board a letter from Judge Bevan regarding his proposed temporary psychiatric hold facility. Clerk Larsen reported from his 5th District Clerk's Meeting last week that remote teleconferencing from Burley to Gooding with Dr. Dean seemed appropriate to Judge Bevan but other judges have concern. Prosecutor Barrus again stressed the need for approval from the judges and he further discussed the contract proposal with Prescott. Concern was expressed that costs appeared to exceed that of Canyon View. Prescott indicated that initial costs are less, but overall costs could exceed that of Canyon View. Barrus said it was the Board's understanding that it would be less. Prescott said that negotiation of the contract as it is could take place. Prescott stated that the County would be receiving another letter from Judge Bevan regarding teleconferencing.

EXECUTIVE SESSION

At 10:00 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 yea, Commissioner Crane voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Welfare Director Susan Keck presented to the Board a review of a request for relief on Voluntary Assignment of Tax Refund on Case # 204044 with client appearing before the Board. The Board approved that request based on the client's record of repayment. The Board returned to regular session at 10:08 a.m.

EXECUTIVE SESSION

At 10:15 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau that the Board re-convene in Executive Session under Idaho Code Section 67-2345(1)(d) with Commissioner Christensen voting yea, Commissioner Crane voting yea, and Commissioner Kunau voting yea. Keck also presented to the Board who accepted the following: Notice of Lien and Application for Medically Indigent Benefits for Case # 2011-046 and #2011-047; Release of Lien on Case # 2009-131, and # 2011-012; Presentation of Case # 2011-029 and # 2011-030; Certificate of Denial for Case # 2011-043, # 2011-021, and # 2011-026; Certificate of Approval for Case # 2011-027 and # 2011-028; Certificate of Reconsideration/Approval on Case # 2011-039; Order of Reimbursement for Case # 2011-027, #2011-028, #2011-039; and a discussion regarding procedure for Case #2011-010. Following the discussion, the Board returned to regular session at 10:37 a.m.

EXECUTIVE SESSION

At 11:02 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)(f) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss pending litigation. Following the discussion, the Board returned to regular session at 11:19 a.m.

EXECUTIVE SESSION

At 11:20 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 Crane voting yea, Commissioner Christensen voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss real property matters. Following the discussion, the Board returned to regular session at 11:47 p.m.

EXECUTIVE SESSION

At 11:48 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)(b) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss employee matters. Following the discussion, the Board returned to regular session at 11:50 a.m.

EXECUTIVE SESSION

At 11:50 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)(b) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss employee matters. Following the discussion, the Board returned to regular session at 11:50 a.m.

OTHER BUSINESS ITEMS

1. Auditor Larsen reported to the Board a review of the County charge account with Costco.com. The charges in question have been accounted for and were minor in nature. He recommended that charges on this account can be resumed. Larsen indicated that the County's new Credit Card/Charge Policy should solve issues related to charge cards and charge accounts for documentation and accountability.
2. Clerk Larsen presented to the Board an election update for the upcoming May election. He indicated that the deadline for write-in candidacies was this past Friday at 5:00 p.m. Ballots for those elections will be ordered today. The election held on May 17th will include: Zone 2 Trustee for the Albion Highway District, Zone 2 Trustee for the Oakley Highway District, City of Burley levy override for the Burley Public Library, American Falls School District supplemental levy, and Zone 1 Trustee for the American Falls School District. Paper ballots will be used to help defray expenses that are incurred by using the tabulator and attendant software. Mapping of those taxing districts will need to be completed for polling place verification of registered voters.
3. The Board considered 911 expenditures for the last narrow band repeater in the amount of \$1,164.10. The WSCA contract discount reduced this cost by \$498.90. Commissioner Christensen made a motion that the Board approve that purchase, seconded by Commissioner Kunau, followed by a unanimous yea vote.
4. The Board reviewed an application from ATC for a Right-of-Way Use Permit for the upgrade and placement of telecommunication facilities at 1125 East 2055 South to 2120 South. Their desires were to bury line which would require a \$200 deposit and \$25 fee. Rules require that if the line is not encased, it must be buried at least five (5) feet. Commissioner Christensen made a motion for approval based on the restriction that the line must be buried at least five (5) feet for non-encasement, seconded by Commissioner Kunau, followed by a unanimous yea vote.
5. The Oakley Highway District requested a waiver of a \$600 fee for a Conditional Use Permit. Administrator McMurray indicated that there is no ordinance in place to allow such waivers. Commissioner Christensen made a motion that we deny the Oakley Highway District's waiver request for the fees for the Conditional Use Permit, seconded by Commissioner Kunau, followed by a unanimous yea vote. McMurray will follow up with a call to the Oakley Highway District attorney, David Shirley, to advise him of the Board's decision.
6. The Board discussed re-appraisal of a parcel in Oakley owned by the County for sell as an odd lot. Appraiser Pat Merrigan had originally appraised the lot based on it being a buildable lot which it did not meet the requirement for. Chairman Crane and Administrator McMurray met with Merrigan this past week and he agreed that based on

that conclusion it would necessitate re-appraisal. That re-appraisal of the odd lot property came in at \$1052.00, appraisal fee of \$300, and \$50 to \$70 costs for public notification. Commissioner Christensen made a motion that a letter be sent to adjoining property owner, Laroy Mabey, detailing those costs for his consideration for purchase, seconded by Commissioner Kunau, followed by a unanimous yea vote. An appropriate public notification will follow.

7. There were no Board of Equalization issues. It has come to the Assessor's attention that some property owners are claiming home exemption in more than one county. Statute includes going back for seven (7) years to reclaim those exemptions. Assessor Davis will follow up on those findings to reclaim exemptions.
8. Forty-five (45) CSI Residencies were presented. Commissioner Christensen made a motion to approve those, seconded by Commissioner Kunau, followed by a unanimous yea vote.

LUNCH

At 12:15 p.m. the Board departed for lunch at Angela's Restaurant.

RECESS

Meeting was recessed until 9:00 a.m., Monday, April 11, 2011.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Renee Wells – The Voice, Jay Lenkersdorfer – The News Journal, Stacey Hughey – The News Journal, Laurie Welch – The Times News

ATTEST:

/s/ _____
Joseph W. Larsen, Clerk

APPROVED:

/s/ _____
Dennis Crane, Chairman