

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Clay Handy, Board Members; Alfred E. Barrus, Prosecuting Attorney; Larry Mickelsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

#### **PREVIOUS WEEKS= MINUTES**

The minutes for November 10, 2003 were discussed. A motion was made and seconded to approve and proceed with publication of an appropriate synopsis. Voting was unanimous by the Board.

#### **CALENDAR**

The Board reviewed the calendar for November 2003.

#### **CORRESPONDENCE**

The Board reviewed the following:

1. A ICRMP Ballot with Jerry Nance, Lincoln County Commissioner, as the candidate from District IV. It was moved and seconded to vote for Jerry Nance and voting was unanimous by the Board.

2. A Membership Dues notice from the Region IV Development Association Inc. for \$2,844.00. It was moved and seconded to pay the County Dues and voting was unanimous by the Board.

3. A letter from the USDA Re: Mormon cricket suppression activities in Southern Idaho during 2004.

4. The Scenic By-Way maps that are being developed.

#### **ELECTION PRECINCT MAPS**

Barbara Mai, Chief Elections Deputy, presented the new election precinct maps for the Board to review. These maps will be published and distributed on an "as needed" basis. The Board requested a county precinct map with the Commissioner Districts displayed in different colors. This request will be honored upon receipt of the computer disk from ISU.

#### **COUNTY ROADS**

Chairman Crane read the policies established by the "Road Board" Re: cattle guards, dust guard, and culverts. These policies will be put on the agenda for a future date, for the public to hear the policies and for the Board of Commissioners to adopt as official Cassia County policy.

#### **LEGISLATION ON PAY DAY LOANS**

Representative Bert Stevenson discussed the pay day loan bill that was passed by the legislature.

#### **FAIR BOARD APPLICATIONS**

The Board reviewed seven (7) applications to serve on the Fair Board. The Board will invite all of the new applicants to be interviewed on November 24, 2003.

#### **TAX DEED MATTERS**

The Board reviewed the Horejs tax deed matter. The Court has ruled in favor of the county. The Horejs asked the county to make a determination that their prior decision to issue a tax deed was void. The Commissioners asked Mr. Barrus to notify the Horejs that the Board's decision of October 6, 2003 still stands. It was moved and seconded to notify the County Treasurer to record the tax deed, deeding the property to the County, and voting was unanimous by the Board.

#### **MITCHELL CONDITIONAL USE APPEAL**

The Commissioners continued deliberations on the appeal of the Mitchell Conditional Use

permit. Mr. Barrus informed the Commissioners that in his opinion the failure to post notice as required by the statute is a jurisdictional matter and such failure requires them to remand the matter to the Planning and Zoning Commission. The Commissioners instructed Mr. Barrus to prepare Findings of Fact and Conclusions of Law. Those were presented to the Commissioners. The Board reviewed the Findings of Fact prepared by Mr. Barrus. The matter was remanded to the Planning and Zoning Commission for a new application and hearing on a conditional use permit, with the filing fee of \$150.00 hereby waived. It was moved and seconded to sign the Findings of Fact prepared by Mr. Barrus and voting was unanimous by the Board.

#### **PROPOSED FEE SCHEDULE INCREASE**

Sheriff Higen has prepared a Public Hearing Notice on the proposed increase in civil fees at the Sheriff's office. The Public Hearing will be held on December 8, 2003 at 10:00 a.m., after two weeks of publication in the local newspaper.

#### **FAIRGROUND BUILDING**

At 12:00 p.m., the Board visited the County Fairgrounds and discussed the progress of the new building with Dean Draper. The building is progressing very nicely and should be completed and ready for use by the end of November.

#### **GEM COMMUNITY PLAN PRESENTATION**

At 2:00 p.m. the Board met with the Minidoka County Commissioners at the Minidoka County Courthouse for a presentation, RE: The Gem Community Plan Presentation. The Board returned to the Commissioner's Office at 3:30 p.m. to continue the meeting.

#### **EXECUTIVE SESSION**

At 10:05 a.m. it was proposed by Commissioner Handy and seconded by Commissioner Christensen 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 Handy voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Following the discussion, it was proposed and seconded that the Board return to regular session at 11:38 a.m. Voting was unanimous by the Board.

Following Executive Session the Board approved Case #203097 and Case 203140. Denied Case #203109, Case #203113 and Case #203141. Signed Notice of Lien and Application for Medically Indigent Benefits for Case #203151. Signed Order of Dismissal for Case #203117.

#### **EXECUTIVE SESSION**

At 4:05 p.m. it was proposed by Commissioner Christensen and seconded by Commissioner Handy 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 Handy voting yea. The purpose and general tenor of the meeting was to discuss pending litigation. Following the discussion, it was proposed and seconded that the Board return to regular session at 4:10 p.m. Voting was unanimous by the Board.

Following Executive Session the Board authorized Mr. Barrus and Kerry McMurray to write a letter informing the claimants that the County is not connected with the Cassia Regional Medical Center.

#### **EXECUTIVE SESSION**

At 3:45 p.m. it was proposed by Commissioner Christensen and seconded by Commissioner Handy that the Board convene in Executive Session under Idaho Code 67-

2345(1)(d) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Handy voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Following the discussion, it was proposed and seconded that the Board return to regular session at 4:00 p.m. Voting was unanimous by the Board.

Following Executive Session the Board denied Case #203088 and Case #203142. Approved Case #203101.

**BID AWARD**

The Board reviewed the bids for the Sheriff's Department sedan and pickup. After review and recommendation, it was moved and seconded to award the bid to Bonanza Motors for the sedan for \$18,845.00 and to Kim Hansen Chevrolet for the pickup for \$17,870.00. Voting was unanimous by the Board.

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, November 24, 2003.

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

Rose Marie Parsons, SIP; Renee Wells, Times News; Sheriff Jim Higen; Captain Cary Bristol; Jeremy Couch, KMVT.

**ATTEST:**

**APPROVED:**

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Larry A. Mickelsen, Clerk

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Dennis Crane, Chairman