

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 A. Mickelsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

#### **PREVIOUS WEEKS' MINUTES**

The minutes for March 21, 2005 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 March and April 2005.

#### **MEMORANDUM OF UNDERSTANDING**

Sheriff Jim Higen presented a Memorandum of Understanding (MOU) from the National Weather Service. After discussion, it was moved and seconded to approve and sign the MOU and voting was unanimous by the Board.

#### **EXECUTIVE SESSION**

At 9:08am 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 9:22am. Voting was unanimous by the Board.

Following Executive Session, the Board took the matter under advisement for further discussion.

#### **CORRESPONDENCE**

The Board reviewed the following:

1. A notice of the NACo County Courthouse Awards for 2005.
2. A letter from Senator Darrington RE: City of Rocks Back Country Byway, stating that the road from Conner Creek to Almo will be included in the State Highway system, once the construction is finished. The letter states that the ITD and Cassia County have been successful in securing federal funding for the construction of the road.

#### **MINI-CASSIA COMMERCE AUTHORITY**

The Board set the public hearing date and place for the presentation of, and request for, adoption of an Ordinance creating the Mini-Cassia Commerce Authority. This is proposed as a joint hearing with the Minidoka County Commissioners. The joint meeting will be held on April 12, 2005 at 6:00pm at the Sherman Bellwood Judicial Building, in Rupert, Minidoka County, Idaho

#### **REQUEST FOR CAFO ORDINANCE AMENDMENT**

Kenneth Warr met with the Board to request an amendment to the existing Cassia County Confined Animal Feeding Operation (CAFO) ordinance. He requests that the owner be required to live on the CAFO property, so they will be aware of the odors that would be emitted. Commissioner Christensen explained that we do have existing zoning regulations in Ag-Residential areas that will limit the size of the CAFOs that can be built. The County requires that the CAFO will meet the State regulations for waste disposal and sanitation. Mr. Warr claims that any homes and properties that are near an existing CAFO, which are vacant, cannot be sold because of the odors that are emitted. Kerry McMurray explained that the County has a

comprehensive plan and zoning ordinances in place to assist in the orderly growth and development of the County. The next meeting of the Planning and Zoning Board will be held on April 7, 2005. In future hearings, the Planning and Zoning Commission will be reviewing and analyzing the comprehensive plan to determine if there any changes that will need to be incorporated.

### **DEPARTMENT HEAD MEETING**

**Public Defender:** Doug Whipple presented and discussed the Cassia County Public Defender Clients Report for February 2005.

**Assessor:** Marty Holland reported that things are very busy now with the property rolls. They are watching the legislative actions that could impact the Assessors office. They are also busy taking circuit breaker applications now. Marty stated that the property values do not diminish because they are near a CAFO.

**Detention Center:** Dennis Dexter presented the numbers of inmates in the Confinement Facility. There are 158 total inmates, with 66 State Prisoners and 4 Federal holds. There are a few inmates from other Counties. The State inspection will be conducted on the facility during the 3<sup>rd</sup> week in April. Dennis reported that the facility is 100% staffed.

**Sheriff's Department:** Sheriff Jim Higen reported that they are still short 1 dispatcher. They have some applicants and testing will begin later this week. Homeland security is still very active and grants are being awarded. He has received homeland security grants and the money is being spent to enhance the existing security of Cassia County.

**Treasurer:** Gayle Erekson reported that the Cable and Wireless Co., who declared bankruptcy a year ago, is protesting the value of their property. When protests are made through the State, the County Treasurers will be notified by the State.

**Janitorial/Maintenance:** Sharon Higgins reported that all is going well for the Building maintenance. They are starting to "gear up" for the warm weather. The staff will be short one (1) person and she had advertised to fill the position. The South door must be latched because with the winds we are having, the door does not always latch.

**County Administrator:** Kerry McMurray reported on the upcoming Planning and Zoning meetings and the considerations that will be given for CAFO requests. They have spent a lot of time on the Intermodal Commerce Authority and there will be more meetings in the future.

**Clerk:** Larry Mickelsen gave the elected officials a copy of the 2005 Legislative Review, Joint District Meeting for April 14, 2005 in Boise and the announcement of a luncheon with Dan Chadwick and Tony Poinelli on May 10, 2005 Re: JAIBG.

**County Prosecutor:** Mr. Al Barrus reported that the Horejs hearing will be held on April 12. Additional information will be forthcoming. Mr. Barrus requested that the Prosecutors Office have the use of a County credit card. Following discussion, it was moved and seconded to approve the request and voting was unanimous by the Board.

### **EXECUTIVE SESSION**

At 10:28am 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 10:35am. Voting was unanimous by the Board.

Following Executive Session, the Board agreed to approve payment for Case #204031 and the payment will be from the Jail Medical account.

**FAIRGROUNDS SPECIAL EVENTS CONTRACTS**

The Board reviewed the Cassia County Fairgrounds Special Events Contracts with the Jordan Circus, Rocky Mountain Pullers Association and the Idaho Paint Horse Show. It was moved and seconded to approve and sign the contracts and voting was unanimous by the Board.

**ELBA-ALMO ROAD CONSTRUCTION PROJECT**

The Board reviewed a letter RE: Extension of Permission to park lab test trailer on the County right-of-way on the Elba-Almo road project. It was moved and seconded to approve the request and sign the letter and voting was unanimous by the Board.

**US ENVIRONMENTAL PROTECTION AGENCY**

The Board reviewed a letter to the US Environmental Protection Agency, RE: Comment on Proposed Rule on CWA permitting requirements for application of pesticides to or over the nation’s waters. It was moved and seconded to sign the letter and voting was unanimous by the Board.

**CASSIA REGIONAL MEDICAL CENTER**

Ken Harman, the new Administrator for Cassia Regional Medical Center (CRMC), met with the Board to introduce himself and explain the future plans and growth of the CRMC.

**PUBLIC EMPLOYEE RELEASE OF INFORMATION FORM**

The Board reviewed the Public Employee Release of Information form.

**COUNTY EXPENDITURE**

The Board reviewed the County’s Payables Approval Report dated March 25, 2005. A motion was made and seconded to approve the report. Voting was unanimous by the Board.

CURRENT EXPENSES	104	\$9,749.53
INDIGENT FUND	105	\$4,143.99
DISTRICT COURT FUND	106	\$407.78
COUNTY ROADS AND BRIDGE FUND	107	\$1,809.90
REVALUATION FUND	114	\$142.41
911 COMMUNICATIONS FUND	115	\$362.38
JUSTICE FUND	130	\$25,424.40
PHYSICAL FACILITIES FUND	144	\$660.40
	<b>TOTAL</b>	<b>\$42,700.79</b>

**BUREAU OF LAND MANAGEMENT**

Wendy Reynolds and Scott Barker presented the update on the Cotterel Wind Power Project Environmental Impact Statement. The EIS has been modified slightly since the draft EIS was released. There will be a meeting in Jerome on March 29, 2005 for the purpose of receiving comments from other agencies. There will be a notice for a Public Hearing early in July 2005, for the purpose of receiving comments from the public.

**US FOREST SERVICE**

Scott Nannenga reported that the USFS would not send out a drought letter. The USFS feels that everything will be just fine for this grazing year. Pomerelle got 30” of snow this past 7 days and the skiing will be open until April 3, 2005. Controlled burns or fires, caused naturally, may be allowed to burn to accomplish some environmental goals. The video, the Greatest Good, will be shown on April 29, 2005 at 7:00pm at the Burley Inn.

**TWIN FALLS DISTRICT RAC NOMINATIONS**

The Board reviewed the letter to the Idaho State Office, BLM, which nominated Kelly Adams to serve on the RAC for the BLM Twin Falls District. It was moved and seconded to sign the letter and voting was unanimous by the Board.

**EXECUTIVE SESSION**

At 11:50am 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 12:20pm. Voting was unanimous by the Board.

Following Executive Session, the Board approved Case #205002, Case #205003, Case #205027, Case #205030, Case #205035, Case #205037 and Case #205038. Denied Case #205033. Signed Subpoenas for Case #204069, Case #204075, and Case #204100. Signed Order of Reimbursement for Case #205034. Signed Release of Medically Indigent Lien for Case #99043, and Case #203069. Signed Notice of Lien and Application for Medically Indigent Benefits for Case #204130, Case #205032, Case #205033, Case #205034, Case #205035, Case #205036, Case #205037, and Case #205038.

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, April 4, 2005.

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

Renee Wells, SIP; Bill Parsons, Ken Harman, Wendy Reynolds, Scott Barker, Scott Nannenga, Kelly Adams

**ATTEST:**

**APPROVED:**

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Larry A. Mickelsen, Clerk

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Dennis Crane, Chairman