

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 WEEK’S MINUTES**

The minutes for November 7, 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 November 2005.

**COMMISSIONER MEETING SCHEDULE**

The Board discussed the current meeting schedule. It was moved and seconded to change the meeting schedule to meet on Mondays commencing the first week of January 2006 and voting was unanimous by the Board.

**CORRESPONDENCE**

The Board reviewed the following:

- 1. An invitation to the West Cassia Soil and Water Conservation District 2005 Legislative Luncheon on December 13, 2005 at Morey’s Steak House & Convention Center in Burley.

**COUNTY EXPENDITURE**

The Board reviewed the County’s Payables Approval Report dated November 14, 2005. A motion was made and seconded to approve the report. Voting was unanimous by the Board.

CURRENT EXPENSES	104	\$43,589.78
INDIGENT FUND	105	\$728.73
DISTRICT COURT FUND	106	\$6,502.33
COUNTY ROADS AND BRIDGE FUND	107	\$662.56
WEED & PEST FUND	108	\$1,737.17
AMBULANCE SERVICE	110	\$18,301.00
COMMUNITY COLLEGE TUITION FUND	113	\$46,500.00
REVALUATION FUND	114	\$722.91
911 COMMUNICATIONS FUND	115	\$38,726.30
COUNTY BOAT LICENSE FUND	117	\$82.10
COUNTY SNOWMOBILE FUND	118	\$28.05
JUSTICE FUND	130	\$94,038.90
JAIL BOND INTEREST & REDEMPTION	135	\$715.00
PHYSICAL FACILITIES FUND	144	\$7,320.71
ADULT MISDEMEANOR PROBATION	149	\$244.18
	<b>TOTAL</b>	<b>\$259,899.72</b>

**PUBLIC DEFENDER ISSUES**

The Board discussed the personnel issues regarding the Public Defender office. One of the staff is resigning this month and discussion centered on potential replacements.

**CONFLICT PUBLIC DEFENDER REPORT**

The Board reviewed the Kent Jensen Conflict Public Defender Report.

**RESOLUTION #2005-11-03**

The Board reviewed Resolution #2005-11-03 regarding destruction of temporary records at the Assessor’s office. It was moved and seconded to execute Resolution #2005-11-03 and voting was unanimous by the Board.

## **CITY OF BURLEY**

Mark Mitton and Brian Tibbets met with the Board to discuss the impact area west of the City of Burley. The City would like to expand the impact area to include property out to 300 West and 100 South. Mr. Mitton and Mr. Tibbets will meet with the County Planning and Zoning Board and present the proposal to them for their consideration.

Mr. Mitton and Mr. Tibbets also presented a questionnaire to the Board, regarding Cassia County historical facts, which they suggested could be answered by Kathleen Hedberg. It was moved and seconded to have Ms. Hedberg complete the questionnaire and voting was unanimous by the Board.

## **EXECUTIVE SESSION**

At 10:02am 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 11:20am. Voting was unanimous by the Board.

Following Executive Session, the Board approved releasing the lien for Case #98044. Presented Case #205118. Denied Case #205110, Case #205126 and Case #205122. Signed Findings of Fact, Conclusions of Law, and Decision for Case #205089. Signed Notice of Lien and Application for Medically Indigent Benefits for Case #205129, Case #205130 and Case #205131. Signed Stipulation for Enlargement of Lime Limitations for Case #205117 and Case #205121. Signed Release of Medically Indigent Benefits for Case #98044.

## **CATASTROPHIC HEALTH CARE BOARD ELECTIONS**

The Board reviewed and discussed the State Catastrophic Health Care Cost Program Ballot of Administrators. It was moved and seconded that the Commissioners cast their vote for Commissioner Paul Christensen to be elected to continue serving as the Region 4 Board Member and voting was unanimous by the Board. .

## **RESOLUTION #2005-11-04**

The Board reviewed Resolution #2005-11-04 regarding Industrial Development Revenue Bonds. It was moved and seconded to execute Resolution #2005-11-04 and voting was unanimous by the Board.

## **NOTICE TO PROCEED**

The Board discussed the Notice to Proceed regarding the Wireless Mobile Data System. It was moved and seconded to execute the Notice to Proceed and voting was unanimous by the Board.

## **EAST & WEST SOIL AND WATER CONSERVATION**

The Board reviewed requests from East and West Cassia Soil and Water Conservation District for turnover of funding. It was moved and seconded to approve the transfer funds of \$2,500.00 to both the East and West Cassia Soil Conservation Districts and voting was unanimous by the Board.

## **PUBLIC PERFORMANCE LICENSING AGREEMENT**

The Board reviewed and discussed the Public Performance Licensing Agreement for Correctional Institutions with Swank Motion Pictures, Inc. The MCCJC will pay Swank a License Fee of \$438.75. It was moved and seconded to sign the agreement to pay the license fee and voting was unanimous by the Board.

## **INMATE PHONE SYSTEM**

The Board reviewed and ratified the request for a proposed inmate phone system. It was moved and seconded to ratify the request and voting was unanimous by the Board.

## **HEALTH INSURANCE MATTERS**

Kerry McMurray discussed some health insurance matters regarding the payments into the flex, the HSA and the "125" accounts. It was moved and seconded to have the deposits into the HSA accounts deducted pre-tax and voting was unanimous by the Board.

Mr. McMurray discussed the master plan document for the employee health insurance. The Board

reviewed the Master Plan Document and it was moved and seconded to sign the Master Plan Document and voting was unanimous by the Board.

**APPEAL HEARING DECISION**

The Board reviewed matters regarding the Von Gibby appeal hearing. After discussion and review, it was moved and seconded to issue a decision upholding the decision of the Planning and Zoning Board and voting was unanimous by the Board.

**KOLOB PACKING INC.**

Kolob Packing, Inc. appealed the charges for solid waste levied against the Tax No. 4436, known as Section 24, Township 10 Range 22 in Cassia County, with commonly known address of 1906 West Main Street, Burley, Idaho. The total unpaid solid waste fee levy for 2004 is \$34,830.00 and for 2005 is \$38,653.00. As by ordinance required, the County Administrator presented his review of the appeal and his recommendations, which are that the 2004 levy was not filed timely and so should not be considered for appeal; and that although timely filed appeal for 2005 levy, the evidence and information presented does not support the granting of the appeal. Other matters were discussed that would also support the amount levied due to heavy usage of the landfill. Amounts levied were set at a rate of \$45.00 per ton of waste. Mr. McMurray read a letter to the Board from Brennan Jones of Kolob Packing Inc. requesting an appeal of the fees levied. Mr. McMurray's recommendation is that there is no legal basis for an appeal, but it is the Commissioner's decision. It was moved and seconded not to entertain the appeal regarding the 2004 levy, letting it stand as set as the amount of \$34,830.00. The Board further decided to request that Mr. Redge Peterson and Mr. Brennan Jones meet with the Board within the next few weeks to discuss the 2005 levy and to determine is a basis exists for hardship appeal resolution of the matter. Mr. McMurray was asked to schedule those two gentlemen to meet with the Board at the earliest possible time.

**EXECUTIVE SESSION**

At 1:50pm 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)(b) 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 employee matters. Following the discussion, it was proposed and seconded that the Board return to regular session at 2:40pm. Voting was unanimous by the Board.

Following Executive Session, the Commissioners decision was that no payroll checks will be issued without accurate, properly completed, time sheets submitted to the Auditor's office.

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, November 21, 2005.

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

Marie Mischel, SIP;

**ATTEST:**

/s/Larry A. Mickelsen

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Larry A. Mickelsen, Clerk

**APPROVED:**

/s/Dennis D. Crane

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Dennis Crane, Chairman