

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 September 26, 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 October 2005.

CORRESPONDENCE

The Board reviewed the following:

1. An invitation to the Republican Committee Meeting on October 5, 2005
2. The announcement of a Wildland Urban Interface meeting November 9 & 10, 2005
3. An announcement from the US Fish & Wildlife Service RE: Fifth Fork Rock Creek area closed to motorized vehicles during deer hunting season

CHANGE OF STATUS

The Board reviewed eighty one (81) change of status forms for some of the County departments. It was moved and seconded to approve the changes of status and voting was unanimous by the Board.

JUNKYARD MATTER/REQUEST FOR EXTENSION

Mr. Steve Rigby met with the Board to discuss a complaint registered against him for violation of the County Junkyard ordinance on his property. The County sent him a letter with a deadline of September 30, 2005 to get his property cleaned up. He requested an extension to enable him to accomplish the clean up of his property. He explained the reason for having the excess equipment on his property and his plans for some of the equipment. He has accomplished a lot of the clean up, but still needs additional time to complete the project. The Board agreed to give him until November 15, 2005 to complete the clean up.

EXECUTIVE SESSION

At 9:53am 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)(a) 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 personnel matters. Following the discussion, it was proposed and seconded that the Board return to regular session at 9:57am. Voting was unanimous by the Board.

Following Executive Session, the Board gave counsel regarding the employees.

EXECUTIVE SESSION

At 10:13am 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 11:10am. Voting was unanimous by the Board.

Following Executive Session, the Board Denied Case #205100 and Case #205109. Signed Order of Dismissal for Case #205075 and Case #205091. Signed Stipulation for Enlargement of Time Limitations for Case #205077. Signed Notice of Lien and Application for Medically Indigent Benefits for Case #205110 and Case #205111.

DELIBERATION ON DARRELL FUNK FEED LOT CAFO APPEAL (ON RECORD)

Commissioner Crane recused himself from the deliberation. Commissioner Handy was appointed acting Chairman of the Board in Commissioner Crane's absence.

With Darrell Funk, Kenneth Warr, and Tom Draper in attendance, The Commissioners discussed the issues related to the September 27, 2005 Darrell Funk CAFO appeal hearing on the Feedlot. After discussion of all of the issues, it was moved and seconded to uphold the decision of the P&Z Commission regarding the Feedlot CAFO and voting was unanimous by the Board. Mr. Barrus was instructed to prepare Findings of Fact and Conclusions of Law and present them to the Board.

DELIBERATION ON DARRELL FUNK DAIRY APPEAL (ON RECORD)

The Board deliberated on all matters raised at the hearing as were related to the Darrell Funk dairy appeal hearing. It was moved and seconded to uphold the decision of the P&Z Commission and voting was unanimous by the Board. Mr. Barrus was instructed to prepare Findings of Fact and Conclusions of Law regarding the Dairy CAFO and present them to the Board.

NOTICE OF APPEAL, GIBBY CAFO

The Board reviewed the Notice of Appeal on Gibby Conditional Use Permit/CAFO; and set November 1, 2005 at 2:30pm in the District Courtroom, as the date and time for the hearing on the appeal. It was moved and seconded to sign the notice of hearing and voting was unanimous by the Board.

2005 CONSERVATION EDUCATION SPEAK-OFF

The Board discussed the 2005 Conservation Education Speak-off at 7:00pm October 4, 2005.

CONFLICT PUBLIC DEFENDER CONTRACT

The Board reviewed the Conflict Public Defender contract with Kent Jensen. It was moved and seconded to sign the contract and voting was unanimous by the Board.

RIEDESEL INVOICE

The Board reviewed the Riedesel September 2005 invoice for the Cassia County Transportation Plan. It was moved and seconded to approve the invoice and voting was unanimous by the Board.

LAW ENFORCEMENT AGREEMENT WITH CITY OF BURLEY

Larry Mickelsen presented a claim to make a partial payment to the City of Burley for \$30,000.00 on the Law Enforcement Services Agreement, from the Risk Management budget. It was moved and seconded to approve the claim and make the payment from the Risk Management budget and voting was unanimous by the Board.

DIGITAL RECORDING

Kerry McMurray proposed the formation of a task force, headed by Larry Mickelsen, with Kerry McMurray, Sara Haynes and Judge Rick Bollar as task force members, to investigate the products available and develop a plan to have all 3 courtrooms equipped with digital recording systems this year. It was moved and seconded to form the task force and voting was unanimous by the Board.

PUBLIC DEFENDER CONFLICT REPORTS

The Board reviewed the Public Defender Conflict Reports for March, April, May and June 2005 from Dennis Byington.

TOUR HAWKER FEEDLOT – OAKLEY, IDAHO

The Board departed to tour the Hawker feedlot in Oakley at the request of Rick Hawker. The Board was shown the operation and toured the neighborhood to assess local impact. The Commissioners intend to visit the permitted CAFOs to determine if the permittees are complying with the terms of their permits.

RECESS

Meeting was recessed until 9:00 a.m., Tuesday, October 11, 2005.

ATTEST:

/s/Larry A. Mickelsen

Larry A. Mickelsen, Clerk

APPROVED:

/s/ Dennis Crane

Dennis Crane, Chairman