

COMMISSIONER MINUTES

#550

April 17, 2006

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 April 10, 2006 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 April 2006.

CORRESPONDENCE

The Board reviewed the following:

1. A letter from the Lincoln County Commissioners to the Twin Falls BLM, Re: Fire Dispatch Center in Shoshone.
2. A letter from the Forest Service Re: authorizing Cassia County the following monies from the Cassia County Public Lands Noxious Weed Suppression Fund: \$4500 – Forest Service Land and \$3000 – Bureau of Land Management Land.
3. A News Release from the U.S. Fish & Wildlife Service Re: initiating 5-year reviews of 70 species protected under the federal Endangered Species Act.
4. A letter from Parsons, Smith & Stone, LLP RE: Wind Turbines on Cotterel Mountain.

CHANGE OF STATUS

The Board reviewed three (3) Change of Status forms, one (1) from the Sheriff's Office and two (2) from the Public Defender's Office. It was moved and seconded to approve the changes of status and voting was unanimous by the Board.

SYNOPSIS OF MINUTES

The Board discussed the current form and content of the Commissioner Minutes as published in the Southern Idaho Press. Upon receiving the counsel of Al Barrus, County Attorney, minimal changes to the synopsis will be made.

LETTER OF APPRECIATION

The Board reviewed a letter of appreciation to Mr. Glenn C. Judd of Burley, for his many years of dedicated service on the Pella Cemetery Board. It was moved and seconded to sign the letter and voting was unanimous by the Board. Commissioner Christensen will deliver the letter.

NOXIOUS WEED ORDER

The Board reviewed a Notice to Comply with Order for Extermination of Noxious Weeds Passed by the Board of County Commissioners this 17th Day of April, 2006 and Order Creating Area for Extermination of Noxious Weeds, Designating What Are Noxious Weeds, and Providing Manner for Eradication. Upon completion of review and discussion, it was moved and seconded to sign the Notice to Comply and the Order Creating Area for Extermination of Noxious Weeds and voting was unanimous by the Board.

EXECUTIVE SESSION

At 9:35am 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 10:00am. Voting was unanimous by the Board.

Following Executive Session, the Board allowed Cases #204094 and 204159 to keep their 2005 income tax return.

COUNTY CLEAN-UP DAY

The Board discussed and established May 20, 2006 as the Cassia County Clean-up Day, to include waiving the fees for use of the landfill. Notice will be published.

FLOOD CONTROL ISSUES

Ken Miller of the BLM, Mitch Allred of the Oakley Flood District and Terry Blau of the Idaho Department of Water Resources met with the Board to discuss issues with potential for flood control and aquifer re-charge in the Oakley area. Mr. Miller discussed establishing a memorandum of understanding (MOU) to ensure all issues are contemplated and considered. Mr. Blau indicated that intentional recharge required a permit, but if accomplished as a result of flood control, no permit was required. Mr. Allred reported that the Oakley Flood District does not feel that there is any emergency at this time, and that none will develop. Commissioner Christensen will organize a tour of the area for the purpose of more effective planning. All of the involved parties will meet in Oakley tomorrow, April 18, at 10:00am to tour the area and to try to project any steps that may need to be taken.

UNIFORM STREET NAMING

The Board reviewed the proposed uniform street naming and address numbering regulations. Giving consideration to the recommendation of Mr. McMurray, the Board will send the regulations to the Planning and Zoning Board for public hearing and recommendation before the Board will proceed further on the matter.

CITY WEED CONTROL

Mr. Vaughn Egan discussed the over abundance of "puncture vine" that exists within the city, because of the very wet spring we have had to date. He will speak with Mark Mitton, City Manager in an effort to expedite the spraying of the noxious weeds.

DIRECT DEPOSIT

The Board reviewed the ACH agreement with D.L. Evans Bank, RE: direct deposit. Mr. McMurray has discussed the agreement with the D.L. Evans Banking Corp. legal department. There are still some pending issues regarding indemnification language in the agreement. It must be resolved before the County can enter into the agreement.

SOUTH CENTRAL COMMUNITY ACTION

The Board reviewed Resolution 2006-04-2, a Resolution to publicly support the mission and objectives of South Central Community Action Partnership's Transitional Housing Program. It was moved and seconded to execute the Resolution and voting was unanimous by the Board.

PARKING LOT PAVING/SEALING

The Board discussed the bids received from Kloepfer Concrete and Gordon Paving. After discussion and giving due consideration to all of the bids, it was moved and seconded to accept the bid from Gordon Paving to carpet overlay, repair, seal coat and stripe the parking lot, for \$21,619.50 and voting was unanimous by the Board.

STATE LAND'S CONSULTATION W/BOARD RE: WINDLAND PROJECT

Mr. Tim Duffner and Maribeth Lomkin of the Jerome/Gooding office of the Idaho Department of Lands met with the Board to discuss the Windland Project. The issue is regarding long-term leases for commercial purposes. The lease is proposed to be for thirty (30) years with

right of renewal for an additional nineteen (19) years. Modifications to Highway 81 would need to be made to facilitate use by large, long vehicles. Most of the County ordinances meet the current requirements of the State of Idaho with the exception of the tower "set backs." Ownership will remain with the State of Idaho and existing easements will still be in effect. A Public Hearing is scheduled for May 18, 2006 at 6:00pm in the Burley City Hall, for the Idaho Department of Lands to receive oral and written comments on such proposed leases.

EXECUTIVE SESSION

At 11:23am 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 11:33am. Voting was unanimous by the Board.

Following Executive Session, the Board signed Certificate of Denial for Cases #206019 (denied on April 10, 2006), 206020, 206026, 206031, and 206034. Signed Certificate of Approval for Case #205141. Signed Order of Reimbursement for Case #205141. Signed Stipulation for Enlargement of Time Limitations for Case #206015. Signed Notice of Lien and Application for Medically Indigent Benefits for Cases #206033, 206034, 206035, 206036, 206037, 206038, and 206039,

EXECUTIVE SESSION

At 11:34am 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 11:45am. Voting was unanimous by the Board.

Following Executive Session, the Board will have ICRMP consider the matter and give their counsel to the County.

PUBLIC LANDS COMMITTEE

The Board discussed Richard Austin's request to be appointed to the Public Lands Committee. The Board did not approve the application because of potential for a violation in the Ethics in Government Compliance section of the County Policy handbook. The Board will contact him to discuss concerns.

RECESS

Meeting was recessed until 9:00 a.m., Monday, April 24, 2006.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Renee Wells, SIP;

ATTEST:

/s/Larry A. Mickelsen

Larry A. Mickelsen, Clerk

APPROVED:

/s/Dennis D. Crane

Dennis Crane, Chairman