

COMMISSIONER MINUTES

#555

October 10, 2006

The Cassia County Board of Commissioners met at the Almo A.C.E. 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 October 2, 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 October 2006.

CORRESPONDENCE

The Board reviewed the following:

1. A letter from the ITD, RE: Project No. CM-0004(139), Storage Tanks, Key No. 09427, wherein the County will pay to the ITD \$500.00, estimated total expenses for incidental expenses provided by the ITD on the County's behalf. It was moved and seconded to sign the agreement and voting was unanimous by the Board.
2. A letter from Governor Risch RE: The Governor's Brightest Stars Award, to nominate local citizens.
3. A letter from the Twin Falls City Council, RE: 2006 Magic Valley Legislative Forum on October 17, 2006 in Twin Falls.
4. A request for funds from the Mini-Cassia Transportation Committee for \$75.00 for the 2006/2007 year. It was moved and seconded to approve the request and voting was unanimous by the Board.

ITD ROAD CONSTRUCTION STATUS

Bob Johnson presented the Road Construction Status of roads in Cassia County. Reported that the Yale Road construction, Phase II was approved and would be accomplished by the State Highway Department. He reported that the construction on the Elba-Almo road was approved to the bottom of the hill South of Elba, which would be 16 miles of completed roads. Agreements with the Raft River Highway District and the Elba/Almo telephone company will be approved without public hearing to enable the construction to move ahead. The final plan will be completed in the March/April time frame and the federal monies could be available for use, but it will be necessary to use the federal elected officials influence to have the money appropriated. The project for the next phase will be \$6.4 million. The costs have increased by about 40% during the past 2 years. To have access to the discretionary funds we need to make contact with federal legislators, also request that the public contact the legislators. Stage III plans are being developed at this time and if all of the plans and designs are completed in time, the federal funds can be allocated, but it is contingent upon all of the plans being completed.

Stan Lloyd commented on the proposed California Trail pull-out that has received the approval of the Board.

Mr. Johnson and the Board of Commissioners fielded many questions from the citizens of the Elba/Almo area and were able to satisfactorily respond to them.

MINERAL RIGHTS

The Board discussed the proposal to act on the return of 560 acres of mineral rights in the Raft River Valley. Mr. McMurray explained that the U.S. Geothermal agency requested that the mineral rights be returned to the land and because the rights were valued at less than \$25.00 per acre the mineral rights can be returned to the property by motion and second of the Board of Commissioners. It was moved and seconded to return the mineral rights to the property and the county be reimbursed for the expense incurred to determine the value of the mineral rights and voting was unanimous by the Board.

OTTLEY ROAD STATUS

Kerry McMurray led the discussion regarding the Ottley Road. He explained that the county right-of-way ends where the school bus turn-around exists. The road continues for an additional 2.6 miles and the county has received the highway user funds from the State at the rate of \$1,433 per mile. Jim Carter gave his opinion of how and why the road was built, and Merlin Ottley presented additional history of the road and how it came into existence. He also explained the problems that have developed because of the people moving into the valley. The county installed a culvert in the road and has maintained the road ever since. Mr. Barrus explained that a right-of-way agreement with the county needs to be developed, to continue to receive the highway user funds from the State. Chairman Crane requested that Mr. Barrus investigate the right-of-way issues and ensure that the County was doing things that were in accordance with the Statutes of the State of Idaho and develop a contract between the land owners and the county, if it was possible. Chairman Crane explained that we do not want to lose the highway user funds for the road and we need to find a solution to avoid destroying the fence along the right-of-way. Alvin Carpenter reported of the number of times he has had to replace the fence along his property because of the snow removal. Sam Adams explained that when they remove the snow, the Road & Bridge department does not intentionally destroy the fence. Sam indicated that he has about 1,500 feet of snow fence that they could install along the right-of-way. Commissioner Handy stated that the first thing we need to do is establish the right-of-way. Jim Carter, Alvin Carpenter and Merlin Ottley stated that they would be willing to give the county the right-of-way, but no more than would be absolutely necessary. Others explained that the roads existed during the pioneer days and they would be recorded in the Book of Roads that is in Arlo Lloyd's possession. Stan Lloyd is going to try to get the Book of Roads to the County Attorney's office for his review. There was a comment that the landowners involved need to invest in better fencing. Chairman Crane gave the assignment to the Road Board to investigate the right-of-way issues and to assist in developing the best solution.

ICRMP BOARD OF TRUSTEES

The Board reviewed the ICRMP Member-at-Large, Board of Trustees Nomination Form, nominating Cleone Jolley, as the Incumbent Member-at-Large Representative. It was moved and seconded to approve the nomination of Mr. Jolley and voting was unanimous by the Board.

CONFLICT PUBLIC DEFENDER LIST

The Board reviewed the Conflict Public Defender list from the Kent D. Jensen Law Office.

PLANNING & ZONING

Kerry McMurray discussed the results of the P&Z meeting on October 5, 2006, including Proposed Amendments to the Cassia County Code's Zoning Regulations, RE: Wind Farms Proposals, Employee Housing Standards, Chapter 5, 9-7-4E Multiple Use Zones – right to farm, 9-13-5 Notice of Hearing Procedures for Conditional Use Permits, Uniform Street Naming and Address Numbering System, CAFO Zoning Regulations, and CAFO defining

MINI-CASSIA CHAMBER OF COMMERCE

Chairman Crane presented a request for funding for the Mini-Cassia Visitor Center for

FY2007. It was moved and seconded to approve the request for funding in the same amount as last year and voting was unanimous by the Board.

COUNTY EXPENDITURE

The Board reviewed the County’s Payables Approval Report for Fiscal Year 2006, dated October 10, 2006. A motion was made and seconded to approve the report. Voting was unanimous by the Board.

CURRENT EXPENSES	104	\$45,975.82
INDIGENT FUND	105	\$242.43
DISTRICT COURT FUND	106	\$5,174.39
COUNTY ROADS & BRIDGES FUND	107	\$10,608.07
WEED & PEST FUND	108	\$18,577.98
AMBULANCE SERVICE	110	\$12,875.00
REVALUATION FUND	114	\$12.99
911 COMMUNICATIONS FUND	115	\$4,583.71
COUNTY BOAT LICENSE FUND	117	\$8,456.01
COUNTY SNOWMOBILE FUND	118	\$25.00
JUSTICE FUND	130	\$85,053.38
PHYSICAL FACILITIES FUND	144	\$230.93
ADULT MISDEMEANOR PROBATION	149	\$822.61
	TOTAL	\$192,638.32

The Board reviewed the County’s Payables Approval Report for Fiscal Year 2007, dated October 10, 2006. A motion was made and seconded to approve the report. Voting was unanimous by the Board.

CURRENT EXPENSES	104	\$10,010.35
DISTRICT COURT FUND	106	\$2,312.46
WEED & PEST FUND	108	\$13.15
COUNTY BOAT LICENSE FUND	117	\$251.30
JUSTICE FUND	130	\$8,485.78
ADULT MISDEMEANOR PROBATION	149	\$2,111.10
	TOTAL	\$23,184.14

EXECUTIVE SESSION

At 3:10pm it was proposed by Commissioner Handy and seconded by Commissioner Crane that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(d) with 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 3:30pm. Voting was unanimous by the Board.

Following Executive Session, the Board reviewed and denied the request for waiver of payment for Case #204121. Case #206074 was approved on September 5, 2006, and signed on October 10, 2006. Denied Cases #206086, 206091, 206099, and 206103. Signed Subpoenas for Cases#206017, 206059, and 206067. Signed Order of Dismissal for Case #206015. Signed Notice of Lien for Cases #206104, 206105, 206106, 206107, 206108, 206109, 206110, and 206111.

BUDGET AMENDMENTS

After review of the Coroner ‘A’ budget which was over by \$64.58 and the Cassia County Courts Law Clerk budget which was over by \$734.94 both budgets being over because of

unanticipated expenses. A motion was made and seconded by the Board to amend the Budget as listed above. Voting was unanimous by the Board.

RECESS

Meeting was recessed until 9:00 a.m., Monday, October 16, 2006.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Renee Wells, SIP; See the attached lists of the attendees from the Elba/Almo that were in attendance.

ATTEST:

/s/Larry A. Mickelsen

Larry A. Mickelsen, Clerk

APPROVED:

/s/Dennis D. Crane

Dennis Crane, Chairman