

COMMISSIONER MINUTES

#564

July 30, 2007

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

PREVIOUS WEEK'S MINUTES

The Minutes for July 23, 2007 were discussed. A motion was made and seconded to approve and proceed with publication of an appropriate synopsis. Roll call vote was unanimous by the Board.

CHANGE OF STATUS

The Board reviewed one (1) change of status form for the Sheriff's Office. It was moved and seconded to approve the changes of status and roll call vote was unanimous by the Board.

CALENDAR

The Board reviewed the calendar for July 2007.

CORRESPONDENCE

The Board reviewed the following:

1. An invitation to a reception for Dr. Arthur Vailas
2. A letter Re: Kochia seed to assist with drought conditions, it is not the noxious Kochia.
3. A letter to the City of Burley Re: Library usage by County Citizens. It was moved and seconded to have Chairman Crane sign the letter and roll call vote was unanimous by the Board.
4. A letter to Mr. Aaron Tolman Re: his letter of July 8, 2007, concerning wolves.
5. A letter from Bridger Gunner, Re: unsafe road conditions because of gravel pit digging.
6. A letter from H. Olen Ward Re: Opposition to the Castle Rocks State Park bunkhouse.
7. A letter, dated May 14, 2007, from the Cache Peak Civic Association Re: Concerns of the Cache Peak Civic Association regarding projects at the Castle Rocks State Park.

TAX DEED HEARING

The Board and Gayle Erekson, Cassia County Treasurer, met to discuss properties that have not had property taxes paid. It was moved and seconded to proceed with the taking of a Tax Deed for property at 1811 Overland Ave in Burley, ID, Parcel No. RP BB0010510140, for taxes owed of \$1,018.70, and roll call vote was unanimous by the Board. Recorded as Tax Deed Hearing, 2007.

BUDGET REVIEW

Mayor Jon Anderson and City Manager Mark Mitton met with the Board and explained the reasons that they do not have the revenue to increase their share of payments to the County for Law Enforcement, including the Drug Task Force costs. Sheriff Higen participated in the review and stressed the importance of continuing the Drug Task Force to assist the cities and the Counties in the Mini-Cassia area.

GUARDIAN AD LITEM REPORT

The Board reviewed the Tuft Law Office Guardian Ad Litem report for July 2007. It was moved and seconded to authorize payment of \$500.00 for services rendered and roll call vote was unanimous by the Board.

EXECUTIVE SESSION

At 11:24am 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 12:05pm. Roll call vote was unanimous by the Board.

Following Executive Session the Board Denied Case #206125; signed Continuance for

Cases #207015, 207013, 207036, 207049, and 207057; approved Cases #207069 and 207072; signed Order of Reimbursement for Cases #207069 and 207072; signed Notice of Lien for Case #207079; signed Findings of Fact for Case #207022. Case #207016 was taken under advisement.

BEER, WINE AND LIQUOR LICENSES

The Board approved the following applications for Beer, Wine and/or Liquor Licenses:

<u>County #</u>	<u>Name</u>	<u>Doing Business As</u>
#2008-037	Danny West	Pit Stop on I-84
#2008-039	Gary Erickson	Creek Side 66
#2008-040	Thrifty Payless Inc	Rite Aid #5404
#2008-041	A. W. Anderson/Anderwood Inc.	Pomerelle Ski Area
#2008-042	Annie's Saloon LLC	Annie's Saloon
#2008-043	Kris Zanone	Snake River Queen Enterprises
#2008-044	Elizabeth Cooper	Judy's Café
#2008-045	Shane Downs	Farmer's Corner

HERD DISTRICT PANEL

Gerald Marchant, Tom Geary and Lex Godfrey met with Commissioners Handy and Christensen and Attorney Al Barrus as the Herd District Panel. Mr. Barrus discussed the "case law" history of situations similar to the circumstances existing in Cassia County. Cattlemen have absolute immunity in an "open range" situation, but they are fully liable in a herd district. Tom Geary discussed a situation he saw today with cattle that were running free because someone knocked down the fence that was around the pasture they had been in. Doug Pickett asked about the liability when the fences are "shared responsibility" of neighbors. Mr. Barrus explained that the responsibility was with the fence owners. The discussion centered on how herd districts are established and the fact that if the Herd District Panel, after a public hearing, concluded that the creation, modification or elimination of a herd district would not solve the problems, the County Commissioners could then pass an ordinance by resolution. Commissioner Handy explained why the Board had desired to have Herd Districts established because of all of the CAFOs and Dairies in the County. Discussion followed on how and why herd districts would or could be established and the resultant safety for the citizens. Prior to the next meeting, all Panel Members will give thought to and make recommendations as to what the County Ordinance should contain, if it is not possible for a Herd District to be established. Next meeting will be held on September 4, 2007 at 1:30pm.

BUDGET REVIEWS(Cont.)

The Board discussed the County budgets that have been reviewed. After discussing the potential revenue and expenditures, the Board gave tentative approval to give all employees a 3% raise. The proposed budget will be presented for the Commissioner's approval and for publication on August 6, 2007.

COUNTY ROADS

There was a County Road and Bridge auction conducted on July 25, 2007. The only citizen who attended was Ryan Park and he purchased the water tank trailer for \$500.00. There was no bid offered for the dump bed, however on Friday July 27, 2007 the County was offered \$6,000.00 for the dump bed by Bill Loughmiller. It was moved and seconded to accept the \$6,000.00 offer for the dump bed and roll call vote was unanimous by the Board.

RECESS

Meeting was recessed until 9:00 a.m., Monday, August 6, 2007.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Sven Berg, SIP; Steven Pitts, St. Alphonsus Regional Medical Center; Doug Pickett, Oakley;

ATTEST:

/s/Larry A. Mickelsen

Larry A. Mickelsen, Clerk

APPROVED:

/s/Dennis D. Crane

Dennis Crane, Chairman