

## COMMISSIONER MINUTES

#573

April 28, 2008

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Clay D. 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 April 21, 2008 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.

### CALENDAR

The Board reviewed the calendar for April 2008.

### CORRESPONDENCE

1. A proposed letter from the Gooding County Prosecuting Attorney for area Prosecutor's to: Request a Formal Attorney General's Opinion, concerning State and Federal Preemption of County Authority over CAFO Siting and Regulation. After review and discussion some changes were proposed, and approval for go ahead with the request was granted by the Board.
2. A letter from Lyle and Patricia Randall of Jackson regarding their addressing issues.
3. A letter from Nate McBride of Jackson regarding his involvement in the East End Fire Department and addressing issues.

### ROAD MAINTENANCE AGREEMENT

The Board reviewed and discussed Addendum No. 1 to the Road Maintenance Agreement between Cassia County and Box Elder County, Utah. After review and discussion it was moved and seconded to sign and execute the Addendum and roll call vote was unanimous by the Board.

### EXECUTIVE SESSION IC 67-2345(1) (b)

At 9:27am 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 9:45am. It was moved. Roll call vote was unanimous by the Board.

After the session it was decided to appoint Commissioner Clay Handy to the City of Burley Police Commission consisting of Dennis Dexter, Vaughan Egan and Steve McGill to represent and report back to the Board matters of concern.

### VETERANS SERVICE OFFICER REPORT

The Board reviewed the Mini-Cassia Veterans Service Officer Quarterly Activity Report.

### DEPARTMENT HEAD

**Assessor:** Marty Holland reported that this a very busy time for their office with personal property notices going out and the property splits being finalized. The Legislative Session did not do too much to impact Assessor issues.

**Building:** Sharon Higgins reported with the power outage this morning the sump pump will not work in the Sheriff's Office and there is danger of a flooded basement. An electrician will come in and ensure that this problem is resolved. There is also a problem with the generator that powers the Sheriff's Office in that diesel fumes are not cleared at all times and are impacting those working within the building. Two of the parking signs are missing by the Sheriff's Office and the employees' park where they are not authorized to park. Water for the grass will be turned on when the temperature stays above freezing.

**Detention Center:** Dennis Dexter reported a population of 174, with 56 from Cassia County, 43 from Minidoka County, 55 from the State, 12 for the Federals, and 8 from other Jurisdictions. Discussed the impact of the Legislative Session that just ended and that there was no significant legislation to assist with detention. Rob Neiwert reported that 2 officers just returned from POST, where they performed very well. One other Officer did not pass the POST final test, but has an opportunity within the next 45 days to retake the exam, and still qualify for certification. A candidate for employment is taking the polygraph exam and if passes that, all else seems to be in order for the candidate to be acceptable for employment.

**Sheriff:** Sheriff Jim Higen reported that the power outage was caused by a blown transformer and the cause is unknown. One Patrol Officer is still on light duty and two others are still on limited duty so he is short 3 officers.

**911 Coordinator:** Kent Searle reported on Jackson mail issues and it is not the problem of the County. Address changes are an on-going thing and the postal system is at the base of the problem. Emergency service zones mapping are almost completed. The MSAG is about developed with very few issues yet to be determined or resolved. There is a proposed agreement between the Cassia County Sheriff's Office and BulBerry Systems Inc. to provide E911 the MSAG Development, 911 Telephone Verification, Wireless Phase I/II Deployment and ESZ/ESN Layer on a fixed fee basis. Cost determined by the serviced provided.

**Clerk:** Larry Mickelsen reminded the Department Heads that the budget request must be into the Auditor's office no later than May 19, to be able to get the budget prepared.

**County Administrator:** Kerry McMurray reported they are busy processing building permits and performing inspections relative to those permits; a lot of cement is being poured. Melissa continues to work on issues regarding junk yards and other compliance matters. Mapping is going well. Regarding the Road & Bridge matter, the R&B Department may piggy back for mag chloride with the Raft River Highway Department and their contract with Ag West rather than the Caribou County bid. This will save \$1 - \$2 per ton because of cost per ton fuel surcharge.

**County Attorney:** Al Barrus reported that there are over 50 jury trials set between now and Labor Day in September and some of them have huge implications. There will be a very busy time until the cases are resolved. The numbers are high and the expectation is high that justice will be served.

#### **EXECUTIVE SESSION IC 67-2345(1) (d)**

At 10:44am 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 11:01am. Roll call vote was unanimous by the Board.

Following Executive Session the Board Denied Cases # 208029, 208030; Signed 4 Assignments. The Board approved and signed a Findings of Fact and Conclusions of Law for Case # 207115.

#### **EXECUTIVE SESSION IC 67-2345(1) (b)**

At 11:02am 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 11:09am. Roll call vote was unanimous by the Board.

Following Executive Session the Board decided the County Attorney will work with the County Clerk to write a disciplinary letter and give to the employee.

#### **REQUEST FOR RE-ALIGNMENT OF ROAD**

Clark Ward appeared before the Board to discuss a request for the re-alignment of the Narrows Road near Almo. After discussion regarding the legal issues, the Board took the matter under advisement and investigation. Prosecutor Barrus was asked to research the legal issues and report back to the Board.

#### **HOWELL CANYON PROJECT AMENDMENT**

The Board reviewed for their consideration of the Howell Canyon Project Amendment to the County Fire Plan. After review and discussion, it was moved and seconded to have Kerry McMurray prepare an email regarding approval of the Howell Canyon Project Amendment and roll call vote was unanimous by the Board.

#### **USFS**

Scott Nannenga reported on reservoirs that will be available for pumping water for various purposes after the irrigation season is completed. These are new reservoirs that will be filled by pumping, but after the first year they should be filled by snowmelt and rain run-off. He discussed the de-listing of the wolves. He discussed the travel planning requests and a 51 page appeal they have received. He discussed the Howell Canyon Project and the need to have public input. Scott discussed the vehicle density on the roads in the South Hills and the closure of some spur roads. With the current density, after closure of some spur roads, there may be an availability to have some additional ATV trails.

#### **FEDERAL LANDS ISSUES**

The Board reviewed forming a new committee to advise the Board on federal lands' issues. The new committee will be known as the Federal Lands Advisory Group (FLAG) and it will be constituted of cattlemen, sheepmen, mining, rock quarries, Off Road, Geothermal, and Sportsmen and others. The Prosecutor is working on bylaws for the Board's review and consideration.

#### **MOA RE: WIND ANEMOMETERS**

The Board reviewed the draft Memorandum of Agreement (MOA) between Cassia County and the Idaho Office of Energy Resources, regarding Wind Anemometers.

After review and discussion it was decided to check with Leroy Jarolimek regarding the placement of anemometers with those who have requested them.

**COUNTY POLICY**

The Clerk raised the issue of Workers Comp, and where work comp monies that are signed over to the County should be credited. The discussion concerned that some departments had existing procedures regarding the “turning over to the county,” of Worker’s Comp checks to “buy back” sick leave. The revenue from this is credited to the employee benefits line item in the affected department’s budget. The Board had negative feeling regarding these procedures and when the new County Policy is finalized, this will not be allowed. When Workers Comp steps in to care for an injured employee, the County should back out, and honor the Work Comp system.

Meeting was recessed until 9:00 a.m., Monday, May 5, 2008.

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

Sven Berg, SIP; Macie Helms, Nickolai Yarmuratiy and Cordell Sheridan

**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