

## COMMISSIONER MINUTES

#572

March 24, 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 March 10, 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 March 2008.

### CORRESPONDENCE

The Board reviewed the following:

1. An invitation to a series of Trainings and Open-House meeting in April 2008 Re: protecting drinking water sources in the communities.
2. A letter from the South Central District Health Re: a two-day Mass Fatality Incident Response course.

### BURLEY IRRIGATION DISTRICT

The Board discussed a letter from the law firm of Barker, Rosholt & Simpson LLP, Re: Unauthorized use of Burley Irrigation District Rights of Way. To prevent unnecessary problems with new landowners and unauthorized use of its right-of-way, the Burley Irrigation District (BID) requests the district be included in the Cassia County Building Permit Application to ensure that the applicant does not plan on using a BID right-of-way as an access road to home or property. It was moved and seconded to honor the BID request and roll call vote was unanimous by the Board.

### EXECUTIVE SESSION

At 9:15am 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 9:48am. Roll call vote was unanimous by the Board.

Following Executive Session the Board Approved Case # 208028 and 208010; Signed Order of Reimbursement for Case #208028, 208024 and 208010; Signed Findings of Fact, Conclusions of Law and Decision for Cases #207109 and 207133; Signed Release of Lien for Case #202047 and 207105; Signed Notice of Lien for Cases #208031,208032, 208033, 208034, and 208035.

### DEPARTMENT HEAD MEETING

**Assessor:** Linda Mabry reported that they are very busy getting the assessment notices prepared and still waiting on the decisions of the Legislative session.

**Detention Center:** Dennis Dexter reported that the population is 161, with 50 from Minidoka County, 42 from Cassia County, 6 from other Jurisdictions, 57 from the State, 6 from the Federal Government, 118 Males and 43 Females, and Felonies are 132. Rob Neiwerth reported that there are 3 deputies at POST.

**Sheriff' Department:** Sheriff Jim Higen reported that they are not full staffed.. He had deputies

that are having difficulties with health related issues and he has a number that are on light duty status. He reported that there were 6 calls in the Jackson area during February. Kent Searle reported that things are going well with 911 issues. He reported on the "red zone" efforts and how we can coordinate and make their efforts useable to the county in its mapping efforts.

**Treasurer:** Gayle Erekson reported that her new hire is working very well. She is still waiting for the State Tax Commission to develop the programming to resolve the Jackson area issues.

**Extension Office:** Richard Garrard not in attendance.

**Weed Department:** Gordon Edwards reported that they are working on the Fire Grant monies and there are areas of concern such as Black Pine and Gun Canyon. There are invasive, noxious weeds also in those areas. They are applying sterilant in areas within the county. Scotch thistle in the Jackson area will be sprayed in the next week.

**County Administrator:** Kerry McMurray reported they are busy with issuing building permits. The Planning & Zoning commission is also busy reviewing CAFO requests and a request for a gravel pit located at 800 S and 200 E. The April agenda is full and May is filling fast. The P&Z wants to meet with the BoCC to discuss procedures. The Mapping in the Jackson area is complete and the data will be transferred to Whisper Mountain prior to the project being completed and accurate mapping of the county being available.

**Clerk:** Larry Mickelsen discussed the FY2009 Budget preparation with the Department Heads.

**Prosecuting Attorney:** Al Barrus reported that things are going ok.

#### **EXECUTIVE SESSION**

At 10:30am 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 10:35am. Roll call vote was unanimous by the Board.

Following Executive Session the Board approved the changes of status for the employees.

#### **CHANGE OF STATUS**

The Board reviewed two changes of status forms 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. The Board reviewed one change of status for the Treasurer's Office It was moved and seconded to approve the change of status, as amended, and roll call vote was unanimous by the Board.

#### **TEMPORARY CHAIRMAN**

At 10:45am Commissioner Crane excused himself from the meeting. It was proposed by Commissioner Christensen that Commissioner Handy be appointed acting Chairman and Commissioner Handy seconded the motion with Commissioner Christensen voting yea and Commissioner Handy voting yea. Chairman Crane returned at 10:52am and reassumed the duties as Chairman of the Board.

#### **JUNKYARD MATTERS**

Melissa Price met with the Board to discuss the Cole bypass junkyard and showed pictures of the changes and clean-up of their junkyard. The Board was pleased with the improvements and commended Melissa and the Coles for their efforts. It was moved and seconded to notify the Coles by letter that the Commissioners order has been rescinded regarding their failure to comply with County Junkyard Ordinances on the bypass road property and roll call vote was unanimous by the Board.

#### **REQUEST FOR WAIVER**

Gayle Erekson and Linda Mabry met with the Board to request a waiver of the property tax penalty for the Big Sky Dairy. Gayle and Linda recommended that the late charges be forgiven because the Big Sky Dairy did not receive proper notice. It was moved and seconded to waive the late fees for the Big Sky Dairy and roll call vote was unanimous by the Board.

#### **BOARD OF EQUALIZATION**

At 11:04am it was proposed and seconded to convene as the County Board of Equalization. Roll call vote was unanimous by the Board.

It was proposed and seconded to approve the Home Owners deletions on the following parcels: (See attached list of parcels). Roll call vote was unanimous by the Board. Notices will be sent to the property owners.

At 11:06am it was proposed and seconded to return to regular session. Roll call vote was unanimous by the Board.

#### **ORDINANCE NO. 2008-03-01**

The Board reviewed Ordinance No. 2008-03-01, Adopting the 2006 Building Codes for the County. After review and discussion, it was moved and seconded to sign and execute the ordinance and roll call vote was unanimous by the Board.

#### **CITY OF BURLEY ZONING HEARING NOTICE**

The Board reviewed the City of Burley Zoning Hearing Notices.

#### **COUNTY ROAD & BRIDGE MATTERS**

The Board previewed and discussed apportionment for the Sign Grant Funds . The Board discussed a request from the Road & Bridge to purchase a pup trailer. It was moved and seconded to approve the purchase of the pup trailer and roll call vote was unanimous by the Board. The County Road& Bridge is also in the process of purchasing mag chloride and the Board discussed the bid process and the costs involved. It was determined to not hire an engineer to work the bid process, but rather to perform the bid process in house.

#### **JABG GRANT MONEY**

The Board discussed the Idaho JABG Grant Monies to consider waiving the \$4,000.00 Cassia County portion of the JABG grant monies to Minidoka County. It was moved and seconded to waive the Cassia County portion of the JABG funds to Minidoka County and roll call vote was unanimous by the Board.

#### **BUDGET AMENDMENT**

Sheriff Higen received some unanticipated revenue from Homeland Security of \$15,500.00 and Clerk Larry Mickelsen discussed the need to amend the Sheriff's Department Grants budget for the unanticipated revenue. The revenue will be expended on line 05SHSP Plan Mitigation Funds. It was moved and seconded to amend the Grants, 05SHSP Plan Mitigation Homeland Security line by \$15,500.00 and roll call vote was unanimous by the Board.

#### **USFS**

Scott Nannenga met with the Board and recommended that the Board meet with Harv Forsgren, the Regional Forester next Wednesday, April 2, 2008, at a breakfast meeting. Others have been invited to include Laird Noh and Don Pickett. This will be a meeting to discuss the grazing rights of livestock owners. He informed the Board that Pomerelle will stay open until at least April 6, 2008. Grazing permits are being prepared at this time. He reported that there was not very much money allocated for rebuilding fences after a forest fire, but there was a lot of money allocated for the control of noxious weeds.

#### **BOX ELDER MEETING**

Chairman Crane discussed the need to meet with the Box Elder County Commissioners

to discuss mutual concerns. Kerry McMurray will schedule the meeting, which will be hosted by Cassia County.

**COUNTY EXPENDITURE**

The Board reviewed the County's Payables Approval Report dated 3/24/2008. A motion was made and seconded to approve the report and roll call vote was unanimous by the Board.

CURRENT EXPENSES	104	\$77,124.75
DISTRICT COURT FUND	106	\$166.25
911 COMMUNICATIONS FUND	115	\$2,871.54
JUSTICE FUND	130	\$6,503.30
PHYSICAL FACILITIES FUND	144	\$947.52
ADULT MISDEMEANOR PROBATION	149	\$3,355.90
	<b>TOTAL</b>	<b>\$90,969.26</b>

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, March 31, 2008.

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

Claude Bryant, representing himself;

**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