

## COMMISSIONER MINUTES

#574

May 19, 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 May 12, 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 May 2008.

### CORRESPONDENCE

The Board reviewed the following:

1. A notice from the Southern Idaho Solid Waste RE: the Semi-Annual Solid Waste Service billing of \$314,274.00. It was moved and seconded to approve payment of the billing and roll call vote was unanimous by the Board.

2. A letter to Jim Grisenti of the Jackson area Re: Jackson Addresses, which was drafted on May 16, 2008. After review, it was moved and seconded to sign and execute the letter to Mr. Grisenti and roll call vote was unanimous by the Board.

### PLANNING & ZONING MATTERS

The Board reviewed a Zone Change recommendation from the Planning & Zoning Commission, for the gravel pit area along Highway 27, near Oakley. It was moved and seconded to set June 16, 2008 as the date for the public hearing and roll call vote was unanimous by the Board.

### FAIRBOARD MATTERS

Commissioner Crane discussed the Fairboard meeting last week and reported on Commissioner Handy and Curtis Bowen discussing the purchase of and removal of the Bowen Oil building near the Fairgrounds. The appraisal for the land is \$36,000. The offer to sell was that Bowen would donate ½, and the County would purchase for \$18,000. Bowen would bear the cost of removal of buildings and site cleanup, and the County would pay \$9,000.00 in FY2008 and the balance of \$9,000.00 in FY 2009, from the Building Fund, and roll call vote was unanimous by the Board. Commissioner Crane also discussed the use of the Uscola Building by the Extension Office with the building still under the control of the Fair Board. The matter will be investigated and a decision made at a later date.

### CITY OF BURLEY/COUNTY FAIRGROUNDS

Kerry McMurray presented a quote from the City of Burley to install underground power to near the RV dump station for trailer hookups for \$6,246.00. It was moved and seconded to approve payment of the quoted amount and roll call vote was unanimous by the Board.

### JUNKYARD MATTERS

Doug Abenroth and Melissa Price met with the Board and discussed the judgment against the Egan's Junkyard. The Egan's have not complied with the notices they have received to clean up their junkyard, provide restrooms and water and properly fence the area.

They also discussed the Hubbard property. There was a court hearing on May 16 and no one representing the Hubbard's was present. The Hubbard's want to keep one mobile home on the property for Ralph Hubbard to reside in. The home will have to be inspected when it is in

place. A bus, used for storage will remain on the property, behind the mobile home. Commissioner Christensen asked if the Hubbards were aware that there are companies that will come and remove vehicles at no cost to the owners. She will check these matters and see what is available. Doug explained that the trial date was June 16, 2008, but he does not think that it will go to trial. Doug has a stipulation for the Hubbards to sign.

#### **PROSECUTOR'S OFFICE MATTERS**

County Attorney Al Barrus and Deputy County Attorney's Doug Abenroth and Blaine Cannon met with the Board to discuss the number of Felonies, Misdemeanors, Infractions and the Juvenile, CPAs & Mental cases that are processed by the Cassia County Prosecutors Office, compared to Blaine, Jerome, and Minidoka counties. Blaine discussed the comparison between Cassia and Twin Falls counties, and the workload, because of the smaller staff in Cassia is about double for the Cassia Deputies. Blaine discussed the deputy prosecutors and support staff in the 5<sup>th</sup> District counties, and all have a larger staff than Cassia County. Blaine also discussed the comparison between the Prosecutor's Office and the Public Defender's Office and how the PD Office has a much lighter case load. Mr. Barrus discussed the current type of criminals that they are prosecuting and the difficulty they encounter because of these hardened criminals. They also reported that the felonies have increased dramatically during the past two years.

#### **BLM UPDATE**

The Board reviewed the BLM update on the installation of anemometers for the Evergreen Wind Power Partners. Evergreen Wind Power Partners have applied for anemometers for over 9,000 acres in an area South of Murtaugh.

#### **EXECUTIVE SESSION**

At 10:31am 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 10:38am. Roll call vote was unanimous by the Board.

Following Executive Session the Board Signed Release of Lien for Case #207121; Signed Notice of Lien for Cases # 208048 and 208049; Signed Amended Order of Reimbursement for Case #208001; Denied Case #208038; Approved Cases # 208002, 208009, and 208039; Signed Amended Findings of Fact, Conclusions of Law and Decision for Case #208002; Signed Order of Reimbursement for Cases # 208002, 208009 and 208039.

#### **EXECUTIVE SESSION**

At 10:39am 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 10:43am. Roll call vote was unanimous by the Board.

Following Executive Session the Board took the matters under advisement pending final resolution in court.

#### **SOUTHERN IDAHO BROS APPLICATION**

The Board reviewed the Southern Idaho Bros Charity for Children Public Assembly Permit Application. After review and discussion, it was moved and seconded to deny the permit application and roll call vote was unanimous by the Board. After the vote on the application the

County Administrator was asked to set up a meeting with Commissioner Christensen, Prosecutor Barrus, a representative of the Sheriff's Office and a representative of the Southern Idaho Bros. for further review of application deficiencies.

**JACKSON AREA PUBLIC HEARING**

The Board conducted a Public Hearing Re: the Proposed Zone change for the Jackson Area. The hearing is recorded as Jackson Area Zone Change 05-19-08. After the discussion regarding the proposed zoning change, the matter was taken under advisement.

**EXECUTIVE SESSION**

At 11:36am 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 11:4am. Roll call vote was unanimous by the Board.

Following Executive Session the Board took the matters under advisement.

**COUNTY EXPENDITURE**

The Board reviewed the County's Payables Approval Report dated 5/16/2008. A motion was made and seconded to approve the report and roll call vote was unanimous by the Board.

CURRENT EXPENSES	104	\$3,879.83
INDIGENT FUND	105	\$492.48
DISTRICT COURT FUND	106	\$1,609.00
COUNTY ROADS & BRIDGES FUND	107	\$3,250.66
WEED & PEST FUND	108	\$1,300.74
COMMUNITY COLLEGE TUITION FUND	113	\$9,000.00
REVALUATION FUND	114	\$1,035.57
ASSESSOR TRUST FUND	123	\$120.00
JUSTICE FUND	130	\$6,264.47
PHYSICAL FACILITIES FUND	144	\$60.00
ADULT MISDEMEANOR PROBATION	149	\$97.14
	<b>TOTAL</b>	<b>\$27,109.89</b>

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, June 2, 2008.

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

Sven Berg, SIP; Stan Buckley, Lyle Randall, Paul Duncan, Ila Ward, Joan Irigoyen, and Bev Irigoyen of the Jackson area; Clinton Crane, Rupert; Jerry Hines, Burley; Jay Ward, Burley

**ATTEST:**

**APPROVED:**

/s/Larry A. Mickelsen

/s/Dennis D. Crane

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Larry A. Mickelsen, Clerk

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Dennis Crane, Chairman