



## **BOARD OF COUNTY COMMISSIONER MINUTES**

**August 22, 2011**

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Bob Kunau, Board Members; Alfred E. Barrus, Prosecuting Attorney; Joseph W. Larsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

### **PREVIOUS WEEK'S MINUTES**

The Minutes for August 15, 2011, were discussed. A motion was made and seconded to approve. Roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

### **CALENDAR**

The Board reviewed the calendar.

1. Mid-Snake Resource Conservation and Development meeting in Twin Falls Board Room of old hospital on Thursday, August 25, 2011, at 2:00 p.m.
2. Judicial Annex Building meeting on Thursday, August 25, 2011, at 2:00 p.m. here
3. BLM Meeting 4:30 to 7:30 p.m.
4. Gateway West and MSTI meeting on August 23, 2011, at 12:00 p.m. at the Power County Extension Office
5. Public Defender Meeting on August 23, 2011, at 7:30 a.m. at the Commissioner Chambers
6. Jail Meeting on August 23, 2011, at 8:00 p.m. at the Cassia Commissioner Chambers
7. Gateway West Open House on September 21, 2011, from 4:00 p.m. to 7:00 p.m. at the Burley Best Western.

### **WATTERSON ESTATES SUBDIVISION #2 – SANDY KOCH**

The Board discussed the proposal of the Watterson Estates Subdivision #2. Planning & Zoning had previously accepted the plat, Section 8 T. 11 S., R. 23 E., B.M. The Board questioned Sandy Koch regarding the establishment of a homeowner's association and road maintenance agreement. Following discussion, a motion was made by Commissioner Kunau to approve and accept the plat as described, seconded by Commissioner Christensen, followed by a unanimous yea vote.

### **COUNTY EXPENDITURES**

The Board reviewed the County's Payables Approval Report dated August 19, 2011. A motion was made and seconded to approve the report and the roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CURRENT EXPENSES	104	\$10,215.20
INDIGENT FUND	105	\$18,331.41
DISTRICT COURT FUND	106	\$2,547.90
WEED & PEST FUND	108	\$0.45

COUNTY ELECTION FUND	116	\$32.34
JUSTICE FUND	130	\$29,798.78
PHYSICAL FACILITIES FUND	144	\$1,557.59
ADULT MISDEMEANOR PROBATION	149	\$631.68
	<b>TOTAL</b>	<b>\$63,115.35</b>

### CHANGE OF STATUS

The Board reviewed one (1) change of status form from the Sheriff's office for a new hire for Wayne Winder as Court Bailiff. It was moved and seconded to approve the changes of status and roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

### DEPARTMENT HEAD MEETING

**Randy Kidd (Sheriff)** – Kidd reported on activity during the Cassia County Fair. Most events were highly attended and everything went smoothly. The jamboree was sold out. The tragedy with the plane accident a week ago and all responders did a professional job working together. There were no complaints about closing off Hiland Avenue this year during the Fair. They are advertising for a patrol position now that the contract with the City of Burley has been accepted. Kidd reported on the Spudman Triathlon and things went well with closing off the highway for the event.

**Gordon Edwards (Weed Control)** – Edwards indicated that complaints had been received regarding Puncture Vine and Canadian Thistle. Perennial Pepper Weed is also in the Elba-Almo area. They are suspicious they have come from migratory ducks and geese. Weed and Pest Control has been asked to take over the invasive species boat inspections. They desire to set it up at the Port of Entry. Many are going by the inspection at the rest stop and boats need to be brought back to Burley to keep from crossing state line. Boat sticker revenues will help defray expenses for these inspections that will take place for five (5) weeks. The County would need to provide the manpower to oversee this. Commissioner Christensen asked that the Board be kept apprised of costs. Edwards will meet with Twin Falls County Weed and Pest Control as they have already been involved with this. He will inquire as to the costs involved. Cleaning of boats with invasive species would performed by the Department of Agriculture. Edwards expressed concern that it would cost millions of dollars if we don't curtail the problem. He further indicated that roadsides need to be sprayed for Canadian Thistle in the Elba area where the water has been high.

**Patty Justesen (Treasurer)** – Justesen presented the Treasurer's Report for July 2011. She had nothing major to report. Everything in the Treasurer's office is going fine.

**Craig Rinehart (Coroner)** – Rinehart had been gone this past week at a death investigator's school in St. Louis. In his absence, Deputy Coroner Rod Draper handled seven (7) death investigations, including the fatal airplane accident near the airport. Otherwise, the summer has been quiet.

**Karen Dayley (Deputy Assessor)** – Everything was running smoothly and she had nothing to report.

**Darwin Johnson (Mini-Cassia Criminal Justice Center)** – Johnson reported one inmate currently in the hospital ICU with Hepatitis C. He reported there were 176 holds (44 Minidoka holds, 78 Cassia holds, and 39 female State holds). The US Marshall's inspection was held last week and it went well. He indicated that US Marshall hold population fluctuates. They budgeted

\$20,000 for a vehicle to use for local transports and to travel to POST training. Prosecuting Attorney Barrus instructed Johnson to get a bid. They were waiting for a purchased med cart and kitchen steamer to be shipped. He asked Administrator McMurray to review the dishwasher contract. Johnson wanted to change approved radio purchases to go through local vendor All Wireless as they can provide radios at a lower price. Even though previously approved, the changed contract needed to be submitted for approval. The McWork program with the landfill seems to be going well.

**Joel Packham (Extension Office)** – Packham reported on the Fair this past week. Search and Rescue did a great job rescuing a Heifer. Income was consistent with last year and the judges did a great job. He reported on the financial success of his office during the fair. The 4H and Home Economics people did really well and he expressed appreciation to everyone who participated.

**Joe Larsen (Clerk)** – Larsen indicated that indigent expenditures to the County continue to escalate. The Genealogical Society of Utah is still digitizing court and Recorder office documents and that service was continuing to progress. He further indicated that former Deputy Recorder Renae Moncur was asked to help inventory Recorder office documents to identify what had been microfilmed, digitized, and indexed so original documents can be sent to the Idaho Historical Society. There are no elections for August. The Auditor's office is finishing FY2012 budgets and the Budget Hearing is scheduled for August 29, 2011, at 10:00 a.m. The courts continue to function well and the Jury Commissioner just completed training in Twin Falls.

**Al Barrus (Prosecuting Attorney)** – Barrus indicated that there was a jury trial for this week and that last week there was one that but the defendant pleaded guilty. Barrus further stated that there are quite a few jury trials scheduled on the calendar for this fall.

**Kerry McMurray (Administrator)** – McMurray reported that Paul Hobson had accepted to serve on the Cassia County Industrial Development Board. He reported on Planning and Zoning matters including the committee's acceptance of an additional communication tower on the Burley Butte. The Building Department is keeping busy with building inspections in the far reaches of the County. The Compliance Officer and Mapper's work is keeping steady. On Saturday, August 27, 2011, a new server will be installed in the courthouse by Stephenson's. He asked for everyone's patience and indicated that Stephenson's would be here on Monday to troubleshoot any difficulties that may occur.

The Board discussed and made assignments for the County Employee Picnic on September 13, 2011. Plans were for approximately 125 people. Assignments are as follows: Administration – pork and buns; McWork to setup ten (10) tables, three (3) serving tables, and chairs; Assessor's Office – salads; Commissioners – condiments; Prosecutor's Office – root beer and water; Clerk's Office – utensils, cups, and plates.

### **BLM and FOREST SERVICE**

**Scott Nannenga (Forest Service Ranger)** – Nannenga reported on a thirty (30) acre fire in the Cottonwood area. He discussed the Howell Canyon fuel reduction program and the selling of harvested timber. He reported that they would be using the County easement at the Pomerelle Ski Resort parking lot to haul the timber. He further reported that by Labor Day they will be fully functional at their new office on Hiland Avenue. The Forest Service will look at possibly constructing snow drift fencing in the Bennett Springs area to curtail drifting across the road.

**Mike Courtney (BLM Director)** – Courtney reminded the Board of a Gateway West Draft EIS meeting that will be held from 4:00 to 7:00 p.m. on September 22, 2011, at the Burley

Best Western. He reported on and passed out maps regarding fires in Walker Hollow and Milner area. Fires are contained. He indicated there is continued pressure to manage grouse in core areas especially the Shoshone basin where an alternate power route for the Gateway West project has been proposed.

#### **EXECUTIVE SESSION**

At 9:38 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau 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 Kunau voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Assistant Welfare Director Stella Sutherland presented and the Board discussed and approved the following: Release of Medically Indigent Lien on Case # 2011-044, # 2011-070, and # 204148; Notice of Lien and Application for Medically Indigent Benefits on Case # 2011-095; Certificate of Denial on Case # 2011-087; Certificate of Approval on Case # 2011-088; Order of Dismissal on Case # 2011-044, # 2011-040; and Order of Reimbursement on Case # 2011-088. Following the discussion, the Board returned to regular session at 9:45 a.m.

#### **EXECUTIVE SESSION**

At 11:00 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau 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 Kunau voting yea. The purpose and general tenor of the meeting was to discuss pending litigation. Following the discussion, the Board returned to regular session at 11:20 a.m. with the matter being taken under advisement.

#### **OTHER BUSINESS ITEMS**

1. The Board reviewed 147 CSI Residencies. Following a general discussion of payments as required by statute, Commissioner Christensen made a motion to approve, seconded by Commissioner Kunau, followed by a unanimous yea vote.
2. The Board reviewed the County Statement of Treasurer's Cash with Treasurer Patty Justesen for July 2011. Commissioner Christensen requested Justesen to provide a history of four (4) years of that report to the Board.
3. The Board reviewed County Expenditures. A motion was made by Commissioner Kunau to approve said expenditures, seconded by Commissioner Christensen, followed by a unanimous yea vote.
4. County building matters were discussed by the Board. Commissioner Kunau reported on responses provided by the Judicial Annex Building committee members. The request of the judges included two (2) large and two (2) small courtrooms and their desire for housing only offices for judicial purposes at that location. Concern was also expressed that individuals transported from the holding area to the courtroom and back have no proximity to the public or other court participants. A concern for appropriate soundproofing between rooms was stressed. Current and future electronics needs and placement considerations needed to be accounted for. Public Defender Dennis Byington also provided items for consideration. Administrator McMurray reported that a four wheel ATV used by the County for snow removal and for other utility needs had been damaged beyond repair when it fell out of the back of a trailer while being transported. It had been secured but some straps holding it in place had broken. McMurray

recommended the Board consider the purchase of a new Suzuki 400 ATV as bid by Let's Ride at the cost of \$5250.00, plus additional costs for snowplowing accessories. Following discussion, Commissioner Christensen made a motion to approve said purchase for County use, seconded by Commissioner Kunau, followed by a unanimous yeas vote. Commissioner Kunau inquired about painting of the interior of the courthouse. McMurray indicated that painting inside will be a winter project as outside projects are done in the summer.

5. An Application and Permit to Use Right-of-way Approaches from Phyllis Tracy of Almo was presented to the Board for review. A fee of \$25 was paid and an explanation and specifications enumerated by Tracy were attached to the application. Following discussion, Commissioner Christensen made a motion to approve said application, seconded by Commissioner Kunau, followed by a unanimous yeas vote.

6. The Board discussed the law enforcement agreement as approved with a few minor revisions by the City of Burley. Prosecuting Attorney Barrus indicated that he had not seen the updated version of that agreement. The Board will review those requests and make appropriate changes to approve and execute the contract.

7. The Board discussed budget matters with Auditor Joe Larsen. Commissioner Christensen brought a concern regarding consolidating custodial services. A discussion of mapping services for the County was presented including the termination of a contract that the Assessor's Office has with Whisper Mountain and services provided by mappers Todd Quast and Sara Haynes. Assessor Dwight Davis had requested for a fulltime mapper in his department to be accounted for in part by eliminated expenses from the non-renewed Whisper Mountain contract and for services provided by the current mappers. Commissioner Kunau discussed concerns of payment of overtime and Clerk Larsen indicated that has been a concern in various departments that he addressed during the budget process. Commissioner Christensen expressed a need for appropriate coordination with mapping in all departments and was leaning towards the support of a mapper in the Assessor's office. Assessor Davis was at a meeting out of town and it was recommended to involve him in further discussions of mapping needs. Animal Control with the City of Burley was discussed. The Budget Hearing is scheduled for Monday, August 29, 2011, at 10:00 a.m. The Commissioners by motion, second, and unanimous vote determined to accept the A budget as proposed leaving allocation discretion to department heads.

8. The Board reviewed Ordinance #2011-08-01 regarding Zoning Ordinance Amendments from the previous Board meeting. Commissioner Kunau made a motion to approve and sign said ordinance, seconded by Commissioner Christensen, followed by a unanimous yeas vote. The Board further discussed a Summary of Ordinance Affecting Changes in Cassia County Code, Title 9, Title 10, and Title 11 as presented to appropriately summarize Ordinance #2011-08-01 for legal notice publication. Commissioner Kunau made a motion to approve the summary for publication, seconded by Commissioner Christensen, followed by a unanimous yeas vote.

9. The Board reviewed Resolution #2011-19 regarding an equal value land exchange between the County and Jay Black. Black had approached the County regarding the proposed exchange of County excess road right-of-way property adjoining Black's property for Black's owned property near the County Road Shop in Almo. The Board went to the property during the previous Board meeting to visually assess the proposal. Following review of said resolution, Commissioner Christensen made a motion to adopt Resolution No. 2011-019 regarding said exchange, seconded by Commissioner Kunau, followed by a unanimous yeas vote.

10. The Board reviewed IPUC Case No. IPC - E-11-13, Notice of Application for order approving a new special services agreement between Idaho Power Company and the US Department of Energy for electric services at INEL.

11. The Board reviewed a request from Public Defender Dennis Byington to replace at County expense lighting and ballasts at the Public Defender's Office rented by the County from Byington. It was determined by the Board that where the office is a privately-owned building rented to the County, it is a landlord decision to make improvements. The Board also recommended the review of the joint powers agreement for the Public Defender facility.

12. The Board reviewed a tax cancellation request for parcel RPBKN01000003AA, 2300 Overland Avenue in Burley, owned by Jack Hill doing business as Western Hills Realty. Hill sold the real property to Daryl Whitehead, who was delinquent with property taxes. Hill subsequently received the property back from Whitehead and requested that penalty, late charges, and interest on delinquent taxes be waived. Prosecuting Attorney Al Barrus indicated that there was no statutory requirement to waive said charges and it sets a bad precedence. Treasurer Patty Justesen indicated that taxes flow with the property and therefore reverts back to Hill. Commissioner Christensen expressed that the Board was sympathetic but in the broad picture we shouldn't waive said charges. The Board requested Barrus to draft a letter denying Hill's request.

### **LUNCH**

At 12:05 p.m. the Board departed for lunch at Sage Mountain Grill in Albion. Following lunch, the Board departed for Elba to review County Road & Bridge matters.

### **COUNTY ROAD AND BRIDGE MATTERS IN ELBA**

The Board met at 1:50 p.m. near Elba Park with board members of the Raft River Flood District, the Cassia Creek Water District, and County Road and Bridge Director, Sam Adams. In addition to the Board, the following were present: Jay Black, Joe Wight, Paul Ward, Roland Zollinger, and Lyle Woodbury.

The discussion included the repair and placement of culverts on County roads and right-of-ways in the Elba area for flood abatement and to better facilitate natural water flow. The Board determined to utilize culvert material provided by the flood district to accomplish those goals and instructed Adams to proceed.

**RECESS**

Meeting was recessed until 9:00 a.m., Monday, August 29, 2011.

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

Kari Merrill, Weekly News Journal; Ginger Cooper; The Voice, Kent Searle, 911 Coordinator; and Sandy Koch, Watterson Subdivision #2.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Joseph W. Larsen, Clerk

\_\_\_\_\_  
Dennis Crane, Chairman