



BOARD OF COUNTY COMMISSIONER MINUTES

September 26, 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.

ADDITION TO AGENDA

Commissioner Christensen made a motion to add to the agenda reports from elected officials on the IAC Meetings conducted in Moscow this past week, seconded by Commissioner Kunau, followed by a unanimous yea vote.

PREVIOUS WEEK'S MINUTES

The Board of County Commissioner Minutes – Judicial Building Planning Committee for August 25, 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.

The Board of County Commissioner Minutes for September 12, 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.

The Board of County Commissioner Minutes – Special Meeting with Gateway West Task Force for September 12, 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.

The Board of County Commissioner Minutes for September 19, 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. Public Defender Meeting at 7:30 a.m. Tuesday, September 28, 2011
2. Jail and Justice Committee Meeting at 8:00 a.m. Tuesday, September 28, 2011
3. Solid Waste Meeting at 2:00 p.m. Tuesday, September 28, 2011, with the Solid Waste Director and DEQ consultants
4. Cassia Regional Medical Center Board Meeting at 7:00 a.m. Tuesday, September 28, 2011
5. Solid Waste Board Meeting at 10:00 a.m. Wednesday, September 29, 2011
6. Cache Peak Civic Association Meeting at 7:00 p.m. Thursday, October 6, 2011.

Chairman Crane asked Prosecutor Barrus to attend at the Association's request to discuss how roads are opened and closed.

CORRESPONDENCE

The Board reviewed the following:

1. Idaho Council on Industry and the Environment

MINI-CASSIA COMMERCE AUTHORITY REPORT – WINSTON INOUE

Winston Inouye presented a report of the Mini-Cassia Commerce Authority to the Board. Send out email a couple of weeks ago and provided a written report. Their current projects include the 208 Minidoka and Cassia County projects located north of exit 208. Their desire was to develop an industrial commercial park in an urban renewal district. Entity remains unnamed for them to facilitate property transactions with the current landowner. White paper was submitted to the Department of Commerce with the principals and a community development block grant alternative is currently being looked at. The commerce authority is waiting for submission of a proposed contract from the unnamed entity. Current talks are underway with Southern Idaho Solid Waste for potential suppliers of technology to enhance their abilities to process solid waste and for added value to other entities. Joelle Elg from United Electric has joined the Commerce Authority. They are continuing to maintain their website and new information will be posted there. It is currently linked to the County website and they will also be linked from a Facebook page as well. The Board expressed their appreciation to Inouye.

HEALTH BOARD REPORT – DON CLARK

Health Board Member, Don Clark reported to the Board that Gooding and Jerome branch offices have received new offices. There is a move through the health district to try and establish permanent offices. The lease is coming due in Cassia County and Minidoka is in need of change. They are attempting to locate property that is close to medical facilities and close enough for both counties to be involved in a single location. Commissioner Christensen indicated the county offices have been separate for fifteen (15) years. Personnel and staffing has been an issue and combining the two counties should eliminate administrative costs. The health district has provided the funds for establishing the Gooding and Jerome offices and Clark indicated that Renee LeBlanc is doing an exceptional job managing the affairs of the Health Department. Clark will report back to the Health Board that the County is aware of their desires.

DEPARTMENT HEAD MEETING

Administrator McMurray addressed department heads regarding a cutoff amount for inventory following a discussion with our outside auditor, Jeff Poulsen from Evans & Poulsen, CPA's. He encouraged items such as keyboards and mice to not be included as separate inventory items as well as attachments to real estate. The Board asked for input. Assessor Dwight Davis indicated he is in support of a \$150 to \$200 inventory threshold and Clerk Joseph Larsen suggested that a \$200 threshold would meet the GASB and IRS standards for government entities.

Randy Kidd (Sheriff) – Kidd reported a fatality this morning in rural Burley. The Sheriff's Office is down one patrolman and they are trying to fill spot. Things are going well.

Gordon Edwards (Weed Control) – Edwards reported that his department has been working on fall applications. There have been reports of Leafy Spurge, Canadian Thistle, and Scotch Thistle concerns. Warmer weather has made for more favorable conditions for those problems. Plans for invasive species screening through the Weed Department are ongoing. Edwards has contacted IDOT and coordinated the move to the Port of Entry from the Juniper area. Four (4) foul boats had been screened at the Juniper site as well as some at additional

locations. Eradication of Kochia has been a problem due to immunity. Persistence should include using a different chemical.

Lisa Heisel (Deputy Treasurer) – Heisel reported that the Treasurer’s Office is working on inputting and calculating specials irrigation water districts, working on splits with the assessor’s office, and working with inputting bank codes in the computer system. Commissioner Christensen indicated that Shoshone County sends out a printed graphic pie chart helping the taxpayer to visually understand where their tax money goes. Heisel indicated that the levy rate and tax amount is currently listed on the tax notices. They will look into what Shoshone County is using.

Dwight Davis (Assessor) – Davis reported attending the IAC meeting in Moscow. He reported on a PILT presentation from Congressman Raul Labrador. He addressed the PILT areas as public lands rather federal lands indicating that they belonged to the citizens. Davis attended the Transportation Committee Meeting. An economist addressed the group and presented his opinion of a brighter outlook with our economy. Redistricting money has mostly been spent with no concluding results. The assessors had a breakout and Davis indicated that he will serving on three (3) different committees.

Russ Rasmussen (Criminal Justice Center) – Rasmussen reported there are currently 155 to 160 inmates. The Idaho Sheriff’s inspection took place last week and revealed no problems. They are purchasing a locking medical cabinet to satisfy their inspection requirements. Two officers are going to POST next week. One inmate has spent several days in the hospital and needs physical therapy that will take place at the jail. They are currently advertising for a detention officer vacancy.

Joel Packham (Extension Office) – Packham reported that there have been numerous 4H meetings and they are currently planning winter meetings. Farm management meetings will take place in our area and in Jerome in December as well as after the first of the year. Succession planning within families will be addressed at that meeting. They will be providing beginning Microsoft Excel and Intuit Quickbooks classes later this fall.

Joe Larsen (Clerk) – Larsen reported having attended the IAC meeting in Moscow. He attended a question and answer session with IAC Director, Dan Chadwick and ICRMP Director, Jim McNall regarding liability and statute compliance for open and executive session meetings. Larsen stressed the importance of involvement with the Redistricting process with a bipartisan support from Cassia, Minidoka, and Power Counties presentation to the new Committee members. Municipal elections will be conducted in November for the Cities of Burley, Oakley, Albion, and Malta.

Al Barrus (Prosecuting Attorney) – Barrus reported that the judges were gone last week and the workload had decreased during that time. He reported that he will have an secretarial opening in the Prosecutor’s Office at the beginning of the year and another at the beginning of February.

Kerry McMurray (Administrator) – McMurray reported that building inspectors have been busy as a result of the good weather. He reported on the building and sightings that had recently taken place. McMurray reported on the progress of the Justice Building and requests for qualifications for the selection of an architect. Architects have been invited to inspect the building this afternoon. The closing for submittals from the architects is Friday, September 30, 2011, and those bids will be opened the following Monday. The Commissioners will go through those submittals and decide after a rating process on their top choices. They then will proceed with negotiations for the costs involved for those architect services.

Amber Prewitt (Adult Misdemeanor Probation) – Prewitt reported that they are currently servicing 567 probationers. There is a decrease in Level II probationers and she reported that they are short on SCRAM units and GPS units and they are working through that demand. Siemens Diagnostic Labs is who they are planning to use for drug testing in house. Drug testing has increased substantially which has led to the placement of the lab in house and should decrease costs based on the same number of tests.

Commissioner Christensen indicated that the CAT fund is short approximately \$17 million and will seek additional State funding. Additionally, he reported that PILT should be fully funded for the next four years. Secure Rural Schools (SRS) funding should be expected to decrease 5% to 10% this year and for years to follow until it is phased out. Clerk Larsen stated that it has been decreasing for the past four years. They reported at the IAC Meeting that Ada and Canyon Counties are continually decreasing in home values at roughly 8%.

Commissioner Crane expressed thanks to everyone who participated at the County picnic.

WATERCRAFT INSPECTION STATIONS – MATT KREIZENBECK

Matt Kreizenbeck from the Idaho Department of Agriculture reported on the move from Juniper to the Port of Entry for inspections of watercraft of the invasive species, Zebra and Quagga Mussels. Kreizenbeck indicated that it shouldn't incur costs to the County for the move and for the Weed and Pest Control of the County to oversee it. It will be paid by the State of Idaho by watercraft registrations. About twenty-five (25) vessels that were infested were stopped in Idaho. If it gets into the water it affects fishing, farming, and power generation. Commissioner Christensen recommended that notifications in rest areas be more graphic depicting the problem. Edwards indicated that seventeen (17) states have filed lawsuits against the federal government for infestations. Kreizenbeck discussed the microscopic size, water temperature for survival, and the proliferation of the mussels.

BLM and FOREST SERVICE

Scott Nannenga (Forest Service Ranger) – Nannenga reported on challenges of landing helicopters on rugged terrain. The Forest Service is authorized to transport injured parties and have the experience to land in such terrain. They would need to bill for that transport but can in an emergency. They are close to moving into their new facility. There is a prescribed fire that will start in about a week south of Raft River in Utah that will produce quite a bit of smoke. Drilling is still going on at Black Pine.

Mike Courtney (BLM Director) – Courtney reported on their open house and indicated that a new alternate route going over Granite Pass to run Goose Creek and run northward along the Oakley Reservoir. Significant wildlife issues going through the proposed south route that would be circumvented by new proposed alternate route. Chairman Crane suggested that we notify Commissioner Kramer in Twin Falls County of that proposed change.

Since 2003 the BLM has implemented a two year temporary closure of rock climbing at Castle Rocks. A public meeting will be held on Wednesday, September 28, 2011, from 5:00 to 7:00 p.m. at the Best Western.

SITE VISIT BY ARCHITECT VENDORS OF JUSTICE CENTER BUILDING

Architect vendors were invited to review the new Justice Center where they were

welcomed by Chairman Crane at 2:00 p.m. The vendors were allowed and encouraged to walk through the building and take pictures as needed. McMurray wants to rank architects according to a point system and then dialogue with them about cost.

COUNTY EXPENDITURES

The Board reviewed the County's Payables Approval Report dated September 23, 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.

CHANGE OF STATUS

The Board reviewed 2 (two) Request for Change of Status forms from Coroner's Office. Clerk Larsen discussed the 2.5% "A" Budget increase that the Board approved to be utilized during FY2012 at the discretion of department heads on behalf of employees under their jurisdiction. As such, department heads will need to submit Request for Change of Status forms on behalf of each employee to reflect that request. The Auditor's office will complete Change of Status forms for all elected officials to reflect a Board approved 2 ½% increase approved by the Board for elected officials.

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.

EXECUTIVE SESSION

At 10:50 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)(b) 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 employee matters with Sheriff Randy Kidd. Following the discussion, the Board returned to regular session at 11:01 a.m.

EXECUTIVE SESSION

At 1:10 p.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. Welfare Director Susan Keck presented the following to the Board: Case # 2011-100, # 2011-097, #2011-105, and #2011-096. The Board reviewed and approved the following: Notice of Lien and Application for Medically Indigent Benefits on Case # 2011-104, # 2011-106, # 2011-107, # 2011-108, # 207120, and # 2011-087; Findings of Fact, Conclusions of Law, and Decision on Case # 2011-076; Certificate of Denial on Case # 2011-100, # 2011-097, # 2011-105, # 2011-096, and # 2011-103; Certificate of Approval on Case # 2011-099, # 2011-008, and # 2011-059; Order of Reimbursement on Case # 2011-099, # 2011-008, and # 2011-059. Following the discussion, the Board returned to regular session at 1:38 p.m.

PROSECUTOR TRAINING

Prosecuting Attorney, Al Barrus reviewed information regarding a lawsuit against Idaho County. They in turn sued ICRMP after a Planning & Zoning decision against a developer. There was a nine (9) day trial which resulted in a judgment against Idaho County in the amount of \$4 million plus \$1.5 million in costs. Idaho County filed Chapter 9 bankruptcy as a result. The courts held that Idaho County was not insolvent. They have the right to increase taxes where it was a judgment. Barrus encouraged everyone to realize how serious decision on issues can be. Responding to emotional outcry from citizens is important but reasons have to be given, findings acknowledged, and the Code must be followed even if not popular.

Commissioner Kunau reported that builder Kevin Allred had talked to him regarding a dispute he had with the County Building Inspector. He was charged \$100 for the reprinting of a publication sheet to teach him a lesson. That permit was taken out in November of 2010. Both Building Inspector and Compliance Officer disclaimed that allegation of a statement "to teach a lesson." The requirements include a \$100 charge for reprinting of that sheet. Kunau suggested good builders not be charged and Barrus indicated that all builders should be treated the same or a discrimination suit would likely follow. McMurray indicated that those permits will eventually be electronically maintained with the new computer tablets that would eliminate the posting of that notification sheet on the premises where the building is taking place. That should eliminate this type of situation in the future.

OTHER BUSINESS ITEMS

1. The Board reviewed eight (8) CSI Residencies applications. Commissioner Christensen made a motion to accept and sign those applications, seconded by Commissioner Kunau, followed by a unanimous yeas vote.
2. The Board review County expenditures. Commissioner Kunau made a motion to accept said expenditures as presented, seconded by Commissioner Christensen, followed by a unanimous yeas vote. Sheriff Randy Kidd informed the Board of a deficiency in his fuel expenditure line item in the budget which was created by unanticipated increases in fuel expenses during FY2011. The Board reviewed B budget balances remaining in the Sheriff's budget to go over with Kidd. Kidd indicated to the Board that he would be in the red after other expenditures in his budget and would be unable to meet fuel expenditures. The Board took that under advisement.
3. The Board reviewed the Statement of Treasurer's Cash provided by Deputy Treasurer Lisa Heisel. That information had been provided by the Treasurer's office a few weeks ago.
4. The Board discussed the Mini-Cassia Child Abuse Protocol Team. Prosecutor Barrus indicated that they meet once a month. The caseload has increased substantially throughout the years. Many cases were not being presented based on the numbers and confidentiality. The desire was to discuss with the Board the prospects of just Health and Welfare, the Sheriff's Office of Cassia County, and the Prosecutor of Cassia County handling Cassia County situations. This will enable the discussion of each case individually. Commissioner Christensen concurred and supported that discussing the Cassia County cases with that limited group would likely be more beneficial.
5. The Board reviewed a Notice of Public Hearing from the City of Albion regarding a motion from the City Council and Mayor of Albion. The Board was contacted as an effected entity. It is a means to increase the density with Planning and Zoning.

6. Clerk Larsen discussed with the Board the purchase of time stamp equipment for the courts. Approval had previously been given for the purchase of three (3) time stamps which didn't have the features that are needed to adequately time stamp court documents.
7. Employee direct deposit policy. Prepare a resolution to include that as a county policy
8. Recorder's office archival expenditure approval CM KS to approve
9. Discussion of a standardized travel reimbursement protocol was tabled pending discussion between the Auditor and the Administrator for presentation as an update to the Personnel Policy Manual.
10. The Board reviewed the ICRMP policy and executed a terrorism rejection of that policy. Commissioner Christensen made a motion to sign said policy, seconded by Commissioner Kunau, followed by a unanimous yeas vote.
11. Review and execute appointment to Idaho Transportation Board. McMurray reviewed a draft letter to the Board recommending former Commissioner Clay Handy to be considered as a board member and replacement for retiring board member, Gary Blick.
12. The Board reviewed a petition to form the Cassia Creek Irrigation District. Commissioner Christensen made a motion to order the creation of said district, seconded by Commissioner Kunau, followed by a unanimous yeas vote.
13. County Building Matters. Craig indicated that Robert's Roofing was making repairs to the roof. Wasp problem in Sheriff's office near Driver's License division.
14. County Road and Bridge Matters. Sam is ready to work on the bridge. A contract referred to bid specifications with penalty if they go over the date. Liability insurance is required.
15. Gateway Matters. Kent Searle reported on the BLM open house. Land owners and the BLM came to agreement. Suggested that commissioners set up a meeting to involve landowners, Tetratex, and others. It resolves roadless issues, sage grouse, Nevada issues by going through goose creek. Sit down after public comment period and meet.
16. Inventory Limit Issues discussed in department head meeting. A motion was made by Commissioner Christensen to make the threshold for inventoried items at \$200, seconded by Commissioner Kunau, followed by a unanimous yeas vote.
17. Review and Execute Resolution No. 2011-021 regarding sole source Vendor for 911 Update. PMT has certification and experience and is the only one. All Wireless and White Cloud have only one. It would be disadvantageous to go outside of that. 7 year old equipment that receives 911 calls and this gets us established for next generation. A motion was made by Commissioner Christensen and seconded by Commissioner Kunau. Commissioners Crane, Kunau, and Christensen voted yeas.
18. Review and Execute Resolution No. 2011-022 regarding sole source vendor for lab testing at Mini-Cassia Misdemeanor Probation Office. A motion was made by Commissioner Christensen and seconded by Commissioner Kunau. Commissioners Crane, Kunau, and Christensen voted yeas.
19. Administrator McMurray indicated that publication of notice of this resolution will take place under Idaho Code and after fourteen (14) days the Probation Office can proceed implementation.

LUNCH

At 12:10 p.m. the Board departed for lunch. Following lunch, the Board reconvened at 1:05 p.m.

Chairman Crane initiated a phone call to Idaho Transportation Department (ITD) District Engineer Devin Rigby. They discussed the proposed road maintenance agreement between the County and ITD. A clause in that maintenance agreement states that any party can withdraw from agreement with a thirty (30) day notice and that after five years the contract would be reviewed. The ITD Board asked that the thirty (30) day notice portion be removed from the contract and just include the five (5) year review portion of the agreement. Crane indicated that the Board would review that request with Administrator McMurray. Rigby will email the agreement to the Board to conduct that review.

RECESS

Meeting was recessed until 9:00 a.m., Monday, October, 17, 2011. Monday, October 10, 2011, is a legal holiday and the Board will not meet that day.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Kari Merrill, Weekly News Journal; Renee Wells, The Voice; and Laurie Welch, The Times News.

ATTEST:

APPROVED:

/s/ _____
Joseph W. Larsen, Clerk of the Board

/s/ _____
Dennis Crane, Chairman of the Board