



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

www.cassiacounty.org

Board Chairman:

Dennis Crane

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Board Members:

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Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org

Dennis Crane (District #3) ~ dcrane@cassiacounty.org

Monday, August 20, 2012

The Board of Cassia County Commissioners met in regular session on Monday, August 20, 2012, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse.

THOSE PRESENT:	County Commissioners:	Dennis Crane, Chairman Paul Christensen Bob Kunau
	Clerk of the Board:	Joseph W. Larsen
	Prosecuting Attorney:	Al Barrus
	County Administrator:	Kerry D. McMurray
	Media:	Jay Lenkersdorfer, Weekly Mailer Renee Wells, The Voice
	Others:	Dwight Davis, Assessor Park Sorenson, Assessor's Office Mapper Patty Justesen, Treasurer Heather Evans, Deputy Recorder Craig Rinehart, Coroner Kevin Jones, ISTC Jeff Servatius, ISTC Bill Farnsworth, Idaho Dept of Admin

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND PRAYER
- 2) 9:04 AM AMENDMENT TO AGENDA
 - a) Information about an open house public meeting regarding the Curlew/Deep Creeks South Travel Plan with the BLM came in after the agenda was posted.

9:04 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADD TO THE AGENDA DISCUSSION OF AN OPEN HOUSE PUBLIC MEETING IN ROCK CREEK TO BE HELD TONIGHT REGARDING THE CURLEW/DEEP CREEKS SOUTH TRAVEL PLAN WITH THE BLM. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, August 20, 2012

- 3) 9:05 AM REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, COUNTY ROAD & BRIDGE, BUILDING MATTERS, THANK YOU NOTES FOR CASSIA FAIR OFFICIALS
 - a) 9:05 AM CALENDAR
 - i) CAT Board Meeting for Commissioner Christensen on Tuesday, August 21, 2012, in Boise
 - ii) CRMC Board Meeting for Commissioner Christensen 7:00 a.m. Wednesday, August 22, 2012
 - iii) Solid Waste Meeting for Commissioner Christensen 10:00 a.m. Wednesday, August 22, 2012
 - b) 9:05 AM CORRESPONDENCE
 - i) Worker’s Compensation and Disability Conference on November 7 – 9, 2012, in Las Vegas, Nevada
 - ii) Under the Big Top Conference on Housing & Economic Development on October 9 – 10, 2012, in Boise
 - iii) Idaho Transportation Department letter regarding two sign bridges offered for donation or sale at public auction.
 - iv) Disk of pictures from the Great Basin Incident Team of the Minidoka Complex wildfires.
 - v) Information regarding the Board’s purchase of a steer at the fat stock sale during the Fair.
 - vi) Letter from U.S. Forest Service Minidoka District Ranger Scott Nannenga requesting support for upcoming Resource Advisory Committee (RAC) funding
 - (1) \$12,500 for inventory and treatment of noxious weeds on National Forest System Lands.
 - (2) \$6,000 for purchase of fencing and plumbing materials to maintain wildlife structures.
 - c) 9:49 AM APPROVAL OF MINUTES

9:49 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM A SPECIAL MEETING HELD ON AUGUST 9, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:49 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM A SPECIAL EMERGENCY MEETING HELD ON AUGUST 10, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:49 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM AUGUST 13, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- d) 9:50 AM CHANGE OF STATUS

- i) Clerk’s Office
 - (1) Heather Evans – Increase in rate of pay for passport training and certification
- ii) Sheriff’s Office
 - (1) Jarrod A. Thompson –Increase in rate of pay for pistol/shotgun certification
- iii) Misdemeanor Probation
 - (1) Dawn Nozu – hired as Urinalysis Technician
- iv) Weed & Pest Control
 - (1) Betty Louise Carlson – Temporary hire as Boat Inspection Technician
 - (2) Scott James Tallon – Temporary hire as a Boat Inspection Technician

9:54 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

e) **10:27 AM** CSI RESIDENCY APPLICATIONS

i) The Board reviewed 44 CSI Residency applications

10:27 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 44 CSI RESIDENCY APPLICATIONS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) The board discussed a previously approved CSI residency application for Jordan Bowen. Larsen had talked with Bowen regarding that application following his residency in Cassia County having been questioned. An investigation revealed Bowen's property ownership and a claim of a homeowner's exemption in Jerome County.
- iii) Barrus indicated that Idaho Code required an established domicile within CSI out of district counties such as Cassia County to receive junior college tuition assistance. Jerome County where Bowen is domiciled is in-district for CSI and eligible and approved tuition payment is deducted from and in-resident's tuition.
- iv) Following deliberation, the Board determined to withdraw approval for CSI tuition payment for Bowen based on non-residency. A letter was prepared detailing their decision to be sent to Bowen.

10:33 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO WITHDRAW APPROVAL OF CSI RESIDENCY TUITION PAYMENT FOR JORDAN BOWEN BASED ON NON-RESIDENCY. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

f) **10:35 PM** COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$4,709.08
INDIGENT FUND	105	\$12,162.12
DISTRICT COURT FUND	106	\$120.68
COUNTY ROADS & BRIDGES FUND	107	\$3,157.95
JUSTICE FUND	130	\$14,561.35
PHYSICAL FACILITIES FUND	144	\$12,258.02
ADULT MISDEMEANOR PROBATION	149	\$1,572.95
	TOTAL	\$48,542.15

10:35 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY EXPENDITURES DATED AUGUST 17, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

g) **10:15 AM** COUNTY ROAD AND BRIDGE

- i) Road & Bridge Supervisor Sam Adams reported that they will be starting on the replacement of the lower Raft River Bridge with culverts next Monday.
- ii) Adams requested the assistance of mapper Todd Quast prior to work beginning.
- iii) Adams will come up with a detour plan. Chairman Crane requested that Adams make sure as many people as possible be notified.
- iv) Adams presented a request to the Board:

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- (1) Rental of detour signs were proposed at \$50 each. Commissioner Christensen asked about borrowing signs from other highway districts.
- (2) There is an expectation that the detour will be needed for approximately two weeks.
- (3) The detour will include two locations
 - (a) A detour at Yost Road to both the Naf Road and the Standrod Road
 - (b) A notice of detour on EY Road to Standrod Road
- h) 10:45 AM BUILDING MATTERS
 - i) McMurray indicated that LCA Architects would be here on Friday, August 24, 2012, at 11:00 a.m. to confer with the Clerk's Office regarding construction matters in that area of the new Justice Complex.
 - i) 2:39 AM THANK YOU NOTES FOR COUNTY FAIR OFFICIALS
 - i) The Board reviewed and signed thank you notes to those who helped with the Cassia County Fair and Rodeo.
- 4) 9:05 AM REVIEW AND DISCUSS WEEKLY NEWS JOURNAL LETTER OF COMPLAINT ABOUT EXECUTIVE SESSION
 - a) Barrus reviewed a letter from Weekly News Journal editor Jay Lenkersdorfer regarding potential executive session law violations for labor negotiations. Barrus was in court and not in attendance at the executive session in question but was of the opinion that it was regarding labor negotiations pertaining to the City of Burley's law enforcement agreement with the County. Barrus indicated that the statute is vague enough that there could be argument on either side of the issue. He indicated that the open meeting law is for the purpose of striving to have County business be open to the public. Appropriate curative action would include a review of any official action taken place during the executive session in question.
 - b) Barrus inquired of the Board regarding the proceedings of the executive session. He desired to know if there were any actions taken place in that meeting or as a result of that meeting. Each commissioner was asked if any action was taken during that meeting to which each replied there had not been. The discussion included an offer of half the previously discussed amount totally \$54,000 in increases from the previous year's Law Enforcement Agreement with the City of Burley.
- 9:15 AM**
- MOTION: COMMISSIONER CHRISTENSEN MOVED TO VOID ANY ACTION OR DELIBERATION THAT MAY HAVE BEEN A PART OF THE EXECUTIVE SESSION IN QUESTION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**
- 5) 9:19 AM RECONSIDERATION OF CSI DENIAL
 - a) 9:19 AM The Board went on the record regarding a petition from Lorrie McCarty for reconsideration of a denial of eligibility for CSI Residency.
 - b) 9:20 AM Lorrie McCarty and Deputy Recorder Heather Evans were sworn in by Larsen and introductions were made by Chairman Crane.
 - c) Evans reported that McCarty had reached Cassia County's statutory maximum obligation of \$500 per semester and \$3000 total.
 - d) Barrus asked McCarty a number of questions. She expressed her desire to go back to school and explained she had three more semesters to complete her degree at CSI.
 - e) The Board took McCarty's request under advisement and informed McCarty they would get back with her.

- f) Following deliberation, the Board determined to deny McCarty's request and a letter was prepared to send to her advising her of such.

9:55 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO DENY THE REQUEST OF LORRIE MCCARTY TO EXTEND BEYOND THE COUNTY'S STATUTORY OBLIGATION FOR TUITION PAYMENT TO CSI. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 6) 9:29 AM REVIEW AND CONSIDER ADA COUNTY CORONER AUTOPSY CONTRACT
 - a) Coroner Craig Rinehart presented a Pathology Agreement between Cassia County and Ada County for pathology services with forensic pathologists, Dr. Groben and Dr. Garrison.
 - b) Rinehart indicated that both doctors will provide expert testimony when needed.
 - c) Barrus will review the contract

9:30 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE AGREEMENT FOR PATHOLOGY SERVICES BETWEEN CASSIA COUNTY AND ADA COUNTY PENDING THE REVIEW OF PROSECUTOR BARRUS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:42 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO SIGN THE AFOREMENTIONED PATHOLOGY AGREEMENT WITH ADA COUNTY REFLECTING CHANGES IN THE CONTRACT REFERRING TO OWYHEE COUNTY REFERENCES CHANGED TO CASSIA COUNTY. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 7) 9:32 AM SCOTT STREET REQUEST FOR RECONSIDERATION CONCERNING HOMEOWNER'S EXEMPTION
 - a) 9:32 AM The Board went on the record and Chairman Crane had all in attendance introduce themselves.
 - b) 9:33 AM Commissioner Kunau read a tax assessment appeal letter from Scott Street
 - i) Street indicated that when he noticed that his taxes had increased, he called the Assessor's Office and reapplied for a Homeowner's Exemption.
 - ii) Street indicated that he couldn't afford the increase in costs and asked for relief to avoid bankruptcy.
 - c) Davis did research and reviewed applications for Homeowner's Exemption
 - i) Street purchased the home in question during 2010. He was notified by the Assessor's Office in March of 2011 that the Homeowner's Exemption would not carry on.
 - ii) 2011 and 2012 tax assessments showed no Homeowner's Exemption.
 - iii) An appeal had not been done by Street within the statutory time required.
 - iv) An application for Homeowner's Exemption for Street will go in effect for 2012.
 - d) Justesen indicated that Street concurred that he had not filed for a Homeowner's exemption.
 - e) Commissioner Christensen recommended denial unless he can produce evidence of having applied. Commissioner Kunau concurred that this was probably all that could be done.
 - f) Barrus recommended a motion from of the Board for their decision and was asked to review the particulars and prepare a letter to Street

9:39 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO DENY APPEAL OF TAX ASSESSMENT REQUESTED BY STREET AS THE TIME FOR APPEAL HAS PASSED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 8) 9:54 AM REVIEW, DISCUSS, AND CONSIDER ADOPTION OF MISDEMEANOR PROBATION OFFICE POLICY AND PROCEDURE MANUAL
- a) McMurray indicated that the manual is required of Misdemeanor Probation.
 - b) The Board asked the contract to be reviewed by McMurray and postpone it to next week.
- 9) 9:58 AM CONSIDER COMMENTS TO BLM IDAHO FALLS FIELD OFFICE REGARDING TRAVEL PLAN FOR CURLEW/DEEP CREEKS SOUTH
- a) McMurray showed a map depicting potential road closures as well as road designations.
 - b) A town meeting will be held in Rockland tonight and Chairman Crane and McMurray were planning to attend.
 - c) Comments need to be provided to BLM by August 31, 2012.
 - d) McMurray recommended that the Board comment by letter opposing closure of any roads without substantiation or reasoning.
 - e) Chairman Crane suggested going to the meeting tonight in Rockland and discussing it further at a later date.
- 10) 10:03 AM PUBLIC HEARING – PROPOSED FEE INCREASE FOR CASSIA COUNTY TRANSPORTATION PLAN
- a) 10:03 AM Chairman Crane went on the record and introduced those present.
 - b) McMurray briefed the Board
 - i) The Transportation Committee which includes one Commissioner meets for planning.
 - ii) Permits for approaches to properties currently cost \$25.00 and include a \$200.00 deposit that is refunded if work is done appropriately.
 - iii) That amount is insufficient for the work involved and they desire to raise the permit cost to \$50.00 with the deposit increased to \$500.00.
 - iv) The Committee discussed this at their last meeting and it was published by public notice on August 9 & 16, 2012.

10:07 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE INCREASES AS PROPOSED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 11) 10:08 AM UPDATE ON MINIDOKA COMPLEX FIRES
- a) The Great Basin Incident group turned wildfire control back to local authorities at 6:00 a.m. Friday, August 17, 2012.
 - b) Commissioner Kunau expressed appreciation for the great work they had done.
 - c) The group presented a printed poster of thanks to Cassia County.
 - d) Nannenga indicated that campgrounds would be opened soon.
 - e) They indicated that the wildfire would be completely out by August 22, 2012.
 - f) The Great Basin Incident group was able to get resources that local people would not be able to acquire. Keeping local people out of the wildfire area caused concern but was done to avoid personal injury and liability.

12) 10:50 AM INDIGENT MATTERS

10:50 AM **EXECUTIVE SESSION**

MOTION: COMMISSIONER KUNUA MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D). COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Welfare Director Susan Keck presented the following:

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- a) Case #2012070
- b) Certificate of Denial on Case #2012069 and #2012071
- c) Certificate of Approval on Case #2012072, #2012034, and #2012079
- d) Notice of Lien and Application for Medically Indigent Benefits on Case #2012080, #2012081, and #2012082
- e) Order of Reimbursement on Case #2012072 and #2012034
- f) Finding of Facts, Conclusions of Law, and Decision on Case #2012051

11:15 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:15 AM.

13) 11:30 AM IDAHO STATE TAX COMMISSION

- a) Bill Farnsworth was introduced as the Geospatial Information Officer with the Idaho Department of Administration.
 - i) Parcel Data has been determined to be the most problematic area.
 - ii) Their desire was to get things done at the State level and request information only once from the County for each State agency that uses GIS data. They would put information on the State server and lock it down.
 - iii) They desire data in a raw format and the State will format it to their own standards.
 - iv) Data provided is County data and the State only shares with who the County desires.
 - v) They will also work with Federal fire agencies to provide them with information.
 - vi) Farnsworth discussed public distribution of data that can be acquired as provided from the State and that the County could receive compensation for the sale of any desired data.
 - vii) A Data Sharing Agreement would be agreed upon and signed by the County and the State.
 - viii) Commissioner Christensen asked about resources to work with this project. Farnsworth explained that cooperating agencies have provided grant and other funds.
 - ix) Davis asked about the number of counties interested. Farnsworth reported on 25 that are currently involved and that all 35 counties at a recent meeting indicated an interest to cooperate with this procedure. Idaho County's mapper through the Assessor's Office and Ada County's Prosecuting Attorney put together the proposed agreement.
 - x) Links from our County website can facilitate access to the State website.
 - xi) The State can provide resources to help counties set up the transfer of data.
 - xii) Park Sorensen, Assessor's Office mapper indicated that having this available is a real plus to the County and helps to reduce duplicate distribution of data.
 - xiii) A County disclaimer regarding accuracy must be accepted for the public to acquire data.
 - xiv) BLM data is off by as much as 600 feet and Farnsworth is going to begin discussion to work with BLM nationally to correct their inaccurate data.
 - xv) Park indicated that we would benefit to have the information available to appraisers. Commissioner Christensen asked Quast his feelings. Quast indicated that writing the scripts was the States obligation. Farnsworth indicated that layers of security exists at the State level and information
 - xvi) Commissioner Christensen recommended review of the contract by Barrus. Barrus asked if Ada County had signed the agreement. They had not as of yet. Crane asked Barrus to study the contract and discuss it at a future Board meeting.

14) 12:00 PM LUNCH WITH LEGISLATORS IN DISTRICT COURTROOM TO DISCUSS AFFORDABLE HEALTH CARE ACT, JUNIOR COLLEGE FUNDING, AND OTHER UPCOMING LEGISLATIVE MATTERS

THOSE PRESENT: County Commissioners: Dennis Crane, Chairman
Paul Christensen
Bob Kunau
Clerk of the Board: Joseph W. Larsen
Prosecuting Attorney: Al Barrus
County Administrator: Kerry D. McMurray
Legislators: Senator Dean Cameron
Representative Scott Bedke
Representative Fred Wood
Media: Jay Lenkersdorfer, Weekly News Journal
Lisa Dayley, Weekly News Journal
Renee Wells, The Voice
Others: Bob Moore, Minidoka Board Chairman
Kent McClellan, Minidoka Board
Sheryl Koyle, Minidoka Board
Lance Stevenson, Minidoka Prosecutor
Patty Temple, Minidoka Clerk
Tonya Page, Minidoka Deputy Clerk
Max Vaughn, Minidoka Assessor
Dwight Davis, Assessor
Patty Justesen, Treasurer
Heather Evans, Deputy Recorder
Susan Keck, Welfare Director
Craig Rinehart, Coroner
Dan Chadwick, IAC Executive Director
Tony Poinelli, IAC Deputy Director
Seth Grigg, IAC Policy Analyst

- a) The informal lunch meeting included discussions with Senator Cameron, Representative Scott Bedke, and Representative Fred Wood
- i) Affordable Health Care Act
 - (1) It was stressed the need to make preparations regardless of the outcome of the General Election but that a lot would hinge on that outcome.
 - ii) Junior College Funding
 - (1) There were a number of questions regarding accountability of those who the County funds for CSI tuition.
 - (2) Concern was expressed about possible double-dipping on behalf of CSI for the funding of high school students receiving dual college credit. The legislators agreed to look further into the matter.
 - iii) Personal Property Tax Elimination
 - (1) Legislators were asked to address the potential repercussions of elimination of personal property tax and the possibilities of making the County whole following that.
 - iv) The legislators stressed the need to coalesce with other Counties through the Idaho Association of Counties to lobby for remedy of concerns.

15) 2:20 PM ADJOURNMENT

APPROVED:

/s/_____

Dennis Crane, Chairman of the Board

ATTEST:

/s/_____

Joseph W. Larsen, Clerk of the Board