



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

www.cassiacounty.org

Board Chairman:

Dennis Crane

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

Monday, July 2, 2012

The Board of Cassia County Commissioners met in regular session on Monday, July 2, 2012, at 8:00 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, News Journal
	Others:	Barney Greener, County Appraiser Martin Adams, County Appraiser Dwight Davie, Assessor Ryan Gregerson, Burley Time Square, LLC Jay Heward, Sheriff's Office George Warrell, Sheriff's Office Kent Searle, 911 Coordinator Todd Quast, County GIS/Mapping

- 1) 8:00 AM MINI-CASSIA CRIMINAL JUSTICE CENTER (MCCJC) QUARTERLY REVIEW WITH MINIDOKA COUNTY COMMISSIONERS
 - a) Administrator McMurray completed the Quarterly Jail Inspection Report as required by statute.
 - b) Follow up from last review confirmed the securing by lock of circuit panels in the kitchen area.
 - c) No concerns were otherwise noted in the report.
 - d) MCCJC Food Service Review for Quarter Two 2012 by Vanessa Foster, RD, LD included an audit of frequency of fruits on the menu and as served to inmates.
- 2) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, LIQUOR LICENSES, COUNTY EXPENDITURES, AND BUDGET MATTERS
 - a) 9:05 AM CALENDAR
 - i) Juvenile Justice Meeting at 8:00 a.m. Tuesday, July 3, 2012

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- ii) Christensen reported on the Solid Waste District Meeting calendared for last week where agreements were reviewed. He also reported that things were going well there.
 - iii) District IV Elected Officials Quarterly Meeting with lunch BBQ beginning at 12:00 p.m. and the meeting beginning at 1:00 p.m. Thursday, July 12, 2012, in Gooding
 - iv) Workshop on freight transportation's support of Idaho's Economy from 1:00 p.m. to 4:00 p.m. Tuesday July 17, 2012, in Twin Falls
 - v) NACo Webinar for Significant US Supreme Court Cases Impacting Counties on Thursday, July 19, 2012, from 11:00 a.m. to 12:15 p.m.
- b) 9:05 AM CORRESPONDENCE
- i) Email from Linda Wright regarding Supreme Court participation with wiring of the new Justice Complex.
 - ii) Email from Seth Grigg from IAC regarding the extension of funding of PILT and SRS through 2013 as passed by Congress on Friday, June 29, 2012, as part of the Highway Bill.
 - iii) BLM Gateway West Transmission Line Project June 2012 Publication
 - iv) Letter from Cassia County Fair Parade Committee Chairperson, Tammi Pollard requesting the use of the District courtroom, a copier, and supplies for a meeting on August 13, 2012, from 6:00 p.m. to 11:00 p.m. Following discussion of the Board, it was determined to suggest the use of the Fair Office for that meeting. Chairman Crane asked Larsen to compose an answer to Pollard's request in that regard.
 - v) University of Idaho Extension folder detailing their services
 - vi) Letter from Division of Veteran Services for County Veterans Officer
- c) 9:05 AM CHANGE OF STATUS
- i) There were no Change of Status requests today.
- 3) 9:10 AM GATEWAY/SAGE GROUSE
- a) A ruling from the 6th Judicial District Court eliminated attorney Doug Balfour from representing Power County with the Gateway project as he was improperly hired.
 - b) McMurray read an email from Brent Stoker representing Gateway West to Doug Balfour regarding restrictions of payment to Balfour for his Gateway services where Power County had been excluded by court ruling.
 - c) McMurray read a memorandum from Balfour to all involved regarding the potential impact that the Sage grouse could have on the proposed alternative routes where they involve public ground more than private ground. Walt George strongly suggested working closely with Fish and Game and wildlife agencies. He requested the desires of the remaining parties to address the Sage grouse issue while Power County sorted out their issues.
 - d) Christensen recommended talking with Power County to see if they still want to be engaged with the process. Barrus was asked by the Board to get a copy of the decision to review and discuss with Brent Stoker. The matter will be placed on the agenda for next Board meeting.
- 4) 9:21 AM CSI RESIDENCY APPLICATIONS
- i) The Board reviewed 5 CSI Residency applications
- 9:21 AM**
- MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE 5 CSI RESIDENCY APPLICATIONS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**
- 5) 9:21 AM RETAIL ALCOHOLIC BEVERAGE LICENSES
- a) Nelson Café and Pilot Lounge – No. 2013-010
 - b) Stokes Fresh Food Market – No. 2013-011

- c) Stinker Station #61 – No. 2013-012
- d) Stinker Station #79 – No. 2013-013
- e) Smith’s Food & Drug #123 – No. 2013-014

9:21 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE RETAIL ALCOHOLIC BEVERAGE LICENSES AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

6) 9:22 AM COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$22,722.29
INDIGENT FUND	105	\$50.56
DISTRICT COURT FUND	106	\$554.72
SOLID WASTE FUND	109	\$362,335.50
AMBULANCE SERVICE	110	\$14,627.50
REVALUATION FUND	114	\$224.00
911 COMMUNICATIONS FUND	115	\$3,248.22
COUNTY BOAT LICENSE FUND	117	\$275.00
JUSTICE FUND	130	\$21,383.76
TAXING DISTRICTS FUND	132	\$895.67
PHYSICAL FACILITIES FUND	144	\$329.32
	TOTAL	\$426,646.54

9:22 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY EXPENDITURES DATED JUNE 29, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

7) 9:25 AM COUNTY ROAD AND BRIDGE MATTERS

- a) A check from the Raft River Highway District in the amount of \$35,000 was received as part of an LRHIP 2012 Construction Project Grant which will not all be used this year by the Road and Bridge Department. Chairman Crane indicated that where it is a grant it needs to be tracked appropriately by the Auditor’s office. McMurray indicated that he didn’t think the grant specifies when it should be spent. Chairman Crane asked Larsen if the amount not used could carry over to be used in the future. Larsen indicated that if the Board approved it and if it was within the parameters of the grant, it could.
- b) Wade Company, Inc. in Buhl that has an engine that is needed for a water truck. They will give us \$500 credit for the old truck for the engine and Trebar will do the installation of that engine. Cost of engine would be \$2750 and all the costs will be for the installation. Christensen recommended getting estimate on the costs of installation.
- c) Trebar’s cost is \$1800 for work to replace the engine.
- d) The County Administrator was assigned to work with County Road & Bridge to check their budget to see if there is money available before approval. If sufficient “B” budget funds are available, then County Road & Bridge may proceed with exchange and engine replacement.

8) 9:29 AM APPROVAL OF MINUTES

9:29 AM

***CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, July 2, 2012***

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM JUNE 25, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9) 9:29 AM PUBLIC AUCTION TAX DEED SALE

- a) Justesen presented Parcel No. RP00013003001C located at 1656 Jackson in Burley for a tax deed sale at public auction for the amount of delinquent taxes and costs to the County for the sale.
- b) Barrus indicated that it is not the County's responsibility to evict tenants. Property is sold as is.
- c) The minimum bid amount is \$5,197.40.
- d) Chairman Crane opened the bid at 9:33 a.m. Kent Pincock bid the minimum bid amount of \$5,197.40. There were no other bidders and the property was sold to Pincock for \$5,197.40.
- e) Justesen accepted the payment and will prepare a tax deed.

10) 9:50 AM REVIEW IDAHO STATE TAX COMMISSION (ISTC) CLAIM IN EXCESS PROCEEDS FOR SALE OF PARCEL NO. RPSS0100010040A, 37 SOUTH 550 WEST IN BURLEY

- a) Barrus recommended that the Board approve payment to the ISTC subject to no other valid claims being made prior to July 25, 2012, which is a 60 day period.

9:58 AM

MOTION: COMMISSIONER KUNAU MOVED TO HONOR THE ISTC CLAIM AND SEND THEM \$2600.84 IF NO OTHER VALID CLAIMS ARE MADE IN THE REQUIRED 60 DAY TIME PERIOD THAT ENDS ON JULY 25, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11) 10:00 AM BOARD OF EQUALIZATION – MICHAEL VON JONES PARCEL NO. RP10S23E272800

- a) The attorney for Jones asked for a delay. Barrus detailed three issues Jones has with his appeal:
 - i) Funds spent to get property out of bankruptcy
 - ii) Removal of homeowner's exemption
 - iii) Valuation of property
- b) The Board determined to reschedule the BOE appeal for Monday, July 9, 2012, which is the statutory deadline for BOE. Davis and Justesen will both be out of town and will have a representative there on their behalf.

12) 10:03 AM HEARING ON PROPOSED FEE INCREASES IN ASSESSOR'S OFFICE

- a) At 10:03 a.m. the Board began a hearing regarding a proposed fee increase in the Assessor's office. Chairman Crane conducted the hearing and introduced those present.
- b) Davis proposed an increase from \$0.30 to \$0.50 for postage fees and an increase from \$2.50 to \$3.50 for administrative fees to cover costs of printing reminders, mailings, and postage.
- c) Davis indicated that there had been no changes in fees for the past 8 to 10 years and this increase puts them in line with surrounding counties.
- d) The Board concurred that users should cover inflationary increases in those related costs.

10:05 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADOPT THE INCREASE OF FEES OF THE ASSESSOR'S OFFICE AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

13) 10:12 AM BOARD OF EQUALIZATION – KENSINGTON PROFESSIONAL PARK/BURLEY TIMES SQUARE

10:12 AM

MOTION: COMMISSIONER KUNAU MOVED TO GO INTO BOARD OF EQUALIZATION. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) Chairman Crane began the hearing and asked those present to introduce themselves and then turned it over to Barrus to conduct the hearing.
- b) Ryan Gregerson, CFO and Controller of Burley Time Square, LLC appealed the denial of a previous application for property tax exemption under Idaho Code 63-602 for site improvements associated with commercial land development.
- c) Gregerson presented an outline detailing eligibility under IC 63-602 along with exhibits of property held by Kensington Park, LLC, in Bonneville County and their accompanying property tax assessments detailing values set at \$0.22 a foot. He presented four stages of development and the progression of property value through those stages. Gregerson felt that they deserve some exemption under the new law rather than nothing at all.
- d) Davis indicated that the asking price of \$185,000 and \$150,000 per lot establishes market value. Gregerson indicated that there had been site improvements that should be taken off that. It was pointed out that the Northwest Farm Credit property sold for \$198,000. Davis asked about the various assessments throughout the State and Gregerson indicated that there was wide variance.
- e) Davis presented and explained exhibits provided exhibits of the Assessor's office detailing Burley Time Square, LLC's appeal and subsequent denial along with real estate offerings for current lots and their accompanying asking price.
- f) Davis read a portion of the bill detailing where they begin with current market value and value with site improvements. He then detailed when there would be no exemption necessary as the property in question is currently being assessed as raw land not including site improvements.
- g) Gregerson inquired as to the property value prior to and after platting of property.
- h) After improvements have been made then raw land assessment is adjusted upon transfer or title from the developer to the new owner. Appraisal is at market value according to statute.
- i) Greener indicated that increases were made according to the law to help developer to get things into place. The new law
- j) Gregerson brought up value prior to and after development and platting. Davis referred to exhibit J and the actual comparison of the lots in question and what they are currently being assessed, the market value of the lots, and what site improvements are currently being exempted.
- k) Davis indicated that it is a confusing law and there is not consistency and until they change the law it will remain inconsistent.
- l) The Board took the matter under advisement and went off the record at 10:37 a.m.

14) 10:45 AM COUNTY ORDINANCE NO. 2012-07-02 ON BURLEY AREA OF IMPACT REZONE

- a) The Board reviewed Ordinance No. 2012-07-02 which is a joint ordinance with the City of Burley re-designating the City of Burley Impact Area south of the city limits to 200 South and a quarter mile each side of Highway 27 from residential (R-1 and R-2) to commercial (C-2).

10:46 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY ORDINANCE NO. 2012-07-02 IN CONJUNCTION WITH CITY OF BURLEY ORDINANCE TO CHANGE FROM RESIDENTIAL TO COMMERCIAL DESIGNATION AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

15) 10:48 AM CONSIDER TREASURER'S OFFICE RESOLUTIONS FOR DESTRUCTION OF RECORDS

- a) Resolution No. 2012-014
- b) Resolution No. 2012-015

10:48 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE TREASURER’S OFFICE RECORD DESTRUCTION RESOLUTION NO. 2012-014. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:48 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE TREASURER’S OFFICE RECORD DESTRUCTION RESOLUTION NO. 2012-015. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

16) 10:49 AM BUDGET MATTERS

a) Treasurer’s Budget

i) Discussion took place regarding increases in wages of an amount per hour versus a percentage.

(1) A percentage increase of wages widens the gap between lower paid and higher paid employees each time it occurs.

(2) An amount per hour increase tends to reward the less experienced more than key experienced employees.

(3) Larsen recommended a hybrid of the two.

ii) Larsen recommended reductions of travel and education and extra help line items to more closely reflect historical trends of those expenditures and an explanation page for line item changes as requested in the budget letter sent out to all department heads.

b) Assessor and Revaluation Budget

i) Davis presented reductions to reflect trends and to facilitate Judicial Complex needs.

17) 11:05 AM COUNTY ORDINANCE NO. 2012-07-01 ZONING ORDINANCE AMENDMENTS/ADU’S

a) The Board reviewed Ordinance No. 2012-07-01, a zoning ordinance amendment providing for accessory dwelling units under Unique Land Uses in the Cassia County Code.

11:06 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY ORDINANCE NO. 2012-07-01 FOR ZONING ORDINANCE AMENDMENT FOR ACCESSORY DWELLING UNITS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:07 AM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(A). COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:20 AM.

18) 11:20 AM CONSIDER ELECTION MATERIALS DESTRUCTION RESOLUTION NO. 2012-016

a) Resolution No. 2012-016 was tabled as there were changes that needed to be made to it.

19) 11:20 AM TAX DEED ISSUE – CAROLYN TAYLOR

a) Barrus sent Taylor a letter offering to sell a very small parcel inside Taylor’s fence that is owned by the County. Taylor expressed a willingness to only pay \$25.00 for that parcel which would necessitate writing off the balance owed on a tax deed sale. Following discussion, the Board determined to approve Taylor’s request.

11:28 AM

MOTION: COMMISSIONER KUNAU MOVED TO OFFER PARCEL IN QUESTION TO CAROLYN TAYLOR AT THE PROPOSED PRICE OF \$25.00 AND WRITE OFF THE BALANCE AS DISCUSSED.

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COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

20) 11:29 AM BUDGET MATTERS

- a) Mark Mitton from the City of Burley discussed with the Board the proposed building of a transfer station. The City had a truck damaged at the landfill that put one of only three vehicles out of service for 8 months. Question for Kerry and Paul is that do you want it to have public access. If it is just for the city of Burley they will lock it up and use it for themselves. Christensen said it could be used by the people of the buffer area. How it is staffed and when it is opened. Christensen can see some advantages of being open to the public. He also talked about having it open a set number of days a week. Saturday may be best according to Mitton and maybe a couple more days during the week. Mitton wanted to involve the County up front with the proposed project. They will meet Tuesday 9:30 a.m. to 10:00 a.m. after the joint justice meeting at Mitton's office.

11:55 AM EXECUTIVE SESSION

MOTION: COMMISSIONER KUNAU MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PENDING LITIGATION UNDER IDAHO CODE SECTION 67-2345(1)(F). COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 12:15 PM

21) 12:17 PM FOLLOWUP ON DECISION OF THE BOARD OF EQUALIZATION – KENSINGTON PROFESSIONAL PARK/BURLEY TIMES SQUARE

- a) The Board asked Barrus to prepare a letter to be sent to Kensington Professional Park/Burley Times Square, LLC, to confirm the BOE's decision to uphold the Cassia County Assessor's decision, finding of facts, and conclusions of law.

22) 12:17 PM LUNCH RECESS

23) 1:35 PM RECONVENE

24) 1:35 PM BUDGET WORKSHOPS

- a) 911 Communications
 - i) Presented to the Board by 911 Coordinator Kent Searle and GIS/Mapper Todd Quast
 - ii) Larsen provided Searle with a copy of a PowerPoint presentation printout and guidelines presented from the Idaho E911 Emergency Communications Commission that was presented by Commission member Lan Smith from Gem County at the IAC Commissioners and Clerks Meeting in Lewiston in June regarding allowable fund expenditures.
- b) Ambulance Service
 - i) Presented as contracted with CRMC
- c) Emergency Medical Service
 - i) Presented by Searle
 - ii) Budgeted items for non-used immunization funding for FY2012 were discussed.
- d) County Building
 - i) Presented by McMurray
- e) Judicial Complex
 - i) Presented by McMurray
 - ii) Proposed funding of the remodeling and establishment of the new Justice Complex
- f) Board of Health
 - i) Presented as requested by the South Central Public Health Department
- g) General
 - i) Presented by McMurray

- h) Solid Waste
 - i) Presented as requested by the Solid Waste District
 - ii) Larsen pointed out that dividend payments were terminated and the total amount requested by Solid Waste was reduced to reflect that.
 - i) Fair Exhibits
 - i) Presented by Chairman Crane
 - j) Historical Society
 - i) Presented by Chairman Crane and Commissioner Kunau
 - k) Community College
 - i) Presented by Larsen
 - l) County Boat License
 - i) Presented as a continuation of what has been historically budgeted for.
 - m) County Snowmobile
 - i) Presented by Kunau
 - n) D.A.R.E. Trust
 - i) Presented as a continuation of what has been historically budgeted for.
 - o) Physical Facilities
 - i) Presented by McMurray
 - p) Violent Predator Account
 - i) Presented as a continuation of what has been historically budgeted for.
 - q) Box Elder County Bookmobile
 - i) Presented by McMurray
 - r) Widow Assistance
 - i) Presented as a continuation of what has been historically budgeted for.
 - s) County Elections
 - i) Presented by Larsen
 - ii) Reductions were accounted for to reflect shift to Consolidated Election Budget tracking.
 - t) Consolidated Elections
 - i) Presented by Larsen
 - ii) Adjustments were proposed to reflect historical data and upcoming elections.
 - u) Auditor & Recorder
 - i) Presented by Larsen
 - ii) One year reduction was proposed for archiving to help facilitate Justice Complex needs.
 - v) Indigent
 - i) Presented by Larsen
 - w) County Administration
 - i) Presented by McMurray
 - ii) Budget reductions reflected trends.
 - x) Planning & Zoning
 - i) Presented by McMurray
 - y) County Commissioners
 - i) Presented by McMurray and the Board of Commissioners
- 25) 3:05 PM BUILDING MATTERS – JUSTICE COMPLEX

- a) The Board discussed changes to the facility layout and floor plan to reflect requests for changes to enlarge jury rooms, add restrooms, add a holding cell, add security requirement of all who enter the public access entrance of the facility, and elimination of a fourth courtroom.
- b) The Board discussed that the next procedure was to prepare to go to bid for construction.

3:17 PM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO HAVE LCA ARCHITECTS MAKE DISCUSSED CHANGES AND MOVE FORWARD TO PREPARE FOR CONSTRUCTION BIDS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

26) 3:20 PM ADJOURNMENT

APPROVED:

/s/_____

Dennis Crane, Chairman of the Board

ATTEST:

/s/_____

Joseph W. Larsen, Clerk of the Board