



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, July 9, 2012

The Board of Cassia County Commissioners met in regular session on Monday, July 9, 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, News Journal
	Others:	Jeff Rolig, Attorney Martin Adams, Assessor's Office Karen Dayley, Assessor's Office Barney Greener, Assessor's Office Harry Shaw Lisa Hiesel, Treasurer's Office

1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES

a) 9:03 AM CSI RESIDENCY APPLICATIONS

i) The Board reviewed 8 CSI Residency applications.

9:03 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE 8 CSI RESIDENCY APPLICATIONS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

b) 9:03 AM RETAIL ALCOHOLIC BEVERAGE LICENSES

i) The Board reviewed four Retail Alcoholic Beverage Licenses

a) Guadalajara Restaurant – License #2012-015

b) Albertson's Food Center #132 – License #2012-016

c) Albion Café – License #2012-017

d) 610 Club- License #2012-018

9:03 AM

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

- c) 9:05 AM CALENDAR
 - i) Jail Meeting at 8:00 a.m. Tuesday, July 10, 2012, in Rupert
 - ii) City of Burley Waste Transfer concern with at the City office at 9:30 a.m. Tuesday, July 10, 2012, for Commissioner Christensen and Administrator McMurray.
 - iii) Region IV Elected Officials Meeting at 12:00 p.m. Thursday, July 12, 2012, in Gooding
 - iv) Milner Recreation District Project presentation from 4:00 p.m. – 7:00 p.m. Wednesday, July 11, 2012, at the BLM warehouse
- d) 9:05 AM CORRESPONDENCE
 - i) Mid-Snake Resource Conservation and Development request for consideration for FY2013 member dues.
- e) 10:52 AM CHANGE OF STATUS
 - i) Mini-Cassia Criminal Justice Center
 - a) Robin Tracy Neiwert – Detention Deputy
 - (a) Holds certificates for Level I, Level II, Level III, Supervisor, and Manager
 - (b) Passed physical fitness requirements.

10:53 AM

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

- f) 10:55 AM APPROVAL OF MINUTES

10:55 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM JULY 6, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) 3:10 PM COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$5,362.90
INDIGENT FUND	105	\$762.87
DISTRICT COURT FUND	106	\$1,160.04
COUNTY ROADS & BRIDGES FUND	107	\$403.79
WEED & PEST FUND	108	\$3,241.52
REVALUATION FUND	114	\$385.83
911 COMMUNICATIONS FUND	115	\$3,806.90
COUNTY ELECTION FUND	116	\$23.27
COUNTY BOAT LICENSE FUND	117	\$35.00
JUSTICE FUND	130	\$36,237.33
INVASIVE SPECIES	142	\$42.25
ADULT MISDEMEANOR PROBATION	149	\$1,583.63
	TOTAL	\$53,045.33

3:10 PM

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MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY EXPENDITURES DATED JULY 6, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

2) 9:07 AM BOARD OF EQUALIZATION (BOE)

9:07 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO INTO BOE SESSION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) Chairman Crane introduced those present and Larsen swore in Jeffrey Rolig, attorney for property owner Michael Von Jones and Assessor's Office appraiser, Martin Adams.
- b) Rolig said the property in question has gone up in value by \$27,000 going against any current economic trends. He further stated that it didn't jive with what he has seen in the real estate industry as property values have gone down and that the property was dilapidated.
- c) Jones's Homeowner Exemption had been taken away and Rolig indicated that he doesn't spend a lot of time there but does not claim on any other property.
- d) Barrus stated that Jones had been sent notice but had missed period of time to appeal. He could apply again for Homeowner Exemption if he chose to.
- e) Barrus said a post-bankruptcy order was to keep future taxes up to date which had not happened.
- f) Rolig questioned the County's statutory authority to charge Jones with attorney fees.
- g) Adams explained the increase in \$27,000 was not for the value of the property but rather increases in taxes levied. He said there had not been an increase in value except for in 2009 and that the increase was due to the Homeowner Exemption being taken off. In 2007, the value of land increased from \$49,500 to \$74,250 and that was the case with all properties on the river based on the lot size and sales.
- h) Exhibits admitted into the record:
 - i) Exhibit A – appeal
 - ii) Exhibit B – 2012 assessment
 - iii) Exhibit C – history of the last 5 years values
 - iv) Exhibit D – notice of address change from the Treasurer's Office
 - v) Exhibit E – removal of Homeowner Exemption
 - vi) Exhibit F – letter that was sent
 - vii) Exhibit G – page 2 of the exemption letter
 - viii) Exhibit H – comparative values worksheet
 - a) Property and improvements
 - b) Cost per square foot of property
 - c) Depreciation for property not being kept up
 - ix) Exhibit I – letter from the Treasurer's Office regarding utilities being turned off since 2007 signifying no "dwelling" in that location.
- i) The Assessor's Office felt that they have been fair.
- j) Rolig asked questions about property valuations and Adams provided the values for each year from 2006 through 2012.
- k) Rolig asked that assessments be sent in the name of Jones to his office.
- l) The Board took the matter under advisement.

9:42 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO OUT OF BOE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3) 9:30 AM GATEWAY WEST/SAGE GROUSE MATTERS

- a) The Board received an MOU from the State Director of the BLM formalizing Cassia County's cooperating agency agreement with the BLM.
- b) A District judge in Pocatello entered a decision on June 14, 2012, that the Power County Commissioners had not filed an appropriate protocol in hiring attorney Douglas Balfour since they needed to show it was necessary. Outside counsel for commissioners can only be secured when it is necessary and that was not established. Their contract with Balfour was voided for that reason and for related budgeting issues.
- c) The Board needed to determine how they would now move forward with the Gateway West Task Force and Power County no longer a part of that agreement. The Board inquired of Barrus if he had the time to represent the issue and he indicated that he did not. The Board then expressed a desire to go forward with Balfour. Chairman Crane asked Kunau to follow up with Brent Stoker from the Task Force and put the matter on the next Board meeting agenda. McMurray indicated a need to move quickly as the Governor's Sage Grouse plan is currently in comment stage.

4) 9:41 AM REFUND REQUEST ON PARCEL RP10S23E199435

- a) The Board went on the record at 9:42 a.m. and Chairman Crane made introductions of those present which included property owner Harry Shaw.
- b) Shaw requested resolution of an issue from a 2008 sale of farm property that was annexed by the City of Burley for urban renewal. The home was not to be annexed but it was assessed as though it had been. When the City of Burley library bond issue occurred in a past election, Shaw was denied voting as a non-Burley resident. Shaw visited with Assessor Dwight Davis and his home had errantly been entered into the annex. Lisa Heisel from the Treasurer's Office did research on the matter. Shaw had not been taxed on the North Rural Fire District as he should have been and was taxed on City of Burley items that he should not have been. In 2009 he overpaid \$500.02, in 2010 he overpaid \$522.06, and in 2011 he overpaid \$532.44 all to the City of Burley totaling \$1,554.52. Shaw should have paid taxes designated to the North Cassia Rural Fire District in the amounts of \$38.54 in 2009, \$41.60 in 2010, and \$42.16 in 2011 totaling \$122.30.
- c) Shaw discussed the matter with City of Burley Administrator, Mark Mitton.
- d) McMurray suggested that the June tax turnover owed to the City of Burley should be reduced by the amount of \$1554.52 less the \$122.30 owed by Shaw to be designated to the North Cassia Rural Fire District. The balance should be returned to Shaw as a payment not owed.
- e) Christensen asked about statute of limitations and Barrus said the amount could be corrected.
- f) Barrus asked about notification to the City of Burley and McMurray indicated that a call to them would need to take place and the Treasurer's Office should provide the paper trail of the financial portion to the Auditor's Office.
- g) Chairman Crane asked Shaw if that was acceptable and he concurred that it was.
- h) The Board went off the record at 9:51 a.m.

5) 9:52 a.m. AUDITOR MATTER

- a) Larsen indicated that following discussion with outside auditor, Jeff Poulsen, it would be prudent and advisable to effectuate ACH transfers wherever possible in lieu of writing checks to ourselves in the Treasurer's Office. That should then be followed by an Auditor's Certificate for appropriate accountability with that and other Treasurer's Office account transactions. The Board concurred with Larsen's request.

6) 9:53 AM CONSIDER RESOLUTION NO. 2012-016 REGARDING DESTRUCTION OF COUNTY ELECTION RECORDS

9:54 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE RESOLUTION NO. 2012-016 FOR DESTRUCTION OF ELECTION RECORDS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

7) 10:02 AM CONSIDER RESOLUTION NO. 2012-017 REGARDING DESTRUCTION OF COUNTY CLERK/RECORDER'S SEMI-PERMANENT RECORDS

10:02 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE RESOLUTION NO. 2012-017 FOR DESTRUCTION OF COUNTY CLERK/RECORDER'S SEMI-PERMANENT RECORDS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

8) 10:04 AM CONSIDER RESOLUTION NO. 2012-018 REGARDING INCREASING ASSESSOR FEES

10:04 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE RESOLUTION NO. 2012-018, WHICH ALLOWS AN INCREASE IN ASSESSOR'S OFFICE FEES. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9) 10:07 AM REVIEW BLM, USFS, NPS, BUREAU OF RECLAMATION AND US FISH AND WILDLIFE SERVICE STAGE I FIRE RESTRICTIONS

a) After 12:01 a.m. this morning a Stage I Fire Restriction was imposed in areas in the Twin Falls Fire District on public lands administered by the BLM.

b) The Board discussed the possibility of a fire ban in the County. They determined that a Federal ban will address issues appropriately.

10) 9:57 AM REVIEW AND SIGN DECISION ON BURLEY TIMES SQUARE, LLC BOE APPEAL

a) Barrus prepared findings of facts and conclusions of law.

b) That decision was read by Barrus and approved by the Board and the Assessor's office. Barrus will prepare the letter as read and to be signed by the Board.

11) 10:15 AM BUDGET WORKSHOP

a) Extension Office – Joe Packham

12) 10:31 AM MINI-CASSIA SHELTER REQUEST FOR FUNDING

a) Pamela Harris, Executive Director of the Mini-Cassia Shelter for Women and Children along with Judge Mick Hodges presented a request for assistance with operating expenses for FY2013's budget in the amount of \$5,000.

b) Harris has been operating the women's shelter since 1999 and has been providing emergency housing since 2005. They have housed witnesses in Minidoka County and will do the same in Cassia County. She enumerated costs to house a witness or victim.

c) Judge Hodges praised Harris for her services. A lot of the women are in trouble and are isolated and have no family, friends, or money. They can only turn to the shelter for help. Harris writes up a safety plan that includes counseling with churches, supervised visits, and detailed plans. This process saves the County in the long run. The perpetrator can get counseling in an effort to curtail repeat offences and in turn reduce court fees and jail time. Hodges encouraged the Board to support the program.

d) Barrus commented on the Prosecutor's use of the program in creating a safety plan for the victim and perpetrator.

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- e) They operate on grants and donations. Churches provide hygiene, food, and clothing and they have received donations from the Idaho Council, FEMA, and the Idaho Community Foundation.
- f) Chairman Crane asked Larsen to note their request for consideration during budgeting.

13) 10:45 AM BUDGET WORKSHOP

- a) Coroner – Craig Rinehart
 - i) Larsen indicated that a suggested \$395.00 removal fee on Coroner-related services provided by funeral homes needs to be budgeted if the Board is going to implement that fee. The Board took that request under advisement.

14) 10:56 AM INDIGENT MATTERS

- a) CASE #2012035 APPEAL
 - i) The scheduled hearing did not happen as the hospital withdrew.

10:57 AM **EXECUTIVE SESSION**

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

Welfare Director Susan Keck presented the following:

- b) Case #2012059, #2012066, and #2012058
- c) Stipulation for Enlargement of Time Limitations on Case #2012032
- d) Order of Dismissal on Case #2012025 and #2012035
- e) Notice of Continuance of Hearing on Case #2012032
- f) Certificate of Denial on Case #2012068, #2012057, and #2012049
- g) Certificate of Approval on Case #2012050
- h) Release of Medically Indigent Lien on Case #2012025, #2012045, #2012046, #2012056, and #2012035
- i) Order of Reimbursement on Case #2012066, #2012067, and #2012050
- j) Determination of Decision Held in Suspension on Case #2012058

11:25 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 11:25 AM.

15) 11:26 AM RECESS TO RECONVENE WITH THE MINIDOKA COUNTY COMMISSIONERS IN RUPERT

16) 12:00 PM WORKING LUNCH WITH MINIDOKA COUNTY COMMISSIONERS AT THE MINIDOKA COUNTY COURTHOUSE COMMISSIONER CHAMBERS

- a) The joint Boards discussed Minidoka County's desire to increase employee wages by \$0.50 per hour.
- b) BUDGET WORKSHOP DISCUSSIONS
 - i) Veterans Service
 - ii) Adult Misdemeanor Probation
 - a) The joint Boards tentatively determined to increase the director's salary an additional 3% above that of other employees pending a closer look at collections and revenue projections.
 - iii) Juvenile Justice
 - a) The joint Boards tentatively determined to increase the director's salary consistent with other employees.
 - iv) Public Defender

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- a) The joint Boards tentatively determined to not change a part time public defender to full time status.
- v) Mini-Cassia Criminal Justice Center
 - a) The joint Boards tentatively recommended a \$1.00 per hour increase for jail workers if it is determined that there is a \$0.50 per hour increase for all employees and an equivalent 3% increase with exempt employees and elected officials.
 - b) The increase would be to help with recruitment.
 - c) Christensen indicated that these are high end numbers which could be reduced if necessary.
- vi) Mini-Cassia Juvenile Center

1:00 PM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PENDING LITIGATION UNDER IDAHO CODE SECTION 67-2345(1)(B). COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 1:16 PM.

17) 1:30 PM RECONVENE AT CASSIA COUNTY COMMISSIONER CHAMBERS

- a) BUDGET WORKSHOPS
 - i) Law Enforcement – Randy Kidd
 - a) Sheriff Kidd and Undersheriff George Warrell, III went over their budgets to the Board.
 - b) Larsen discussed the prospects of reducing the number of law enforcement vehicles to be purchased during FY2013 to help meet the financial demands of the new Justice Complex and the law enforcement agreement proposal with the City of Burley.
 - ii) County Road & Bridge – Sam Adams
 - a) Adams requested a 6% increase for part time help as they didn't receive the past raise.
 - iii) Weed & Pest/Invasive Species – Gordon Edwards
 - a) Edwards discussed a warning message that will be displayed on the freeway digital display on I-84 for Invasive Species boat inspections.
 - b) The Board discussed the cooperation of the Idaho State Police with vehicles not stopping for the Invasive Species boat inspection at the Port of Entry.
 - iv) Prosecuting Attorney – Al Barrus
 - a) Barrus requested an adjustment in "B" Budget employee benefit allotments as his secretaries were all part time employees and didn't receive those benefits.
 - v) Courts – Joe Larsen
 - a) Larsen discussed additional amounts in the Courts budget to account for furniture and office equipment needed in the new Justice Complex.

18) 3:15 PM COUNTY BUILDING AND GROUNDS MATTERS

19) 3:25 PM COUNTY ROAD AND BRIDGE MATTERS

- a) They received in June the gravel crushing grant that they partnered up with the Oakley Highway District in the amount of \$47,300.
- b) The unused Mag Chloride Grant funds were discussed and McMurray indicated that where those funds were received late in the year that an extension to carry those unused funds into the next fiscal year could be requested.
- c) An overlay rather than sealcoat will be placed on the Elba-Almo road. Bids will go out this fall.
- d) They are currently hauling seal coat chips and preparing for narrows bridge project.

20) 3:50 PM ADJOURNMENT

APPROVED:

/s/_____

Dennis Crane, Chairman of the Board

ATTEST:

/s/_____

Joseph W. Larsen, Clerk of the Board