



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 16, 2012

The Board of Cassia County Commissioners met in regular session on Monday, July 16, 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

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, ALCOHOLIC BEVERAGE LICENSES, BUDGET WORKSHOPS, AND COMMISSIONER’S REVIEW OF BUDGETS.
 - a) 9:05 AM CALENDAR
 - i) No Joint County meetings are scheduled for this week.
 - ii) Chamber of Commerce Business After Hours Celebration from 4:00 to 6:00 p.m., July 19, 2012.
 - b) 9:05 AM CORRESPONDENCE
 - i) IAC Committee email regarding County, State, and healthcare officials appointed to look at Obamacare-related issues.
 - ii) IAC email regarding appeal of Indigent Statute regarding Obamacare
 - iii) Announcement of retirement of Steve Wright from Bonneville Power Administration
 - iv) Department of Interior letter regarding wildland fire suppression.
 - v) Letter from attorney James Meservy from Jerome complimenting the County court staff.
 - vi) Letter from Barrus to John Horejs regarding property tax assessment.
 - vii) Letter regarding the Miller Dairy demonstration
 - c) 9:01 AM APPROVAL OF MINUTES

9:01 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM JULY 9, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

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- d) 9:12 AM CSI RESIDENCY APPLICATIONS
 - i) The Board reviewed 14 CSI Residency applications

9:12 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 14 CSI RESIDENCY APPLICATIONS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- e) 9:27 AM COUNTY EXPENDITURE

CURRENT EXPENSES	104	\$9,741.59
INDIGENT FUND	105	\$3,085.89
DISTRICT COURT FUND	106	\$21.92
COUNTY ROADS & BRIDGES FUND	107	\$4,857.54
WEED & PEST FUND	108	\$2,972.59
REVALUATION FUND	114	\$123.12
JAIL TRUST FUND	129	\$25.00
JUSTICE FUND	130	\$26,503.84
PHYSICAL FACILITIES FUND	144	\$436.16
ADULT MISDEMEANOR PROBATION	149	\$3,471.42
	TOTAL	\$51,239.07

9:27 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY EXPENDITURES DATED JULY 13, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- f) 9:13 AM ALCOHOLIC BEVERAGE LICENSES
 - i) The Board reviewed the following Alcoholic Beverage Licenses:
 - (1) Malta Fuel Depot – License #2013-020
 - (2) Unit 54 – License #2013-021
 - (3) Maverik Store #259 – License #2013-022
 - (4) Walgreens #13673 – License #2013-023
 - (5) Bake Central – License #2013-024
 - (6) Pizza Hut #2151 – License #2013-025

9:13 AM

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

- 2) 9:10 AM HUBBARD CLAIM FOR EXCESS FUNDS ON TAX DEED PROPERTY
 - a) Barrus introduced the issue regarding the Hubbard Property.
 - b) Glen Hubbard filed a Small Estate Affidavit.
 - c) The Board's approval was needed to return funds back to Hubbard totaling \$582.94

9:15 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE PAYMENT TO GLEN HUBBARD IN THE AMOUNT OF \$582.94. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 3) 9:15 AM DECISION ON MICHAEL VON JONES APPEAL TO BOARD OF EQUALIZATION (BOE)

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9:15 AM

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

- a) Barrus read to the Board his prepared Findings of Fact, Conclusions of Law, and Decision which had been reviewed by the Assessor's Office detailed the following conclusions:
 - i) Homeowner's tax exemption was properly deleted
 - ii) The home was not the primary dwelling place for Jones
 - iii) Assessments were appropriate
 - iv) Expenses incurred to remove a stay by California bankruptcy allowed the County to proceed with a tax sale
- b) Jones failed to establish that said property was improperly assessed.
- c) Justesen indicated that Jones was 3 years behind in taxes and that the tax deed sale could take place on January 1, 2013.
- d) Barrus indicated that the County's main issue is that Jones missed his appeal deadline and there have been no utilities connected on the said property evidencing that it is not a primary dwelling.

9:22 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT THE FINDINGS OF FACT, CONCLUSION OF LAW, AND DECISION AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:22 AM

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

4) 9:23 AM COUNTY QUITCLAIM DEED TO CAROLYN TAYLOR OF SURPLUS PROPERTY

- a) Barrus had talked to Taylor regarding an odd lot property owned by the County adjoining her property they desired to sell to Taylor. She was only willing to pay \$25 for that odd lot property.
- b) The County needs to quitclaim said property to deed it to Taylor following sale.
- c) The proceeds from the sale need to be paid to the Treasurer's Office.
- d) Justesen requested the Board to cancel taxes, interest, and late charges in the amount of \$52.22 for the years from 2008 to 2011 along with \$318.42 in costs incurred with the tax deed sale in 2010.

9:25 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CANCEL SAID TAXES, INTEREST, AND LATE CHARGES AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

5) 9:30 AM GATEWAY WEST/SAGE GROUSE REPRESENTATION ISSUES

- a) Crane asked Barrus to initiate a new contract with the parties involved.
- b) Crane indicated that the three entities will carry on with their efforts with attorney Doug Balfour.
- c) Barrus understood there would be a \$10,000 cap in expenditures for all three parties involved.
- d) Crane discussed Bingham County's potential involvement. He proposed that a letter be sent to the Bingham County Commissioners to request that they join in the efforts. The Board discussed whether Bingham County might find a necessity to utilize Balfour or if they would use their own prosecuting attorney. Crane also indicated that they should carry their share of costs if they choose to join the effort. Their Cooperating Agency status was also discussed.
- e) There has not been a cap on expenditures incurred by the County from Balfour. The County has spent between \$200 and \$1300 a month for his services.

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- f) Chairman Crane requested that Barrus prepare a contract and that McMurray prepare a letter to Bingham County.
 - g) Barrus requested a copy of the original contract and requested that it be reflected in the minutes as a finding of necessity to contract the services in question.
 - h) Barrus talked with Balfour and they are seeking a stay on the court decision with Power County which would allow us to possibly continue with our agreement that includes them.
- 6) 9:42 AM REVIEW CONFLICT PUBLIC DEFENDER REPORT FOR JUNE 2012
- a) Christensen and Barrus discussed the presentation of the Public Defender Report.
 - b) It was determined that the report needed additional detail and they desired that Public Defender Clayne Zollinger talk to the Board regarding that.
- 7) 9:50 AM REVIEW HOWELL CANYON ROAD REPORT
- a) The Board reviewed Burley Highway District expenditure details that are shared with the Albion Highway District which includes snow removal and maintenance for the Howell Canyon Road.
 - b) The Board discussed the crushed gravel charges on that report.
- 8) 10:00 AM BUILDING AND GROUNDS
- a) McMurray has not received back information from the architect regarding the new Justice Complex
 - b) Weeds around the courthouse building were addressed.
 - c) Some who needed community service spent from 7:00 a.m. to 11:30 a.m. this past Saturday working on the County apartments which are about ready to rent.
- 9) 10:10 AM COUNTY ROADS MATTERS
- a) Adams talked to Chairman Crane regarding work with the City of Rocks
 - b) They are sharing time this week with the Burley Highway District
 - c) They are busy grading roads where we had received moisture over the weekend.
- 10) 10:20 AM DISCUSS OPTION REGARDING BURLEY TRANSFER STATION
- a) The City of Burley has proposed to McMurray and Christensen to build a transfer station with participation of Cassia County. City will use it to put City waste and it will not be manned by personnel from the City. The County would provide personnel for domestic collection of garbage during a specific timeframe. Initially it was proposed to be open only on Saturdays. The Solid Waste District doesn't want to be a part of it where they wouldn't have full control of the transfer station such as personnel management and providing of equipment.
 - b) The City of Burley asked for one loader and a transfer trailer. Christensen felt that the County would just be honoring commitments that the County made prior to this request. Christensen's understanding was that the City of Burley would be responsible to deliver waste to the transfer station as well as to the landfill.
 - c) The City of Burley desires to decrease wear and tear on their trucks and that would be accomplished according to former City Councilman and News Journal representative, Jay Lenkersdorfer, if they did not have to take the waste from the transfer station to the landfill.
 - d) This proposal would need to be calculated in FY2014 budget as an increased allocation from the Solid Waste Fund as the County's contribution to the City of Burley's transfer project.
 - e) A response was requested by the City of Burley. Chairman Crane said the Board would take the proposal under advisement.
- 11) 11:01 AM INDIGENT MATTERS
- 11:01 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:

- a) Certificate of Approval on Case #2012059 and #2012060
- b) Notice of Lien and Application for Medically Indigent Benefits on Case #2012069, #2012070, #2012071, #2012072, and #2012073
- c) Release of Medically Indigent Lien on Case #206128
- d) Order of Reimbursement on Case #2012059 and #2012060

11:11 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 11:11 AM.

12) 11:15 AM COUNTY NON-MEDICAL AND INDIGENT DISPOSITION OF THE DECEASED POLICY

- a) Welfare Director Susan Keck referred to proposed changes she presented to the Board regarding the County Indigent Burial Policy. The current County policy was established in 2003 setting cremation disposition at \$800 and burial at \$1000 in addition to opening and closing of grave which was not specifically stated in the policy. That amount has usually been negotiated at the time of application and some have been paid and others have not. Rasmussen had petitioned the Board for an increase for cremation from \$800 to \$1200-\$1300 (a 50% increase) and for burial from \$1000 to \$1800 (an 80% increase).
- b) Keck recommended on behalf of the Welfare Office to revise by resolution to better clarify the policy as it was too vague and lends to confusion. She recommended a flat rate fee of \$1100 for meeting the County's obligation for disposition of the indigent deceased (a 27% increase). She referred to a 2011 state-wide survey by the Bannock County Welfare Director where the average fee was \$943 for cremation and \$1150 for burial. The recommended fee of \$1100 puts Cassia County in line with what other counties are paying.
- c) Keck's proposal is more in line with and modeled after Ada County's policy. Since 2005, they have paid funeral providers a flat fee of \$800 for cremation or burial with no additional fees paid by the County and according to their welfare director, it has been very successful as it takes the burden of negotiation off the welfare department and off the taxpayer.
- d) Kunau asked questions regarding Social Security benefits and Larsen explained that amount is \$255 and is only paid under certain qualifying circumstances. The same is true of Veteran's death benefits. Keck indicated that if they are aware of survivor's benefits, they are asked to contribute that back to the County. She further indicated that if there are any additional funds or resources, they must be all exhausted before the County is considered payer of last resource.
- e) Christensen asked what Keck's final recommendation would be. Keck said \$1100 for either cremation or burial would be her recommendation. Her five year average study showed that there were six per year with five cremated and one that was not. They are equally divided between the funeral homes so no one funeral home has to absorb the one burial per year. It is a relatively small number involved. This established fee schedule shall be all inclusive: no additional fees for funeral-related charges or services such as the any cemetery costs, professional services, merchandise, or facility and equipment charges shall be provided for by the County.
- f) Larsen referred to a discussion he had with an Ada County deputy prosecutor who put there policy together and it provides for the County's obligation of disposition but takes the County out

of involvement with the next of kin's preference for cremation or below ground burial. If the investigation by the Clerk of the Board of County Commissioners or the Welfare Director according to statute is that the person is indigent and the Board approves payment for disposition, it is at the established fee which cannot be exceeded. Christensen expressed appreciation for Keck's research.

11:32 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ESTABLISH A FLAT FEE OF \$1100 FOR APPROVED INDIGENT BURIAL/CREMATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) Larsen also referred to a statute that went into effect on July 1, 2012, that allows the Coroner after fourteen days, to make application for interment or cremation on an unclaimed deceased. It also precludes liability for that cremation on behalf of the Coroner or the County. Disposition of those cremated remains can be placed in a burial plot if next of kin cannot be located.
- h) Keck asked the Board and Barrus if the non-medical indigent policy should be separated between disposition of the deceased and other items or combine them together. Barrus indicated that it should be separated and done by resolution. Keck will provide Barrus with proposed resolutions.

13) 11:32 AM CORONER-RELATED DEATHS AND TRANSPORTATION FEES

- a) Larsen asked Deputy Auditor, Cara Petterson to do some research regarding the payment from Coroner budgets in other counties for removal of the deceased when the Coroner has contacted a funeral home. It was proposed that a \$395 charge for that service be paid by the Coroner. Currently, there is no money budgeted for that expense. It had been inferred that Twin Falls County was paying those charges. Larsen read an email sent from the Twin Falls County Coroner, Dennis Chambers through the Twin Falls County Clerk, Kristina Glascock, indicating that those charges are usually between the funeral director and the family or between funeral homes. Chambers indicated that the Coroner's Office does not pay any funeral home for those charges.
- b) If a \$395 fee were paid on all Coroner-related deaths to funeral homes, the Coroner's budget would have to be half again as much as is currently budgeted. Larsen indicated that in his career as a funeral director, he occasionally did not get compensated when another funeral home was selected after you assisted the Coroner. Those rare instances were far offset by the other situations where a complete funeral, cremation, or interstate transport of the deceased was provided and paid for by the next of kin or another funeral home. Larsen was not aware of any statute that requires the Coroner or the County to pay for those services.
- c) The Board determined to take no action on the matter.

14) 12:00 PM DEPARTMENT HEAD TRAINING AND WORKING LUNCH

15) 1:15 PM BUDGET DISCUSSION

- a) The Board discussed the jail security system bid and request for FY2013. McMurray pointed out that there are factors regarding bid processes that need to be reviewed for legal compliance. The Board recommended instructions be given at the next department head meeting to make sure correct procedures are followed. Larsen pointed out the need for detailed discussion between department heads and the Board as to the necessity, phases, options, and alternatives on large budgetary requests such as the proposed jail security system upgrade.
- b) Larsen read to the Board the request of the budget office of all department heads for a commitment of budgeted funds from FY2012 that they are committing to not spend that can allow for such to be carried over into FY2013 to assist with expenses of the new Justice Complex.

- c) Sheriff Randy Kidd and Undersheriff George Warrell discussed with the Board the current status with negotiations with the City of Burley for the law enforcement contract with the County. Larsen indicated that we need the amount as it is an integral part for our budgeting. The Board also discussed vehicles that were included in the Sheriff's budget and the City of Burley's request for animal control.
 - d) The Board discussed Solid Waste issues and the prospects of a onetime contribution from the Solid Waste Fund for the City of Burley's proposed waste transfer station. The Board suggested that the facility being opened from 9:00 a.m. to 2:00 p.m. on Saturday for the use of City of Burley buffer zone residents and County residents would be appropriate. Staff to accomplish being open those hours and transferring the waste the landfill would be furnished by the County.
- 16) 1:58 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board