



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:

Paul Christensen (District #1) ~ pchristensen@cassiacounty.org

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

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

Monday, June 4, 2012

The Board of Cassia County Commissioners met in regular session on Monday, June 4, 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
	News Media:	Jay Lenkersdorfer, The News Journal
	Public:	Matt Darrington, Attorney

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES
 - a) 9:05 AM CALENDAR
 - i) Jail Meeting in Rupert at 8:00 a.m. Tuesday, June 5, 2012
 - ii) IACC Meeting in Lewiston June 11-15, 2012
 - iii) Region IV Development Meeting at 12:00 p.m. Thursday, June 7, 2012
 - iv) Veterans Service Organization meeting at 7:00 p.m. Thursday, June 7, 2012
 - v) Joint Powers Budget Meeting with Minidoka County at 10:30 a.m. Monday, June 18, 2012, at Perkins Restaurant
 - vi) Fair Board meeting at 7:00 p.m. Tuesday, June 12, 2012
 - b) 9:05 AM CORRESPONDENCE
 - i) IAC is working to make all counties cooperating agencies with the BLM
 - ii) Bob and Sara Haynes thank you for flowers given for the funeral of Bob's mother
 - iii) Cassia County will be featured in IAC's July/Aug County Commentary. Information needs to be to them by July 6th as July 13th is the press date. The Board asked Clerk Larsen to provide them with some Cassia County History and highlight the new proposed Justice Facility.
 - iv) A letter from Governor Butch Otter regarding coordination of roles between the Idaho State Police and ISDA for the invasive species check stations at ports of entry
 - c) 9:14 AM CHANGE OF STATUS

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, June 4, 2012

- i) An amended rate of pay was presented to the Board on a Change of Status for a new hire, Heather Evans as Deputy Recorder in the Clerk’s Department

9:14 AM

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

- 2) **9:11 AM** APPROVAL OF MINUTES

9:11 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 24, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 3) **9:10 AM** CSI RESIDENCY APPLICATIONS

- i) The Board reviewed 16 CSI Residency applications

9:10 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 16 CSI RESIDENCY APPLICATIONS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) **1:59 PM** COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$26,887.78
INDIGENT FUND	105	\$907.97
DISTRICT COURT FUND	106	\$1,321.39
AMBULANCE SERVICE	110	\$14,627.50
911 COMMUNICATIONS FUND	115	\$3,787.81
COUNTY ELECTION FUND	116	\$78.76
COUNTY BOAT LICENSE FUND	117	\$275.00
COUNTY SNOWMOBILE FUND	118	\$4,222.49
ASSESSOR TRUST FUND	123	\$113.70
COURT TRUST FUND	127	\$181.00
JUSTICE FUND	130	\$42,564.46
D.A.R.E TRUST	137	\$392.65
COURT BOND FUND	138	\$25.50
COURT RESTITUTION FUND	139	\$50.00
INVASIVE SPECIES FUND	142	\$1,334.00
PHYSICAL FACILITIES FUND	144	\$299.32
ADULT MISDEMEANOR PROBATION	149	\$5,105.34
	TOTAL	\$102,174.67

1:59 PM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY EXPENDITURES DATED MAY 21, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 4) **9:15 AM** TAX DEED HEARING

***CASSIA COUNTY COMMISSION
REGULAR SESSION***

Monday, June 4, 2012

- a) The Board held a Tax Deed Hearing regarding Parcel No. RP00013003001C where the owners ceased paying property taxes 3 years ago. People are currently residing in the home on that parcel. The owners informed Justesen that they were no longer going to pay taxes on the property. The legal owner is related to the people residing at the property. Barrus indicated that the County should give a 30 day notice to the residents. David Shirley was their attorney and he apparently advised them to walk away from the home. The property is worth \$40,000 to \$50,000. Barrus indicated that we need to look close to see if the occupants are a party of interest and have the right to redeem even though it was assumed they didn't as Shirley advised to let the property go.

9:22 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO TAKE A TAX DEED ON PARCEL RP00013003001C. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

5) 9:30 AM BOARD OF EQUALIZATION

- a) Assessor Davis indicated there currently were no BOE matters

6) 9:30 AM HOMEOWNER'S EXEMPTION HEARING – RP11S22E150061A

- a) Homeowner Mike Westmoreland and Davis were present to participate in a Homeowners Exemption Hearing. Chairman Crane introduced attendees and Davis and Westmoreland were sworn in by Clerk Larsen. Davis had requested of Westmoreland by letter his reasoning for homeowner's exemption. Westmoreland claimed to not have received the letter. Westmoreland still owns, lives, and works in Roosevelt, Duchesne County, Utah splitting time between both locations. His schedule has him two weeks on two weeks off. His primary mailing address is in Utah and his children attend school there. They are currently out of school now and will travel back and forth. Westmoreland works in the oil fields and he has also worked for the same company here. For the past ten years he has worked for Environmentally Clean Systems (ECS). Davis indicated that the primary place of residence is a factor as the homeowner must reside here a minimum of 6 months. Westmoreland said he is buying home in Utah but is not sure if he has claimed a homeowner's exemption there or not. Barrus advised that he can only have one homeowner's exemption and that he could not claim both in Utah and Idaho. Davis said he would check on Westmoreland's homeowner status in Utah. If there is not a homeowner's exemption claimed there, he can claim one here.
- b) Following research, it was found that Westmoreland did have a homeowner's exemption on his home in Duchesne County, Utah. A letter of denial for homeowner's exemption on Westmoreland's Idaho home was prepared to be sent to him.

9:36 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT WESTMORELAND'S HOMEOWNER'S EXEMPTION PROVIDED HE HAS NOT MADE SAID CLAIM ON HIS UTAH RESIDENCE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

7) 9:37 AM DMV FEE INCREASE PRESENTATION

- a) Davis said 16,686 tax notices recently were sent out.
- b) Davis provided the Board with what other Counties are charging for Administrative Fees, Renewal Reminders, and costs to mail license plates.
- c) A Proposal was made by Davis to set Administrative fees at \$3.50 (up from \$2.50), Renewal Reminders at \$0.50 (up from \$0.30), and the costs to mail license plates to remain at \$3.00.
- d) Said change requires a hearing. Christensen recommended that the Board approve Davis's proposal. A fifteen day public notice is required with one each week for two weeks.

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, June 4, 2012

3 | Page

9:41 AM

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

9:41 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED SCHEDULE A HEARING TO GO WITH SAID CHANGES AS PRESENTED BY THE ASSESSOR. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:43 AM *EXECUTIVE SESSION*

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PENDING LITIGATION UNDER IDAHO CODE SECTION 67-2345(1)(F). COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 9:50 AM.

8) 9:51 AM EQUIPMENT PURCHASE FOR 911 AND MCCJC

- a) The Jail requested permission to purchase 3 computers totaling \$3,036.70 that will replace older computers.

9:53 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE PURCHASE OF SAID COMPUTERS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) The Sheriff's office requested permission to purchase 3 computers for 911 dispatch totaling \$8342.17 to come from the 911 budget.
- c) The computers being replaced will be used as spares and will replace some in the squad room which have been in service for 3 years.

9:54 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE PURCHASE OF SAID COMPUTERS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9) 9:55 AM CASSIA CREEK IRRIGATION – CONSIDER REVOKING ORDER OF FORMATION

- a) An election was held and an Order of Formation was signed. There were 37 voters or 59.68% in favor and 25 voters or 43.23% not in favor. Statute requires a super majority or 2/3 of the voters in favor in order to pass.
- b) Darrington said they need to start from scratch and resubmit a petition to form the Cassia Creek Irrigation District. He felt that there were a lot more people who now are in favor that would help to meet the required super majority.

10:01 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO REVOKE THE ORDER OF FORMATION OF THE CASSIA CREEK IRRIGATION DISTRICT BASED ON NOT RECEIVING THE SUPER MAJORITY OF VOTES AS REQUIRED BY STATUTE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10) 10:02 AM SOUTH CENTRAL PUBLIC HEALTH DEPARTMENT (SCPHD) – RENE LEBLANC – POTENTIAL LAND PURCHASE FOR NEW BUILDING

- a) LeBlanc presented maps depicting a 2.26 acre lot just off Alfresco Road in Heyburn that the SCPHD is considering to purchase. The price for the said lot is better than anything they've seen in their search. They have looked North Burley and everything there is very expensive. They have met with the property owner and they are currently asking \$160,000 for that lot.

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, June 4, 2012

4 | Page

- b) Their lease expires in three years at the old hospital on Parke View where they currently are which has an escalator clause.
- c) They are trying to consolidate their Minidoka County and Cassia County offices to one location.
- d) They also want to get out of leasing land and buildings which are problematic when they are required to relocate and when there are increases in costs from property owners.
- e) There is no early termination clause with their current lease so they will need to wait for two years to build even though they desire to acquire the land now.
- f) The Board expressed approval with the proposals of the SCPHD.

10:22 AM **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 10:32 AM.

11) 10:30 AM MID SNAKE REGIONAL WATER RESOURCE COMMISSION BALLOT FOR APPOINTMENT – LINCOLN COUNTY

- a) Wendell Johnson from Lincoln County is currently serving and is up for consideration for re-election

10:34 AM

MOTION: COMMISSIONER KUNAU MOVED THAT THE BOARD CAST THEIR BALLOT IN FAVOR OF WENDELL JOHNSON TO SERVE ON THE MID SNAKE REGIONAL WATER RESOURCE COMMISSION BOARD. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:32 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 10:34 AM.

12) 10:35 AM REVIEW ASSESSMENT NOTICES ON COUNTY PROPERTY

- a) Parke Place Subdivision property that the County attempted unsuccessfully to sell.
- b) 1500 Hansen property that is currently being rented by Adult Misdemeanor Probation supervisor, Amber Prewitt.
- c) Casa Blanca apartment complex.
- d) Properties (2 acres) that did not sell at a recent tax deed sale. The board may consider putting that up for sale.
- e) Three roll off stations are all exempt.
- f) Assessor Davis recommended that Scott Erwin be contracted to represent valuation of industrial property

13) 10:41 AM SPUDMAN SPECIAL EVENT RESOURCE REQUEST

- a) Sheriff Kidd indicated that he would be able come up with those resources requested by using reserve officers. There would be no cost unless they needed to use deputies.
- b) McMurray will send them a letter as to the costs for providing the services upon approval of the Board.

10:43 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE SAID RESOURCE REQUEST. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, June 4, 2012

5 | Page

- 14) 10:45 AM FAIRBOARD REQUEST FOR FINANCIAL ASSISTANCE – HORSE BARN ROOF AND ARENA GATES
- a) The Fair Board desires to purchase gates for the arena and reroofing of the horse barn at a cost of \$8690.28 and they are asking the County to help on half of the costs.
 - b) Chairman Crane asked Larsen to look at the budget to see if there are funds.
- 15) 10:50 AM POLICY REGARDING TYPE OF FUNDS FOR PAYMENTS TO COUNTY
- a) Justesen received a check from Canada that did not have US Funds enumerated on the check. She discussed with that with the Auditor. Larsen requested that the Board adopt a resolution to not accept payments from out of the Country to resolve that issue. The Board, Larsen, and Justesen deliberated on the matter.
- 16) 10:52 AM REVIEW BURLEY NOTICE OF PUBLIC HEARING REGARDING ANNEXATION
- a) The Board reviewed a map showing the properties proposed for annexation all of which were located within the current boundaries of the City of Burley.
- 17) 10:55 AM COUNTY ROAD & BRIDGE MAGNESIUM CHLORIDE APPROVAL
- a) Chairman Crane approved Road & Bridge magnesium chloride application and desired ratification of the Board on that decision

11:05 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO RATIFY SAID APPROVAL FOR ROAD & BRIDGE MAGNESIUM CHLORIDE APPLICATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

18) 11:05 AM INDIGENT MATTERS

11:05 AM 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 8:50 AM.

Welfare Director Susan Keck presented the following:

- a) Certificate of Denial on Case #2012046, #2012045, #2012042, #2012043, #2012041, and #2012051
- b) Order of Dismissal on Case #2011026, #2012038,
- c) Release of Medically Indigent Lien on Case #2011014, #2011026, #2012024, and #2012038
- d) Determination of Decision Held in Suspension on Case #2012037

11:31 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 11:31 AM.

11:32 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 11:36 AM.

11:36 AM EXECUTIVE SESSION

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(A). COMMISSIONER

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, June 4, 2012

6 | Page

KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 12:05 PM.

- 19) 12:00 PM LUNCH RECESS
- 20) 1:30 PM RECONVENE
- 21) 1:30 PM JUDICIAL COMPLEX ISSUES
 - a) The Board discussed the Judicial Complex entry area and clerk's area.
- 22) 2:06 PM NON-MEDICAL INDIGENT DISCUSSION
 - a) Welfare Director Susan Keck presented to the Board potential changes in non-indigent policy and procedures. She went over Idaho Statute 31-3412 and indicated that our County policy needed to be brought up to date.
 - b) Rate of pay comparisons and potential ordinance or resolution changes were suggested.
 - c) Comparatives costs of burial plots at various cemeteries within the County for Coroner-determined unclaimed deceased burials were discussed.
 - d) Comparative costs and rate of pay for indigent disposition of deceased were presented.
 - e) The Board determined to discuss the proposals and recommendations with area funeral homes.
- 23) 2:35 PM ADJOURNMENT

APPROVED:

Dennis Crane, Chairman of the Board

ATTEST:

Joseph W. Larsen, Clerk of the Board