



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

[www.cassiacounty.org](http://www.cassiacounty.org)

**Board Chairman:**

*Dennis Crane*

**Phone:** (208) 878-7302

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**Board Members:**

*Paul Christensen (District #1) ~ [pchristensen@cassiacounty.org](mailto:pchristensen@cassiacounty.org)*

*Bob Kunau (District #2) ~ [bob.kunau@cassiacounty.org](mailto:bob.kunau@cassiacounty.org)*

*Dennis Crane (District #3) ~ [dcrane@cassiacounty.org](mailto:dcrane@cassiacounty.org)*

Monday, May 7, 2012

The Board of Cassia County Commissioners met in regular session on Monday May 7, 2012, at 8:30 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
	Public:	Mike Fehlman Bill Estes
	Media:	Jay Lenkersdorfer, The News Journal

1) 8:30 AM AMENDMENT TO AGENDA

- a) Chairman Crane requested an addition to the agenda of a letter that came in late from the Idaho Wool Growers Association's requesting for the Board's appointment of a director from Cassia County to the District #3 Animal Damage Control Board.

**8:30 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO ADD SAID ITEM TO THE AGENDA. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

b) 10:00 AM ANIMAL DAMAGE CONTROL BOARD MEMBER DESIGNATION

- i) Following discussion of the Board, Joe Tugaw was recommended for re-appointment to the District #3 Animal Damage Control Board.

**10:00 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPOINT JOE TUGAW TO SERVE ON THE DISTRICT #3 ANIMAL DAMAGE CONTROL BOARD. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- ii) The Board asked Barrus to draft a letter to the Idaho Wool Growers Association advising them of the appointment of Tugaw.
- iii) A letter was written and signed by Crane on behalf of the Board to Tugaw advising him of his reappointment.

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Monday, May 7, 2012**

- 2) 8:30 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, ELECTION UPDATE, PREPARATION FOR OAKLEY TOWN MEETING
- a) Jeff Rasmussen will be unable to be here for the 9:30 a.m. agenda item regarding indigent burials and Coroner rotation.
  - b) Assessor Dwight Davis presented to the Board a Change of Status Request to be considered for C. Parke Sorenson, the Assessor's Office GIS/Mapper who Davis said has completed a probationary period of employment and received appropriate training.
  - c) 11:00 PM CALENDAR
    - i) Jail Meeting in Rupert at 8:00 a.m. Tuesday, May 8, 2012
    - ii) District IV Elected Officials Meeting at 1:00 p.m. on Thursday, May 10, 2012 in the Cassia County District Courtroom
    - iii) Special Board Meeting with elected officials for the Oakley community at 7:00 p.m. Tuesday, May 8, 2012
    - iv) CAT Board Meeting for Commissioner Christensen at 2:30 p.m. on Wednesday, May 9, 2012
    - v) Department Head Meeting at 12:00 p.m. Thursday, May 10, 2012, in the Juvenile Courtroom.
    - vi) Senior Project Judging at Declo High School from 8:30 a.m. to 12:00 p.m. and at Oakley High School from 12:30 p.m. to 3:30 p.m. for Commissioner Kunau and Chairman Crane
    - vii) Waterways Advisory Committee Meeting at 2:00 p.m. in the Commissioners Chambers for Commissioner Kunau
    - viii) Webinar/Teleconference Quarterly Scenic Byways Advisory Committee Meeting held at 2:00 p.m. today, May 7, 2012, held at the Coeur d' Alene Resort
  - d) 9:24 AM APPROVAL OF MINUTES

**9:24 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM APRIL 30, 2012, AND THE SPECIAL MEETING ON MAY 4, 2012. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- e) 8:40 AM CORRESPONDENCE
  - i) Road and Access Law: Researching and Resolving Common Disputes Seminar on July 26, 2012, in Boise
  - ii) University of Idaho Community of Trees brochure
  - iii) Pomerelle letter regarding snowmobile issues
  - iv) Public land access issues correspondence
  - v) Bonneville Power Administration Journal for May 2012
- f) 8:53 PM CHANGE OF STATUS
  - i) C. Parke Sorenson – GIS Tech elevated to GIS Tech/Parcel Mapping in the Assessor's Office following probationary period and completion of advanced mapping course.
  - ii) Maria Sara Goni – new hire as legal secretary in the Public Defender's Office.
  - iii) Invasive Species Personnel presented were put on hold pending further discussion of the Board.
  - iv) Deputy Auditor Cara Petterson indicated that I-9's must be completed to consummate a new hiring. Payroll checks cannot be paid until that hiring process is complete.

**9:00 AM**

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

- 3:40 PM            INVASIVE SPECIES CHECK STATION TEMPORARY EMPLOYEE CONSIDERATIONS
- v) Temporary Employee Action Forms from the Weed Control Department for the Invasive Species Check Station were explained to the Board by Weed and Pest Supervisor Gordon Edwards
    - (1) Cade Terry – Boat Inspection Technician
    - (2) Jason Parker – Boat Inspection Technician
    - (3) Jodie Hepworth – Temporary Part Time Office Assistant

**3:42 PM**  
**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE TEMPORARY EMPLOYEE ACTION FORMS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 1:54 PM            CHANGE OF STATUS CORRECTION FROM LAST BOARD MEETING
- i) Michael Stephen Rose – Mini-Cassia Criminal Justice Center corrected rate of pay from approval of April 30, 2012.

**1:54 PM**  
**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE CHANGE OF STATUS REQUEST FOR A CORRECTED RATE OF PAY FOR MICHAEL STEPHEN ROSE FROM THE MCCJC. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) 4:54 PM            CSI RESIDENCY APPLICATIONS
  - i) The Board reviewed 6 CSI Residency applications

**10:06 PM**  
**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 6 CSI RESIDENCY APPLICATIONS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- c) 11:08 PM            COUNTY EXPENDITURES

CURRENT EXPENSES	104	\$19,204.67
INDIGENT FUND	105	\$9,671.56
DISTRICT COURT FUND	106	\$2,181.24
COUNTY ROADS & BRIDGES FUND	107	\$3,876.06
AMBULANCE SERVICE	110	\$14,627.50
REVALUATION FUND	114	\$582.27
911 COMMUNICATIONS FUND	115	\$6,059.06
COUNTY ELECTION FUND	116	\$93.14
ASSESSOR TRUST FUND	123	\$20.80
JAIL TRUST FUND	129	\$75.00
JUSTICE FUND	130	\$36,329.26
MINI-CASSIA DRUG ENFORCEMENT TASK FORCE	136	\$69.95
PHYSICAL FACILITIES FUND	144	\$77.03
ADULT MISDEMEANOR PROBATION	149	\$4,607.24
	<b>TOTAL</b>	<b>\$97,474.78</b>

**11:08 PM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE EXPENDITURES AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

d) 11:13 PM ELECTION UPDATE

- i) Poll worker training was held on Thursday, May 3, 2012, at the King Fine Arts Center. The majority of poll workers were present at that presentation. The ballot distribution according to party affiliation was explained along with step by step DVD presentation training.
- ii) In person absentee voting at the courthouse is continuing as well as mail in absentee ballots which are currently being mailed out and received.
- iii) Things are in place for the Primary Election and for ballot counting at the District Courtroom on Tuesday, May 15, 2012.

e) 9:07 AM OAKLEY TOWN MEETING PREPARATION

- i) The Board requested that Justesen bring information regarding the scheduled tax deed sale.
- ii) McMurray will bring drawings of the Judicial Complex layout.
- iii) County Resource policy will be explained at that meeting.
- iv) County Ordinance regarding splits and combinations will be presented.

2) 8:42 AM CONSIDER CITY OF OAKLEY REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR OUTDOOR STAGE

- a) Kunau read to the Board a letter from Oakley City Administrator Jared Mitton requesting the waiver of a building permit fee for the City of Oakley for an outdoor stage in the Oakley City Park to accommodate events during Oakley Pioneer Days.

**8:42 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE WAIVER OF A BUILDING PERMIT FEE AS REQUESTED BY THE CITY OF OAKLEY. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

3) 8:43 AM LETTER OF SUPPORT FOR THE ALBION QRU

- a) A proposed letter of support of an Albion QRU grant application for additional funding was read by Commissioner Kunau.

**8:44 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE A LETTER OF SUPPORT FOR GRANT FUNDING FOR THE ALBION QRU. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

4) 8:44 AM REVIEW CONFLICT PUBLIC DEFENDER REPORT FOR APRIL 2012

- a) The Board reviewed and approved a Conflict Public Defender Report as presented by Attorney Clayne S. Zollinger.

5) 8:46 AM DISCUSS GATEWAY GOOSE CREEK ALIGNMENT FROM WALTER GEORGE

- a) An email from Walter E. George from the BLM was read by Kunau to the Board.
- b) George requested support from the Board in dropping from full analysis in the final EIS the portion of alternative #71 west from where the Goose Creek Alignment begins and alternative #7J.
- c) Barrus expressed concerns in dropping anything and Chairman Crane concurred and also recommended to counsel with the Gateway Task Force.
- d) The Board determined to take George's request under advisement until alternatives requested to be dropped can be clarified and the Task Force can be consulted.
- e) Kunau was asked to get in contact with Brent Stoker to discuss the matter further.

- f) Task Force Chairman Brent Stoker discussed with the Board the prospects of dropping alternative #7J that possibly drops down into Nevada. The Board also discussed and Stoker recommended dropping alternative #7H as there was no public interest with keeping that alternative.
  - g) Christensen said it is not clear to the Board exactly what alternative #7J is. The Board encouraged inclusion of the Goose Creek corridor but could not decide on alternative #7J until it is detailed on the map what that alternative actually is detailed on an updated map. The Board expressed a willingness to let go where the alternative route ends at the roadless area as that is not in the County's jurisdiction.
  - h) McMurray was asked to request a map that verifies alternative #7J to facilitate a meaningful response from the Board.
- 6) 9:10 AM PUBLIC AUCTION ON MOBILE HOME
- a) Barrus presented for public auction the sale of a 1972 skyline mobile home. The minimum bid was set at \$601 and would be sold as is, where is, with no warranties as proscribed in the notice. After presentation, Barrus indicated that nobody has showed up and there were no bids. Based on the fact it did not sell at public auction, the Board determined to sell said mobile home at private sale to Kenneth Sherfey.

**9:18 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE PRIVATE SALE OF A 1972 SKYLINE MOBILE HOME OWNED BY CASSIA COUNTY TO KENNETH SHERFEY. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) The title and Bill of Sale will be provided to Sherfey by the County.
- 7) 9:20 AM BOARD OF EQUALIZATION
- a) Assessor Davis indicated there was no need for BOE today.
  - b) The Assessor's Office is doing work to determine if applicant, Burley Time Square, LLC, qualifies for a developer's exemption on development property on Pomerelle avenue.
  - c) Michael Westmoreland requested a hearing regarding homeowner's exemption. The Assessor's Office has been unable to contact him. Barrus suggested setting up a hearing where Westmoreland had asked for one and give him an opportunity to attend the requested hearing.
  - d) The Assessor's Office received a letter from George Kelley in regards to a homeowner's exemption appeal. He indicated that he had made a mistake thinking the property in question was his home when it was not.
  - e) Davis inquired if a letter to Bud and Pat Bedke had been sent to credit next year's taxes a homeowner's exemption inadvertently removed for 2011.
- 8) 9:22 AM PAY PORT ELECTRONIC PAYMENTS – SERVICE LEVEL AGREEMENT FOR ASSESSOR'S OFFICE
- a) The Assessor's Office went over a contract with McMurray with Pay Port for electronic payments with the Assessor's Office and it is ready for Board approval.
  - b) Davis indicated they had 19 transactions once it was on line for the first day. They just need to know what account that is to be deposited into and they are good to go.
  - c) McMurray is currently drafting changes for agreements with other County departments.

**9:41 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE SAID PAY PORT SERVICE AGREEMENT FOR THE ASSESSOR'S OFFICE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

9:44 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 9:49 AM.**

9:50 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 9:52 AM.**

9) 9:30 AM INDIGENT BURIALS AND CORONER ROTATION

a) Tabled for a future date.

10) 9:45 AM FOLLOW THROUGH ON INAVSIVE SPECIES MATTER AND CONTRACT WITH STATE REGARDING ISP ROLE

a) A letter regarding the role of ISP with Invasive Species check stations was drafted on behalf of the Board to be sent to Governor Otter with a copy forwarded to the Department of Agriculture, the Invasive Species Program Manager, ISP, and legislative delegates.

b) The Board requested that ISP's reconsider their position and assist to escort vehicles with boats back to the check station when they fail to stop as required.

**3:15 PM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE AND SEND SAID LETTER TO GOVERNOR OTTER REGARDING INVASIVE SPECIES AND THE ROLE OF THE IDAHO STATE POLICE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

11) 9:50 AM REVIEW AND EXECUTE LETTER TO CITY OF BURLEY REGARDING NEGOTIATIONS ON ZONE CHANGES IN CITY AREA OF IMPACT

a) A letter was drafted on behalf of the Board to City of Burley Mayor Greenman regarding rezoning of an area along Highway 27, south from the City Boundary to 200 South and approximately one-quarter mile one each side of Highway 27. Kunau read the letter which included a proposal to rezone from the current zoning as R-1 and R-2 zone to C-3 Light Industrial zone. This area is in the City of Burley Impact Zone. The request for was for a willingness of the City of Burley to negotiate with the County as well as a recommendation from the City P & Z Commission for that proposal. McMurray indicated that a hearing with P & Z should follow the prepared letter.

**9:58 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO SIGN AND SEND SAID LETTER TO MAYOR GREENMAN AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

12) 10:00 AM INDIGENT MATTERS

**10:00 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.**

a) Welfare Director Susan Keck presented the following:

i) Case #2012031, #2012030, #2012028, and #2012038

ii) Notice of Lien and Application for Medically Indigent Benefits on Case #2012044, #2012045, #2012046, #2012047, and #2012048

- iii) Release of Medically Indigent Line on Case #2012027
- iv) Certificate of Approval on Case #2012028, #2012030
- v) Order of Reimbursement on Case #2012028, #2012030
- vi) Certificate of Denial on Case #2012038

**10:25 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 10:25 AM.**

13) 10:30 AM CULVERT INSPECTION IN ELBA

- a) The Board travelled to Elba to talk to Road & Bridge personnel Sam Adams and Loren Durfee regarding culvert replacement. Other citizens present included Chelsie Loughmiller and Tom Ottley.

14) 12:00 PM LUNCH RECESS

15) 2:00 PM IAC CONFERENCE CALL REGARDING SAGE GROUSE

- a) IAC Policy Analyst Seth Grigg conducted the conference call regarding counties becoming cooperative agencies with issues surrounding habitat preservation with sage grouse.
- b) Surface disturbance with roads, power lines, etc. were discussed as an intrusion that will be looked at.
- c) The roll of counties will be Community Wildfire Protection areas and to identify priority areas within individual counties.

16) 3:30 PM REVIEW AND APPROVE BUILDING DEPARTMENT FLYER

- a) McMurray presented a Cassia County Building Safety and Zoning Frequently Asked Question Brochure developed by his office at the recommendation of Building Inspector Dave Zanone and Compliance Officer Melissa Price. The Board approved the brochure as presented.

17) 3:35 PM FURTHER DISCUSSION ON ORDINANCE REQUIRING PREPAYMENT OF TAXES ON SPLITS AND COMBINATIONS

- a) A discussion regarding that policy involved Justesen, Davis, and Sheriff Kidd. Kidd talked of property he had purchased and felt where taxes had been paid prior to acquisition of said property there should be no issue.

18) 3:45 PM SOUTH CENTRAL PUBLIC HEALTH – REVIEW NOTICE OF BUDGET HEARING AND CONSIDER VOTING PROXY

- a) The SCPHD Budget Hearing will be held at 11:30 a.m. Thursday, May 23, 2012, in Twin Falls.
- b) A proxy notice from Chairman Crane to SCPHD designating Commissioner Kunau to vote on his behalf was completed and signed.

**3:55 PM 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 10:06 PM.**

19) 3:55 PM ADJOURNMENT

APPROVED:

/s/ \_\_\_\_\_

Dennis Crane, Chairman of the Board

ATTEST:

/s/ \_\_\_\_\_

Joseph W. Larsen, Clerk of the Board