



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, May 14, 2012

The Board of Cassia County Commissioners met in regular session on Monday, May 14, 2012, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse.

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|----------------|-----------------------|---|
| 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, The News Journal |
| | Public: | Mike Fehlman Marcos Mascorro |
| | Assessor: | Dwight Davis |
| | Sheriff: | Randy Kidd |
| | LaRouche PAC: | Hadiye Raf Bob Baker |

- 1) Administrator McMurray requested that the Board dispense with the end times of each line of the agenda and just use beginning times. The Board concurred with McMurray's request.
- 2) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, ELECTION UPDATE
 - a) 9:07 AM CALENDAR
 - i) Commissioner Christensen will be out of town May 16-29, 2012.
 - ii) Public Defender Meeting at 7:30 a.m. in the Commissioner Chambers on Tuesday, May 22, 2012. Commissioner Kunau will be there in place of Commissioner Christensen.
 - iii) Jail Meeting at 8:00 a.m. in the Commissioner Chambers on Tuesday, May, 22, 2012. Commissioner Kunau will be there in place of Commissioner Christensen.
 - iv) South Central Community Action Meeting on May 17, 2012, in Twin Falls.
 - v) Cassia Republican Central Committee Meeting at 7:00 p.m. Thursday, May, 17, 2012, in the Commissioner Chambers.
 - vi) Primary Election on Tuesday, May 15, 2012.

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- b) 9:10 AM CORRESPONDENCE
 - i) A sympathy card was prepared and signed by those present for Bob and Sara Haynes at the passing of Sara’s mother-in-law.
 - ii) FLAG Meeting Agenda for Wednesday, May 16, 2012, at 7:30 p.m. in the Commissioner Chambers.
 - iii) P & Z with CAFO Permit Application hearing will begin at 2:00 p.m. on Thursday, May 17, 2012.
 - iv) Letter received from City of Burley mayor, Terry Greenman regarding a Planning and Zoning matter. Greenman desired to meet later in preparation for a hearing.
 - v) Notice of Postponement of Trustee Sale Number 11-0137417 for the property of Dell Reed and Betty Louise Carlson located at 2070 S 2350 E in Malta. It had been scheduled for May 2, 2012, and was changed to 11:00 a.m. on June 1, 2012.
 - vi) Idaho Area Health Education Frontier Footnotes Newsletter for May 2012.
- c) 9:15 AM CHANGE OF STATUS
 - i) Kenny J. Emery – Cassia County Sheriff’s Office
 - (1) Increase in rate of pay for receiving Intermediate Certificate

9:16 AM

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

- d) 9:17 AM APPROVAL OF MINUTES

9:17 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM MONDAY, MAY 7, 2012, AND THE SPECIAL COMMUNITY MEETING IN OAKLEY ON TUESDAY, MAY 8, 2012. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- e) 9:41 AM CSI RESIDENCY APPLICATIONS
 - i) The Board reviewed 13 CSI Residency applications

9:41 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE 13CSI RESIDENCY APPLICATIONS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- f) 11:31 AM COUNTY EXPENDITURES

| | | |
|-----------------------------|-----|-------------|
| CURRENT EXPENSES | 104 | \$8,194.91 |
| INDIGENT FUND | 105 | \$13,291.42 |
| DISTRICT COURT FUND | 106 | \$416.05 |
| COUNTY ROADS & BRIDGES FUND | 107 | \$609.50 |
| WEED & PEST FUND | 108 | \$13,311.06 |
| REVALUATION FUND | 114 | \$281.30 |
| JUSTICE FUND | 130 | \$5,650.17 |
| D.A.R.E. TRUST | 137 | \$375.97 |
| INVASIVE SPECIES FUND | 142 | \$38.82 |
| PHYSICAL FACILITIES FUND | 144 | \$7.99 |
| ADULT MISDEMEANOR PROBATION | 149 | \$6,787.01 |

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TOTAL \$48,964.20

11:31 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY EXPENDITURES FROM MAY 11, 2012, AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3) 9:16 AM FOLLOW UP ON PROPOSED EXCHANGE OF 1968 FREIGHTLINER TRUCK WITH BLAINE COUNTY

a) The County received no correspondence for objection to the sale of said truck to Blaine County.

9:18 AM

MOTION: COMMISSIONER KUNAU MOVED TO COMPLETE THE SALE OF THE 1968 FREIGHTLINER TRUCK TO BLAINE COUNTY AND SIGN TITLE FOR TRANSFER FROM CASSIA COUNTY. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

b) Certificate of Title was signed by Chairman Crane to complete sale to Blaine County.

4) 9:18 AM LETTER OF SUPPORT FOR MINI-CASSIA SEARCH AND RESCUE GRANT

a) Proposed letter of support of a grant application for Mini-Cassia Search and Rescue was read to the Board by Commissioner Kunau

b) Funding will be used for the purchase of emergency response equipment

9:20 AM

MOTION: COMMISSIONER KUNAU MOVED TO SIGN LETTER OF SUPPORT FOR A GRANT APPLICATION FOR SEARCH AND RESCUE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

5) 9:20 AM BOARD OF EQUALIZATION AND HB519 APPLICATION

a) There was no need for BOE today

b) Assessor Davis presented an Application for Property Tax Exemption under Idaho Code 63-602W, Exemption for Site Improvements Associated with Land in the Kensington Professional Park that is owned by Burley Time Square, LLC. Barrus recommended denial based on the assessment value being far less than the asking price of the property.

9:21 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO DENY THE APPEAL FOR PROPERTY TAX EXEMPTION AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

c) Barrus prepared a letter for the Board to send to Burley Time Square, LLC denying their request

d) Applications for Tax Exempt Organization request for tax relief were considered by the Board:

i) LDS Church parcel RP13S25E327060A presently used as a parking lot adjoining church was approved by the Board

ii) LDS Church parcel RP0K0020220050A presently used as a landscaped area adjoining church was approved by the Board

iii) LDS Church parcel RP0K0020022002B (prior to 4-3-12 sale was parcel RP0K0020022002A) presently used as a landscape area for adjoining church was approved by the Board

9:22 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GRANT PROPERTY TAX EXEMPTION FOR SAID PROPERTIES. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

6) 9:26 AM APPEAL OF CSI DENIAL – MASON LAMB

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- a) Chairman Crane read a letter of denial that was sent to Mason Lamb based on non-residency.
- b) The Board conducted a hearing with Heather Warr who was representing her son, Mason Lamb.
 - i) Warr indicated that they had a unique situation. Mason lives in Oakley. Her dad purchased the home that they live in at Oakley where they live except for June and July for summer work in Utah. Mason is a full time student and active at Oakley High School. When old enough to vote he will live and vote in Idaho. Her vehicle is registered in Idaho and their utility bill in is in Idaho. They reside at 593 W 2100 S in Oakley. Aaron Hansen is her father who lives in Nevada and they use his home while there. Mason goes to Grouse Creek to work and he works for his step father, Kelly Warr. Barrus asked where they are registered to vote. Warr indicated that their driver's License is in Utah and they vote in Utah. Mason is 16 years old and Warr has two children that live with their father in Grouse Creek. Barrus recommended that Board take the matter under advisement.
 - ii) 9:58 AM Barrus read Idaho Code 33-2110B (a) and (b) to the Board where it addresses residency. Acceptance for junior college funding is based on the residency and domicile of the parents.
- 7) 9:41 AM CONTINUED REVIEW OF BLM'S REQUEST CONCERNING REVIEW OF ALTERNATIVES
 - a) McMurray presented a map of proposed and alternative power routes for the Board to review. The BLM was asking for relief from inclusion of some alternative segments to be involved in the EIS. The Board desired to keep in the study alternatives 7J and 7I and eliminate 7H. The Board requested that McMurray prepare a letter to that effect which was signed by the Board to be sent to BLM Project Manager Walter George.
- 8) 10:00 AM SOUTH CENTRAL PUBLIC HEALTH DISTRICT – CONSIDER BLAINE COUNTY NOMINATION FOR REAPPOINTMENT TO BOARD
 - a) Kunau read letter from SCPHD about the nomination of Angenie McCleary by the Blaine County Commissioners to serve on the Board of Health for the SCPHD. A majority vote of all county commissioners within the health district is necessary for that appointment.

10:03 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO DENY THE APPEAL ON BEHALF OF MASON LAMB FOR CSI RESIDENCY BASED ON IDAHO CODE FOR THE REQUIREMENT OF THE PARENTS DOMICILE TO BE IN IDAHO. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- i) A letter regarding said denial was prepared and signed by Board.

10:03 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO SIGN THE PREPARED LETTER TO HEATHER WARR REGARDING THE DENIAL OF RESIDENCY AS APPROVED BY PREVIOUS MOTION OF THE BOARD. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:10 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED APPROVE THE NOMINATION OF ANJENIE MCCLEARY AS A BOARD MEMBER FOR SCPHD. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 9) 10:10 AM DISCUSS CANYON VIEW RATES ON MENTAL HEALTH

- a) Barrus indicated that rates for involuntary mental holds have continually gone up and Twin Falls County has attempted to get Canyon View to contract with them and other counties. Canyon View's charges are \$3020.00 per day which reflects an increase of \$990.00 from the previous

year rates. Safe Haven in Pocatello is \$900 and Intermountain Hospital is \$827 plus physician charges.

- b) Larsen indicated that it was a point of discussion at the recent Welfare Conference. Sheriff Kidd was consulted regarding additional costs to transport. Kidd indicated that charges from his department to the welfare budget would be \$35 per hour plus cost of fuel for distances in excess of their usual transport for said holds to Twin Falls. Kidd as asked to call contracted facilities that include Safe Haven in Pocatello and Intermountain Hospital in Boise. Larsen to work with Clerks. Christensen expressed disappointment with St. Luke's. Larsen was asked to communicate with other counties to coordinate communications to IAC and/or St. Luke's regarding those concerns.

10) 10:24 AM LONG DISTANCE TELEPHONE ISSUES DISCUSSION AND UPDATE

- a) McMurray presented concerns with issues related long distance phone and fax services. The fact we are rural customers contribute to the issue. McMurray discussed the issue with Pat Campbell from Project Mutual Telephone (PMT) and they presented a proposal to provide Cassia County with long distance services to allay some of the problems. That proposal included that all in-state and nationwide long distance charges would be 6 cents a minute billed in 10th of a minute with no monthly fees. There would be no installation charges to convert to PMT. The quote is valid for thirty days. McMurray recommended the instate service through PMT rather than Century Link who we is currently providing those services.

10:34 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED ACCEPT THE PROPOSAL FOR LONG DISTANCE SERVICE THROUGH PMT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11) 10:32 AM REVIEW AND EXECUTE RESOLUTIONS TO DESTROY PUBLIC RECORDS IN TREASURER'S OFFICE: 2012-009 PERMANENT RECORDS, 2012-010 SEMI-PERMANENT RECORDS, 2012-011 TEMPORARY RECORDS

- a) Resolution No. 2012-009 – Treasurer's Office Permanent Records Destruction
 - i) Records retention required for 10 years - Pending Issues of Tax Deeds from 1943-1984
- b) Resolution No. 2012-010 – Treasurer's Office Semi-Permanent Records Destruction
 - i) Records retention required for 5 years – Various detailed records
- c) Resolution No. 2012-011 – Treasurer's Office Temporary Records Destruction
 - i) Records retention required for 2 years – Records of official payments (Daily Transaction Log Sheets) which are duplicate sheets not attached to Auditor Certificates.
- d) Records requested for destruction were reviewed by Barrus and recommended for approval for destruction

10:36 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE AND SIGN SAID RESOLUTIONS FOR DESTRUCTION FROM THE TREASURER'S OFFICE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

12) 10:45 AM FUND-RAISING CONCERT – "FROM BLESSINGS TO BURDENS" MARCO MASCORRO

- a) Marco Mascorro lead singer with band "From Blessings to Burden" group presented to the Board that he wanted to get his band name out by conducting a rock concert at the building that will be the new Judicial complex for the County. He indicated that proceeds from that concert would be a fundraiser and would be provided back to the County.
- b) McMurray read the letter to the Board regarding said request of permission for the group to hold the concert to raise funds for the County

- c) They would like to charge \$5.00 per person and sell items at the concert. Crane asked about outside versus inside and they preferred to have it inside the old Swensen's building. Mascorro would have his father, Robert Mascorro work with crowd control and security. All they would need is electricity for power and lights. Restrooms had not been addressed. They are looking to have the concert in mid-June (possible the 16th) Mascorros's phone number is 312-1339 for the Board to reach him with their decision. They previously held a concert at the restored Wilson Theatre in Rupert. The Board desired to contact Chris Jackson from the Wilson Theatre to discuss their experience there.
- d) The concerns of the Board include security, liability (which may be covered by ICRMP), and restrooms. Commissioner Christensen requested that the Board take the matter under advisement.
- e) McMurray indicated that we should check with the City of Burley for requirements regarding noise.
- f) Barrus requested that the Board follow up on the concerns presented prior to approval.

13) 11:00 AM INDIGENT MATTERS

11:00 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.

Welfare Director Susan Keck presented Case #2012035 to the Board.

- a) 11:05 AM INDIGENT MATTERS CASE #2012013
 - i) 11:05 a.m. The Board went on the record for a hearing on Case #2012013. The applicant was not present at the hearing. Following presentation of Keck to the Board and review of the case, a recommendation from Barrus was to deny based on failure to cooperate and appear.

11:08 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO DENY APPROVAL BASED ON THE RECOMMENDATION OF PROSECUTOR BARRUS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) The Board exited the hearing at 11:08 a.m.
- b) Keck presented the following:
 - i) Notice of Lien and Application for Medically Indigent Benefits on Case #2012049 and #2012050
 - ii) Release of Medically Indigent Lien on Case #204039
 - iii) Determination of Decision Held in Suspension on Case #2012033 and #2012034
 - iv) Certificate of Denial on Case #2012032
 - v) Medical Records/Utilization Management review on CAT Case #4C-2012-00032 and CAT Case #4C-2012-00031
 - vi) Certificate of Approval on Case #2012044, #2012044
 - vii) Order of Reimbursement on Case #2012044

11:29 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 11:30 AM.

14) 11:30 AM NORTH AMERICAN WATER AND POWER ALLIANCE PRESENTATION

- a) Bob Baker and Hadiye Raf met with the Board regarding the Lyndon LaRouche PAC:

- i) Water and power proposal utilizing a vast number of industries
 - ii) Use of a permanent water source from runoff in Alaska, Yukon, and British Columbia
 - iii) Increased cooperative economic activity between the U.S., Canada, and Mexico
 - iv) A system of public credit with debt funded through a Bank of the United States.
- b) The LaRouche PAC is stressing an Emergency Resolution to endorse Restoring the System of Public Credit by emergency resolution. The Board will take the recommendation under advisement.

15) 12:25 PM WORKING LUNCH AT DRIFT INN IN RUPERT

16) 12:25 PM MEET WITH MINIDOKA COUNTY COMMISSIONERS REGARDING MISDEMEANOR PROBATION MOU WITH THE STATE OF IDAHO

- a) The Boards of both Minidoka and Cassia Counties, along with Cassia Prosecutor Barrus and Minidoka Prosecutor Stevenson discussed a proposed MOU between both Counties and the Idaho Board of Correction regarding misdemeanor probation services.

12:48 PM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE SAID MOU WITH THE IDAHO DEPARTMENT OF CORRECTIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) The Minidoka Board also made a motion to approve said MOU
- c) Both Boards discussed concerns with St. Luke’s Canyon View charges for involuntary mental holds. It was determined that it would be preferable financially to utilize Safe Haven in Pocatello and Intermountain Hospital in Boise for those services.

1:30 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board