



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

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Board Chairman:

Dennis Crane

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Board Members:

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

Monday, July 8, 2013

The Board of Cassia County Commissioners met in regular session on Monday, July 5, 2013, 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
	Others:	Jay Lenkersdorfer, The Weekly Mailer Martin Adams, Assessor's Office Barney L. Greener, Assessor's Office Dwight Davis, Assessor Donna Westergard, BOE Appellant

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY PAYABLES, COUNTY ROAD AND BRIDGE, BUILDING AND GROUNDS MATTERS, GATEWAY MATTERS, BEER AND LIQUOR LICENSES, UPDATE FY2014 BUDGET MATTERS
 - a) 9:05 AM CALENDAR
 - i) Juvenile Probation Meeting at 7:30 a.m. Tuesday, July 9, 2013, at the Juvenile Probation Office
 - ii) Joint Justice Meeting at 8:15 a.m. Tuesday, July 9, 2013, at the Juvenile Probation Office
 - iii) Juvenile Drug Court Meeting from 2:30 p.m. to 5:30 p.m. Tuesday, July 9, 2013, for Commissioner Christensen who was invited by Juvenile Judge Mick Hodges
 - iv) Invitation to the Board for the East and West Soil District summer picnic which will be held at the Burley Golf Course Boat Docks, Elks Patio at 6:00 p.m. Thursday, July 11, 2013
 - v) Meeting with Office Depot personnel regarding furniture for the Cassia County Criminal Justice Center (CCJC) at 10:30 a.m. Tuesday, July 9, 2013
 - b) 9:05 AM CORRESPONDENCE
 - i) Gateway issues on email regarding Idaho power having no need for this power.

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- ii) Larsen presented an opinion regarding the classification of the Veteran's Service Officer that is jointly supported under contract by both Cassia and Minidoka Counties. Cited in the opinion are IRS Common Law Rules that qualify an independent contractor.
- iii) Jury Per Diem and Mileage enumerated charges prepared by Larsen detailing what several counties are doing following the recent change to Idaho Code 2-215 increasing allowable amounts paid to jurors.
- iv) Letter to the Elections Supervisor from the Secretary of State's office approving the modification of election procedures for the August 27, 2013 Cassia Joint School District #151 Plant Facilities Reserve Fund Levy Election. Only a small number of electors in the Jackson Precinct are in that taxing district and as such it qualifies with the approved modification to be a mail-in precinct.
- c) 9:05 AM PERSONNEL
 - i) No items today
- d) 11:48 AM APPROVAL OF MINUTES

11:48 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM JULY 1, 2103. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- e) 9:08 AM CSI RESIDENCY APPLICATIONS
 - i) The Board reviewed three CSI Residency applications for 2013-2014.

9:08 AM

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

- f) 12:09 PM COUNTY PAYABLES

CURRENT EXPENSES	104	\$1,553.42
INDIGENT FUND	105	\$105.99
DISTRICT COURT FUND	106	\$888.15
COUNTY ROADS & BRIDGES FUND	107	\$2,193.11
911 COMMUNICATIONS FUND	115	\$1,361.88
JUSTICE FUND	130	\$34,057.18
D.A.R.E TRUST	137	\$861.64
	TOTAL	\$41,021.37

12:10 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED JULY 3, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) 9:08 AM COUNTY ROAD AND BRIDGE
 - i) Chairman Crane reported on a discussion he had with County Road and Bridge Supervisor Sam Adams regarding flooding problems on the Narrows Road. It was also reported that culverts that had been fixed were working well during the recent rainfall.
- h) 11:38 AM BEER AND LIQUOR LICENSES

11:38 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO ON THE RECORD TO DISCUSS CONSIDERATION OF BEER AND LIQUOR LICENSES. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) The following beer and liquor applications were reviewed by the Board:
 - a. Nelson Café and Pilot Lounge – liquor license, beer off premise, and draft beer on premise
 - b. Bake Central – beer off premise
 - c. Stinker Station, Inc. #79 – bottled wine and beer off premise
 - d. Stinker Station, Inc. #61 – bottled wine and beer off premise
 - e. Shakers, Inc. – liquor license, beer on premise
 - f. Malta Fuel Depot, Inc. – beer off premise
 - g. Walgreens #13673 – bottled wine and beer off premise
 - h. El Dorado 2000 – beer on premise

11:40 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE BEER AND LIQUOR LICENSES AS AFOREMENTIONED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- i) 9:08 AM UPDATE FY2014 BUDGET MATTERS
 - i) Bailiff duties in the new CCJC were discussed by Larsen. Civil bailiff responsibilities could be an entry level position to keep costs of security in that facility down. Many counties have specific job descriptions for that position. Larsen obtained copies of Twin Falls County's job descriptions as a consideration for adopting them in Cassia County.

2) 9:10 AM BOARD OF EQUALIZATION

9:10 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN BOARD OF EQUALIZATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) DONNA WESTERGARD – RPBB0011660050
 - i) Larsen swore in Westergard and Greener, who were going to testify in this matter.
 - ii) Westergard presented her case that property values have not increased but taxes have gone up and the economy is down. She feels her house is assessed more than it is worth.
 - iii) According to Westergard, appraiser Gary McCall concurred with her that values are set higher than market values. Barrus indicated that McCall cannot be considered in the matter where he is not here to testify.
 - iv) Barrus asked when Westergard purchased the home. She indicated that it was purchased for \$87,000 in 2004. He further inquired as to what improvements had been done. She indicated that she had painted, repaired plaster, repaired linoleum and replaced light fixtures.
 - v) Chairman Crane asked if she was trying to sell the house. She said that it was not likely that she could sell the home with problems she had with a shared driveway and that it was not currently up for sale.
 - vi) Mrs. Westergard asked to be excused at 9:19 a.m. and departed the hearing.
 - vii) Greener testified that he had been an appraiser for five years with Cassia County and that he was familiar with the property as a statutorily-required revaluation was done. Comparable sales were presented for 2012 and 2013. Exhibit C showed enhanced values do to brick construction, a new roof with composite shingles, and a central heating and cooling system. Despite that it did not increase the home value which is the same as it was in 2010. Greener

said there is a large range of 100 year old homes and that according to improvements, Westergard's was slightly above average.

- viii) Commissioner Christensen asked about appraisal amounts from 2003 forward. It was noted by Greener that there was a house for sale two to the north of Westergard's and the asking price was \$145,000 but has not sold.
 - ix) Westergard referred to a Johnson property next to her residence that was listed for sale at \$135,000 but reduced to \$95,000. Greener said he was not familiar with that.
 - x) Davis indicated that a mandatory revaluation is required every five years that includes a physical inspection even though properties are valued annually.
 - xi) Commissioner Christensen referred to the State Tax Commissioner informing former Assessor Martell Holland a few years ago that home valuations by the County were running lower than the State regulated minimal amount below market value. They were required to increase values by 5% at that time.
 - xii) Chairman Crane discussed Westergard's concerns regarding the appeal form that should refer to the appellant as "himself" rather than "himself/herself."
 - xiii) Property next to Westergard was assessed at \$79,000. Greener indicated that a shared driveway, the upkeep of the property, and the type of home affects neighboring property valuations.
 - xiv) The Board determined to take the matter under advisement.
 - xv) Board of Equalization went off the record at 9:33 a.m.
- b) 10:20 a.m.
- i) Davis returned to report to the Board on a visual inspection of the Westergard property. He reported that the garage was in immaculate condition as is the rest of the property.
 - ii) It was further pointed out that properties to the north and south of the Westergard property are not comparable properties for valuation purposes.
- c) Pacific Ethanol Decision

9:34 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO ON THE RECORD IN BOARD OF EQUALIZATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) Barrus presented and read Findings of Fact and Conclusions of Law regarding a Board of Equalization appeal by Pacific Ethanol Magic Valley, LLC.
- b) An agreement had been reached between Davis, appraiser Scott Erwin, and Pacific Ethanol regarding valuation of the Ethanol Plant totaling \$56,729,863.00

9:36 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT AND SIGN THE FINDINGS OF FACTS AND CONCLUSIONS OF LAW, AND DECISION AS PRESENTED REGARDING THE APPEAL OF PACIFIC ETHANOL MAGIC VALLEY, LLC AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:39 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO OFF THE RECORD AND OUT OF BOARD OF EQUALIZATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:14 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO GO BACK INTO BOARD OF EQUALIZATION. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- d) Barrus presented and read Findings of Facts and Conclusions of Law regarding the appeal of the Assessor's office property assessment of \$123,293.00 on RP#BB011660050A by Donna E. Westergard.

11:47 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT THE ASSESSOR'S PROPERTY ASSESSMENT ON AFOREMENTIONED PROPERTY AND TO SUPPORT FINDINGS OF FACTS AND CONCLUSIONS OF LAW AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3) 9:30 AM COUNTY SEAL DISCUSSION

- a) Chairman Crane indicated that he would talk to Janet Burch about criteria for a contest regarding a potential update and change of the County seal. Burch had won a contest some time ago with the design of the current County seal.

4) 9:46 AM DISCUSSION REGARDING USE OF COMMISSIONER'S CHAMBERS

- a) Judge Hodges expressed concern regarding conflicts with the scheduled use of the Commissioner Chambers on Tuesdays for a specialty court. This past week there was a scheduled use of that room which necessitated vacating the room earlier than the specialty court's conclusion.
- b) The County GIS office activity necessitates going through that office and it was pointed out that County meetings take first priority.
- c) Suggestions were made for one of the conference rooms on the second floor, the law enforcement basement conference room, a jury rooms, or the third floor records storage room as an alternative to consider.
- d) The move to the new Cassia County Judicial Center will present more opportunities for the specialty courts to gather.
- e) McMurray will discuss with Judge Hodges the potential use of other areas for that meeting.

5) 9:52 AM 2013 NATIONAL FOREST COUNTY SCHOOL COALITION DUES

- a) Larsen discussed a billing from the IAC regarding a 2013 NFCSA dues request and 2013 Idaho SRS Reauthorization Travel and Support Services that was received by the Auditor's office totaling \$549.00. This is the same billing for services as in the past that the County has participated in.

6) 9:45 AM MAY 21ST CONSOLIDATED ELECTION COST REVIEW

- a) Larsen presented to the Board the costs involved with the May 21, 2013, consolidated election. The costs totaled \$29,211.74.
- b) The legislature has provided an allocation of funds for counties to assist with some costs of consolidated elections but it falls short of the total costs.
- c) The elections office will be looking closely at costs and savings in regards to precinct versus polling place consolidation. Though the elections office has latitude to recommend to the Board polling place consolidations and designations according to the needs of each election, it is important to have a level of consistency so as not to confuse or disenfranchise a voter from election to election. It may be such that precinct consolidations where needed are more plausible or preferable to facilitate voter turnout consistency as well as to decrease costs.

7) 10:00 AM BUDGET WORKSHOPS

- a) ADMINISTRATION – KERRY MCMURRAY
 - i) ADMINISTRATION
 - ii) COUNTY COMMISSIONERS

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- iii) COUNTY BUILDING
 - iv) JUDICIAL ANNEX
 - v) PLANNING & ZONING
 - vi) GENERAL
 - vii) PHYSICAL FACILITIES
 - viii) AMBULANCE SERVICE
 - ix) BOX ELDER BOOKMOBILE
 - b) CORONER – CRAIG RINEHART
 - c) HISTORICAL SOCIETY – ROD SMITH
- 8) 11:11 AM JUNE 2013 AMBULANCE REPORT
- a) Commissioner Kunau read to the Board the Monthly Ambulance Report for June 2013.
- 9) 11:32 AM
- a) RESOLUTION 2013-012 – AUDITOR’S SEMI-PERMANENT RECORDS DESTRUCTION
 - i) The Board reviewed Resolution No. 2013-012 regarding the destruction of auditor’s semi-permanent records as presented.
 - ii) Barrus concurred that the request was in compliance with Idaho Code.

11:32 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE RESOLUTION NO. 2013-012 WHICH INCLUDED THE DESTRUCTION OF AUDITOR’S SEMI-PERMANENT RECORDS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) RESOLUTION 2013-013 – COURT RECORDS DESTRUCTION
 - i) The Board reviewed Resolution No. 2013-013 regarding the destruction of court records as presented.
 - ii) Barrus concurred that the request was in compliance with Idaho Code.

11:32 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE RESOLUTION NO. 2013-013 THAT INCLUDED THE DESTRUCTION OF COURT RECORDS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10) 11:18 AM INDIGENT MATTERS

11:18 AM EXECUTIVE SESSION

MOTION: COMMISSIONER KUNAU MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D). COMMISSIONER CHRISTENSEN SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE.

Welfare Director Susan Keck presented the following:

- a) Keck presented details regarding an appeal on Case #2013-013
 - i) At 11:20 a.m. the Board went on the record in an appeal hearing from St. Luke’s Hospital. No representation from St. Luke’s Hospital appeared for the hearing though no official withdrawal was received by the Social Services office.
 - ii) Keck put on the records her findings of the case with a recommendation to deny as previously held by the Board.

11:24 AM

MOTION: COMMISSIONER KUNAU MOVED TO FOLLOW THE RECOMMENDATIONS OF SOCIAL SERVICES DIRECTOR KECK TO CONTINUE WITH THE ORIGINAL DENIAL OF THE BOARD. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) Case #2013038
- c) Certificate of Denial on Case #2013043
- d) Certificate of Approval on Case #2012084
- e) Notice of Lien and Application for Medically Indigent Benefits on Case #2013044, #2013045, #2013046, #2013047, and #2013048
- f) Notice of Continuance on Case #2012127, #2013015, #2013016, and #2013018
- g) Release of Medically Indigent Lien on Case #2013026 and #2013028
- h) Determination of Decision Held in Suspension on Case #2013037

11:36 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:36 AM.

11) 11:40 AM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board