



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

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

**Board Chairman:**

*Dennis Crane*

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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, March 4, 2013

The Board of Cassia County Commissioners met in regular session on Monday, March 4, 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
	News Media:	Jay Lenkersdorfer, The News Journal
	National Pioneer Hall of Fame, Inc.:	Dale Whipple Judy Sperry Lee Jorgensen Ray Bagby Lloyd Warr Ray C. Archibald

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY EXPENDITURES, ELECTION UPDATE
  - a) 9:05 AM CALENDAR
    - i) Elko County Board meeting regarding Sage Grouse issues on Thursday, March 7, 2013
    - ii) Veterans Service Quarterly Meeting at 7:00 p.m. Thursday, March 7, 2013
    - iii) Soil Water Conservation Annual Award Dinner at 6:00 p.m. Thursday, March 7, 2013
    - iv) Region IV Development Meeting on Thursday, March 7, 2013
    - v) Commissioner Christensen will be out of town for Board Meeting on April 8, 2013
    - vi) Spring Break March 25<sup>th</sup> to 29<sup>th</sup>
  - b) 9:05 AM CORRESPONDENCE
    - i) None
  - c) 9:06 AM CHANGE OF STATUS
    - i) None
  - d) 9:06 AM EMPLOYEE TIME SHEET APPROVALS

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**REGULAR SESSION**

**Monday, March 4, 2013**

- i) County Fair Employee Time Sheets
- e) 12:00 PM APPROVAL OF MINUTES

**12:00 PM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM FEBRUARY 25, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- f) 9:05 AM CSI RESIDENCY APPLICATIONS
  - i) The Board reviewed 6 CSI Residency applications: one CSI residency for the fall of 2012, one CSI residency for the spring of 2013, one high school dual credit CSI residency for the spring 2013, two CSI residencies for the fall/spring 2013/14, and one CWI residency for the fall/spring 2013/14.

**9:05 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE 6 CSI RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- g) 9:06 AM COUNTY ROAD AND BRIDGE
  - i) Chairman Crane reported on current Road and Bridge situations
    - (1) Roads are being graded with the moisture and good weather
    - (2) They are processing gravel at the Elba pit
    - (3) A culvert has been repaired in Elba
- h) 9:07 AM BUILDING AND GROUNDS MATTERS
  - i) McMurray reported on a power failure this weekend that has left some of the courthouse without power this morning.
- i) 11:58 PM COUNTY EXPENDITURES

ADULT MISDEMEANOR PROBATION	149	\$2,051.87
	<b>TOTAL</b>	<b>\$2,051.87</b>
CURRENT EXPENSES	104	\$28,707.71
INDIGENT FUND	105	\$2,498.00
DISTRICT COURT FUND	106	\$1,152.64
COMMUNITY COLLEGE FUND	113	\$850.00
REVALUATION FUND	114	\$605.09
COUNTY ELECTION FUND	116	\$4,001.90
COUNTY SNOWMOBILE FUND	118	\$2,000.00
JUSTICE FUND	130	\$6,546.72
PHYSICAL FACILITIES FUND	144	\$674.89
	<b>TOTAL</b>	<b>\$47,036.95</b>

**11:58 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY EXPENDITURES DATED MARCH 1, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 2) 9:08 AM UPDATE OF THE PIONEER HERITAGE PROJECT BY DALE WHIPPLE

- a) Dale Whipple, CEO and founder of the Pioneer Heritage Project, reported on the Pioneer Heritage Project.
  - b) He reported on the induction of several local points of interest into the National Park Hall of Fame.
  - c) Lee Jorgensen reported on Pioneer Farm Days to be held at the Ray Bagby Farm May 12<sup>th</sup> to 14<sup>th</sup>.
  - d) Ray Archibald reported on the shipping out of Guardian Angel packages for military personnel who are in the hospital in Germany. Their website is [www.projectrudolph.com](http://www.projectrudolph.com)
  - e) They also maintain the botanical gardens and work with juvenile probationers.
- 3) 9:27 AM BOARD OF EQUALIZATION
- a) No Board of Equalization today.
- 4) 9:30 AM REVIEW NOTICE OF RECLAMATION PLAN APPLICATION FOR SAWTOOTH STONE CO.
- a) The Board reviewed a Reclamation Plan Application from the operators of Sawtooth Stone Supply in Oakley which was to amend an existing reclamation plan. The Department of Lands relies on cities and counties to address concerns, if any, regarding land use. The Board identified none.
- 5) 9:32 AM REVIEW AND EXECUTE LETTER OF SUPPORT FOR ALBION QRU
- a) Commissioner Kunau read a proposed letter of support to Idaho Emergency Medical Services on behalf of a grant application for the Albion QRU.

**9:32 AM**

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

- 6) 11:19 AM DISCUSSION REGARDING CHANGE OF OCCUPANCY ISSUE
- a) Compliance Officer Melissa Price and McMurray discussed a change of occupancy issue on property owned by Randy Harris that does not meet International Building Code that has been adopted as Statute by the State of Idaho.
  - b) Price read a proposed letter to Harris and Barrus made suggestions to address the matter as being a statute compliance issue.
- 7) 9:52 AM CADE POWERS APPEAL OF BUILDING PERMIT PENALTY
- a) A potential violation was identified and referred from the Assessor's Office regarding Cade Powers' mobile home. Taxes have been paid on the mobile home and Powers rents the property from another party.
  - b) The County Building Department assessed a double fee totaling \$400 for not filing for the permit.
  - c) Prosecutor Barrus read a letter from Cade Powers appealing the penalty of \$200 detailing that he was not aware of the need to obtain a permit.
  - d) The Board talked about informing appropriate parties when mobile homes are put in place.
  - e) The Board discussed potential revisions of the County Ordinance.
  - f) It was also recommended to utilize the Treasurer's Office, the Assessor's Office, the South Central Idaho Health Office, movers, and manufacturers of mobile homes as a means to let people know of their obligation to obtain permits for mobile home placement.
  - g) Compliance Officer Melissa Price-Bair will prepare a notice for review by McMurray to put in place a means to help people know what the requirement for a building permit when owners purchase, license, obtain septic permits, and pay taxes on their mobile home.

**9:59 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO REDUCE THE PENALTY TO MOBILE HOME OWNER CADE POWERS BY HALF TO \$100 BASED ON HIS UNINTENTIONAL FAILURE TO OBTAIN A**

**BUILDING PERMIT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

8) 10:00 AM CONSIDER INVITATION FROM ELKO COUNTY, NEVADA TO ATTEND SAGE GROUSE MEETING IN ELKO

a) The Board determined to not attend the meeting in Elko, Nevada.

9) 10:09 AM CONSIDER RESOLUTION NO. 2013-005 REGARDING REPAYMENT OF AMP OFFICE

a) Barrus read the proposed resolution allocating up to \$30,000 to the AMP Office to cover their costs which contractually will be paid equally by Minidoka and Cassia Counties.

**10:26 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED CONTINGENT ON MINIDOKA SIGNING THE SAME AGREEMENT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

10) 10:29 AM REVIEW AND SIGN LETTER TO DALTON FAMILY

a) Commissioner Kunau read a proposed letter of recognition and sympathy from the Board to be sent to the family of former Veterans Service Officer Richard Dalton, who passed away.

**10:29 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO SIGN LETTER TO THE DALTON FAMILY. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

11) 10:30 AM IDAHO PUC NOTICE OF APPLICATION – CASE NO. IPC-E-13-02

a) The Board discussed the Notice of Application of Idaho Power Company for determination regarding its firm energy sales agreement with J. R. Simplot Company for the sale and purchase of electric energy.

12) 10:30 AM DISCUSS BY-LAWS OF THE COUNTY BOARD OF BUILDING CODE APPEALS

a) To eliminate conflicts of interest and to involve other cities within the County that could be represented, a draft of by-laws was presented for the Board's consideration.

b) The Board would consist of seven members; one each from the cities of Albion, Declo, Malta, and Oakley plus three at-large members including at least one engineer or architect.

c) The proposed by-laws need to be presented to cities for their consideration.

13) 10:40 AM DISCUSS AND APPROVE 911 ADVISORY COMMITTEE APPOINTEES

i) The proposed 911 Advisory Committee members were presented. Recommendations for two year appointments include Mike Lewis – Cassia County Emergency Services Board, John Ponds – Rural District Representative, and Chris Jensen – Cassia County Sheriff Designee. Recommendations for four year appointments include Todd Quast – County GIS Specialist, DeAnn Taylor – Cassia County Sheriff's Office Dispatch, and Kerry McMurray – Cassia County Administrator.

ii) Following the completion of the appointee's term, all appointments will be for four years.

b) The 911 Advisory Board will meet twice a year.

**10:43 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO ACCEPT THE 911 ADVISORY COMMITTEE MEMBER NOMINEES AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

14) 10:57 AM DISCUSS NOTICE OF HEARING AMP OFFICE FEE CHANGES

a) The Board set April 1, 2013 at 11:30 a.m. by way of a proposed Notice of Hearing for Minidoka and Cassia County Commissioners regarding a change in fees for the Adult Misdemeanor Probation Office.

b) The proposed changes include:

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- i) Monthly cost of supervision fees to be decreased from \$75.00 to \$60.00.
- ii) Urinalysis testing (per test) to be implemented at \$12.00.
- iii) Confirmation tests (per test) to be implemented at \$15.00.

**10:58 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO SET A HEARING FOR ADULT MISDEMEANOR PROBATION FEE CHANGES FOR APRIL 1, 2013. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

15) 10:59 AM DISCUSS ATTENDANCE AT ANNUAL AWARDS BANQUET FOR THE SOIL AND WATER CONSERVATION DISTRICTS

- a) The Board will attend the Soil and Water Conservation Districts Banquet on Tuesday night.

16) 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 the following:

- a) Keck briefed the Board on a request to forego assignment of taxes on Case #2010017.
- b) The Board discussed particulars of the request with the requestor.

**11:07 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO FOREGO A PORTION OF ASSIGNMENT OF TAXES BASED ON A FAVORABLE RECORD OF PAYMENT ON CASE #2010017. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- c) Case #2012126 and #2012127
- d) Certificate of Denial on Case #2012128
- e) Notice of Lien and Application for Medically Indigent Benefits on Case #2013005 and #2013006
- f) Release of Medically Indigent Lien on Case #2012093, #2012117, and #2012108
- g) Order of Dismissal on Case #2012108 and #2012093
- h) Medical Records/Utilization Management Review on CAT Case #4C-2013-00017

**11:14 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 11:15 AM.**

17) 11:31 AM CITY OF BURLEY NOTICE OF HEARING ON PROPOSAL TO AMEND CODE

- a) The City of Burley Planning and Zoning served notice of a hearing to be held on March 13, 2013, to create a new land use for mining.
- b) McMurray will talk with City Attorney David Shirley regarding negotiations with the County regarding mining.

18) 11:35 AM REVIEW PROPOSED APPLICATION TO APPROPRIATE WATER

- a) John Marshall Law, PLLC provided a copy of a proposed application to the Idaho Department of Water Resources to manage unappropriated water flows during non-irrigation season on two streams by capturing them and recharging the local aquifer.
- b) Marshall requested comment on the proposal should the Board choose to do so.

19) 11:48 PM ADJOURNMENT

APPROVED:

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

Dennis Crane, Chairman of the Board

ATTEST:

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

Joseph W. Larsen, Clerk of the Board