



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

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

**Board Chairman:**

*Dennis Crane*

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**Board Members:**

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

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

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

Monday, October 7, 2013

The Board of Cassia County Commissioners met in regular session on Monday, October 7, 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 News Journal Ruthe Hobbs Patty Justesen, Treasurer Jay Heward, CCSO George Warrell, CCSO

1) 9:07 AM AMENDMENT TO AGENDA

- a) The Cassia County Historical Society and Museum report on their annual County-sponsored dinner schedule request came in too late to be posted on the agenda.

**9:07 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO ADD DISCUSSION OF THE MUSEUM DINNER TO THE AGENDA. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) Museum Board Chairman Rod Smith reported that the recent dinner generated \$1,400.00. That is the best results for a fundraiser that they have had in a long time.
- c) Smith expressed gratitude to the Commissioners and elected officials for their help.
- d) The museum will be closing for the winter later this month. Some projects will be taken care of during the winter.
- e) A sod roof was installed on the cabin at the museum as part of an Eagle Scout project.
- f) Gail Erickson from Declo is a new board member. Board members have been assigned different responsibilities with projects for this coming year.

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Monday, October 7, 2013**

2) 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

a) 9:05 AM CALENDAR

- i) Juvenile Probation Meeting in Rupert at 7:30 a.m. Tuesday, October 8, 2013
- ii) Joint Jail Meeting in Rupert at 8:00 a.m. Tuesday, October 8, 2013
- iii) South Central Public Health Meeting 9:30 a.m. to 11:00 a.m. on November 13, 2014
- iv) The Board will have a special meeting on Tuesday, October 15, 2013, the day following Columbus Day which is a legal holiday.
- v) In conjunction with Tuesday's special meeting, the Board will meet at 1:00 p.m. in the old District Courtroom regarding problems with noxious weeds at organic farms resulting from waste from increased deer and elk herds. Commissioners from neighboring counties, the Governor's office, and Idaho Fish and Game will be invited. A unified hunting license or procedure with Idaho, Nevada, and Utah will be suggested.

b) 9:05 AM CORRESPONDENCE

- i) Invitation to the South Central Public Health District Legislative Reception to be held from 9:30 to 11:00 a.m. Wednesday, November 13, 2013, in Twin Falls.

c) 9:36 AM PERSONNEL

i) CHANGE OF STATUS

(1) SHERIFF'S OFFICE

- (a) Terminations of three deputies
- (b) Cost of living rate of pay increase for one deputy
- (c) Transfer of one deputy detention officer to judicial facility bailiff/security

(2) MINI-CASSIA CRIMINAL JUSTICE CENTER

- (a) Increase in rate of pay for one detention deputy for certification

(3) HISTORICAL SOCIETY & MUSEUM

- (a) Two new County part time positions as Museum Curators

(4) ELECTIONS

- (a) Hiring of one part time deputy clerk

(5) PROSECUTOR'S OFFICE

- (a) Termination of one deputy prosecuting attorney

(6) CLERK'S OFFICE

- (a) Cost of living rate of pay increase for a district law clerk

ii) FAIR AND RODEO

- (a) Employee Time Sheet of Cory L. Parish

**9:40 AM**

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

d) 11:02 AM APPROVAL OF MINUTES

**11:02 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM SEPTEMBER 30, 2013. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

e) 9:20 AM CSI RESIDENCY APPLICATIONS

***CASSIA COUNTY COMMISSION***

***REGULAR SESSION***

***Monday, October 7, 2013***

**2 | Page**

---

- i) The Board reviewed 37 CSI Residency applications; two CSI for 2013-2014 and 35 CSI 2013-2014 high school dual credit applications.

**9:21 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE 37 CSI RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- f) 11:17 AM COUNTY PAYABLES

CURRENT EXPENSES	104	\$33,045.60
INDIGENT FUND	105	\$21,846.25
DISTRICT COURT FUND	106	\$8,963.40
COUNTY ROADS & BRIDGES FUND	107	\$231.75
WEED & PEST FUND	108	\$9,221.65
REVALUATION FUND	114	\$985.77
911 COMMUNICATIONS FUND	115	\$4,042.83
COUNTY ELECTION FUND	116	\$95.54
COUNTY BOAT LICENSE FUND	117	\$1,035.00
JUSTICE FUND	130	\$55,840.05
PHYSICAL FACILITIES FUND	144	\$176.11
	<b>TOTAL</b>	<b>\$135,483.95</b>

**11:18 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED OCTOBER 7, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- g) 11:03 AM COUNTY ROAD AND BRIDGE

- i) County Road and Bridge matters will be discussed with Road and Bridge supervisor Sam Adams when the Board meets with him in Elba today.

- h) 10:38 AM BUILDING AND GROUNDS MATTERS

- i) The Board received a letter from Joel Packham expressing concern with the proximal location of their proposed offices in the Courthouse with the Juvenile Probation office. Parents have expressed concern with the 4H youth being close to Juvenile Probation. Packham asked the Board to consider other arrangements to mitigate this potential problem.
- ii) The Board discussed the conversion of one of the County apartments west of the Adult Misdemeanor Probation office as a possible new location for the Juvenile Probation office.
- iii) McMurray indicated that the costs for a data drop to accommodate new copiers in the Probation office was between \$300.00 and \$1,000.00. That was delayed to accommodate a potential move of that office.
- iv) Commissioner Christensen inquired of costs involved with preparations for that move. McMurray said there would be costs for the data drop, carpet, and electrical work.
- v) There will be two separate offices, an open office work area, and a reception area.
- vi) Office Depot had an overrun of furniture from another job and offered the County \$15,000 worth of furniture for \$3800 plus installation. Three workstations are included.

**10:47 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO PURCHASE THE FURNITURE EQUIPMENT AS PRESENTED FOR THE REDUCED PRICE OF \$3,800.00. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

vii) Further conversations with LCA Architects and Starr Corporation regarding the construction of the Cassia County Judicial Center (CCJC) have resulted in a proposed change order. Change Order Three establishes a new contract sum of \$1,875,566.00 which includes the following calculations:

- (1) The date of substantial completion changed to August 21, 2013
- (2) Original contact amount of \$1,823,000.00
- (3) Starr RFP #37 for sealing detention floor and striping of parking stalls not approved providing a reduction of \$750.00
- (4) PR #09 for shunt trip installation incurring a cost of \$1,990.71
- (5) Unused electrical allowance providing a reduction of \$5,000.00
- (6) Unused mechanical allowance providing a reduction of \$5,000.00
- (7) Change order previously authorized totaling \$61,325.29 in additional costs

viii) Correction of drain problems at the front entry of the CCJC is still pending along with other ongoing minor corrections. LCA will be contacted regarding remedy of the drain problems.

**10:52 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO ACCEPT CHANGE ORDER THREE WITH STARR CORPORATION AS PRESENTED FOR A NEW CONTRACT SUM OF \$1,875,566.00. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

i) 11:04 AM GATEWAY MATTERS

i) The Board discussed the planning of a meeting for counties involved in the Gateway West Power Line project.

3) 9:10 AM HOMELAND SECURITY GRANTS 2014

a) Undersheriff George Warrell presented for the Board's approval an Idaho Bureau of Homeland Security Subgrant Application for Assistance that includes a 2013 Emergency Management Performance Grant totaling \$39,461.88.

b) Warrell indicated that the grant is not a matching grant and includes building and sustaining National security preparedness goals.

**9:12 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE 2013 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM IDAHO HOMELAND SECURITY AS PRESENTED TOTALING \$39,461.88. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

c) Commissioner Christensen reported on feedback from the public about the necessity of having three security personnel at the entrance of the CCJC.

4) 9:21 AM SOLID WASTE ISSUES

a) Treasurer Justesen discussed with the Board the inconsistent assessment of area schools for solid waste receptacles.

b) Justesen requested a review of all solid waste fees which haven't been changed since 2007.

c) Justesen also reported on not getting information from the City of Burley on the number of solid waste containers for each City of Burley business.

***CASSIA COUNTY COMMISSION***

***REGULAR SESSION***

***Monday, October 7, 2013***

**4 | Page**

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- d) Question on County Code verbiage. User exemption for initial users needs to be re-considered.
- e) It was determined by Justesen and Barrus that the agreement needs to be changed to include appropriate reference to areas of the contract.
- f) It was also determined that it would be appropriate to do some research to correct the way assessments are being done for the schools. The Board advised Justesen to contact the schools and make them aware that the Treasurer's office is working on the situation.
- g) There will be no changes this tax year. However, the County Code could reflect changes for FY2014.
- h) Once appropriate research is done by Justesen, the Board asked that she make recommendations for them to review regarding changes in County Code.

**9:30 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO ROUND THE ASSESSMENT DOWN FOR THIS TAX YEAR. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**9:37 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO RESCIND THE MOTION TO ROUND THE ASSESSMENT DOWN FOR THIS TAX YEAR. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

5) 9:25 AM REVIEW AND DISCUSS VEHICLE USE POLICY, FOOD AND DRINK POLICY, AND TOBACCO USE POLICY

- a) Sheriff Heward asked to be included in discussions of a new or revised vehicle use policy.
- b) The Board discussed with Heward number of canines and officers. Deputy Chris Jensen is certified and instructs and does combined training with Minidoka County. Commissioner Christensen inquired as to how long they have had five canines. There were originally two canines with Sheriff Higgins. The canines are considered part of the officer's family. It was asked if the canine goes with the family when they go out to dinner or on vacation. Undersheriff George Warrell stated that they constantly need to be maintained by their handler. They have to be secured when they are with them as well as when they are not. Chris takes care of kenneling the canines or they are housed with the veterinarians when assigned officers are on vacation. Chairman Crane asked if five is too high of a number of canines. Warrell indicated that there are that many canines to cover each of the four shifts. It was pointed out that Deputy Jensen is not covering a shift with his canine. Commissioner Kunau asked if County funds are used for kennels. Warrell concurred that they are. Commissioner Christensen questioned whether out-of-County canine officers should take vehicles home with them. Heward indicated that containment of the canines is essential. The farthest distance to home a canine officer goes is Deputy Chris Weber to Rupert.
- c) The Board indicated that they are still working on the policy.
- d) Heward discussed with the Board the use of vehicles for CCSO investigators. He indicated that previous sheriffs have allowed investigators to take their vehicles home. He said that when there is an emergency, Detective Kevin Horak, who lives in Heyburn, can have a boat in the water before other officers arrive and that it is helpful to have that ability. Two investigators live in Paul and all must respond to any major problems.
- e) There are resident deputies in Albion, Oakley, Almo, Jackson/Declo, and Malta.
- f) It was pointed out that with one less City of Burley deputy, that vehicle can be used by all four security/bailiff officers at the CCJC. A report of the use of work-related instances for Deputy

Shannon Taylor was not readily available. It was determined that there may not be the necessity for CCJC deputies to take vehicles home.

- g) Deputies living in Rupert were not allowed to take their vehicles home under Sheriff Higgins and Sheriff Kidd.
  - h) The Board discussed with Heward concerns of a four day work week for CCJC Security Supervisor Shannon Taylor. It was reported that three of the security personnel are on four 10-hour shifts with a four day work week. Commissioners Kunau and Christensen questioned the prudence of a supervisor not being at work on Fridays even though the reasoning was to accommodate an early morning and late evening sweep of the facility.
  - i) The Board discussed an email from Trial Court Administrator Linda Wright regarding a specialty court's reward of a piece of candy to participants as a fundamental part of the process. Judge Butler will ask the recipient of the candy to not open the wrapper while in the facility. Chairman Crane indicated that a follow up email to Wright would be appropriate. The Board concurred that it would be appropriate to hand out the candy but to ask them to eat it outside of the facility to prevent possible maintenance issues at the CCJC.
  - j) Commissioners Kunau and Christensen questioned the prudence of security personnel and others walking through the facility with any beverage. Security personnel should have both hands available at all times. The Board's desire is not to be oppressive but rather to keep the facility the County has provided in top condition.
  - k) It was determined that the policy would be modified to accommodate water at the Counsel table in the courtroom and at work stations. They also felt it would be appropriate to allow judges to use their own discretion in the judge's chambers.
  - l) A tobacco use recommendation on County property came from the Health Department. Commissioner Christensen emphasized the importance of cleanliness and how it is unsightly to see accumulations of cigarette butts. It was pointed out that it is a State requirement for the use of cigarettes to be 20 feet or more from the entrance of County buildings. Commissioner Christensen recommended a distance of possibly 100 feet from County buildings.
  - m) The Board discussed employees taking breaks. It was pointed out that there is no legal requirement to provide employee break time for any reason. Heward will take care of issues relating to smoking breaks with the Adult Misdemeanor Probation Department.
- 6) 10:54 AM REVIEW ANNUAL FEES AND DETERMINE PAYMENT
- a) The Board discussed the following annual payment requests:
    - i) IAC Webinars – The Board determined not renew this subscription as they were dissatisfied with the quality of the recordings of IAC webinars.
    - ii) Public Lands Assessment Dues. McMurray was asked by the Board to check into that request.
    - iii) National Resource Litigation Funds
    - iv) City of Burley Animal Control for \$10,000

**10:57 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE CITY OF BURLEY ANIMAL CONTRAL FEES OF \$10,000. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

7) 10:59 AM REVIEW SEPTEMBER 2013 AMBULANCE REPORT

- a) The Board reviewed the September 2013 Ambulance Report.

8) 10:21 AM INDIGENT MATTERS

**10:21 AM EXECUTIVE SESSION**

***CASSIA COUNTY COMMISSION***

***REGULAR SESSION***

***Monday, October 7, 2013***

**6 | Page**

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**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. 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 cases for review and approval of the Board:

- a) Certificate of Denial: 2013063, 2013066
- b) Certificate of Approval: 2013068, 2013072, 2013085
- c) Order of Dismissal: 2013015, 2013016, 2013024, 2013031, 2013044, 2013045, 2013046, 2013048
- d) Notice of Lien and Application for Medically Indigent Benefits: 2013083, 2013084, 2013086
- e) Release of Medically Indigent Lien: 2013015, 2013016, 2013024, 2013031, 2013044, 2013045, 2013046, 2013048

**10:37 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 10:38 AM.**

- 9) 10:30 AM REVIEW DECISION NOTICE FOR LIMEKILN AND SHAW MOUNTAIN SHEEP AND GOAT ALLOTMENTS, AND KELLY MOUNTAIN-GREENHORN CATTLE AND LIVESTOCK GRAZING ALLOTMENT (KETCHUM RANGER DISTRICT)
  - a) The Ketchum Ranger District of the U.S Forest Service determined to close off grazing allotments disregarding concerns of the County.
- 10) 10:35 AM REVIEW OF DECISION NOTICE FOR THOMPSON FLAT CAMPGROUND IMPROVEMENT (MINIDOKA RANGER DISTRICT)
  - a) A Decision of Notice and Finding of No Significant Impact (FONSI) for the Thompson Flats Campground Improvements was received from U.S. Forest Service Minidoka District Ranger Scott Nannenga. The plans are to go forward with the improvements.
- 11) 10:40 AM ICRMP: TRUSTEE NOMINATION OF CANDIDATES
  - a) District IV ICRMP representative, Commissioner Tom Faulkner from Gooding County has expressed a desire to continue as a Trustee. The Board concurred with Faulkner's desires and determined to consider no other nominee.
- 12) 11:45 AM WORKING LUNCH AT THE WAYSIDE CAFÉ TO FURTHER DISCUSS CCJC ISSUES AND REVISIONS OF RECENTLY ADOPTED COUNTY POLICIES
- 13) 12:50 PM COUNTY ROAD AND BRIDGE: MEET IN ELBA TO REVIEW ROAD ISSUES
  - a) The Board met near Elba Park with Road and Bridge Supervisor Sam Adams to discuss water diversion issues east of the park.
  - b) The Board journeyed east of the adjacent road to the cemetery in Elba to discuss repair or replacement of a cattle guard.
  - c) A turnaround at the east side of the cemetery was also presented and discussed.
- 14) 4:25 PM ARRIVAL BACK TO BURLEY AND ADJOURNMENT

APPROVED:

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

Dennis Crane, Chairman of the Board

ATTEST:

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

Joseph W. Larsen, Clerk of the Board