



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

www.cassiacounty.org

Board Chairman:

Dennis Crane

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

Tuesday, October 15, 2013

The Board of Cassia County Commissioners met in a special session on Tuesday, October 15, 2013, 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
	Gateway Task Force:	Mark Streeter Mark A. Webb Brent Stoker
	Others:	Dean Cameron, State Senator Jerry Hoagland, Owyhee County DeLane Anderson, Power County Ron Funk, Power County Doug Balfour, Gateway Attorney Kendall Jones, Jones Farms Jay Lenkersdorfer, The News Journal David Shirley, City of Burley Attorney Casey Anderson, Burley City Councilman Jay Heward, CCSO George Warrell, CCSO
	Elk Meeting Attendees:	(See Attached)

- 1) 8:30 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) 8:35 AM CALENDAR

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- i) Transportation Meeting on Wednesday, October 16, 2013, for Chairman Crane
- b) 8:35 AM CORRESPONDENCE
 - i) None
- c) 8:37 AM PERSONNEL
 - i) CHANGE OF STATUS
 - (1) SHERIFF'S OFFICE
 - (a) Promotion of Shannon Taylor from Corporal – Court Security to Sergeant – Court Security with increase in rate of pay.
 - (i) Chairman Crane recommended to place this on hold pending further discussion.
 - (b) Promotion of Arley Ty Cahoon from Corporal – Patrolman to Sergeant – Patrolman with an increase in rate of pay.
 - (i) Chairman Crane recommended to place this on hold pending further discussion.
 - (c) Promotion of Jarrod Thompson from Sergeant – Patrolman to Staff Sergeant – Patrolman with increase in rate of pay.
 - (i) Commissioner Christensen inquired about increased responsibilities with the proposed recommendations.
 - (ii) This recommendation was also put on hold pending a meeting with the Board to discuss Judicial Facility Security and CCSO Change of Status recommendations.
 - (iii) The Board requested that Sheriff Heward walk them through proposed changes at that time.
 - (2) MINI-CASSIA CRIMINAL JUSTICE CENTER
 - (a) Increase in rate of pay for Senior Detention Deputy Angus Merrell for meeting physical fitness requirements
 - (b) Decrease in rate of pay for Senior Detention Deputy Jacob Mitchell for not meeting physical fitness requirements
 - (c) Decrease in rate of pay for Detention Deputy Brandy Bourn for not meeting physical fitness requirements
 - (3) CLERK/ELECTIONS
 - (a) Hiring of Hilaree Whitehead as a permanent part-time Elections Clerk
 - (4) ADULT MISDEMEANOR PROBATION
 - (a) Promotion of Rosanna Chaidez from Urinalysis Technician to Deputy Probation Officer with increase in rate of pay.

8:42 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS WITH THE EXCEPTION OF CCSO REQUESTS WHICH WERE PUT ON HOLD. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) Mileage Reimbursement Request for Fairgrounds Supervisor Cory Parish
 - (1) Commissioner Crane to hold the request for further explanation.

d) 9:00 AM APPROVAL OF MINUTES

9:00 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM OCTOBER 7, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- e) 9:01 AM CSI RESIDENCY APPLICATIONS
 - i) The Board reviewed 23 CSI Residency applications for 2013-2014 high school dual credit.

9:01 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 23 CSI RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

f) 9:08 AM COUNTY PAYABLES

CURRENT EXPENSE FUND	104	\$24,953.75
SOCIAL SERVICES	105	\$71.60
DISTRICT COURT FUND	106	\$325.78
WEED & PEST FUND	108	\$1,966.10
REVALUATION FUND	114	\$534.21
COUNTY ELECTION FUND	116	\$843.10
JUSTICE FUND	130	\$112,147.54
	TOTAL	\$140,842.08

11:50 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY FY2014 PAYABLES DATED OCTOBER 15, 2013. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

CURRENT EXPENSE FUND	104	\$29,804.51
DISTRICT COURT FUND	106	\$3,277.70
COUNTY ROAD & BRIDGE FUND	107	\$795.51
AMBULANCE SERVICE	110	\$1,833.00
REVALUATION FUND	114	\$624.10
911 COMMUNICATIONS FUND	115	\$3,730.15
JUSTICE FUND	130	\$17,243.12
PHYSICAL FACILITIES FUND	144	\$1,331.82
ADULT MISDEMEANOR PROBATION	149	\$7,430.04
	TOTAL	\$66,069.95

9:08 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY FY2013 PAYABLES DATED OCTOBER 15, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

g) 8:31 AM BUILDING AND GROUNDS MATTERS

- i) McMurray provided financial estimates regarding a proposal to explore remodeling of a County apartment next to the Adult Misdemeanor Probation office.
- ii) Costs would include approximately \$1,500.00 for a data drop to take care of the Juvenile Probation Department's copying and data needs and approximately \$1,400 to upgrade existing electrical.

8:33 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE PURSUING THE REMODELING OF A COUNTY APARTMENT TO BE USED BY THE JUVENILE PROBATION OFFICE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

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- iii) The alleyway between the new Public Defender office and the CCJC has been patched. A billing was received from Kloepper, Inc.
 - iv) LED lights have been installed in parking lot of the CCJC.
 - v) Elevation grades, cleaning, and patching of the CCJC are included on the billing from Kloepper, Inc. totaling \$15,432.50.
- 2) 3:02 PM GATEWAY TASK FORCE
- a) Chairman Crane reported on a meeting held in Boise in conjunction with the IAC annual meeting. John Chatburn from Governor Otter's office indicated that the PUC might be the appeal route if the County Planning and Zoning refuses to grant permits for the proposed Gateway Project.
 - b) Gateway Task Force attorney Doug Balfour does not feel that the PUC usurps the power and authority of the County to issue a permit for the power line project. From Balfour's perspective, he felt the PUC has no authority based on a motion that the City of Eagle filed declaring such.
 - c) Balfour said that all indications are that the BLM has dismissed all of the Governor's recommendations.
 - d) He said all involved Counties need to be unified under the Land Use Planning Act to indicate that the 7K alternative that was adopted by Power and Cassia Counties is a "feasible" alternative that should be termed reasonable. That means that it can work. Also, Sage Grouse should be a non-issue. He indicated that he felt that decision should stand up in District Court
 - e) Senator Dean Cameron said that the Attorney General's office would not be involved as they would better suit our interests to be involved to better suit our interests when it comes time to rule on the case. The Attorney General's office differs from the opinion of attorney Balfour. Balfour would like to know who did the research to determine that. The PUC indicated that it is predicated on the Eagle City case which Balfour said he had reviewed the briefs and pleadings.
 - f) It was felt that the Supreme Court's position should be to support the Land Use Planning Act.
 - g) Inasmuch as other counties have a vested interest with the Land Use Planning Act it would be appropriate for the IAC to stand behind that. The Farm Bureau should also support that as well.
- 3) 8:45 AM REVIEW AND SIGN COUNTY EXTENSION AGREEMENT
- a) The Board reviewed an agreement for the final budget for FY2014 with the County Extension System in Cassia County.
 - b) The Board determined to sign the agreement if it matches what was established in the FY2014 budget.

8:46 AM

MOTION: COMMISSIONER KUNAU MOVED TO ACCEPT AND SIGN THE COUNTY EXTENSION AGREEMENT PENDING VERIFICATION OF THE AGREEMENT AMOUNTS MATCHING THE APPROVED COUNTY FY2014 BUDGET. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

4) 8:46 AM REVIEW AND EXECUTE TASK AGREEMENT WITH CITY OF ROCKS

- a) The County Road and Bridge Department works closely with the City of Rocks on roads.
- b) The proposed agreement is for the Idaho Department of Parks and Recreation at the City of Rocks National Reserve and Castle Rocks State Park give to the County 25 culverts and the County will provide screened gravel.

8:46 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE TASK AGREEMENT BETWEEN THE CITY OF ROCKS AND THE COUNTY AS PRESENTED AND DISCUSSED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 5) 8:50 AM REVIEW IDAHO CLEAN INDOOR AIR ACT AND FURTHER DISCUSSION OF TOBACCO POLICY
- a) McMurray indicated that State statute provides that smoking can't take place within 20 feet from entry to a building. However, it does not apply to county buildings even though it does cover inside the building.
 - b) Barrus said the County can make that stricter with an ordinance.
 - c) Commissioner Kunau felt that the State standard should be adopted for the County.

8:50 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADOPT THE SAME REQUIREMENT AS THE STATE STATUTE INDICATES FOR NO SMOKING WITHIN 20 FEET OF BUILDINGS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- d) Chairman Crane asked Barrus to prepare what is necessary for the Board to review.

- 6) 8:50 AM CARRYOVER FY2013 FUNDS ON INCOMPLETE IMPROVEMENT AND CONSTRUCTION IN PROGRESS PER IC 31-1609
- a) The Board discussed funds remaining in the FY2013 budget that can be carried over to FY2014 for construction projects in progress.
 - b) There is approximately \$200,000 left over from FY2013 that could be used for improvements that are in progress with various construction projects.

8:52 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MOVING ANY AVAILABLE FUNDS FROM FY2013 TO FY2014 AS AUTHORIZED IN IC 31-1609 TO COMPLETE ONGOING CONSTRUCTION PROJECTS. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 7) 8:53 AM REVIEW AND CONSIDER LAW ENFORCEMENT CONTRACT WITH CITY OF BURLEY
- a) Barrus has discussed The Law Enforcement Services Agreement with City of Burley attorney Dave Shirley.
 - b) Some minor cleanup language took place. Shirley desired to keep the most of the verbiage as it currently is. However, he left off the exhibits regarding the detail of officers.
 - c) Commissioner Christensen desired to know what changes specifically were made including the reduction of one officer and attendant costs.
 - d) Paragraph 8.1 changes the amount paid to the County by the City of Burley to \$2,900,000.00 paid in twenty-four consecutive payments from October 1, 2013, through September 30, 2014.
 - e) Paragraph 7.1 includes that both parties would meet at the regularly scheduled Board of Commissioners meeting on the 3rd Monday of March, 2015, to begin renewal discussions. Negotiations in good faith by both parties for a required renewal agreement by July 15, 2015.

8:58 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE ENTERING INTO THE LAW ENFORCEMENT SERVICES AGREEMENT WITH THE CITY OF BURLEY WITH THE NOTED CHANGES AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- f) Barrus asked for Shirley to provide noted date changes, have the City of Burley sign, and to provide a copy of the agreement back to the County.
- 8) 9:10 AM SOILS JUDGING CONTEST
- a) The Board departed to the Emerson area of Minidoka County to participate in the Soils Judging Contest.
- 9) 12:00 PM LUNCH

10) 1:00 PM ELK MEETING WITH NEIGHBOR COUNTIES

- a) Chairman Crane introduced those present to discuss concerns and problems associated with elk and deer herds.
- b) Gordon Edwards (Cassia County Weed Control) – Edwards reported on the weed problems in the County is proliferated by animal waste.
- c) Cleve Smith (Sublett Organic Farmer) – Smith reported the adverse economic impact that he and other farmers experience with the increased numbers in the elk population and their waste proliferating noxious weeds.
- d) Jack Oyler (Sportsman) – Oyler spoke of decreased numbers in deer herds and indicated that other sources of noxious weed seeds exist such as water, wind, and birds. He also said that the freeway has cut off migration routes and that not much has been done in Idaho to mitigate that. He suggested the planting of “candy crops” to lure elk from farm fields as has been done by wildlife managers in the State of Washington. He also suggested working together with neighboring states and counties to save Sage Grouse from being listed as an endangered species.
- e) Scott Bedke (Grouse Creek Rancher & Speaker of the Idaho House of Representatives) – Bedke indicated that from the rancher’s perspective, elk population increases make it worse. He indicated that Nevada is more aggressive than Idaho in the issuance of tags. He further said that cooperation is needed between Idaho, Utah, and Nevada where the problem has been getting worse each year. He indicated that tags for cow elk is just as important as bull elk and that management of the land can only be controlled with what ranchers have control over.
- f) Bud Bedke (Oakley Rancher) Bedke indicated his disappointment with the Fish and Game to mitigate the problems. The elk ear up fences and the small number of tags issued does not do enough. He said the BLM claims of their overgrazing is due to large herds of elk. He felt that honest counts of the elk herd are needed and that he is just protecting his family and their ranch.
- g) Brent Rose (Park Valley Rancher) Rose is facing the same issues with increasing elk herds are increasing. He indicated that some years ago a special hunt was held and before it began the elk were scared out.
- h) Jay Tanner (Grouse Creek) – Tanner felt they went well beyond the management plan where elk herds increased from 100 to 600 plus elk. Some even have said the elk count exceeded 1800. He said if he had that many more cattle above the range management plan, he would be jailed. A cooperative and honest effort needs to happen to count the elk and deer population as they come in at night and leave before daylight. Cooperation between states and counties needs to take place rather than to just chase them back and forth. He further stated that the elk are in direct competition with cattle on the range. He stressed that not enough tags have been issued to keep the elk herds from increasing.
- i) Stan Campbell (Sublett) – Campbell indicated that the problems have been discussed and that now it is time for solutions.
- j) LuAnn Adams (Box Elder County Commissioner) – Commissioner Adams indicated that on their ranch they spray months at a time for noxious weeds attributed to increased elk herds.
- k) Dessa Williams (Elko County Commissioner) – Williams indicated that increased elk herds are new to them in Elko County even though many more tags are being issued for cows in Nevada. Some tags are issued for a cost of up to \$10,000 to help recoup costs with fences, etc. He expressed the need for Fish and Game departments from all three states to cooperate in a plan.
- l) Jerome Hansen (Idaho Fish and Game Regional Supervisor) – Hansen indicated that they are working on a 10 year State-wide plan for elk. The three issues of concern are depredation,

habitat, and social tolerance. He said if the elk population is spreading vine weed then it is a real problem. Nevada landowners can sell tags but in Idaho they can only sell access. A depredation plan includes kill permits where the elk go to a food bank or to needy families. Where there is proof of damages there is a compensation program. A new program is landowner permission tags where 35 cow tags are available. He concurred that elk can cause problems with crops, fences, and may be causing problems with noxious weeds.

m) Randy Smith (Idaho Fish and Game) – Smith indicated that a population goal or estimate is difficult to set since there is interstate transit of the elk population. The level is also difficult to enumerate due to seasonal migration. They are working on goals to get a more accurate count.

n) Chairman Crane suggested looking into a combined hunt for the three States and suggested pressure on legislators to accomplish that. He thanked everyone for their attendance and input.

11) 3:40 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board