



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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Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org

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

Monday, September 23, 2013

The Board of Cassia County Commissioners met in regular session on Monday, September 23, 2013, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse. Commissioner Christensen was not in attendance as he is attending the IAC Annual Meeting.

THOSE PRESENT:	County Commissioners:	Dennis Crane, Chairman Bob Kunau
	Clerk of the Board:	Joseph W. Larsen
	Prosecuting Attorney:	Al Barrus
	County Administrator:	Kerry D. McMurray
	Others:	Jay Lenkersdorfer, Weekly News Journal Ruthe Hobbs Gordon Edwards, Weed Control Joel Packham, Extension office Craig Rinehart, Coroner Russell Rasmussen, CCJC Darwin Johnson, CCJC Karen Dayley, Assessor's office Patty Justesen, Treasurer Jay Heward, Sheriff Chris Jensen, CCSO

1) 9:12AM AMENDMENT TO AGENDA

- a) Larsen requested that consideration for signing of a Sales Order Agreement for purchase of polling place tabulator equipment be added to the agenda as agreement modifications from ES&S came after posting of the agenda.

9:13 AM

MOTION: COMMISSIONER KUNAU MOVED TO ADD TO THE AGENDA THE CONSIDERATION OF THE SIGNING OF A SALES ORDER AGREEMENT WITH ES&S FOR ELECTION EQUIPMENT DUE TO BEING RECEIVED LATE FROM ES&S. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- i) Larsen presented a Sales Order Agreement with ES&S for the purchase of 18 DS200 Digital Image Scanners for polling place tabulation totaling \$101,140.00 that was previously

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, September 23, 2013

1 | Page

approved by the Board. It included all of the changes in verbiage as recommended by McMurray and accepted by ES&S. \$30,000.00 will be paid prior to September 30, 2013, and the balance of \$71,140.00 will be due by October 31, 2013.

- ii) Larsen indicated that the purchase of these newly-approved polling place tabulators in place of central tabulation was preferable due to reduced cost, a customer loyalty allowance, obsolescence of current equipment, and the ability to utilize this equipment for the next 10 to 12 years where it was just certified by the State of Idaho Secretary of State's office.

11:55 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE PURCHASE OF ELECTION EQUIPMENT IN THE AMOUNT OF \$101,140.00 AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) Barrus requested that the Board discuss a proposed Personal Service Contract with Independent Contractor agreement with Veterans Service Officer (VSO) Georgianna Greenwell that came in after posting of the agenda.

9:16 AM

MOTION: COMMISSIONER KUNAU MOVED TO DISCUSS A PROPOSED VSO CONTRACT AS INFORMATION CAME IN LATE. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- i) Some verbiage of the proposed agreement needs to be revisited to solidify the contractual nature of the arrangement with the VSO.
 - ii) Barrus will confer with Minidoka County Prosecutor Lance Stevenson as it is a joint agreement between both Counties.
- 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) A meeting for all six counties involved with Gateway West will be held Wednesday, September 25, 2013, at the Center on the Grove in Boise in conjunction with IAC's annual meeting. Legislators will be present. Speaker of the House Scott Bedke indicated that it will likely involve a lawsuit. The Public Utilities Commission (PUC) is requesting that Idaho Power and Rocky Mountain Power look to see if the Gateway West project is even needed. It was stressed that efficiency would include using what we have instead of adding new resources. The PUC's position provides some hope with the concerns of the counties.
 - ii) IAC Annual Meeting will be held in Boise at the Grove all this week.
 - b) 9:05 AM CORRESPONDENCE
 - i) An email to Chairman Crane from Patricia Durfee of Burley expressing frustration at continual closure of roads by the U.S. Forest Service in the Sawtooth National Forest
 - ii) An invitation from the Southern Idaho Republican Women who are hosting a Boots and Diamonds Harvest Moon Party to be held at 6:00 p.m. on October 12, 2013, in Twin Falls
 - iii) A letter from Mini-Cassia Veteran's Advisory Board Chairman Ron Beedle to propose Chuck Driscoll and Gary McCall to serve on that Board
 - c) 10:45 AM PERSONNEL
 - i) CHANGE OF STATUS
 - (1) SHERIFF'S OFFICE
 - (a) Termination of Deputy Patrolman Heath Clark effective September 16, 2013

- (b) Resignation of Deputy Patrolman Duane Clay Anderson effective September 14, 2013
- (2) CLERK'S OFFICE
 - (a) Cost of Living increases as approved by the Board for all employees
- (3) TREASURER'S OFFICE
 - (a) Cost of Living increases as approved by the Board for all employees
- (4) CORONER'S OFFICE
 - (a) Cost of Living increases as approved by the Board for all employees
- (5) ASSESSOR'S OFFICE
 - (a) Hiring of GIS/Mapper Karen Shaw effective September 30, 2013
 - (b) Cost of Living increases as approved by the Board for all employees
- (6) MINI-CASSIA CRIMINAL JUSTICE CENTER
 - (a) Increase in Rate of Pay for Exceptional Performance for Financial Manager Ann Harper
 - (b) Increase in Rate of Pay for Evaluation for Senior Detention Deputy Donald Perry Shaff
 - (c) Increase in Rate of Pay for Evaluation for Senior Detention Deputy David Luke Wells
 - (d) Cost of Living increases as approved by the Board for all employees

10:45 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE CHANGE OF STATUS REQUESTS AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:13 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE CHANGE OF STATUS COST OF LIVING INCREASES AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

d) 11:57 AM APPROVAL OF MINUTES

11:57 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM SEPTEMBER 9, 2013. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:57 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM SEPTEMBER 16, 2013. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

e) 9:39 AM CSI RESIDENCY APPLICATIONS

- i) The Board reviewed 16 CSI Residency applications; one 2012-2013 high school dual credit, 14 2013-2014 high school dual credit, and one 2013-2014 application.

9:40 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE 16 CSI RESIDENCY APPLICATIONS. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

f) 12:10 AM COUNTY PAYABLES

i) Election Payables

COUNTY ELECTION FUND	116	\$6,876.40
	TOTAL	\$6,876.40

ii) Other County Payables

CURRENT EXPENSES	104	\$87,387.15
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**CASSIA COUNTY COMMISSION
REGULAR SESSION**

Monday, September 23, 2013

INDIGENT FUND	105	\$275.80
DISTRICT COURT FUND	106	\$2,138.88
COUNTY ROADS & BRIDGES FUND	107	\$50.66
AMBULANCE SERVICE	110	\$6,000.00
ASSESSOR TRUST FUND	123	\$183.05
JUSTICE FUND	130	\$63,341.34
EMERGENCY MEDICAL SERVICE FEES	133	\$6,499.98
NARCOTICS SEIZED ASSETS FUND	134	\$1,193.78
COURT BOND FUND	138	\$500.00
PHYSICAL FACILITIES FUND	144	\$1,052.62
ADULT MISDEMEANOR PROBATION	149	\$9,028.08
	TOTAL	\$177,651.34

12:10 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY PAYABLES DATED SEPTEMBER 23, 2013, AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) 9:38 AM COUNTY ROAD AND BRIDGE
 - i) Chairman Crane reported on the activities and work of the Road and Bridge department.
- h) 9:44 AM BUILDING AND GROUNDS MATTERS
 - i) McMurray went over with the Board a proposal from Premier Blind and Shutter for window coverings at the new Cassia County Judicial Center (CCJC). The total cost is \$3,063.90.

9:45 AM

MOTION: COMMISSIONER KUNAU MOVED TO ACCEPT THE PROPOSAL FROM PREMIER BLIND AND SHUTTER FOR WINDOW COVERINGS AT THE CCJC IN THE AMOUNT OF \$3,063.90. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) The Board reviewed a letter from Starr Corporation regarding the signing of a change order for the CCJC for roof trusses and the data room that detailed zero additional days for completion of the construction.
 - iii) The Board discussed the validity of the signed change order agreement by all parties.
 - iv) Barrus suggested that Starr Corporation be invited back to discuss the matter further if they desired to.
- 3) 9:20 AM REVIEW CCJC FURNITURE AND EXECUTE CERTIFICATE OF ACCEPTANCE
- a) Office Depot presented a Certificate of Acceptance to be signed by the Board. It does not include any change out of furniture which has already been taken care of.

9:22 AM

MOTION: COMMISSIONER KUNAU MOVED TO ACCEPT AND SIGN THE CERTIFICATE OF ACCEPTANCE FROM OFFICE DEPOT FOR FURNITURE AT THE CCJC. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 4) 9:23 AM REVIEW AND EXECUTE RESOLUTION NO. 2013-20 REGARDING FOOD, SNACK, AND BEVERAGE LIMITATIONS AT THE CCJC
- a) The proposed resolution was read by Commissioner Kunau which precludes the use of food, snacks, and beverages except in designated areas of the CCJC.
 - b) The Board discussed providing of break time for employees.
 - c) Barrus stressed that department heads should use common sense and monitor breaks.

9:26 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE FOOD, SNACK, AND BEVERAGE RESOLUTION NO. 2013-20 AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

5) 9:27 AM REVIEW AND EXECUTE RESOLUTION NO. 2013-21 REGARDING UPDATED VEHICLE USE POLICY

- a) The proposed updated Vehicle Use Policy was read by McMurray.
- b) Chairman Crane indicated that when there are problems or abuses of use with County vehicles, the County Commissioners usually get calls from the public. The policy will cover vehicles with the Sheriff's office, the Assessor's office, Weed Control, and Building departments.

9:36 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE RESOLUTION NO. 2013-21, AN UPDATED COUNTY VEHICLE POLICY AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- a) Chairman Crane will review the policy with department heads.
- 2) 9:37 AM EXECUTE AGREEMENT FOR REPRESENTATION OF GUARDIAN AD LITEM IN CHILD PROTECTION CASES
- a) A prepared agreement was presented to and signed by Lance Loveland from the law office of Parsons, Smith, Stone, Loveland, and Shirley to provide services for Guardian Ad Litem Child Protections Cases.
 - b) Barrus talked to Loveland and went over the agreement with him.

9:37 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE AGREEMENT FOR GUARDIAN AD LITEM BETWEEN THE COUNTY AND THE LAW OFFICE OF PARSONS, SMITH, STONE, LOVELAND, AND SHIRLEY. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3) 9:23 AM REVIEW RECOMMENDATION FROM CASSIA COUNTY PLANNING AND ZONING COMMISSION CONCERNING REZONE REQUEST IN MALTA AREA

- a) The County Planning and Zoning request of the Board was to change zoning from Prime Agricultural Zone to Multiple Use Zone. A public hearing was held with no comment from the public.
- b) The old Strevell Hotel property is being proposed to be used by a group from the Cache Valley for a commercial venture.
- c) A public hearing will need to be held if the Board approves the recommendation.

9:25 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE RECOMMENDATION OF THE COUNTY PLANNING AND ZONING BOARD FOR REZONING IN THE MALTA AREA AS PRESENTED AND TO HOLD A PUBLIC HEARING. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- d) McMurray recommended a date in October for the public hearing. He will make the appropriate notifications and publications as required.
- 4) 9:30 AM REPORT ON HISTORICAL SOCIETY DINNER – ROD SMITH
- a) Smith was not able to be in attendance so the report was tabled.
- 5) 9:45 AM DEPARTMENT HEAD MEETING
- a) DENNIS CRANE – CHAIRMAN OF THE BOARD

***CASSIA COUNTY COMMISSION
REGULAR SESSION***

Monday, September 23, 2013

5 | Page

- i) Chairman Crane expressed appreciation to those who helped with CCJC Open House.
- ii) Chairman Crane also reported on the new Vehicle Use Policy Resolution adopted today.
- b) JAY HEWARD – SHERIFF
 - i) Heward reported on cases, garnishments, arrest, tickets, and drug busts his department has been involved with this year.
 - ii) Deputy Matt Love left employment with the Cassia County Sheriff’s Office (CCSO) for a job in Carlsbad, California. The CCSO will not fill that position based on the new City of Burley Law Enforcement Agreement.
 - iii) They are also down two other officers. They have begun the search for hiring. So far, three of the candidates are POST certifiable.
- c) PATTY JUSTESEN – TREASURER
 - i) Justesen reported on a Treasurer’s meeting to be held on Wednesday in conjunction with the IAC Meeting.
 - ii) A monthly Treasurer’s Cash report was provided to the Board.
 - iii) The Treasurer’s office is currently getting things in order for the tax notices.
 - iv) The State Tax Commission is still working on problems associated with the personal property exemptions. There may be some delays getting the certified levies for balancing and calculating taxes. Tax notices may be delayed a week or so getting mailed out to the public.
- d) KAREN DAYLEY – SENIOR DEPUTY ASSESSOR
 - i) Davis was in Boise at IAC meetings.
 - ii) Dayley reported on transient property and revaluation of property currently being done.
 - iii) Their office has hired a new mapper that begins work on September 30, 2013.
- e) JOE LARSEN – CLERK
 - i) Larsen reported on the move of the courts to the new CCJC. Once computers and phones are moved to the new facility, all court clerks will begin service at that facility. The courts will begin functioning on Monday, September 30, 2013.
 - ii) The welfare department will continue as has been done in the past with some of the delays in the Affordable Care Act and uncertainty with state-managed Medicaid expansion.
 - iii) There will be a taxing district consolidated election held on November 5, 2013, that will include some cemetery district trustees as well as various city officials in the County.
 - iv) Larsen reported on the importance of carryover funds committed by each department to function during the first quarter of FY2014 usually referred to as the 5th quarter. During that timeframe revenues are very limited leading up to the next tax drive.
- f) AL BARRUS – PROSECUTING ATTORNEY
 - i) Barrus reported that Deputy Prosecutor Dallin Creswell is leaving employment for a job with the Prosecutor’s office in Canyon County.
 - ii) Attorney McCord Larsen has been hired as a deputy prosecutor and will begin employment October 1, 2013.
- g) KERRY McMURRAY – ADMINISTRATOR
 - i) McMurray presented the August 2013 Building report which included two Agricultural Siting Permits, nine Building Permits, and one Manufactured Home Permit being issued.
 - ii) Updated pages for the Cassia County Code were presented to the Board and department heads.
 - iii) An updated Employment Application was presented to the Board by McMurray.

- iv) The County Planning and Zoning Committee met last week where a Conditional Use Permit was issued for a gravel pit Near North Heglar Road. A request was presented earlier to the Board from Planning and Zoning for a change from Prime Agricultural to Multiple Use for a proposed treatment facility in the Strevell area.
- h) AMBER PREWITT – ADULT MISDEMEANOR PROBATION
 - i) Not Present
- i) DARWIN JOHNSON – MINI-CASSIA CRIMINAL JUSTICE CENTER
 - i) Johnson expressed gratitude for an increase in rate of pay for employees beginning FY2014.
 - ii) Problems were reported with ovens in the jail and they may not be able to get parts for them.
 - iii) Marshall Worthington was offered the maintenance position and accepted and will begin work in two to four weeks. He has a lot of experience which could benefit the whole County. He has been certified in heating and refrigeration.
- j) RUSS RASMUSSEN – Mini-Cassia
 - i) Rasmussen reported that there are currently three detention deputy job openings and some applications are coming in.
 - ii) One detention deputy is graduating from POST this week.
 - iii) The jail's GED teacher has resigned and will be replaced.
- k) GORDON EDWARDS – WEED AND PEST CONTROL
 - i) Edwards reported on a lot of weed issues in the County they are currently working on.
 - ii) Grazing grasses look good which is an indication of good management.
- l) CRAIG RINEHART – CORONER
 - i) Rinehart indicated that death calls have been down from the averages the past two months.
 - ii) A training class will be held next month funded by the State Coroner's Association.
 - iii) The State Coroner's Association is working on a new system for Coroners that will be ready for implementation for FY2015. It will involve all 44 Counties doing things the same way and it should cut down on autopsies. They will use pictures and computers to facilitate a medical doctor review.
 - iv) He is currently responding to a deposition on a death case from 2009.
- m) JOEL PACKHAM – EXTENSION AGENT
 - i) Packham reported on After the Fair meetings taking place this week and next week.
 - ii) Winter schools are currently being planned which will include various subjects.

6) 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). CHAIRMAN CRANE SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE.

Welfare Director Susan Keck presented the following:

- a) Case #2013063 and #2013066
- b) Certificate of Denial on Case #2013063, #2013064, and #2013065
- c) Notice of Lien and Application for Medically Indigent Benefits on Case #2013080
- d) Release of Medically Indigent Lien on Case #2013047 and #2013058
- e) Order of Dismissal on Case #2013047
- f) Medical Records/Utilization Management Review on Case #2013063

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, September 23, 2013

11:28 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:28 AM.

- 7) 11:30 AM USFS/BLM REPORT
 - a) SCOTT NANNENGA – FOREST SERVICE RANGER
 - i) Nannenga reported that Buckhorn Road is open again following repairs.
 - ii) He also reported on a visit with Sheriff Heward and Stan and Arlo Lloyd from Elba to achieve an easement to U.S. Forest Service property.
 - iii) Mine exploration at Black Pine has been approved for George Kelley.
 - iv) A Thompson Flats Campground expansion decision will be made some time this week. They will apply for an RV grant from Idaho Parks and Recreation. They will be adding campsites and expanding existing camp sites. A map of that project was provided to the Board.
 - v) Cave Canyon fence repair from wildfires is moving forward. Grazing could be re-implemented in two years. Three allotments were affected by the wildfire.
 - vi) Some cattle have not been kept off allotments as requested by the Forest Service that may affect re-introduction of approval on wildfire-affected ground. Pictures were provided to the Board depicting the result of that.
 - b) MIKE COURTNEY – BLM DIRECTOR
 - i) Significant rainfall has created a lot of road damage.
 - ii) A Gateway West answer on the Governor's appeal will come later this week. The County will be notified when that is ready to publish.
 - iii) Wildfire season is nearing the end. Burns never exceeded 7,000 acres which is low.
 - iv) There have been protests regarding the Castle Rock responses. When the review is back a final decision will be made.
- 8) 12:00 PM A WORKING LUNCH AT GUADALAJARA RESTAURANT
 - a) Discussion continued with logistics for the Open House of the CCJC.
- 9) 1:58 PM FURTHER DISCUSSION OF RESOLUTION NO. 2013-021 VEHICLE USE POLICY
 - a) Jay Heward and Chris Jensen from the CCSO desired clarification of the new Vehicle Use Policy.
 - b) A discussion proceeded about vehicle use for resident deputies, the Sheriff, the Undersheriff, and deputy dog handlers.
 - c) Travel from officers' residences and to their areas of responsibilities was discussed along with personal use of County vehicles.
 - d) The Board indicated that there have been a number of reports of personal use of County vehicles, officers not appropriately dressed, and the personal use of those vehicles. Jensen requested that the Sheriff's office be made aware of those situations when they occur so they can be taken care of.
 - e) McMurray indicated that appropriate City and County lines should to be set. He also indicated that County employees are not compensated to get to work but rather after they get to work according to County policy.
 - f) Heward and Jensen indicated that convenience as well as readiness for emergencies such as for transport of inmates, dive equipment, and drug dog transport necessitated some officers having their vehicles with them.
 - g) The use of vehicles for travel to and from home was discussed for bailiffs and investigators. The numbers of investigators and the number of pickup trucks needed for them was also discussed.

- h) Heward indicated that investigators often work through lunch. McMurray indicated that FSLA requirements necessitated that they take a lunch.
- i) The need for vehicular use as well as the distance to and from officer's residences to their jurisdictional assignment was discussed. In particular, distances travelled outside the City of Burley jurisdictional assignment and outside the County boundaries was a concern of the Board.
- j) Commissioner Kunau referred to the cost of vehicles, fuel, repairs, and upkeep to provide a perk for officers that other County employees do not receive includes roughly 150,000 miles of travel each year.
- k) Following discussion, the Board determined the policy needed further review.

2:37 PM

MOTION: COMMISSIONER KUNAU MOVED TO RESCIND RESOLUTION NO. 2013-021, A REVISION OF THE COUNTY VEHICLE USE POLICY, FOR FURTHER REVIEW OF ITS PROVISIONS. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10) 2:45 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board