



Cassia County Board of Commissioners

Cassia County Courthouse
Commission Chambers
1459 Overland Ave. – Room 206
Burley, ID 83318
www.CassiaCounty.org

Board Members:

Dennis Crane, Chair (District #3) ~ dcrane@cassiacounty.org
Paul Christensen, Member (District #1) ~ pchristensen@cassiacounty.org
Bob Kunau, Member (District #2) ~ bob.kunau@cassiacounty.org

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Monday, May 11, 2015

9:00 AM

The Cassia County Board of Commissioners met this day in regular session in the Commission Chambers of the Cassia County Courthouse.

THOSE PRESENT:

County Commissioners:

Paul Christensen

Administrator:

Kerry D. McMurray

Others:

Casey Anderson, Citizen

(Anderson is Burley Councilman)

Lana Bowers, Citizen

Todd Quast, County 9-1-1

Bob Kunau

Clerk of the Board:

Joseph W. Larsen

DeAnn Taylor, County 9-1-1

Dennis Crane, Chairman

Prosecuting Attorney:

Doug Abenroth

Ruthe Hobbs, Citizen

Jay Heward, Sheriff

INFORMATION AND ACTION AGENDA ITEMS

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND PRAYER
- 2) 9:05 AM REVIEW CALENDARS AND MEETINGS
 - a) Joint Juvenile Probation Meeting for Tuesday, May 12th has been cancelled
 - b) Joint Jail Meeting at 7:30 a.m. Tuesday, May 12th at the Juvenile Probation Office in Rupert
 - c) Church cleanup project at the Burley Museum at 9:00 a.m. Saturday, May 16th
 - d) Idaho Association of Commissioners and Clerks Conference June 9th through June 11th in Coeur d'Alene
 - e) District IV Elected Officials quarterly meeting at 10:00 a.m. Wednesday, May 27th in Blaine County
- 3) 9:05 AM REVIEW CORRESPONDENCE
 - a) Update from Bonneville Power of review projects they are working on
- 4) 9:06 AM PERSONNEL MATTERS
 - a) CHANGE OF STATUS
 - i) WEED AND PEST DEPARTMENT
 - (1) Hiring of Mandy Darrington as a temporary seasonal weed sprayer
 - (2) Hiring of Eric Boden as a temporary seasonal weed sprayer
 - (3) Hiring of Michael Jarolimek as a temporary seasonal week sprayer

9:07 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

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- b) 11:23 AM PAYOUT OF ACCRUALS with those in comp bank
 - i) Commissioner Christensen commented on employees who are over 75 hours in their Comp Bank.
 - ii) He recommended a memo from the Board quoting the Personnel Policy Handbook be sent to department heads and their employees from the Administration Department where Comp Bank amounts have been exceeded.
 - iii) Those departments include the Weed Department, Adult Misdemeanor Probation, and the Sheriff's Office.
- c) TIME CARDS - None
- d) EXECUTIVE SESSIONS AS NEEDED IC §67-2345(1)(a) or (b) - None
- 5) 9:09 AM REVIEW JUNIOR COLLEGE CERTIFICATE OF RESIDENCY RECOMMENDATIONS FOR APPROVAL
 - a) Larsen asked for guidance on Certificate of Residency applications for the fall semester of 2015 from Abenroth. The Junior College Workgroup has placed on the application instructions a deadline that does not go beyond the semester the student is attending to meet statutory requirements for junior college billings and County payments.
 - b) The Auditor's Office has received applications from four individuals that are from the fall semester of 2015. We were planning to recommend denial based on the lateness of the application and are requesting the opinion of the Board. We are one of the few Counties that are recommending approval from the Auditor's Office despite those deadlines. Larsen will get information to Abenroth to research the issue.
 - c) Commissioner Christensen asked for those in question
 - d) The Board reviewed 11 junior college Certificate of Residency applications
 - i) College of Southern Idaho approvals:
 - (1) High school dual credit: 2
 - (2) Non-dual credit: 8
 - (3) Denials: 3

9:10 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE 10 JUNIOR COLLEGE RESIDENCY APPLICATIONS AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 6) 9:11 AM COUNTY ROAD AND BRIDGE DEPARTMENT WEEKLY WORK SCHEDULE
 - a) Chairman Crane reported actions of Road and Bridge included grading of roads and removing of snow fences.
 - b) They are waiting to hear responses regarding the seasonal job opening. Nobody has applied as of yet.
 - c) The recently purchased fuel tank has not been moved as of yet.
- 7) 9:13 AM BUILDINGS AND GROUNDS WORK AND UPDATES
 - a) McMurray reported that the County has qualified for a grant that will be included on next week's agenda
- 8) 9:12 AM GATEWAY TRANSMISSION LINE UPDATES – No matters
- 9) 9:37 AM REVIEW MINUTES FOR APPROVAL

9:37 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 6, 2015. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:22 AM

MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 4, 2015. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10) 9:21 AM REVIEW VETERANS' SERVICE OFFICER APRIL REPORT

a) Commissioner Kunau reviewed the report as provided.

11) 9:22 AM REVIEW FEDERAL ENERGY REGULATORY COMMISSION ORDER AMENDING RECREATION MONITORING REPORT FILING SCHEDULE

a) Commissioner Kunau reviewed the document and it includes monitoring requirements be changed slightly and the regulatory commission has agreed it is fine to change that.

b) He stated it was not anything really important to the Board

12) 9:24 AM REVIEW IDAHO PUBLIC UTILITIES COMMISSION (IPUC) CASE NO. IPC-E-15-15 AND IPC-E-15-09

a) Commissioner Kunau summarized Case No. IPC-E-15-15 and Case No. IPC-E-15-09 for the Board

13) 9:26 AM DELIBERATE ON PROPOSED TRANSFER OF \$34,000.00 FROM THE MINI-CASSIA DRUG TASK FORCE FUND TO THE CASSIA COUNTY NARCOTICS SEIZED FUND

a) Heward explained that the Task Force Fund has money from both Minidoka and Cassia County. Minidoka decided to buy a pickup with their portion of the fund, leaving them with \$2,850.00. There is \$34,000.00 that belongs to Cassia County.

b) Isolation of money from the Mini-Cassia Drug Task Force to the dedicated Cassia County Narcotics Seized Fund is desired so only Cassia County can access it.

c) Christensen asked about auditing between both Counties. Lieutenant Kevin Horak has been keeping track of that. Larsen concurred that Horak is doing a great job monitoring that and reporting it to the Auditor's Office.

9:30 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE THE TRANSFER OF \$34,000 FROM THE MINI-CASSIA DRUG TASK FORCE FUND TO THE CASSIA COUNTY NARCOTICS SEIZED FUND AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

14) 10:13 AM EXECUTIVE SESSION

10:13 AM CONVENE EXECUTIVE SESSION

MOTION: PAUL CHRISTENSEN/BOB KUNAU, MEMBER, MOVED THAT THE BOARD, PURSUANT TO IDAHO CODE § 67-2345(1)(a), CONVENE IN EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS TO EVALUATE PERSPECTIVE QUALITIES OF AN INDIVIDUAL TO FILL A VACANCY AT THE CASSIA COUNTY SHERIFF'S OFFICE. BOB KUNAU/PAUL CHRISTENSEN SECONDED THE MOTION, FOLLOWED BY A ROLL CALL VOTE:

DENNIS CRANE, CHAIR YES

PAUL CHRISTENSEN, MEMBER YES

BOB KUNAU, MEMBER YES

THE BOARD ADJOURNED THE EXECUTIVE SESSION AT 10:13 AM AND NO DECISIONS WERE MADE.

15) 10:33 AM DISCUSS, REVIEW, AND SET MEETING REGARDING ZOLLINGER'S PROPOSED CONTRACT FOR CONFLICT PUBLIC DEFENDER SERVICES

a) Clayne Zollinger sent a letter to the Board last week proposing to enter into a contract for Public Defender services.

b) McMurray detailed for the Board Zollinger's proposals for rates of pay, types of services rendered, continuing education, liability insurance, a Cassia County office, among other things.

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- c) Larsen provided McMurray with financial information and the total paid thus far this fiscal year to Zollinger is \$27,300.00. Under the previous contract provisions with Zollinger, the County would have paid \$17,000 to this point reflecting an additional \$10,000 so far up to April 20th, which reflects 60% of the fiscal year completed. If the trend continues, this fiscal year, the cost would rise to \$45,000.
 - d) McMurray said the provisions of Zollinger's proposed contract appears to work with the Statute but there is a question as to the financial amounts. He desires to go from the current rate of \$55.00 an hour and he wants to go to \$65.00 for any work over 15 hours, and a rate of \$95.00 for any first or second degree murder cases. Abenroth said he is desiring to negotiate these additional terms.
 - e) He currently has an office in Minidoka County and he wants Cassia County to provide an office for him.
 - f) Commissioner Christensen asked about his involvement in Minidoka County for conflict public defense. Minidoka County has interpreted they can maintain their current contract that we did away with on October 1, 2015. Abenroth said this can be used as a baseline and go back to Zollinger or any other attorney with what the Board would like to do. It was decided that bids from other attorneys may be prudent to see if someone else has a different take on it.
 - g) Zollinger has requested to come in and visit with the Board.
 - h) Larsen recommended for budgeting purposes it might be wise to know an amount within a month.
- 16) 10:45 AM DELIBERATE ON AND REVIEW COMMENTS FOR DRAFT GREATER SAGE GROUSE PROPOSED AMENDMENT/FINAL ENVIRONMENTAL IMPACT STATEMENT
- a) The deadline to make comment is by Wednesday, May 13th.
 - b) Chairman Crane said he has been talking to Doug Pickett from the FLAG Committee and they are working on a draft response. Grass height requirements may effect grazing and Pickett is going to talk to Speaker Scott Bedke regarding where he is on the Governor's Task Force.
 - c) Commissioner Crane felt the Board should send some kind of a statement that we don't like it.
 - d) If grazing is limited to allow grass height, we are going against our theory for fire control as grazing provides a natural fire buffer to maintain habitat according to Commissioner Kunau. Once there is a wildfire, there is not cover for the Sage Grouse.
 - e) Commissioner Christensen said he spent a couple of hours reading the document and the State is making the recommendations.
 - f) Commissioner Christensen said if the FLAG Committee had put something together, he wouldn't hesitate to sign off on their recommendations.
 - g) Chairman Crane will get with Pickett at the recommendation of the rest of the Board.
- 17) 10:58 AM AUDITOR'S OFFICE FY2016 SCHEDULING FOR DEPARTMENT AND BUDGET DISCUSSION WORKSHOPS AND JOINT BUDGET DISCUSSION WORKSHOPS WITH THE BOARD
- a) Next Monday is the deadline for department to submit their budgets to the Auditor's Office for FY2016.
 - b) The Auditor's Office wants to get information to the Board as soon as possible for the Board's review of the case they have made for budget adjustments. Then the Board can dialogue with the departments following the review of their requests to determine what they preliminarily approve and what they desire to pass upon approving.
 - c) Larsen will coordinate with McMurray dates for those workshops. Larsen is working with Minidoka County Clerk Patty Temple for joint meetings to follow this same workshop pattern and not in a lunch setting as requested by Minidoka County. Both Boards can then preliminarily determine what is and what is not acceptable with the requests so decisions are made rather than deferring to a later date.
 - d) The Auditor's Office needs to set some dates later this month or after the first of June.
- 18) 11:02 AM AUDITOR'S OFFICE AFFORDABLE CARE ACT COMPLIANCE DISCUSSION

- a) Larsen reported on a training seminar with Mercer Corporation offered at no cost to review compliance of the Affordable Care Act (ACA).
- b) FY2015 begins reporting procedures and we haven't nailed down what Stephenson's can do to have our AS400 integrate programming to extract data for the three part reporting. We must attain 60% accuracy this year and that goes up to 96% next year.
- c) Part time and seasonal workers in the County are not completely congruent with the IRS for ACA acceptance and reporting.
- d) Cassia County is behind in that process and we need to integrate with Stephenson's to accomplish. The violation of ACA requirements is quite costly.
- e) Larsen will get with Stephenson's and MBA and get back with the Board.

19) 11:29 AM REVIEW COUNTY PAYABLES FOR APPROVAL (*attachment included*)

11:29 AM

MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE COUNTY PAYABLES DATED MAY 8, 2015. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:29 AM PERSONNEL POLICY REVIEW AND DISCUSSION REGARDING EVALUATIONS AND EXIT INTERVIEWS

- a) The Board was provided with proposed changes to the Personnel Policy Handbook addressing evaluations and exit interviews.
- b) Larsen brought to attention of the Board that the current policy exit interview went beyond the scope of the Auditor's Office following an experience with a former employee. That employee was referred to the Administrator's Office to discuss complaints. That caused for a review of the current policy.
- c) Abenroth went over proposed changes.
- d) Larsen suggested other options for an exit interview rather than just one person as the exiting employee might not be as forthright or not desire at all to talk to that one particular individual.
- e) It was determined that those proposed changes will be presented at the next department head meeting that will be scheduled for June 1st.

SCHEDULED INFORMATION AND ACTION AGENDA ITEMS

20) 9:10 AM BOARD OF EQUALIZATION (BOE) – None today

21) 9:15 AM 9-1-1 EMERGENCY COMMUNICATION FEE HEARING

- a) The Board went on the record at 9:15 a.m.
- b) Quast detailed projects and attendant costs planned for 9-1-1
- c) Recommendations of the 9-1-1 Advisory Committee was presented by Quast to the Board.
- d) Quast clarified to Commissioner Christensen that the \$1.00 proposed fee is the maximum amount per phone that can be charged for 9-1-1 and is established by statute. The recommendation was to hold to the \$1.00 fee.

9:19 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SETTING THE 9-1-1 \$1.00 PER PHONE FEE FOR THE NEXT FISCAL YEAR AS RECOMMENDE BY THE 9-1-1 ADVISORY COMMITTEE. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

9:20 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO CONCLUDE THE 9-1-1 HEARING. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

22) 9:30 AM APPOINT LIAISON FOR THE CITY OF BURLEY TRANSFER STATION DISCUSSION

- a) Commissioner Kunau suggested Clerk Larsen be the liaison with the City of Burley where the Auditor's Office has all the financial information the City may need.

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b) Commissioner Christensen concurred with that suggestion.

9:31 AM

MOTION: BOB KUNAU, MEMBER, MOVED TO APPOINT CLERK LARSEN AS LIAISON TO THE CITY OF BURLEY REGARDING THE CITY OF BURLEY'S PROPOSED WASTE TRANSFER STATION. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

c) Larsen accepted the responsibility but will pass all information to be provided by Abenroth first.

23) 9:38 AM DELIBERATIONS ON PROPOSED ZONING ORDINANCE AMENDMENTS

a) Commissioner Kunau, Commissioner Christensen, and McMurray provided comments and concerns regarding proposed zoning ordinance amendment sections.

b) It was stated that the Board should make all major decisions.

c) Abenroth commented it helps to ferret out concerns with the knowledge of history the administrator has and it allows some situations to be dealt with without going back to a hearing.

d) McMurray outlined the four questions that must be considered before a decision is made according to the Local Land Use and Planning Act.

e) Considerations of time elements and agricultural protection were included in the deliberations.

10:11 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SECTIONS 9-11-6 AND 9-9-4(t) OF THE PROPOSED ZONING ORDINANCE AMENDMENTS AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

10:12 AM

MOTION: BOB KUNAU, MEMBER, MOVED TO REJECT SECTIONS 9-5-2, 9-10-11, 9-11-10, AND 9-11-12 OF THE PROPOSED ZONING ORDINANCE AMENDMENTS AS PRESENTED. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

24) 11:02 AM INDIGENT MATTERS

11:02 AM CONVENE EXECUTIVE SESSION

MOTION: BOB KUNAU, MEMBER, MOVED THAT THE BOARD, PURSUANT TO IDAHO CODE § 67-2345(1)(d), CONVENE IN EXECUTIVE SESSION TO CONSIDER MEDICAL INDIGENT MATTERS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE AND VOTE TO DO SO BY ROLL CALL.

DENNIS CRANE, CHAIR YES

PAUL CHRISTENSEN, MEMBER YES

BOB KUNAU, MEMBER YES

a) The Board determined to enter a hearing to hear Case No. 2014075 and 2015007 simultaneously

b) The hearing went on the record at 11:03 a.m.

c) Abenroth conducted hearing and asked for all in attendance to introduce themselves.

d) Abenroth desired to wait a period of time for the subject to the cases to appear.

e) The hearing recessed at 11:05 a.m. to provide additional time for the subjects to the case to arrive.

f) The hearing went back on the record at 11:14 a.m. The applicants to the case were not located in any area of the courthouse.

g) It was pointed out that the applicants were subpoenaed to be here at 11:00 a.m. this morning.

h) Welfare Director Susan Keck had previously recommended and the Board approved denial of the application in question.

i) Abenroth asked for a procedural case summary to which Keck complied.

j) The Board had no questions.

k) Abenroth suggested to uphold the original decision upon exit of the Executive Session.

l) The hearing went off the record at 11:19 a.m.

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11:19 a.m. Welfare Director Susan Keck presented the following cases for review and approval of the Board:

- m) Case Presentation: 2015012
- n) Certificate of Denial: 2015036
- o) Notice of Continuance of Hearing: 2015004
- p) Release of Medically Indigent Lien: 2014114, 2015012

11:20 a.m. The Board adjourned the Executive Session

11:20 AM

MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE UPHOLDING THE DENIAL OF CASE NO. 2014075 AND CASE NO. 2015007 AS WELL AS THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

11:43 AM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman

CLERK OF THE BOARD:

/s/ _____

Joseph W. Larsen

ATTACHMENT:
COUNTY PAYABLES
5/11/2015

5/11/2015

COUNTY EXPENDITURES

	DEPARTMENT	FUND/DEPT	AMOUNT	
104 Current Expense Fund	COUNTY COMMISSIONERS	104.401	\$0.00	
	AUDITOR & RECORDER	104.402	\$431.31	
	TREASURER	104.404	\$50.42	
	ASSESSOR	104.405	\$40.06	
	AGRICULTURAL EXTENSION	104.410	\$0.00	
	COUNTY BUILDING	104.411	\$3,980.45	
	JUDICIAL CENTER	104.412	\$445.45	
	BOARD OF HEALTH	104.413	\$0.00	
	PLANNING & ZONING	104.414	\$224.72	
	GENERAL	104.415	\$740.74	
	CIVIL DEFENSE	104.416	\$455.11	
	COUNTY ELECTIONS	104.417	\$0.00	
	COUNTY ADMINISTRATION	104.419	\$2,829.09	
	VETERANS SERVICE OFFICER	104.421	\$0.00	
CURRENT EXPENSE FUND TOTAL			\$9,197.35	
Dedicated Funds	SOCIAL SERVICES	105.502	\$450.00	
	CASSIA COUNTY COURTS	106.602	\$554.42	
	COUNTY ROAD & BRIDGE	107.707	\$2,128.86	
	WEED & PEST	108.708	\$0.00	
	SOLID WASTE	109.709	\$0.00	
	AMBULANCE SERVICE	110.710	\$0.00	
	FAIR EXHIBITS	111.711	\$0.00	
	HISTORICAL SOCIETY	112.712	\$0.00	
	COMMUNITY COLLEGE	113.713	\$0.00	
	REVALUATION	114.714	\$312.70	
	9-1-1 COMMUNICATIONS	115.715	\$1,352.49	
	CONSOLIDATED ELECTIONS	116.716	\$951.13	
	COUNTY WATERWAYS	117.717	\$0.00	
	COUNTY SNOWMOBILE	118.718	\$0.00	
	ASSESSOR TRUST	123.323	\$0.00	
	EMERGENCY MEDICAL SERVICE	133.733	\$0.00	
	NARCOTICS SEIZED ASSETS	134.334	\$0.00	
	CASSIA DRUG TASK FORCE	136.736	\$568.00	
	D.A.R.E. TRUST	137.737	\$322.64	
	PHYSICAL FACILITIES	144.744	\$222.53	
	ADULT MISDEMEANOR PROBATION	149.349	\$20.00	
	ADULT MISDEMEANOR PROBATION	149.749	\$289.39	
	VIOLENT PREDATOR ACCOUNT	150.750	\$0.00	
	BOX ELDER COUNTY BOOKMOBILE	151.751	\$0.00	
	WIDOW BENEFIT TRUST	198.798	\$0.00	
	DEDICATED FUNDS TOTAL			\$7,172.16
	130 Justice Fund	JUSTICE FUND	130.330	\$1,253.25
CLERK OF THE DISTRICT COURT		130.803	\$0.00	
CONFLICT PUBLIC DEFENDER		130.804	\$2,296.50	
JUVENILE JUSTICE		130.805	\$0.00	
PROSECUTING ATTORNEY		130.807	\$240.59	
PUBLIC DEFENDER		130.808	\$1,323.49	
CORONER		130.809	\$630.68	
LAW ENFORCEMENT BUILDING		130.812	\$231.08	
SHERIFF - PATROL		130.821	\$4,759.29	
SHERIFF - INVESTIGATIONS		130.822	\$99.21	
SHERIFF - DISPATCH		130.823	\$0.00	
SHERIFF - ADMINISTRATION		130.824	\$462.82	
M-C CRIMINAL JUSTICE CENTER		130.827	\$37,905.03	
M-C JUVENILE DETENTION CENTER		130.828	\$0.00	
JUSTICE FUND TOTAL			\$49,201.94	
TOTAL EXPENDITURES			\$65,571.45	