



Cassia County Board of Commissioners

MEETING MINUTES

Monday, February 1, 2021

Cassia County Courthouse • Commission Chambers
1459 Overland Ave • Room 206 • Burley ID 83318

9:00 AM

The Cassia County Board of Commissioners met today at the place and time as posted by agenda pursuant to Idaho Code § 74-204 for Open Meetings Law.

ACTION AGENDA ITEMS

- 1) 9:04 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:06 AM Roll call

Roll Call,

Present: Leonard M. Beck – Chair, Kent R. Searle – Member, Bob Kunau - Member, Kerry McMurray - Assistant to Board (Not voting), McCord Larsen - County Attorney (Not voting), Sharene Ahlin - Deputy Clerk (Not voting).

- 4) 9:07 AM Calendar, meetings, committee reports, and correspondence were reviewed.
 - a) 10:08 AM Elections – Clerk Larsen requested that a special meeting be scheduled for Wednesday, 2/3/2021, to designate polling places for the 3/4/2021 Consolidated Election involving on precinct in Cassia County for the American Falls School District supplemental levy.
- 5) 9:14 AM Approve payables for 2/1/2021

9:14 AM **Motion and Action:** Approve payables presented on 2/1/2021, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member.
Motion passed unanimously.

- 6) 9:16 AM Approve minutes from 1/25/2021

9:16 AM **Motion and Action:** Approve minutes from 1/25/2021 as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member
Motion passed unanimously.

- 7) 9:17 AM Approve the December 2020 synopsis

9:17 AM **Motion and Action:** Approve the December 2020 synopsis as presented, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

CASSIA COUNTY COMMISSION
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Instrument # 2021000972
BURLEY, CASSIA, IDAHO
2-16-2021 04:11:14 PM No. of Pages: 10
Recorded for : CASSIA COUNTY COMMISSIONERS
JOSEPH LARSEN Fee: 0.00 EV
Ex-Officio Recorder Deputy
Index to: COMMISSIONERS MINUTES

8) 9:19 AM Approval of Clerk's Office recommendations regarding junior college Certificate of Residency Forms

9:20 AM **Motion and Action:** Approve Clerk's Office recommendations to approve four junior college Certificate of Residency Forms as presented, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

9) 9:22 AM Personnel Matters:

a) Change of Status Requests

i) Road and Bridge - Thomas C Biggs (Seasonal Road Tech) termination - 2/2/2021

ii) Sheriff - Jay Heward (Elected County Sheriff) voluntary resignation - 12/31/2020

9:23 AM **Motion and Action:** Approve Change of Status Requests as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member. Motion passed unanimously.

10) 10:43 AM Executive Sessions

10:45 AM **Motion and Action:** Enter Executive Session pursuant Idaho Code § 74-206 (1) (b) to consider personnel issues and Idaho Code § 74-206 (1) (d) to consider records that are exempt from public disclosure. **Moved by** Bob Kunau – Member, **Seconded by** Kent R. Searle - Member.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Kent R. Searle - Member, Bob Kunau - Member, Leonard M. Beck - Chair.

10:59 AM Upon exit of Executive Session, the board took the matter under review.

10:59 AM **Motion and Action:** Approve recommendations of the Social Services Director regarding indigent matters, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member. Motion passed unanimously.

11:49 AM **Motion and Action:** Enter Executive Session pursuant Idaho Code § 74-206 (1) (b) to consider personnel issues, Idaho Code § 74-206 (1) (d) to consider records that are exempt from public disclosure, and Idaho Code § 74-206 (1) (f) to communicate with legal counsel regarding pending/imminently-likely litigation, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Kent R. Searle - Member, Bob Kunau - Member, Leonard M. Beck - Chair.

12:22 PM Upon exit of Executive Session, the board took the matter under review.

11) 10:39 AM Discussion regarding Idaho Code § 22-202 and Fair Board – Prosecutor Larsen

a) It was discussed that the law permits a fair board of either five or seven members.

b) The law does not permit the changing of the quantity of fair board members once established.

c) 2:22 PM Larsen has drafted a letter regarding fair board members; said letter will be sent out.

SCHEDULED ACTION AGENDA ITEMS

12) 10:31 AM Attenti Contract Addendum 1, NASPO Value Point Participating Addendum – Prewitt

10:37 AM **Motion and Action:** Approve the purchases from Attenti and authorize the chairman to sign the agreement for the described straps, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

13) 9:31 AM Review and approve Auditor's Office recommendation for use of credit card for vendors

- a) Deputy Auditor Wallace requested the closing of charge accounts with Staples and Office Depot due to continued problems with credits, payments, and past due notices.
- b) The vendors may still be used with purchases paid by using county credit cards.

9:41 AM **Motion and Action:** Give approval to the Auditor's department to carry forth with their recommendations for the use of credit cards and charge accounts for the respective businesses as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member. Motion passed unanimously.

14) 9:42 AM Sales Tax & Revenue Sharing funds report – Evans

- a) FY2021 first quarter sales tax distributions were received and presented.
- b) The base amount did not change. The excess received for all eligible taxing districts in Cassia County was \$120,746.03. The amount received in the prior quarter was \$141,926.35, evidencing a drop in receipts of \$21,180.32. Cassia County's portion is approximately 70.47% of that amount. The difference for the county resulted in a reduction of second quarter revenues of \$4,320.04.
- c) Revenue sharing also dropped with the prior quarter receipts of \$262,596.12 and the FY2021 first quarter receipts of \$250,417.85 for a total decrease of \$12,178.62. Those funds are split between the Current Expense Fund and the Justice Fund.

15) 9:48 AM Review & approve purchase of Tenex e-pollbooks as part of CARES Act approval – Keck

- a) Keck reported the remaining allocated CARES Act funds for the pre-approved purchase of Tenex e-pollbooks was \$11,120.00.
- b) A bid from Tenex was provided for the purchase of eight e-poll books in the amount of \$11,200.00 to utilize the additional approve amount.
- c) This will allow for two e-poll books in all but four small precincts.
- d) Budgeted Election funds in the amount of \$80.00 will be combined with \$11,120.00 approved by the CARES Act to cover the Tenex bid amount.

9:52 AM **Motion and Action:** Approve the Tenex bid amount of \$11,200.00 for additional e-poll books as presented, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

16) 11:00 AM Public Meeting for Golden Eagle Project request for 63-602NN property tax exemption

- a) Brent Tolman spoke regarding the request for exemption.
 - i) Tolman explained that he is working with an investment group that is considering building a dairy processing facility. The group is currently considering sites in Jerome County and American Fork Utah, as well as Cassia County. The Cassia County site is preferred as it is central to their locations.
 - ii) The initial investment of over \$200 million. They plan to start with 145 jobs that will pay an average of \$48,000 per year. An economic impact analysis was reviewed.
 - iii) It is anticipated that the production of the facility initially will be estimated at 2.5 million pounds of milk per day, with a long-term goal to increase to ten million pounds of milk per day.
 - iv) The exemption is requested to begin in 2023 and to run for a period of five years. Construction would be anticipated to commence in June 2021.
 - v) The proposed site is located at 55 N 80 W, Burley, ID.
 - vi) Sewer and water services will be provided by the City of Burley.
 - vii) Proposed project is located in an urban renewal district, that will be closing within two years.
- b) Chair Beck inquired if there would be sufficient milk in the area to support the needs of the new plant. Tolman replied that there is sufficient milk anticipated to be available in the immediate area, as there is milk currently being exported to other areas.
- c) Chair Beck inquired about any odors that may come from the facility. Tolman stated that emissions would be minimal and will be within stated limits of Idaho Department of Environmental Quality.
- d) Commissioner Searle asked about the difference in levy rates between the areas being considered. Tolman stated that the rates in American Fork and Jerome County were a bit higher.
- e) Commissioner Kunau explained that when an exemption is granted on a project like this that the employees that work in the newly created jobs will be paying property taxes on the new homes that are built, thus expanding the tax base. He stressed that adding businesses will provide employment to local area employees, and was important as other industries may see the number of jobs shrink over time as processes change and automation increases.
- f) Assessor Davis discussed the housing in the county has grown dramatically over the past ten years. There would be an increase in the assessed values of the project site from agricultural to commercial. If an exemption is granted on the project the county will still see economic benefits.
- g) Treasurer Greener stated that the project would be beneficial to the county.
- h) James Shank of the Cassia School District stated that the school district could support the growth that could come with the project.
- i) Matter will be taken under advisement, and will be placed on the agenda for the 2/8/2021 meeting for follow up.

17) 12:22 PM Recess for lunch until 1:25 PM

12:22 PM **Motion and Action:** Recess until 1:25 PM, **Moved by** Kent R. Searle – Member, **Seconded by** Bob Kunau - Member.

Motion passed unanimously.

1:28 PM Reconvene from Recess

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18) 1:28 PM Oak Valley Dairy hearing

- a) Chair Beck recused Commissioner Bob Kunau from the hearing. (Note: the reason subsequently detailed for that recusal was that Kunau is one of the Oak Valley Dairy, LLC applicants)
- b) The purpose of the public hearing was to consider the proposal regarding a conditional use application from Oak Valley Dairy LLC, and to allow for a modification of an existing CAFO permit.
- c) The procedures of the hearing were outlined by Chair Beck.

1:32 PM **Motion and Action:** Enter into a public hearing for a proposed CAFO Permit for Oak Valley Dairy, LLC, **Moved by** Kent R. Searle – Member, **Seconded by** Leonard M Beck - Chair.

Motion passed.

- d) Brandon Barrett, an attorney from Twin Falls Idaho appeared to speak on behalf of Oak Valley Dairy and Oak Valley Land Company. Mike Aardema, a member of Oak Valley Dairy also appeared.
 - i. Oak Valley seeks to modify their current CAFO permit that was granted in 2005.
 - ii. The modifications include adding additional acreage in the amount of 4,026 acres as CAFO property subject to the permit.
 - iii. They are requesting increasing the animal units permitted by the permit to 18,052 animal units. Also requested is to allow for the confinement of both Jersey and Holstein dairy cattle.
 - iv. Requesting to extend the CAFO site to accommodate composting areas, retention ponds, and proposed barns for the dairy, and also to allow for the installation of two new cross vented free stall barns and an associated milking parlor on the CAFO site.
 - v. The current permit covers approximately 3060 acres, which includes both the current dairy site and waste management ground. The additional property consists of approximately 1,900 acres of land owned by Glenn Kunau, approximately 180 acres owned by Robert Kunau, and approximately 1,941 acres owned by AMC Rentals.
 - vi. They did note that waste from the dairy on the CAFO is to be applied to the ground currently owned by Oak Valley Dairy and Oak Valley Land Company. This new ground is being included solely to meet county density requirements. There is no anticipation that waste will be deposited on the new grounds.
 - vii. On account of the addition of CAFO property they are seeking a corresponding increase in animal units for the CAFO. Under the current CAFO ordinance, permittees are allowed 2 animal units per acre. The new acreage would allow the addition of 8,052 animal units under the permit. Those new animal units are combined with the currently permitted 10,000 resulting in a total of 18,052 animal units.
 - viii. The facility that is currently constructed as set out in the application is expected to hold 15,000 animal units. As advances in technology happen, it is anticipated that the current facilities could accommodate even more, thus being permitted for 18,052 animal units. This would allow Oak Valley Dairy room for growth as new technologies come along or are implemented.
 - ix. A revised nutrient management plan covering the full number of animal units sought by this amendment is in process and review with the Idaho Department of Agriculture, and they do not anticipate any issues in getting that plan approved.
 - x. The current permit specifically approves a predominantly Holstein operation. They are seeking to have that amended so that Holstein as well as Jersey dairy cattle could be confined on the CAFO to allow for a potential transition of the herd from Holsteins to Jersey cows in the future.

- xī. Oak Valley Dairy is currently constructing an anerobic digester on the dairy which will convert animal waste to bio gas, which will then be sold and injected into the Williams pipeline and sold to consumers primarily in California. As part of that project the credits and the prices ultimately paid for that gas by the entities depend upon the CI (Carbon Intensity) Score given to the waste on the dairy. Digesters are anticipated to be completed in the coming months.
 - xii. Setbacks will meet all requirements with the exception of a composting lot on the western edge of the CAFO. A waiver of the setbacks is requested for the composting area. The only party implicated by the shortened setback would be the applicant.
 - xiii. There are no wells or residences adjacent to the dairy other than those owned by the applicant or its members.
 - xiv. It was discussed that the Burley Highway District had concerns regarding the stacking of traffic, as well as the approach for the scales on 800 West. It is anticipated that those concerns can be partially mitigated by utilizing a firmer schedule of trucks coming in and out of the dairy. Longer approaches to the scales that may be located on Oak Valley's property may be considered. Oak Valley intends to construct a quarter mile long approach to allow stacking of trucks off of the roadway.
- e) Searle recommended to place the matter on the agenda of the 2/8/2021 meeting for a decision, Chair Beck agreed.

2:20 PM **Motion and Action:** Close Oak Valley Dairy hearing, **Moved by** Kent R. Searle – Member, **Seconded by** Leonard M Beck - Chair.
Motion passed.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

19) 10:04 AM CARES Act follow up

- a) Deputy Auditor Ahlin reviewed the CARES Act grant summary documents with the Board.
- b) A list of ten previously submitted claims was considered with a total expenditure of \$201,197.87.
- c) It was discussed to approve the disbursement of funds for the existing claims, as the expenses had already been incurred.

10:04 AM **Motion and Action:** Approve disbursement of \$201,197.87 for the ten previously approved claims, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member.
Motion passed unanimously.

- d) An additional list of items for funding consideration was briefly reviewed.
- e) A request was made to allocate \$64,554.58 of the received public safety payroll funds, to cover the cost of potential budget amendments that may be necessary to cover the overtime costs that were incurred when personnel were out on leave for COVID-19.
- f) It was recommended that any computer or I.T. related considerations be reviewed by I.T. Director David Burgess to ensure needs are adequately met and at the best possible savings.
- g) Chair Beck recommended that the Board consider allocating funds to the request from the Treasurer's Office for a partitioned office.

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20) 2:22 PM COVID-19 follow up

a) Chair Beck discussed that he received a message from Mr. Smalley at the hospital, advising that numbers are down, and inquiring if any additional follow up is desired.

b) Beck indicated he has requested to continue receiving updates.

21) 9:29 AM Execute Ordinance 2021-01-02 regarding South Central Public Health District (SCPHD) Board appointments

a) Matter has been tabled until the outcome of any related legislative bills is known.

22) 1:28 PM Complaint regarding junk on properties follow up – McMurray

a) Matter is being referred to the prosecutor's office for follow up.

23) 2:23 PM Adjourn

2:23 PM **Motion and Action:** Adjourn, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle – Member. Motion passed unanimously.

APPROVED:

A handwritten signature in black ink, appearing to read "Leonard M. Beck", is written over a horizontal line.

Leonard M. Beck, Chair

DEPUTY CLERK OF THE BOARD:

A handwritten signature in blue ink, appearing to read "Sharene Ahlin", is written over a horizontal line.

Sharene Ahlin

SUMMARY CLAIMS APPROVAL REPORT INCLUDING BUDGET BALANCES

BOTH UNPAID CLAIMS & DEMANDS GENERAL GOVERNMENT FUNDS

34% OF FISCAL YEAR ELAPSED

* UNAPPROVED DEMANDS APPEAR IN ACTUALS AND ALSO AS AN INVOICE .

Fund	Budget	Actual	Demand/Claims Amt	Budget Remaining	% Budget Remaining
0001 GENERAL FUND (CURRENT EXPENSE)	4,482,443.00	1,519,099.74	7,059.07	2,963,343.26	66%
0008 JUSTICE	10,177,895.00	3,191,002.69	359,221.47	6,986,892.31	69%
0012 M-C MISDEMEANOR PROBATION	934,520.00	267,055.32	1,734.66	667,464.68	71%
0013 911 COMMUNICATIONS	872,000.00	127,703.07	7,777.91	744,296.93	85%
0016 SOCIAL SERVICES-ASSISTANCE	1,325,742.00	158,408.85	9,194.30	1,167,333.15	88%
0020 REVALUATION	362,953.00	127,639.14	167.60	235,313.86	65%
0029 PHYSICAL FACILITIES	200,000.00	26,467.98	395.04	173,532.02	87%
		Total Amount Paid	385,550.05		

STATE OF IDAHO
CASSIA COUNTY

WE, THE CASSIA COUNTY COMMISSIONERS, BEING DULY SWORN DO HEREBY CERTIFY AND DECLARE THAT
WE HAVE REVIEWED THE DEMANDS ENUMERATED AND REFERRED TO IN THE FOREGOING REGISTER, AND THAT THE SAME ARE
TO THE BEST OF OUR KNOWLEDGE ACCURATE AND ARE JUST CLAIMS AGAINST THE COUNTY, AND THAT THERE ARE FUNDS
AVAILABLE FOR PAYMENT THEREOF IN THE COUNTY TREASURY.

APPROVED FOR DISTRIBUTION AS OF

2-1-2021


 COMMISSIONER


 COMMISSIONER


 COMMISSIONER

* WARNING: This fund is over budget

Cassia County Commissioner Meeting

Attendance Log

Date: 2-1-21

NAME (Please Print)	TOWN	REPRESENTING
1. J. Thompson		CCSC
2. JOE LARSEN	Burley	CLERK
3. Michelle Wallace	Burley	CLERK
4. Heather Whitened Evans	Burley	Auditor's
5. Susan Keck	Almo	Elections
6. Brent Tolman	Burley	GPA -
7. Matt Adams	Burley	Assessor's
8. Mike Anderson	Burley	Oak Valley
9. Pete Jones	Burley	Oak Valley
10. Rob Carson	Burley	
11. CHRIS JAMES	BURLEY	CJSD #151
12. JAMES GHANK	BURLEY	CJSD #151
13. Laura Greener	Burley	Treasurer
14. Lynn Connerly	Burley	
15. Dallon Schenk	Oakley	
16. Brian Bennett	Twin Falls	
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