



# Cassia County Board of Commissioners

## SPECIAL MEETING MINUTES

### Tuesday, January 17, 2023

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) 9:02 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:04 AM Roll call

#### **Roll Call.**

**Present:** Leonard M. Beck - Chair, Kent R. Searle - Member, Bob Kunau - Member, Kerry McMurray - Assistant to Board (Not voting), Cally Velasquez - Deputy Clerk (Not voting).

- 4) 9:04 AM Calendar, meetings, committee reports, and correspondence were reviewed.
  - a) 1/18/2023 - South Central Public Health District Board meeting at 1:30 PM - Kunau
  - b) 1/18/2023 Middle Snake Regional Water Resource Commission meeting at 1:00 PM - McMurray
  - c) 1/19/2023 - South Central Community Action Partnership meeting at 11:00 AM - Kunau
  - d) 1/19/2023 Planning & Zoning Commission meeting at 3:00 PM - Searle
  - e) 1/25/2023 - Solid Waste District meeting - Beck
  - f) A letter was received from Rick Naerabout, the CEO from the Idaho Dairymen's Association requesting to be considered to participate on the suggested committee regarding the proposed CAFO zoning ordinance amendments.

9:07 AM Prosecutor Larsen entered the meeting.

- g) A letter was received from Don Pickett regarding CAFO zoning ordinance amendments and Prosecutor Larsen stated he was working on a response.

5) 9:08 AM Approve payables for 1/17/2023

9:08 AM **Motion and Action:** Approve payables as presented on 1/17/2023, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

6) 9:10 AM Approval of Clerk's Office recommendations regarding junior college Certificates of Residency

9:10 AM **Motion and Action:** Approve Clerk's Office recommendations to approve five junior college Certificates of Residency as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

7) 11:20 AM Personnel Matters - Change of Status Requests

- a) MCCJC - Kate Belloli - Jail Tech - new hire

#### **CASSIA COUNTY COMMISSION**

#### **SPECIAL SESSION**

**Tuesday, January 17, 2023**

**Instrument # 2023000227**

BURLEY, CASSIA, IDAHO

1-30-2023 11:28:21 AM No. of Pages: 8

Recorded for : CASSIA COUNTY COMMISSIONERS

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: COMMISSIONERS MINUTES

11:20 AM **Motion and Action:** Approve the Change of Status Request as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - member.  
Motion passed unanimously.

8) 9:13 AM Executive Sessions

9:13 AM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues and Idaho Code § 74-206 (1) (f) to communicate with legal counsel regarding pending/imminently-likely litigation, **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.

9:34 AM Upon exit of Executive Session, the board took the matter under advisement.

10:43 AM Executive Session

10:43 AM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (f) to communicate with legal counsel regarding pending/imminently-likely litigation, **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.

11:20 AM Upon exit of Executive Session, the board took the matter under advisement.

11:23 AM Executive Session

11:23 AM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues, **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.

11:57 AM Upon exit of Executive Session, the board took the matter under advisement.

9) 9:51 AM Consider CAT Board District 4 nomination

- a) The Board was not prepared to make a nomination at this time.
- b) Consideration of the matter was postponed to learn if there was a potential nominee from Minidoka County.

10) 9:51 AM Discuss water quantity issues

- a) Searle had been contacted by numerous people, including Dean Stevenson, a member of the Idaho Water Resource Board. A committee was suggested to evaluate the matter and Searle wanted to know how the Board desired to proceed with the issue of water quantity in the County.
- b) He suggested getting additional information for further discussion from the Idaho Department of Water Resources (IDWR), Southwest Irrigation District, and others to assist on how to proceed.

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- c) Chair Beck referred to the suggestions during previous meetings to form an ad hoc committee. He felt the discussion of water quantity can come forth there to provide further guidance. When the Board meets next on 1/30/2023, they could make appointments to that committee to make certain it is a workable group and not just a sizeable group.
  - d) Kunau said it is important for the Board to be careful to not exert above their authority as there is no benefit to expend money in court. What is done should benefit everybody.
- 11) 9:55 AM Appoint Fair Board member to fill expiring term of Tony Holt
- a) Tony Holt has applied to fill a four-year term on the Fair Board.

9:55 AM **Motion and Action:** Approve a reappointment of Tony Holt to a four-year term on the Fair Board, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member  
Motion passed unanimously.

- 12) 9:56 AM Declare Ordinance 2023-01-01 and deliberations from 1/12/2023 thereon to be null and void
- a) Pursuant to Idaho Code § 74-208 (7), Chair Beck acknowledged there was an open meeting violation in inappropriately allowing testimony in a hearing called for on 1/12/2023.
  - b) Chair Beck said it would behoove the Board to make null and void the motions made by the Board in regards to the proposed amendments changes.
  - c) Chair Beck further recognized that they had withdrawn from any motion in regards to irrigable acres in the proposed amendment.

9:58 AM **Motion and Action:** Approve making null and void the Adoption of Ordinance 2023-01-01 on 1/12/2023, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member  
Motion passed unanimously.

- 13) 9:58 AM Deliberate upon proposed Ordinance 2023-01-01, Amended, to approve amendments to Title 9 Zoning regulations and Title 10 Subdivision regulations, not to include sections 9-2-2, 9-11-3 and 9-11-6
- a) Beck added language to the deliberation directive to consider the three following responsibilities:
    - i) Analyze the proposed changes to ensure that they are not in conflict with the policy of the adopted comprehensive plan,
    - ii) The Board must find that the proposed amendments will not result in demonstrable adverse impacts upon the delivery of service by any political subdivision providing public service, and
    - iii) If the amendments are not in conflict with the comprehensive plan and there is no demonstrable impact upon any political subdivision, then Board proceeds to adopt the amendments.
  - b) Prosecutor Larsen advised that before going forward with deliberations to allow for at least one more meeting for the consideration of reopening the hearing for further testimony where some has been declared null and void with the opening of a hearing on 1/12/2023 that had not been posted. Larsen's advice would allow time for each member of the Board to review considerations further and to allow the public another opportunity to make comment if they desire so that can be considered with the proposed ordinance amendments.
  - c) Larsen further stated that the comments given on the record on 1/19/2023 are part of the public record and striking those comments isn't the appropriate action. It would be appropriate and make more sense for the Board to open the matter up for a hearing again and allow for public comments on the matters of Ordinance 2023-01-01 as amended so the Board can properly consider those comments.

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- d) Chair Beck asked for a future hearing to be in accordance with Prosecutor Larsen's schedule. He is working on adjusting his court schedules to be present.
  - e) Larsen stated the quickest timeline available to follow his advised process would be to allow at least 15 days from the time of notice by publication to the date of the scheduled hearing.
  - f) A hearing was set for 10:00 AM Tuesday, 2/21/2023 to discuss contents of proposed Ordinance 2023-01-01 as amended.
- 14) Adopt Ordinance 2023-01-01 as Amended – Item was tabled until after a hearing on said ordinance as scheduled at 10:00 AM Tuesday, 2/21/2023.

#### **SCHEDULED ACTION AGENDA ITEMS**

- 15) 9:34 AM Discuss new autopsy facility going in Pocatello - Rinehart
- a) Coroner Craig Rinehart said the new Ada County Coroner wants to increase the costs of autopsies from \$1800.00 to \$3600.00 as well to increase lab costs.
  - b) A new facility at Idaho State University that will be used for autopsies is still about two years out. The outgoing Ada County Coroner is now the consultant for Bannock County and they are looking at having a facility ready by the end of March or the first part of April this year. In light of recent events, the State has allocated an additional \$2 million for the development of the facility in Pocatello. It will be called the Eastern Idaho Regional Pathological Center.
  - c) Bannock County also has provided \$1 million to help build this facility.
  - d) Rinehart asked for consideration for a Coroner's Office to be put in a new County facility proposed by the Board. He discussed with the commissioners his proposal for space in that building.
  - e) Kunau requested covering the logo on the coroner van when he is not on official business.
- 16) 9:46 AM Discuss and approve weekend testing overtime pay for Misdemeanor Probation Office
- a) During last week's Joint Justice Committee meeting last week, that committee approved to compensate Misdemeanor Probation (MP) officers time and a half their rate of pay for weekend testing, which is done twice a month. The MP budget has sufficient budgeted expenditure for that as they no longer pay for class facilitator for Domestic Violence Recognition Therapy (DVMRT).
  - b) It was discussed that overtime would only apply for hours worked in excess of 40 in one week.

9:50 AM **Motion and Action:** Approve weekend testing overtime pay for Misdemeanor Probation Office as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.  
Motion passed unanimously.

- 17) 10:15 AM Consider 2023 Election related matters, including polling places
- a) Clerk Larsen and Elections Director Keck have taken some time recently to tour facilities that may be appropriate for use as polling places.
  - b) Mountain Shadows Event Center at the Stoker's Straw Maze appears to be ideal for a polling place. There is plenty of space, with adequate security measures and parking. They asked the BoCC to consider adding Declo precinct as being able to use the building along with the View precinct. Declo is very large and they've not been able to find an adequate space to house them.
  - c) The Washington Event center is booked for the March election and cannot be changed. The owners for that facility also requested increased fees for cleaning.

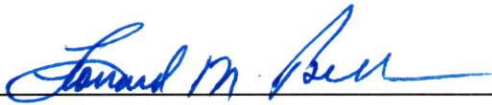
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- e) The Art Exhibit Building at the Cassia County Fairgrounds was also as an ideal consideration for a combined polling place for displaced precincts. It was determined that parking at the fairgrounds should be adequate to meet the needs of a polling place as it provides more than currently available at the polling places in consideration to be moved to the fairground location.
- f) Clerk Larsen said that appropriate compensation will have to be considered for polling places to offset ever-increasing costs of heating, cooling, electricity, and cleaning at some of those facilities.

18) 12:00 PM Adjourn

12:01 PM **Motion and Action:** Adjourn, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

APPROVED:



Leonard M. Beck, Chair

DEPUTY CLERK OF THE BOARD:



Cally Velasquez



# SUMMARY CLAIMS APPROVAL REPORT INCLUDING BUDGET BALANCES

BOTH UNPAID CLAIMS &amp; DEMANDS GENERAL GOVERNMENT FUNDS

28% OF FISCAL YEAR ELAPSED

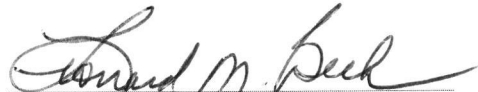
\* UNAPPROVED DEMANDS APPEAR IN ACTUALS AND ALSO AS AN INVOICE .

Fund	Budget	Actual	Demand/Claims Amt	Budget Remaining	% Budget Remaining
0001 GENERAL FUND (CURRENT EXPENSE)	5,237,898.00	1,425,746.64	21,553.58	3,812,151.36	73%
0002 ROAD & BRIDGE	579,720.00	135,704.86	1,838.31	444,015.14	77%
0006 DISTRICT COURT	374,120.00	100,453.49	44.25	273,666.51	73%
0008 JUSTICE FUND	12,291,405.00	2,918,814.56	453,273.19	9,372,590.44	76%
0012 M-C MISDEMEANOR PROBATION	1,098,450.00	276,697.92	19,284.85	821,752.08	75%
0013 911 COMMUNICATIONS	871,000.00	43,081.16	6,622.48	827,918.84	95%
0015 CONSOLIDATED ELECTIONS	217,865.00	8,682.32	216.15	209,182.68	96%
0016 SOCIAL SERVICES-ASSISTANCE	747,118.00	54,701.11	1,324.00	692,416.89	93%
0020 REVALUATION	452,825.00	112,823.01	260.93	340,001.99	75%
0027 NOXIOUS WEED & PEST	426,030.00	71,473.51	560.85	354,556.49	83%
0028 SNOWMOBILE	86,450.00	11,686.58	2,164.60	74,763.42	86%
0032 PREVENTIVE HEALTH FUND	272,300.00	89,529.84	22,684.44	182,770.16	67%
0048 EMPLOYEE BENEFITS FUND	3,621,490.00	714,158.05	36,325.47	2,907,331.95	80%
		<b>Total Amount Paid</b>	<b>566,153.10</b>		

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 1-17-2023

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

\* WARNING: This fund is over budget

# Cassia County Commissioner Meeting

## Attendance Log

Date: 1/17/2023

NAME (Please Print)	TOWN	REPRESENTING
1. Tyson Nelson	Burley	Gubler Group
2. David Hicks	Deer	East Valley Cattle
3. Craig Beachart	Cassia	Coroner
4. Ben Gilly		
5. Jacqueline Gilly		
6. Amber Prewitt	Cassia	Probation
7. Don F. Pickett	Oakley	Pickett Ranch & Sheep Co.
8. Susan Kell	Almo	Electronics
9. JOE LARSEN	Burley	CLERK
10. George Warrell	Oakley	Sheriff
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