



Cassia County Board of Commissioners

REGULAR MEETING MINUTES

Monday, June 5, 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) 9:07 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:08 AM Roll call

Roll Call.

Present: Leonard M. Beck - Chair, Kent R. Searle - Member, Bob Kunau - Member, Cally Velasquez - Deputy Clerk (Not voting).

- 4) 9:08 AM Calendar, meetings, committee reports, and correspondence
 - a) 6/7/2023-6/10/2023 - South Central Public Health Annual Convention in Coeur d'Alene - Kunau
 - b) 6/7/2023 - meeting with representatives from Cassia Memorial on emergency services - Searle
 - c) 6/8/2023 - Soil Conservation dinner - Searle
 - d) Beck reported on a recently attended solid waste meeting. Their budget for FY2024 is estimated at \$900,189.00.
 - e) 9:19 AM Beck recognized the ambulance report for April 2023 and the Veteran's Service Office Report for May 2023.
 - f) 9:22 AM Beck summarized a meeting with the Extension Office's Grace Whitman, Assessor Adams and Mr. McMurray regarding departmental vehicle needs. Assessor Adams spoke later in the meeting about various options.

- 5) 9:12 AM Approve payables for 6/5/2023

9:12 AM **Motion and Action:** Approve payables in the amount of \$177,723.85 as presented on 6/5/2023, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.
Motion passed unanimously.

- 6) 9:14 AM Approve minutes from 5/18/2023 and 5/22/2023

9:15 AM **Motion and Action:** Approve minutes from 5/18/2023 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, June 5, 2023

Instrument # 2023001696
BURLEY, CASSIA, IDAHO
6-12-2023 01:55:59 PM No. of Pages: 11
Recorded for : CASSIA COUNTY COMMISSIONERS
JOSEPH LARSEN Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COMMISSIONERS MINUTES

EV

9:16 AM **Motion and Action:** Approve minutes from 5/22/2023 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

- 7) 9:20 AM Personnel Matters - Change of Status Requests
- a) MCCJC - Nathali Ortiz - Senior Deputy - voluntary resignation
 - b) MCCJC - Ryan Lindsay - Senior Deputy - promotion

9:21 AM **Motion and Action:** Approve Change of Status Requests as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

8) 11:52 AM Executive Sessions

11:52 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.

11:58 AM Upon exit of Executive Session, the matters discussed were taken under advisement.

1:28 PM Executive Session

1:29 PM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues, **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.

2:10 PM Upon exit of executive session, the matters discussed were taken under advisement.

2:53 PM Executive session

2:53 PM **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.

3:09 PM Upon exit of executive session, the matters discussed were taken under advisement.

- 9) 11:49 AM Sign Health Plan Disclosure Form as requested by MBA
 - a) McMurray explained this form is just to hold the quote of the underwriting agency as they work through their process.
 - b) 11:59 AM Beck requested reconsideration on the matter after McMurray has had a chance to discuss the matter with Mr. Kelly Bowen.

SCHEDULED ACTION AGENDA ITEMS

- 10) 9:24 AM Discuss FY2024 vehicle considerations
 - a) The Extension Office is interested in acquiring the Equinox from the Assessor's Office and has saved \$8,000.00 for a vehicle purchase. The agreement with the U of I for the Extension Office states that the County is to provide the vehicles for the department.
 - b) The Extension Office has a Dodge Caravan that they could trade in. One dealership offered \$5,000.00 and a second offered \$7,000.00. The Caravan could also be transferred to the Misdemeanor Probation Office if Prewitt thought it would fit her department's needs.
 - c) Building & Zoning has a 2018 pickup that can be transferred to the Maintenance Department to replace their older pickup when they've saved enough for the acquisition.
 - d) Assessor Adams reviewed bids that he received from two dealerships on a new vehicle he is looking to purchase to replace the Equinox to better fit his department's needs.
 - e) Deputy Auditor Evans explained how the purchase would be handled in the current fiscal year if they decided to purchase the available vehicle now instead of waiting until the new fiscal year in October when prices are expected to increase between 3% and 4%. The Revaluation budget is 26% spent with 68% of the year elapsed so there will most likely be funds available to absorb the purchase this year and possibly not have to amend the budget for it.
 - f) Matter to be considered at the next meeting.
- 11) 9:46 AM Meeting with erstad via zoom to discuss new county building project
 - a) Katrina Kulm introduced Josh Moser, the new project manager for the County's project and reviewed what they have in preliminary designs thus far.
 - b) The design of the proposed building draws from the old courthouse rather than the Judicial Center due to their placement of the building on the available lot.
 - c) Kunau wanted the placement of the building on the opposite lot to afford more parking in the front. He was also concerned about the number of main entrances into the building needing to be limited for security.
 - d) Beck asked if there was concern about the increase in costs if larger trusses have to be calculated for due to the size of the building. Ms. Kulm said the building footprint wasn't large enough where they would need to consider a different overall structural system.
 - e) Information that erstad needs from the Board before they can continue is a decision on the location of the building and the needed square footage. Ms. Kulm offered to get proposals for a Geotech report and a design survey that will also be critical in their process as it will provide information on what type of structure the soil can support and identifying exact boundaries for the building. She reported that both of those have been taking about eight weeks to obtain.
 - f) Ms. Kulm will send a summary of their understanding of the building needs and the direction needed to move the project forward.

**CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, June 5, 2023**

12) 10:15 AM FY2024 District Court Budget presentation – Auditor’s Office

- a) Deputy Auditor Heather Evans reviewed the budget line items being requested for FY2024.
- b) Searle said several people made the comment that other judges come in from other areas and there’s no opportunity to vote to retain these judges.
- c) Judge Wildman explained the rules whereby there is an opportunity for the judge to be disqualified. If a judge is disqualified, then another judge has to be brought in. The second circumstance is if a judge recuses himself due to conflict of interest. Workload compliance must also be considered. Sometimes someone has to be called in help with case load.
- d) Shelli Tubbs further explained their reasoning for having magistrate judges travel around was in part so that sitting magistrates can hear the appeals if one is filed on the ruling made by a traveling judge.
- e) She reported their district’s efforts to emphasize and provide for mediation services at no additional cost to the counties. This helps keep costs down as it results in fewer jury trials.

10:21 Mr. McMurray entered the meeting.

13) 10:30 AM Zoning Amendment Hearings:

10:30 AM **Motion and Action:** Approve **entering** a hearing for Kyle Bowers zoning amendment petition, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member
Motion passed unanimously.

a) Kyle Bowers Zone Amendment Petition

- i) The property is currently zoned as residential ag and the request is to change that to industrial commercial zoning. The application states that although water and sewer are available nearby, they will not be needed at this time. The property borders industrial commercial zoned properties on the north and west sides.
- ii) Gate entrance requirements are controlled by the State. There is not a need to add any entrances as Mr. Bowers intends to use what is currently in place.
- iii) No entities that provide services to the area have notified Mr. Bowers with any objections to his proposal. He talked with a neighbor who expressed concerns but was fine with it once Mr. Bowers explained his plans.
- iv) McMurray reminded the commissioners that they need to consider if the request poses a danger to public health or has demonstrable adverse effects to services for the people of that area.
- v) McMurray said that since an ordinance is involved, he will bring forth an ordinance to consider as soon as possible.

10:48 AM **Motion and Action:** Conclude hearing for Kyle Bowers, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

10:49 AM **Motion and Action:** Approve recommendations of Planning and Zoning to approve the application by Kyle Bowers, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, June 5, 2023

b) 10:50 AM Black Pine View Estates Zone Amendment Petition

10:50 AM **Motion and Action:** Enter hearing for Black Pine View Estates development, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member
Motion passed unanimously.

10:52 AM **Motion and Action:** Rescind the motion to consider this a hearing for a subdivision, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

10:53 AM **Motion and Action:** Enter a hearing to hear the proposed amendment change from primary ag to multiple use, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

- i) Nate Covington of Black Pine View Estates LLC spoke on their application. He clarified that this was an application for rezoning, not an application for a subdivision. The Commissioners corrected their motion accordingly.
- ii) The site includes roughly 320 acres and is near the highway.
- iii) 10:56 AM Ron Harper, who lives in the area, offered testimony as the recharge status and activity in the area.
- iv) Mr. Covington said they received approval from ITD to install a culvert
- v) 11:07 AM Todd Springer, also representing Black Pine View Estates offered testimony. He cited that putting homes in the area would increase revenue to the county. He said he has received support from ITD, the Raft River Highway District and Raft River Rural Electric. He said that more use could be made out of the land if allowed to change its zoning as it isn't able to be used effectively for its current zoning.
- vi) 11:13 AM Mike Jaglowski, an engineer retained by Mr. Covington, offered testimony on his involvement of the property. He was asked to review the county ordinance and comprehensive plan and give thumb nail sketch of how zoning ordinance dovetails with subdivision ordinance. He was also asked about water. He wrote a letter of support sent on April 19, 2023.
- vii) It was reiterated that rezoning the area as multiple use did not automatically mean a subdivision would be installed. The company was looking at all possible avenues for land development that would be allowed in the multiple use zone. They were concerned more with long-term growth and development of the area and didn't have any immediate plans ready.
- viii) It was pointed out that the city of Malta does not have a sewer or water system. This will need to be addressed if development in the area is going to continue. Mr. Covington suggested a coordinated effort to help the City develop such would be an issue they might consider.
- ix) 11:21 AM Tom Ottley operates JCK Farms adjacent to the property requested for zoning change. He agreed that the use of the land could be better but was more concerned about water

- usage. He was looking forward to eventual subdivision development in the area. He said the area had been declared a critical ground water area and expanded water rights were taken away.
- x) He offered testimony on his experiences with drilling wells on his property. He said there were many layers that should have had water but didn't when he drilled for a well. They've had to go at least 500 feet. A previous well about a quarter of a mile away had to be abandoned at 600 feet because they hit hot water and it couldn't be used.
 - xi) 11:31 AM Jennifer Willet, a property owner south east of proposed zoning change offered personal testimony. She reported her well is currently 240 feet deep. It had to be deepened about 20 years ago and she estimates having lost about 60 feet of water since that time.
 - xii) 11:34 AM Greg Earl offered personal testimony about his well. He reported that it is currently about 200 feet deep. He had to deepen his well between 15 and 18 years ago. He said it has been struggling to support the two homes using it.
 - xiii) Springer said they haven't had any specific discussions with the city of Malta. He said a councilmember mentioned the possible eventual need for water development.
 - xiv) He reiterated that he wasn't addressing the water usage issue yet because they hadn't made immediate plans for the development of the land. He was simply seeking a rezone to open the possibilities for future development and would address the water concerns in whatever manner was needed specific to whatever plans they would eventually make when the time came.
 - xv) Mr. Harper said there are efforts being made to put in a reservoir up near Elba at this time.

11:46 AM **Motion and Action:** Conclude the hearing for the application to rezone from prime ag to multiple use, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

- xvi) Kunau requested time to consider the application. A decision was scheduled for the Special BoCC meeting to be held on 6/20/2023 at 10:30 AM. No further notice will be given on the matter.

- 14) 11:59 AM Consider a resolution for the Semi quincentennial celebration of the Declaration of Independence - Breyanna Fairchild and Maria Brown
- a) Ms. Fairchild spoke as a citizen of Cassia County. She presented a resolution for their support and asked for the formation of a committee to begin planning for the celebration.
 - b) They are planning a public meeting on Wednesday evening, 6/7/2023, at the Wilson Theater at 7:00 PM to discuss citizen involvement for anyone willing to help.
 - c) Searle suggested looking at what was done at the 200th anniversary for ideas.
 - d) Lydon Crane expressed encouragement to make connections with younger generations and find new ways of promoting the celebration.
 - e) Nothing has been discussed at any school board meetings yet. Mr. Crane said he would be supporting the endeavor through participation with the schools.
 - f) The Board will work with Mr. McMurray and Prosecutor Larsen in adding language to the proposed resolution and get back with them when they have a proposal.

- 15) 12:12 PM Recess for Lunch
1:28 PM Reconvene

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, June 5, 2023

16) 2:10 PM Consider Departmental Standardized Wage Increases - Prewitt

- a) Director Prewitt presented a request for an increase in wages in her department. Her caseloads continue to rise as well as the services they offer. She is requesting her department's wages be equal to that of the Juvenile Probation Department. They offer similar services but have triple the number of cases.
- b) Last year their average case load was 900 probationers. Currently the case load is an average of 1080. The Juvenile Probation department has a cap of between 25-30 individuals.
- c) Prewitt was directed to make this same presentation to Minidoka County. She said she was also going to present her request at the next executive joint meeting.
- d) Deputy Auditor Evans stated belief that her department will exceed anticipated revenues for FY2023 since revenues received as of June 1st were at 93%.
- e) The Commissioners asked about her department's needs for a vehicle and asked her to consider if the Caravan from the Extension Office would fit those needs.

17) 2:24 PM Discuss FY2024 Budget matters

- a) Deputy Auditor Evans offered a suggestion that if no department needs the Caravan, to perhaps keep it as a county vehicle for any department that needs to send people to training. Money could be saved from travel reimbursements.
- b) McMurray reminded that we do have a driving policy that employees must read and adhere to.
- c) Evans reviewed updates made to the budgets.
- d) In the Jail's budget the ICRMP costs for risk management were estimated at a 20% increase. Since then, actual quotes have come in with a 14% increase so the calculations have been adjusted accordingly.
- e) Updates were made to the available cash balance projected as new data comes in with the passing of each month.
- f) It will be necessary for the Board to meet with Minidoka County again regarding the joint departments, in order to allow the budget calculations to be finalized.
- g) Bowen Insurance advised to budget for a 10%-12% inflationary increase in medical claims. They were initially expecting a 4.7% decrease in stoploss costs but that may change.
- h) The Budget Officer initially recommended a 4% increase for employee benefits on the county side. He recommended waiting until the end of June to see where the trust balance is before recommending any changes on either the County's portion or the employees portion.
- i) Evans asked the Board to consider moving ahead with departments that have not had any substantial increases or requests for their budget to get those out of the way. She will provide the Board with an updated spreadsheet that reflects those departments.
- j) Beck also requested a list of the large purchase items being requested that will push the proposed budget over the \$30 million mark.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

18) 12:12 PM Review and sign contracts with conflict public defense attorneys

- a) 3:09 PM McMurray recommended a discussion and decision on the rate of pay for conflict public defender attorneys that have not signed a contract with Cassia County versus those attorneys that have a signed contract with the county.
- b) Matter was added to the agenda for the next meeting.

19) 3:13 PM Adjourn

3:13 PM **Motion and Action:** Adjourn, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - 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 & DEMANDS GENERAL GOVERNMENT FUNDS

67% 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	3,092,118.50	6,293.61	2,145,779.50	41%
0002 ROAD & BRIDGE	579,720.00	372,763.01	11,414.35	206,956.99	36%
0006 DISTRICT COURT	374,120.00	200,910.72	26.50	173,209.28	46%
0008 JUSTICE FUND	12,291,405.00	7,390,918.32	19,786.09	4,900,486.68	40%
0012 M-C MISDEMEANOR PROBATION	1,098,450.00	666,974.52	5,992.45	431,475.48	39%
0013 911 COMMUNICATIONS	871,000.00	103,355.23	3,967.89	767,644.77	88%
0016 SOCIAL SERVICES-ASSISTANCE	747,118.00	166,096.78	54,886.59	581,021.22	78%
0027 NOXIOUS WEED & PEST	426,030.00	173,846.42	97.56	252,183.58	59%
0048 EMPLOYEE BENEFITS FUND	3,621,490.00	2,196,635.60	74,866.81	1,424,854.40	39%
0061 COURT INTERLOCK FUND	5,000.00	2,145.00	392.00	2,855.00	57%
		Total Amount Paid	177,723.85		

STATE OF IDAHO
CASSIA COUNTY

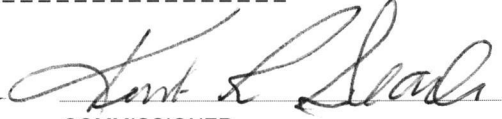
WE, THE CASSIA COUNTY COMMISSIONERS, BEING DULY SWORN DO HEREBY CERTIFY AND DECLARE THAT
WE HAVE REVIEWED THE DEMANDS ENUMERATED AND REFERRED TO IN THE FOREGOING REGISTER, AND THAT THE SAME ARE
TO THE BEST OF OUR KNOWLEDGE ACCURATE AND ARE JUST CLAIMS AGAINST THE COUNTY, AND THAT THERE ARE FUNDS
AVAILABLE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

APPROVED FOR DISTRIBUTION AS OF

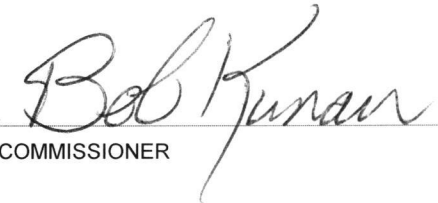
6-5-2023



COMMISSIONER



COMMISSIONER



COMMISSIONER

*** WARNING: This fund is over budget**

Cassia County Commissioner Meeting

Attendance Log

Date: 10-5-2023

NAME (Please Print)	TOWN	REPRESENTING
1. George Warrell	Oakley	Sheriff
2. Martin Adams	Burley	Assessor
3. Heather Whitehead Evans	Burley	Auditors
4. Maria Brown	Burley	Community
5. Shelli Tubbs	Fifth District	Courts
6. Judge Wildman	"	"
7. Nate Covington	Arctic Falls	Black Pine Estates
8. Theresa Forthum	Burley	Clerk's Office - Courts
9. Ian Hayman	Malta	Black Pine Est.
10. Tim Williams	Malta	
11. Michael R. Jaglowski, PE	Pocatello	Black Pine Estates
12. Jennifer Willett	Malta	
13. TOM OTTLEY	ELBA	JCK FARMS
14. Bert V. Earl	Malta	
15. M. R. [Signature]	Burley	District CA
16. Breyanna Fairchild	Jackson	Community
17. Lydin Crare	Burley	Community
18. Kenneth McFarland	Malta	Community
19. Amber Prewitt	Burley	Probation
20.		
21.		
22.		
23.		
24.		