



Cassia County Board of Commissioners REGULAR MEETING MINUTES

Monday, November 20, 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, Cally Velasquez - Deputy Clerk (Not voting).

- 4) 9:04 AM Calendar, meetings, committee reports, and correspondence were reviewed.
 - a) Beck reported on correspondences and communications he received recently.
 - i) Beck received an email dealing with veterans adjusting to civilian life. He noted that he had shared it with Mr. Driscoll.
 - ii) Beck was contacted by a concerned citizen complaining about trucks hauling unsecured cotton seed. The cotton seeds have drifted out of the trucks and are taking root where they drop. Beck was advised that this would be a good topic of discussion at the transportation meetings. He planned to discuss the matter with Mr. Ottley as well.
 - b) 9:10 AM McMurray reported on the Mid Snake Water meeting he attended last Thursday. He suggested it might be good to have a commissioner start attending those meetings as other county commissioners are attending more often. They've also reworked their budget. It won't require additional payment from the county this year but increases are likely in the following years. It increased from \$29,950.00 to \$37,700.00.
 - c) The City of Albion provided a notice of public hearing to amend ordinances dealing with subdivisions.

9:08 AM Mr. McMurray entered the meeting.

- 5) 9:08 AM Approve payables for 11/20/2023

9:08 AM **Motion and Action:** Approve payables in the amount of \$74,259.94 as presented on 11/20/2023, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- 6) 9:09 AM Approve minutes from 11/13/2023

9:09 AM **Motion and Action:** Approve minutes from 11/13/2023 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

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Instrument # 2023003928

BURLEY, CASSIA, IDAHO

12-4-2023 03:56:39 PM No. of Pages: 9

Recorded for : CASSIA COUNTY COMMISSIONERS

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: COMMISSIONERS MINUTES

A handwritten signature, possibly "JL", is written over the "Ex-Officio Recorder Deputy" line.

7) 9:13 AM Approval of Clerk's Office recommendations regarding junior college Certificates of Residency

9:13 AM **Motion and Action:** Approve Clerk's Office recommendations to approve eight junior college Certificates of Residency as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

8) 9:14 AM Personnel Matters - Change of Status Requests

- a) Snowmobile - Kraig Franks - Seasonal Groomer Coordinator - new hire
- b) MCCJC - Carl Bailes - Sergeant - voluntary resignation
- c) MCCJC - Gerald Ruby - Sergeant - promotion
- d) MCCJC - Eric Martinez Guzman - Corporal - promotion

9:15 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.

9) 2:29 PM Executive Session

2:29 PM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues, Idaho Code § 74-206 (1) (c) to deliberate acquisition of an interest in real property, 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.

3:48 PM Upon exit of Executive Session, the board took the matter under advisement.

3:48 PM **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.

10) 11:32 AM Review and adopt Resolution No. 2023-017 to destroy Assessor Office Temporary Records

11:35 AM **Motion and Action:** Adopt Resolution No. 2023-017 to destroy Assessor Office Temporary Records, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

11) 11:35 AM Review and adopt Resolution No. 2023-018 to destroy Assessor Office Semipermanent Records

11:36 AM **Motion and Action:** Approve Resolution No. 2023-018 to destroy Assessor Office Semipermanent Records, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- 12) 11:37 AM Review and adopt Resolution No. 2023-019 amending 9-1-1 Advisory Committee Bylaws
- a) Mr. McMurray presented the changes to the bylaws as enumerated in the resolution.
 - b) Matter to be considered later in the meeting after input could be sought from Prosecutor Larsen.
 - c) 3:58 PM Prosecutor Larsen stated that he had no objection to the resolution.

3:59 PM **Motion and Action:** Adopt Resolution No. 2023-019 amending 9-1-1 Advisory Committee Bylaws, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- 13) 11:47 AM Appoint Mike Butler as 9-1-1 Coordinator
- a) McMurray reported on needing to appoint a new coordinator. The new coordinator submitted a disclosure statement to satisfy Idaho Statute since he is also a member of a business that has a financial interest in dealings with 9-1-1. That letter was read into the record.
 - b) Commissioner Searle stated that he would abstain from voting as he was also a member of the business.

11:52 AM **Motion and Action:** Appoint Mike Butler as the 9-1-1 Coordinator, **Moved by** Bob Kunau - Member, **Seconded by** Leonard M Beck - Chair. Commissioner Searle abstained. Motion passed.

11:52 AM Recessed for lunch.

1:14 PM Reconvened.

- 14) 11:41 AM Execute Amended Resolution No. 2023-015 Big Sky CAFO expansion
- a) McMurray presented the changes to the resolution.
 - b) These changes included detailed legal descriptions of the lands tied to the permit.

11:45 AM **Motion and Action:** Authorize the chairman to execute Amended Resolution No. 2023-015 Big Sky CAFO expansion, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- 15) 3:49 PM Review and deliberate regarding Prosecution Attorney lobby bid
- a) Prosecutor Larsen presented a proposed bid to remodel the office lobby.
 - b) It would involve removing the wood paneling currently in place. It will be replaced with sheetrock to be painted.
 - c) The funds should be paid from the Buildings & Grounds budget.

3:55 PM **Motion and Action:** Approve option two of the bid in the amount of \$6,600.00, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

SCHEDULED ACTION AGENDA ITEMS

- 16) 9:17 AM VSO periodic update report

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- a) Driscoll commended to the Board the generosity of the community in response to his request for help to provide Thanksgiving dinners to veterans and their families. He said the response was overwhelming and exceeded his goal by a large margin.
- b) Driscoll provided his report for October.
- c) He also reported on his new appointment as Vice President of the Idaho Veterans Assistance League.
- d) Commissioners Beck and Searle offered to provide help in putting up the wreath stands at the cemetery this year.

17) 9:28 AM Cassia Regional Hospital annual update - Mike Blauer and Stephanie Curtis

- a) Mr. Blauer reported on the activities of the hospital over the past year in their recruiting efforts.
- b) He reported that they are planning a remodeling project for the medical center wing.
- c) He highlighted their recent growth and expansion, noting that they've partnered with other hospitals for good patient care.

18) 9:55 AM Public Hearing for FY2023 Budget Amendments

9:56 AM **Motion and Action:** Enter public hearing for FY2023 Budget Amendments, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- a) Clerk Larsen and Deputy Auditor Whitehead presented the proposed budget amendments and reviewed the reasons for amendments. These amendments were published in the newspaper as required by statute.
- b) The overall budget amendment is \$726,200.00. This increases the FY2023 amended expense budget from \$28,284,729.00 to a new amended expense budget of \$29,010,929.00.
- c) Clerk Larsen clarified that no additional taxes resulted from these amendments. Funds came from fund balances in reserve.
- d) There was no public comment on the matter.

10:10 AM **Motion and Action:** Approve the presented modifications for the FY2023 budget in the amount of \$726,200.00, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

10:12 AM **Motion and Action:** Exit public hearing for FY2023 Budget Amendments, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

19) 10:12 AM Hearing for ordinance amendments regarding solar energy systems

10:12 AM **Motion and Action:** Enter hearing for ordinance amendments regarding solar energy systems, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- a) McMurray introduced the amendments recommended by the Planning & Zoning Commission.
- b) Questions on specific limitations and capacities for residential properties and commercial properties were explored.

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- c) 10:23 AM Aaron Pace from Salt Lake City, Utah, representing AgriPower Solar, spoke in favor of the amendments. He stated that he had received no opposition from the utility companies in the area concerning his projects.
- d) McMurray reported that there was no opposition expressed during Planning & Zoning meetings or the hearing for these amendments. There were concerns expressed with net metering and making it so that a residence wasn't essentially operating as a utility company themselves.
- e) 10:34 AM Tim Cottom from Sunergy Solar Solutions asked for clarifications on the restrictions of residential sites. He expressed concern that the limits proposed for residential sites would make it virtually impossible for anyone who wanted to be off the grid or energy independent to do so. He felt the restrictions were unreasonably limiting and asked for reconsideration on those limits.
- f) The Board determined a recess would be necessary to consider the requests and determine if it would be necessary to go back to the Planning & Zoning Commission for any substantive changes to the proposed amendments. Mr. Pace requested the matter be visited later in the meeting as the potential for delay here would cost months of delays with his current projects. The Board agreed to recess the hearing until 2:00 PM the same day.
- g) 10:55 AM Recess the hearing.
- h) 2:02 PM The hearing was reconvened.
- i) Mr. Cottom reiterated his concerns with the limits enumerated in the proposed amendment for residential sites.
- j) Assessor Adams offered his recent experience with trying to assess solar panels on sites in the county.
- k) Minor wording changes to clarify some statements were suggested. In Title 9-9-4, under Y. Solar Energy Systems (SES), item 2a(ib), insert the words "Idaho Licensed" next to 'professional engineer'. Similarly, in item 2a(iia), replace the words "manufacturer's engineer" with "Idaho Licensed Professional Engineer". It was also proposed to strike the words "or commercial" from that same item 2a(ii).
- l) Due to waiting commercial projects, the Board determined to approve the minor wording changes but also to leave the proposed amendments as is. Mr. Cottom was informed on the appeal process for those items he had concerns with.

2:21 PM **Motion and Action:** Approve the ordinance amendments regarding solar energy systems as presented, with the exceptions of 2a(ib), where it says "roof mounted solar energy panels or collectors shall only be of such weight as can be safely supported by the roof. Proof thereof, in the form of certification by *an Idaho Licensed Professional Engineer*"; then in 2a(ii) where it says "Ground-mounted solar energy systems on residential or commercial" that "or commercial" be deleted; and then the next one, 2a(iia) should be "Idaho Licensed Professional Engineer" rather than "manufacturer's engineer", **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

2:27 PM **Motion and Action:** Exit hearing for ordinance amendments regarding solar energy systems, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

20) 1:14 PM Executive Session

1:14 PM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues, Idaho Code § 74-206 (1) (c) to deliberate acquisition of an interest in real property, Idaho Code § 74-206 (1) (d) to consider records that are exempt from public disclosure, Idaho Code § 74-206 (1) (f) to communicate with legal counsel regarding pending/imminently-likely litigation, and Idaho Code § 74-206 (1) (i) to communicate with risk manager/insurer regarding pending/imminently-likely claims, **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.

2:02 PM Upon exit of Executive Session, the board took the matter under advisement.

21) 10:57 AM Review FY2023 Snowmobile Financial report

- a) Deputy Auditor Wallace presented the report for the Board's information.

11:30 AM **Motion and Action:** Approve the Snowmobile Fund Financial Report, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

22) 11:03 AM Review and approve FY2023 Vessel Financial Report - Auditor

- a) Deputy Auditor Wallace also presented the FY2023 Vessel Financial Report.
- b) After consideration of the matter, it was requested to place the matter on the agenda of the next meeting for further consideration.

23) 11:12 AM Consider request to waive building permit fees for the City of Oakley's water tank project

- a) Jared Mitton, Oakley City Administrator, and Al Lowe, City Councilman, presented their request for relief from paying building permit fees. They have a very tight budget that has been funded by grants and city reserves. The estimated cost of those fees is about \$7,000.00.
- b) The Board expressed hesitancy to set precedent where such a request has never been approved before.
- c) The Board requested to take this consideration under advisement for a week and revisit the matter next week.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

24) 11:31 AM Consider XCell Engineering LLC contract for geotechnical survey.

- a) Mr. McMurray has still not heard back from them.
- b) He will reach out to them again this week.

25) 11:32 AM Proposed County Building Discussion - nothing to report at this time.

26) 3:59 PM Adjourn

3:59 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 & DEMANDS GENERAL GOVERNMENT FUNDS

14% 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)	5,736,912.00	661,482.26	30,675.98	5,075,429.74	88%
0002 ROAD & BRIDGE	754,095.00	63,081.45	263.54	691,013.55	92%
0008 JUSTICE FUND	13,922,579.00	1,661,825.27	2,784.35	12,260,753.73	88%
0013 911 COMMUNICATIONS	866,250.00	11,350.72	3,200.00	854,899.28	99%
0015 CONSOLIDATED ELECTIONS	242,710.00	28,241.07	9,837.64	214,468.93	88%
0016 SOCIAL SERVICES-ASSISTANCE	537,550.00	12,715.68	7,058.18	524,834.32	98%
0028 SNOWMOBILE	86,425.00	26.82	138.86	86,398.18	100%
0048 EMPLOYEE BENEFITS FUND	3,873,550.00	389,830.69	20,301.39	3,483,719.31	90%
		Total Amount Paid	74,259.94		

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

11-20-2023


COMMISSIONER


COMMISSIONER


COMMISSIONER

attest: Cally Velasquez deputy clerk

* WARNING: This fund is over budget

Cassia County Commissioner Meeting

Attendance Log

Date: 11/20/2022

NAME (Please Print)	TOWN	REPRESENTING
1. Aaron Pace	mostly Murtough	Solar concerns
2. Chuck Driscoll	Burley	VSO
3. Stephanie Curtis	Burley	Cassia Regional
4. Heather Whitehead	Burley	Auditor's
5. JOE LARSEN	Burley	CLERK
6. George Warrell	Oakley	Sheriff
7. AD Lowe	OAKLEY	city council
8. Fred Mifflin	Oakley	City Admin
9. Neil Adams	Burley	Assessor
10. Darrell Funk	Murtough	Double Eagle Farms
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