



Cassia County Board of Commissioners

REGULAR MEETING MINUTES

Monday, December 4, 2023

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

8:00 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.

Quarterly Jail Inspection with Minidoka County Commissioners

- a) The tour was conducted by Lt. Taylor with Cpt. Thompson and Sheriff Warrell also in attendance. Taylor reviewed the daily jail census.
- b) He also reported on the successful completion of M2 Automation's camera systems upgrade and the first phase of stucco repair to the outside of the building.
- c) They expect delivery of the full body scanner around March of 2024.
- d) The tour was concluded at 8:50 AM.

ACTION AGENDA ITEMS

- 1) 8:59 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:00 AM Roll call

Roll Call.

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

Also present: Wayne Schenk - Minidoka Commissioner, Jared Orton - Minidoka Commissioner, Lance Stevenson - Minidoka Prosecutor, Tonya Page - Minidoka Clerk, and Trent Bodily - Juvenile Detention Director

9:04 AM Mr. McMurray entered the meeting.

9:06 AM Minidoka County Sheriff Pinther entered the meeting.

- 4) 10:02 AM Calendar, meetings, committee reports, and correspondence were reviewed.
 - a) 12/5/2023 - Robotic Assisted Surgery Demonstration at Cassia Regional Hospital - Searle
 - i) Meeting with the Hospital Administrative staff - Searle
 - ii) Meeting with 911 Coordinator and Lt. Horak - Searle
 - b) 12/6/2023 - Region IV Development meeting - Kunau
 - i) Luncheon with highway districts and Road & Bridge Supervisor - Beck
 - c) 12/7/2023 - Meeting with IT Department - Searle
 - d) 12/8/2023 - Meeting with Solid Waste in Elmore County - Beck
 - i) Beck reported on the reasons for meeting in Elmore County and the status of a developing situation due to the closure of the Elmore County dump site.
 - e) 10:12 AM Dinner for the Planning and Zoning Commission and the County Commissioners at 4:00 PM 12/21/2023 to discuss plans for the coming year.

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Instrument # 2023003977

BURLEY, CASSIA, IDAHO

12-11-2023 10:29:49 AM No. of Pages: 10

Recorded for : CASSIA COUNTY COMMISSIONERS

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: COMMISSIONERS MINUTES

PL

f) 10:48 AM Mr. McMurray received correspondence received from the City of Burley regarding the Tenth Burley Development Authority Urban Renewal Plan, with a meeting on the matter to be held 12/28/2023 at 12:00 PM.

g) 11:47 AM Captain Thompson reported the utilities are still connected at the old Weed & Pest building scheduled for demolition.

5) 10:50 AM Approve payables for 12/4/2023

10:50 AM **Motion and Action:** Approve payables as presented on 12/4/2023 in the amount of \$119,005.12, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

6) 10:54 AM Approve minutes from 11/20, 11/27, and 11/27's Special meeting

10:54 AM **Motion and Action:** Approve minutes from 11/20/2023 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

10:55 AM **Motion and Action:** Approve minutes from 11/27/2023 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

10:56 AM **Motion and Action:** Approve minutes from 11/27/2023 Special Meeting as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

7) 10:57 AM Approval of Clerk's Office recommendations regarding junior college Certificates of Residency

10:57 AM **Motion and Action:** Approve Clerk's Office recommendations to approve 33 and deny eight junior college Certificates of Residency as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

8) 2:51 PM Personnel Matters - Change of Status Requests

a) Road & Bridge - Bryce Packer - Roads Worker Full Time - voluntary resignation

b) Road & Bridge - Josh Ward - Roads Worker Full Time - promotion

c) Snowmobile - Rowland J. Bingham - Seasonal Snow Groomer Operator - new hire

d) Snowmobile - Arlen Hunsaker - Seasonal Snow Groomer Operator - new hire

e) Snowmobile - Calvin Watson - Seasonal Snow Groomer Operator - new hire

f) Assessor - Janet Molina - Certified Appraiser - certification

g) CCSO - Klay Kunzler - Sr. Patrol Deputy (City) - Promotion

2:55 PM **Motion and Action:** Approve Change of Status Requests as presented **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

9) 10:59 AM Executive Session

11:00 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) (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

11:12 AM Upon exit of Executive Session, the board took the matter under advisement.

3:04 PM Executive Session

3:04 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

3:33 PM Chair Beck left the meeting during executive session for another engagement.

4:35 PM Upon exit of Executive Session, the board took the matter under advisement.

4:35 PM **Motion and Action:** Appoint Bob Kunau as acting chair, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed.

10) 11:12 AM Consider meeting schedules for weeks of 12/24 and 12/31

a) It was determined to not hold a meeting for the week of Christmas.

b) The Board has chosen to hold a special meeting on Tuesday, January 2, 2024.

11) 11:33 AM Appointment of Planning & Zoning Commission member

a) There were two positions opening on the commission.

b) Chuck Larsen had agreed to serve another term in his position.

c) Tom Worthington was interviewed for the position being vacated by Nolan Peterson.

11:35 AM **Motion and Action:** Reappoint Chuck Larsen and appoint Tom Worthington to fill the vacant position on the Planning & Zoning Commission Board, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

12) 11:36 AM Deliberate regarding and execute Real Estate Purchase and Sale Agreement for Robin Barnes' property

- a) Mr. McMurray presented and read into the record the purchase and sale agreement. It stipulates that the owner agreed to sell the property in the amount of \$190,000.00, payable on January 8, 2024. The County agreed to also pay \$110,000.00 no later than December 15th, in consideration of her forgoing litigation regarding existence and exercise of a prescriptive easement. The owner has agreed to vacate the property by January 15, 2024. The closing is scheduled for January 9, 2024 at 2:00 PM in Prosecutor Larsen's office.
- b) The Board clarified that the money for this purchase would come from the designated \$12 million in reserve funds for building projects.

11:39 AM **Motion and Action:** Approve the presented real estate contract for the building and the prescriptive use of right-of-way, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.
Motion passed unanimously.

SCHEDULED ACTION AGENDA ITEMS

13) 9:01 AM Meet with Minidoka County Commissioners to consider the following items:

- a) Night Shift, Employee Retention & Compensation policy changes for MCCJC & Juvenile Detention Center
 - i) Searle gave brief introductory reason for the meeting with Minidoka County Commissioners and representatives from both the jail and the juvenile detention facility. The jail is currently down six positions but effectively missing nine positions due to three officers being in training at the moment.
 - ii) Cpt. Thompson presented to both boards a proposal to incentivize the night shift and on-call responsibilities of detention deputies as a way to retain current employees. Supervisors from both the jail and the Sheriff's Office visited with employees to discuss their concerns and come up with solutions to remedy the situation.
 - iii) The burdens of detention deputies and their particular needs were discussed with regards to the Fair Labor Standards Act.
 - iv) Deputy Auditor Whitehead informed them that the incentives in the proposals will affect Persi and other insurance related costs. She estimated an increase of 20%-30% on top of the estimated costs projected by Cpt. Thompson. The highest estimate in his proposals equaled \$219,000.00.
 - v) Thompson asserted he was not asking for a blanket pay raise of all jail employees as he felt that would be detrimental to the morale of the department, but rather an incentive for having to work the less desirable night shift and for being on call on the deputies' days off.
 - vi) The proposal would include reinstating differential pay, which was only stopped due to difficulties with the transition to new software in the auditor's office back in fiscal year 2019.
 - vii) Sheriffs Warrell and Pinther provided their insight and experience with the matters.
 - viii) It was agreed that both boards would meet again next week to decide the matter as they wanted time to acquire financial reports and consider the impact on their respective budgets.
 - ix) Juvenile Detention Director Bodily explained his facility is in a similar situation as the jail in that he is about to lose four deputies to another facility due to pay.
 - x) The recent cost-of-living increase given at the beginning of October to his department was discussed.

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- xi) Commissioner Schenk said their board had already approved the wage increase requested for three specific individuals in their meeting last week, contingent on Cassia County's approval. They asked Cassia County to also approve the increase to ratify the decision. Cassia commissioners requested time to consider the matter as they were unaware of the situation until this morning.
 - xii) 11:15 AM The board revisited the matter for further discussion. It was determined that additional information was needed before a decision could be made.
 - xiii) 11:48 AM Beck contacted Minidoka Clerk Page on the phone to get information regarding Minidoka County's reserves being able to absorb the proposed raises for three Juvenile Detention Deputies discussed earlier in the meeting.
 - xiv) 3:02 PM Clerk Larsen provided relevant budgetary information and requested an executive session to discuss matters exempt from public disclosure based on his findings.
- 14) 9:56 AM Review and sign IOEM 2023 Emergency Management Performance Grant and State Homeland Security Program grant - Gee
- a) Gee presented the two grants that needed to be signed by board. The Emergency Management Performance grant in the amount of \$20,871.83 required a match from Cassia County in that same amount so the total grant equaled \$41,743.66.
 - b) The Homeland Security grant total was \$47,206.81 with no match being required from Cassia County.
- 10:00 AM **Motion and Action:** Approve signing the IOEM 2023 Emergency Management Performance Grant in the amount of \$41,743.66, with half of that from Cassia County, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.
- 10:01 AM **Motion and Action:** Approve signing the State Homeland Security Program grant in the amount of \$47,206.81, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.
- 15) 10:13 AM Consider letter of credit as guarantee of work for subdivision development - Justin Mitchell
- a) Mr. Mitchell presented his request to the Board to consider a letter of credit from his banking institution instead of the 50% cash deposit required in ordinances for subdivision developments.
 - b) McMurray explained the intent of the ordinance and obligations of the county in Idaho Codes with respect to these developments. There were a couple of provisions in the letter of credit that the Board could not agree to as a matter of Idaho Statute.
 - c) McMurray was asked to speak with Mr. Mitchell's banking representative to see if these provisions could be modified to accommodate the law and still protect everyone's interests. The alternative was that Mr. Mitchell would need to pay between \$300,000.00 and \$500,000.00 in a cash deposit to guarantee his work, which he could not do.
- 16) 10:34 AM Review and approve FY2023 Road & Street Financial report - Auditor
- a) Deputy Auditor Wallace presented the report and reviewed the details of the report.

10:46 AM **Motion and Action:** Approve the FY2023 Road & Street Financial report as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

11:51 AM Recess for lunch.

1:32 PM Reconvened.

- 17) 1:32 PM **Hearing** on CUP and CAFO permit applications and variance requests for Malta Land and Livestock
- a) Beck read into the record the purpose of the hearing and the procedures to be followed. The applications to be considered were nos. 2023-08-CU/CAFO and 2023-10 VAR.

1:34 PM **Motion and Action:** Enter Hearing for applications 2023-08 and 2023-10 for Malta Land and Livestock, **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

- b) Valene Cauhorn of AgProfessionals presented their application and reviewed a PowerPoint presentation with the commissioners. She requested the presentation be added as exhibit #27 for the record.
- c) 1:59 PM Josh Webb from Malt Land and Livestock, LLC, added input regarding the preexisting lagoon and proposed additional development for a runoff pond that they needed a variance approval to create.
- d) 2:14 PM Searle requested McMurray conduct a conflict-of-interest survey.
 - i) Searle disclosed having had a previous conversation with an owner of the company regarding the matter but it occurred before any applications were submitted and the content of the conversation was a simple direction for the company to submit an application.
 - ii) Beck disclosed he may have a distant relation to one of the owners but it was determined that that relation was not an actual owner in the business.
 - iii) McMurray determined no conflict existed.
- e) Details of their run-off plans and nutrient management plans were discussed. All current dairy operations have ceased and buildings for that purpose have been decommissioned. They are seeking permission to go from a dairy operation to a feedlot operation.
- f) Searle requested a change to one of the recommended conditions for approval to add clarifying language.
- g) An additional condition regarding their nutrient management plan submitted to ISDA was suggested to be added as well.
- h) 2:44 PM Searle read the language he wished to change in condition no. 3 to be as follows: The CAFO must be built and operated strictly in accordance with the terms of both the conditional use permit and the CAFO applications, the proposal by applicant and its agents at public hearing and exhibits submitted by applicant and its agents with the application, as well as all applicable local, State and Federal laws and regulations to which the Conditional Use and Confined Animal Feeding Operation and its real property are subject.

2:46 PM **Motion and Action:** Adopt the findings and conclusions of law of the Planning & Zoning Commission concerning Malta Land and Livestock, LLC's applications set forth in their resolution nos. 2023-08 and 2023-10 for variances, with all of the conditions set forth in resolution no. 2023-08 except for the following changes: a change to the language of condition no. 3 as presented, and the addition of a condition relative to the ISDA

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nutrient management plan to replace condition no. 1, which has already been satisfied, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

2:51 PM **Motion and Action:** Exit the hearing, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

18) 11:41 AM Consider XCell Engineering LLC contract for geotechnical survey

- a) McMurray reported on his conversation with Mr. Bastian last week.
- b) He is waiting for email communication from Mr. Bastian regarding contract issues to be worked through.

19) 2:58 PM Proposed County Building discussion

- a) Kunau said the next step is for the board spend some time deciding how big they want the building to be now that the purchase of the Razor's Edge has been determined.
- b) Then they can pass on the information to erstad Architects in Boise.

20) 4:35 PM Adjourn

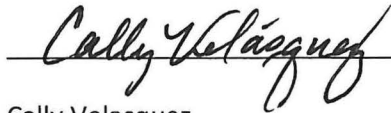
4:35 PM **Motion and Action:** Adjourn, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed.

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

18% 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	864,997.53	7,037.25	4,871,914.47	85%
0002 ROAD & BRIDGE	754,095.00	75,154.80	807.52	678,940.20	90%
0004 AMBULANCE SERVICES	270,625.00	23,349.17	21,660.08	247,275.83	91%
0006 DISTRICT COURT	377,630.00	37,913.91	7,493.93	339,716.09	90%
0008 JUSTICE FUND	13,922,579.00	1,944,019.95	34,344.74	11,978,559.05	86%
0012 M-C MISDEMEANOR PROBATION	1,184,800.00	207,244.52	367.18	977,555.48	83%
0016 SOCIAL SERVICES-ASSISTANCE	537,550.00	24,318.99	396.00	513,231.01	95%
0027 NOXIOUS WEED & PEST	439,385.00	42,176.05	51.94	397,208.95	90%
0029 PHYSICAL FACILITIES	12,041,300.00	8,530.22	78.11	12,032,769.78	100%
0048 EMPLOYEE BENEFITS FUND	3,873,550.00	488,927.82	46,768.37	3,384,622.18	87%
Total Amount Paid			119,005.12		

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

12-4-2023


COMMISSIONER


COMMISSIONER


COMMISSIONER

attest : Cally Velasquez deputy clerk

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

Cassia County Commissioner Meeting

Attendance Log

Date: 12-04-2023

NAME (Please Print)	TOWN	REPRESENTING
1. Tonya Page		Minidoka
2. Warner & Bickel		"
3. Jared Olson		minidoka
4. J. Thompson		Cassia
5. Shannon Page		Sheriff
6. George Warrell	Coxley	Sheriff
7. Stephanie Hitt		MCCJC
8. Heather Whittehead	Burley	Auditors
9. Kimberly D.		Emergency management
10. Kristina Whittehead	Burley	JAB
11. michelle wallace	Rupert	Auditors
12. Arud Carlson	Malta	Five Rivers Cattle.
13. Valene Coughorn / AG PRO	TWF	Malta Land Live Stock
14. Brook Delaney / AG Pro	TWF	Malta land livestock
15. Todd Jensen	Heyburn	Malta Land & Livestock
16. Josh Webb	Raft River	Malta Land & Livestock
17. Ann Edmonson	LOMB FMS	"
18. JOE LARSEN	Burley	CLERK
19.		
20.		
21.		
22.		
23.		
24.		