



Cassia County Board of Commissioners REGULAR MEETING MINUTES

Monday, January 22, 2024

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) 9:01 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:05 AM Roll call

Roll Call.

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

- 4) 9:05 AM Calendar, meetings, committee reports, and correspondence were reviewed.
 - a) Kunau reported that the groundbreaking ceremony for South Central Community Action Partnership's housing project in Heyburn was cancelled due to inclement weather. It will be rescheduled.
 - b) 1/23/2024 - Public Defender meeting and Joint Jail meeting tomorrow morning - Searle
 - c) 1/24/2024 - Solid Waste meeting - Beck
 - d) 1/24/2024 - Transportation meeting - Beck
 - e) Searle reported on his attendance at the EMS Sustainability Task Force meeting in Boise last week. He was concerned at the lack of definition of essential services in their project proposals.
 - f) The Board discussed concerns raised about Burley Highway District not plowing some roads sufficiently due to overtime constraints and complaints about damaging roads from having to use other equipment to clear them sufficiently for vehicles to pass through. Beck said he would invite someone from the district to speak with them about the matter.
 - g) Beck reported that construction on the fair grandstands is expected to begin on Friday.
 - h) McMurray reported on the most recent Planning & Zoning meeting. There was no public input regarding proposed subdivision ordinance amendments. Those proposals will be presented to the Board in the meeting today. Beck commended McMurray on the training given at that meeting and invited him to provide similar training to the Board in the near future.
 - i) The 4-H calendar of happenings was received.

9:15 AM Mr. McMurray entered the meeting.

- 5) 9:18 AM Approve payables for 1/22/2024

9:18 AM **Motion and Action:** Approve payables as presented on 1/22/2024 in the amount of \$397,646.18, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, January 22, 2024

6) 9:20 AM Approve minutes from 1/16/2024

9:20 AM **Motion and Action:** Approve minutes from 1/16/2024 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

7) 9:21 AM Approval of Clerk's Office recommendations regarding junior college Certificates of Residency

9:21 AM **Motion and Action:** Approve Clerk's Office recommendations to approve two and deny one junior college Certificates of Residency as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

8) 9:23 AM Personnel Matters - Change of Status Requests

- a) Public Defender - Steven Edwards - Legal Access - voluntary resignation
- b) MCCJC - Jason Paige - Uncertified Deputy - new hire

9:23 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) 11:26 AM Executive Sessions

11:26 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) (i) to communicate with risk manager/insurer regarding pending/imminently-likely claims, **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.

12:02 PM Upon exit of Executive Session, the board took the matter under advisement.

12:40 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.

12:55 PM Upon exit of Executive Session, the board took the matter under advisement.

2:24 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.

3:40 PM Upon exit of Executive Session, the board took the matter under advisement

10) 9:25 AM Adopt Resolution No. 2024-004 for destruction of Assessor Office semi-permanent records

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, January 22, 2024

9:27 AM **Motion and Action:** Adopt Resolution No. 2024-004 for destruction of Assessor Office semi-permanent records, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.
Motion passed unanimously.

11) 9:25 AM Adopt Resolution No. 2024-005 for destruction of Building Department temporary records

9:27 AM **Motion and Action:** Adopt Resolution No. 2024-005 for destruction of Building Department temporary records, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member.
Motion passed unanimously.

12) 9:28 AM Re-appoint fair board members, with expiring terms

- a) Todd Powers and Paul Marchant's terms have expired.
- b) Both are willing to serve for another four year term.

9:29 AM **Motion and Action:** Reappoint Todd Powers and Paul Marchant to be fair board members, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

13) 9:35 AM Receive Transmittal from P&Z Commission regarding subdivision ordinance amendments and approve hearing for February 26, 2024 at 12:05 PM

- a) Planning & Zoning held a public hearing to discuss proposed subdivision amendments, dealing mostly with warranties or guarantees of improvements from developers. No public comment was given.
- b) The Board discussed implications of these proposed changes with regards to sidewalks and requirements inside city impact zones.

9:42 AM **Motion and Action:** Set a public hearing on the proposed amendments from our Planning & Zoning for February 26, 2024 at 12:05 PM, for regulations amending 10-4-5C, 10-4-6, 10-5-6, and 10-6-2, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

14) 9:44 AM Discuss proposed statute change of boundary for Cassia County - Beck

- a) The attorney for the City of Heyburn, Paul Ross, contacted Beck to ask about the different boundary language used between Cassia County and Minidoka County in describing the common boundary between the two counties. Because it is different, there is ambiguity with regards to an island they want to survey and which county it actually falls under.
- b) Cassia County language says the line is to the middle of the Snake River. Minidoka County language says to the middle of the main channel of the Snake River. Mr. Ross wants to submit legislation to conform the boundary language between the two counties to alleviate any confusion.
- c) 3:40 PM Beck requested the matter be put on the agenda as part of a special BoCC meeting they plan on scheduling for Thursday, January 25, 2024 at 10:00 AM.

15) 3:42 PM Discuss juvenile, cpa and mental hold public defender options

- a) The Public Defender's Office is feeling the pressure of his case load after losing another attorney this week. It was suggested that the Board begin considering plans for the needs of the county's continued

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, January 22, 2024

work with exceptional areas of public defense that are not being taken over by the State at the end of the year. The counties are still responsible for juvenile holds and mental holds.

- b) McMurray proposed to draft a contract to bring before the Board for approval so they can start looking for someone to fill the needed position in the Public Defender's Office.
- 16) 11:24 AM Approve payment to City of Burley for grandstands building permit fee
- a) A building application was submitted to City of Burley for the construction of the fair grandstands.
 - b) The cost is \$5,086.25.

11:25 AM **Motion and Action:** Approve the \$5,086.25 fee for the City of Burley for the building permit for the new grandstands, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.
Motion passed unanimously.

SCHEDULED ACTION AGENDA ITEMS

- 17) 9:29 AM Approve needed repairs to Misdemeanor Probation building including, but not limited to roof replacement, flooring replacement, and security gate replacement
- a) Director Prewitt reported on her attempts to obtain a third bid on their roof replacement and her attempts to get an updated quote on the second bid to conform and compare with the initial bid. She is just waiting for the paperwork from Omega for the second bid. She has been unsuccessful in contacting a third contractor to provide a bid.
 - b) Nothing has changed with regards to the other bids. She is just waiting for the Board's approval on them.
- 18) 9:47 AM Department Head Reports
- a) 9:47 AM Misdemeanor Probation - Prewitt
 - i) Director Prewitt gave statistics for her office. She reported they currently have 496 cases on pretrial and another 1,061 active probation cases. Her office is at full staff with one deputy needing to go to POST. Their numbers continue to go up and are more than last year at this time.
 - ii) Last October her office conducted a little over 1,000 U/A tests. Last month over 2,400 tests were performed. There is a growing need to add an additional bathroom for male U/A testing, especially if her office obtains a federal contract to perform felony testing as well.
 - b) 9:59 AM Law Enforcement - Cpt. Thompson
 - i) Cpt. Thompson reported on statistics for Law Enforcement. He said Patrol is fully staffed and the jail is still down four positions. Their biggest issue has not been the lack of applications but the lack of qualified applicants. Several applicants have failed the polygraph or disqualified themselves through use of drugs within the last 12 months.

- ii) He also reported the current jail census. There were a total of 156 inmates with 58 of them being from Cassia County, 37 from Minidoka, 5 from Lincoln County, 3 from ICE, 37 from State, 14 from US Marshals, and 2 courtesy holds.
- c) 10:05 AM Treasurer - Greener
 - i) Laura presented statement of treasurer's cash for November and December. This includes taxes collected through December 31st. Disbursement checks have not been distributed yet. Those will be released January 25th.
 - ii) Greener reported that because of recent legislation affecting property taxes, there have been several errors in software programming modules incorrectly calculating allocation apportionments to individual taxing districts within counties. This issue has been consistent across several counties in the state and have caused delays in monthly turnover reports and disbursements.
 - iii) Interest rates have gone down from 5.2% to 4.8% generally.
 - iv) Greener also reviewed a spreadsheet of Homeowners' Cancellation of Taxes comparison for tax years 2021, 2022, and 2023.
- d) 10:18 AM Coroner - Rinehart
 - i) Rinehart reported on the progress of the new pathology facility in Pocatello. Their lawyers are now getting contracts drafted and ready to send out to the counties that are wanting to use the facility. They've hired two pathologists and are ready to go using a temporary facility at ISU while their permanent building is being constructed.
 - ii) Rinehart hopes to maintain a contract with Ada County in case of emergencies but is displeased with their new proposed fee structure. Ada County has grouped Cassia County in a higher fee bracket based on population. But population doesn't directly equate to a specific number of required autopsies per year. Cassia County has historically done an average of six autopsies a year but Ada County estimates a flat fee based on 35-40 autopsies per year, which comes out to \$35,000.00 per contract year. Other problems with the new rate proposal were also discussed.
- e) 10:24 AM Maintenance - Hernandez
 - i) Maintenance supervisor Hernandez reported on the progress of the elevator modernization project. There are still parts on back order that haven't been received yet so they estimate at least another month delay. It is still estimated to take eight weeks to complete but they may be able to get it done in six if everything works smoothly.
 - ii) Options for conducting county business with different departments will need to be discussed when the elevator is out of commission for the upgrade.
- f) 10:28 AM Noxious Weed & Pest - Ottley
 - i) Ottley presented the Board with a calendar from Idaho Noxious Weed Control Association (INWCA) and noted two pictures within the calendar. The first one depicted a past Weed Supervisor Gordon Edwards (dec) using pack animals to assist in the work in the South Hills with crew from the department at the time. The second was an image of a weed that had recently been found and treated in the county.
 - ii) He also reported on his understanding of the success of the most recent quagga mussel treatment. The Department of Agriculture is requesting \$6.6 million to treat for quagga mussels this year.

- iii) Ottley shared an historic pamphlet from the 1960's featuring the Weed Department's program of the year that he found. It indicated that weed control at that time cost nearly \$1 million. For comparison, he found a statistic that said in 2016 it cost the state \$300 million on weed control efforts. He said that Idaho leads the nation in weed control efforts.
 - iv) From attendance at state weed superintendent meetings recently, he learned that the EPA is trying to set up an endangered species list and regulation which would require every user of chemicals in the state to refer to a map to see if the chemical they wish to spray is prohibited in the area or not. He will also be required to register every chemical he (and even farmers) use with the EPA. The EPA is also requesting that states, including Idaho, develop a more inclusive testing criteria for licensing sprayers that would increase testing requirements on people who would never use certain types of chemicals.
- g) 10:41 AM Clerk's Office – Larsen
- i) Clerk Larsen reported on ongoing issues with Tyler Technologies and the Idaho State court managements systems. Their most recent update failed over the weekend.
 - ii) Because of law changes with respect to the Elections Department, he is watching the budget for that carefully and preparing for a busy election year, including contingency plans for catastrophic events. There are also issues with election software vendor licensing and the Secretary of State's Office.
 - iii) An overview of the County's budgets looked positive. Expenditures have come in lower than expected for year to date and revenues have been higher than anticipated.
 - iv) There is a possibility of the request for formation of two taxing districts to come forward in the near future.
 - v) Clerk Larsen also shared a portion of a personal note of thanks from the outside auditor. The outside audit for FY2023 was just completed and the auditors were very complimentary of the organization and cooperation of all those individuals involved and records being examined.
- h) 10:56 AM Building & Zoning – McMurray
- i) McMurray reported on statistics for the building department for December. He cited 32 building permits were issued, 22 of those for commercial ventures. He also pointed out that all 22 of the commercial permits related to solar power installations. There was also one manufactured home siting permit and one temporary placement permit.
 - ii) They also continue to see a lot of requests for administrative land splits and boundary line adjustments.
- i) 10:57 AM Assessor - Adams
- i) Adams expressed appreciation for the extra efforts made by the maintenance department in keeping their sidewalks clear from the snow and excess water pooling due to snow melting.
 - ii) He reported an earlier meeting held with building inspectors and Mr. McMurray went well.
 - iii) His office is still working on a title fee proposition based on state's allowance. He is close to wrapping it up; he is just waiting for some information from Minidoka County. They want to mirror Minidoka County's fees so as to eliminate citizen complaints between the two counties.
- 19) 11:02 AM Clerk's Quarterly Financial Statement per I.C. 31-1611
- a) Deputy Auditor Whitehead reviewed two reports with the Board, the budget statistics summary and the treasurer/auditor joint quarterly report. The budget statistics summary reflects through December 31, 2023.

- b) Tax revenues for the first tax drive came in at about 67% at the end of the first quarter.
 - c) Road & Bridge revenues reflect a new State general fund, ITD sales tax revenues, which were not budgeted for FY2024 but will be budgeted for in coming years. Year to date receipts totaled \$35,476.25. This new revenue is anticipated to be received on an annual basis.
 - d) All apportionment checks are being held until statutory deadline to gain as much interest as possible. The overall budget looks healthy.
- 20) 11:17 AM ORMV Snowmobile Grant Brief
- a) Cpt. Thompson provided a brief update on his efforts to seek an Off-Road Motor Vehicle Grant from the Department of Parks and Rec. They are seeking funds to purchase two snowmobiles for law enforcement.
- 21) 11:18 AM Sign U.S. Forest Service Grant and Modification Agreement
- a) This is an annual grant that Law Enforcement receives every year.

11:23 AM **Motion and Action:** Allow the chairman to sign the U.S. Forest Service Grant and Modification Agreement, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

22) 12:07 PM Reports of USFS and BLM

- a) 12:07 PM BLM - Mark Mazza
 - i) Mr. Mazza is filling in until the position can be filled in April as Mr. Crane took another position in the Twin Falls field office. He reported on the South Hills motorized vehicle closure in effect until March 15, 2024.
 - ii) His office is working with law enforcement in a case of a vandalized gate that occurred over the weekend. He said the gate was literally torn from the ground.
 - iii) Their office is continuing efforts to establish a proposed shooting range to alleviate dangerous situations developing in some recreation areas between shooters and other activity participants.
 - iv) He spoke on an internal meeting they had with people from the Gateway West Project. It was determined that the BLM will not grant any access through southern BLM territory as it violates sage grouse habitat and contradicts their resource management plan.
 - v) The Board expressed strong opposition and concern to the reported decision and requested further dialog, not only with power company representatives but also BLM representatives because this new decision is directly contrary to all the efforts put in by several people over many years to establish a power corridor through the southern part of the county.
- b) 12:20 PM USFS - Draper
 - i) Mr. Draper reported having successful conversations with permittees recently regarding grazing permits and water restoration projects.
 - ii) He also reported on developments for the Black Pine Mine, which now estimates approximately 400 million ounces of gold in the mine. They've just hired a geologist to work full time on the operation and wants to give the Commissioners a presentation on the mine since most of the operations will affect Cassia County. Time on the agenda for February 5, 2024 was set aside for that presentation.

- iii) Draper gave brief updates on other projects that are wrapping up such as fencing and clearing of damaged trees in certain recreation sites for the safety of the people.

12:55 PM Recess until 1:30 PM.

1:36 PM Reconvene

23) 1:36 PM Consider Property Tax Exemption application for parcel RPBB001104001A

- a) The applicant, Matt Cook, on behalf of the Goode Motor Education Foundation, presented his request for tax exemption on a parcel owned by his foundation due to its 501(c)(3) status with the IRS.
- b) The intention of the property which has the Burley Theater is to provide a permanent home for Mt. Harrison Performing Arts. They are currently working together to restore the building to what it was like 100 years ago.
- c) There was discussion as to whether he was required by law to provide the financial statements being requested on the tax exemption application form. Cook agreed to provide financial statements regarding the property only.
- d) Statutes found in Title 63, Chapter 602 were referenced for guiding the Board's obligations and decision. The statutory deadline to receive a tax-exempt status for 2023 had already passed so they were considering the application to take effect in 2024.

2:19 PM **Motion and Action:** Approve the property tax exemption application on parcel RPBB001104001A for 2024 and succeeding years, as long as it remains a charitable designation, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

24) 2:20 PM Consider cancellation of taxes for parcel RPBB001104001A

- a) Treasurer Greener provided updated numbers on the request of cancellation of taxes for this parcel. This new number is based off of the total tax amount of \$1,003.76 for 2023.
- b) The new amount being requested for cancellation is \$413.65.

2:22 PM **Motion and Action:** Approve the cancellation of taxes on parcel RPBB001104001A for the Goode Motor Education Foundation in the amount for the 2023 taxes of \$413.65, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

25) 3:40 PM BOE for 2023 Missed Property Assessment Roll

- a) Matter rescheduled for Thursday, January 25, 2024.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

26) 1:52 PM Discuss need for geotechnical survey

- a) McMurray expected to have a quote by the end of the week.
- b) He will present something to the Board next Monday.

27) 1:52 PM Proposed County buildings discussion - This item will continue to appear on the agendas until notified otherwise.

**CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, January 22, 2024**

28) 3:47 PM Adjourn

3:47 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

30% OF FISCAL YEAR ELAPSED

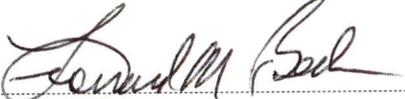
*** UNAPPROVED DEMANDS APPEAR IN ACTUALS AND ALSO AS AN INVOICE .**

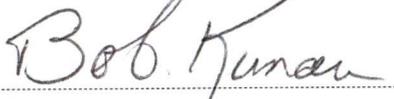
Fund	Budget	Actual	Demand/Claims Amt	Budget Remaining	% Budget Remaining
0001 GENERAL FUND (CURRENT EXPENSE)	5,736,912.00	1,669,929.64	67,575.40	4,066,982.36	71%
0002 ROAD & BRIDGE	754,095.00	116,550.69	2,892.00	637,544.31	85%
0006 DISTRICT COURT	377,630.00	76,270.59	4,337.00	301,359.41	80%
0008 JUSTICE FUND	13,922,579.00	3,601,519.55	168,439.07	10,321,059.45	74%
0012 M-C MISDEMEANOR PROBATION	1,184,800.00	369,258.40	15,904.00	815,541.60	69%
0018 CASSIA COUNTY FAIR	280,380.00	21,734.64	1,446.00	258,645.36	92%
0020 REVALUATION	356,180.00	102,543.40	5,783.00	253,636.60	71%
0027 NOXIOUS WEED & PEST	439,385.00	79,327.59	4,337.00	360,057.41	82%
0029 PHYSICAL FACILITIES	12,041,300.00	575,824.61	35,000.00	11,465,475.39	95%
0048 EMPLOYEE BENEFITS FUND	3,873,550.00	961,745.42	91,061.71	2,911,804.58	75%
0053 NARCOTICS SEIZED ASSETS FUND	40,000.00	7,989.29	871.00	32,010.71	80%
Total Amount Paid			397,646.18		

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 1-22-2024


COMMISSIONER


COMMISSIONER


COMMISSIONER

attest: Cally Velasquez deputy clerk

* WARNING: This fund is over budget

Cassia County Commissioner Meeting

Attendance Log

Date: 01/22/2024

NAME (Please Print)	TOWN	REPRESENTING
1. J. Thompson		CCSO
2. Amber Prewitt	Burley	Probation
3. Pedro Hernandez	Burley	Grounds and Building
4. Michael Dittley	Edna	CCNWC
5. CRAIG RICHART	Burley	CORONER
6. Matt Adams	Burley	Casualty Assessor
7. JOE LARSEN	Burley	CLERK
8. Laura Greener	Burley	Treasurer
9. Walter Whitehead	Burley	Auditor's
10. Mark Mazza	Burley	BLM
11. KEVIN DRAPER	"	FS
12. Mirella Mancias	Burley	Assessors
13. MATT COOK	Burley	Self
14. Sharene Ahlin		Auditor's Office
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		