



Cassia County Board of Commissioners

REGULAR MEETING MINUTES

Monday, February 12, 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) 9:03 AM Roll call

Roll Call.

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

- 4) 9:03 AM Calendar, meetings, committee reports, and correspondence were reviewed.

- a) 2/13/2024 - Joint Juvenile Probation meeting - Searle
- b) 2/13/2024 - Joint Jail Executive Committee meeting - Searle
- c) 2/13/2024 - Snowmobile Advisory Board meeting - Kunau
- d) 2/13/2024 - Fair Board meeting - Beck
- e) 2/14/2024 - Transportation meeting - Beck
- f) 2/14/2024 - Interview process for an Extension Agent - Beck
- g) 2/16/2024 - Special BoCC meeting to discuss Gateway Project

9:05 AM McMurray entered the meeting

- h) McMurray reported that the Planning & Zoning meeting this week has been cancelled.
- i) 10:13 AM Beck reviewed correspondence received from the Animal Damage Control Board. He would like to have someone come in and give a report on their activities before making a determination on their FY2024 request for funding. Representative Doug Pickett is District 3's representative. Beck reached out to him during the meeting to coordinate an acceptable meeting time for that report.
- j) 10:20 AM Searle reported on a conversation he had regarding the Cassia County history books that the County used to sell. Kunau remembered the county donating the rest of the books to the museum but thought they may still be in the basement. The matter was investigated during a recess. The Board made a visit to basement where some boxes of history books were discovered. Arrangements will be made to get them over to the museum.
- k) 10:22 AM Kunau discussed some pictures he took of the ceiling at the Misdemeanor Probation building.
- l) 11:21 AM Beck reported on responses he received from Representative Pickett and also to have Zack Alexander from Pomerelle to come visit with the Board about road maintenance concerns at the ski resort. He will be put on the agenda for next Tuesday at 10:30 AM.

CASSIA COUNTY COMMISSION
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Instrument # 2024000551

BURLEY, CASSIA, IDAHO

2-26-2024 12:59:15 PM No. of Pages: 9

Recorded for : CASSIA COUNTY COMMISSIONERS

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: COMMISSIONERS MINUTES

EV

5) 9:04 AM Approve payables for 2/12/2024

9:05 AM **Motion and Action:** Approve payables as presented on 2/12/2024 in the amount of \$363,850.76, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

6) 9:07 AM Approve minutes from 2/5/2024

9:07 AM **Motion and Action:** Approve minutes from 2/5/2024 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

7) 9:08 AM Approval of synopsis for January 2024

9:08 AM **Motion and Action:** Approve synopsis for January 2024 as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

8) 9:09 AM Personnel Matters - Change of Status Requests

- a) CCSO - Hannah Beckstead - Certified Dispatcher - certification
- b) Assessor - Angelina Nava - Admin 1 - grade change

9:10 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) 11:23 AM Executive Session

11:23 AM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (c) to deliberate acquisition of an interest in real property, **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.

11:48 AM Upon exit of Executive Session, the board took the matter under advisement.

2:52 PM Executive Session

2:52 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).

3:38 PM Upon exit of Executive Session, the board took the matter under advisement.

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10) 9:13 AM Approve Request for Funding from South Central Community Action Partnership for FY2024

9:14 AM **Motion and Action:** Approve the South Central Community Action Partnership funding request in the amount of \$2,000.00, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

11) 9:15 AM Approve and sign agreement with XCell Engineering for geotechnical report for new office building

- a) McMurray presented the proposed contract from Xcell Engineering to perform a geotechnical survey in the amount of \$5,800.00 and he outlined the procedures the engineer would take in carrying out the survey.
- b) The contract has the requested changes from the Board from the last time it was presented.

9:18 AM **Motion and Action:** Approve the Xcell Engineering bid for the geotechnical services for the new office building in the amount of \$5,800.00, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

12) 9:19 AM Discuss Howell Canyon Road maintenance and operation - Searle

- a) Searle asked the Board to reconsider the road maintenance agreement for Howell Canyon Road. After discussions last week with the Burley Highway District, it seemed evident that terms of payment in the agreement needed to be updated. The most recent contract is at least 18 years old.
- b) Options to increase funding contributions were discussed as the expenditures in fulfilling the contract agreements have been increasing over the years.
- c) Beck will contact Zack Alexander from Pomerelle to come in and have a discussion about what their needs and concerns are with the regards to road maintenance.
- d) A discussion with Mr. Alexander was schedule on the agenda for Tuesday, February 20, 2024 at 10:30 AM.

13) 10:57 AM Discuss ruling of Judge Pittard in Tracy v. Tracy regarding payment of fees by Cassia County

- a) Prosecutor Larsen reported on the order recently issued by Judge Pittard regarding a divorce case, CV2015-368, regarding a motion to set aside judgment. Essentially, the judge ordered that Cassia County should pay for the costs of one attorney in the case and at a substantially prorated amount from what the attorney charged for services rendered.
- b) Larsen reviewed the proceedings of the extremely contentious and protracted ongoing case that was initiated in 2015 to explain how the judge might have deemed the County responsible for a portion of legal fees being sought. He also reviewed portions of the order with the Board to discuss his position and concern over the ruling.
- c) Larsen explained his contrary position to the order and reasoning for his request from the Board to consider their options if they also object to the ruling. He has also reached out to other attorneys and other counties since the order was given to ascertain the strength of his position on the matter.

d) The Board agreed with Prosecutor Larsen's opinion and directed him to make an appeal.

11:15 AM **Motion and Action:** Approve directing the Prosecutor to appeal the ruling of Judge Pittard in the Tracy v. Tracy case regarding payment of fees by Cassia County, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

14) 10:16 AM Approve Resolution No. 2024-006 for Destruction of non-permanent Cassia County Clerk records
a) Beck read the contents of the resolution detailing which Clerk records were listed for destruction. They included semi-permanent records from all five of the Clerk's departments, namely Courts, Recorder, Elections, Social Services and Auditor's Office.

10:19 AM **Motion and Action:** Approve Resolution No. 2024-006 for destruction of nonpermanent Cassia County Clerk records, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

10:27 AM Recess until 11:00 AM

10:55 AM Prosecutor Larsen entered the meeting while in recess.

15) 11:16 AM Discuss bids for painting prosecutor's office lobby
a) Prosecutor Larsen presented the two bids he received for painting his office lobby.
i) Al's Painting estimate was just for the labor at \$1,280.00 and the County would provide the supplies.
ii) Randklev Painting estimate was \$2,700.00, which included the cost of supplies.
b) Prosecutor Larsen preferred to go with Al's Painting and asked the Board to consider approving expenditures up to \$2,000.00 to cover the costs of the bid and the paint supplies needed.
c) 11:48 AM A printed copy of the estimate was presented for the Board to stamp their approval on.

11:21 AM **Motion and Action:** Approve expenditures up to \$2,000.00 for Al's Painting estimate, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

SCHEDULED ACTION AGENDA ITEMS

16) 9:30 AM Executive Session pursuant to Idaho Code § 74-206 (1)(c) – to acquire an interest in real property not owned by a public agency - Prewitt

9:30 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) (c) to deliberate acquisition of an interest in real property, **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.

10:13 AM Upon exit of Executive Session, the board took the matter under advisement.

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17) 10:15 AM Approve needed repairs to Misdemeanor Probation building including, but not limited to roof replacement, flooring replacement, and security gate replacement

a) Director Prewitt has not received any new information on a roofing bid.

b) The Board will wait for her to pick the matter back up for discussion.

11:49 AM Recess for lunch

1:29 PM Reconvene

18) 1:29 PM Midway Dairy **hearing** on CUP/CAFO application

a) Beck introduced the purpose of the hearing and the details of the application being heard. The CUP/CAFO application from Midway Dairy is to supplement an existing dairy to include a new milking parlor, free stall barn and an expanded commodity feed area. The permit would allow for an additional 8,000 animal units and provide 4,000 additional acres for density calculation purposes.

1:31 PM **Motion and Action:** Enter a hearing to consider Midway Dairy's CUP/CAFO application, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

b) Beck conducted a conflict poll of the Board. No conflicts of interest were recognized.

c) He also listed the exhibits included for the hearing.

i) Exhibits #1 - #19 were a part of the original application.

ii) Exhibits #20- #24 were procedural responses after the hearing with Planning and Zoning.

iii) There was also a power point presentation being presented at today's hearing.

d) Valene Cauhorn with AGPROfessionals went through the power point presentation, which outlined Midway Dairy's application and the criteria met in their proposal.

e) The plan is to move the milking cows from Ida Gold (located in Burley) out to their facility near Malta. The existing dairy that is out there will not be touched. They plan to add infrastructure to supply the additional animal units. Cauhorn also reviewed the site maps and proposed associated acreages to be included in the new permit.

f) Dave Gerratt said there was an agreement with an adjacent land owner to purchase the land they are currently leasing in the next 24 months or so. He also stated they have an inspector from the USDA that is involved in their Nutrient Management Plan and reviews that plan yearly with them.

g) Chad Pickup worked with the county Weed Department supervisor in implementing a weed management plan on the site.

h) Various aspects of water usage and water rights were discussed for the Board's education. Mr. Gerratt also detailed their efforts in water conservation. They focused their efforts in the Raft River Basin area and have invested quite a bit of time and money in recharge efforts and other experiments to stabilize the aquifer and increase water efficiency.

i) Steve Gerratt spoke on forage and feed needs of the animals. He also discussed the road impact study they commissioned which determined that the road did not need to be paved at this time.

j) The Board expressed concern about economic impacts to other dairies or businesses affected by their proposed expansion. Kyle Gerratt spoke of the benefits they offer their employees currently and the significant financial investments and subsidies they provide to the insurances offered their employees. He included health, dental, housing and even retirement benefits in his discussion.

- k) Mr. McMurray reported that there was no opposition presented or expressed at the Planning & Zoning hearing.

2:40 PM **Motion and Action:** Close the hearing as to the taking of evidence, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

2:43 PM **Motion and Action:** Adopt the findings of fact, conclusions of law and decision of the Planning and Zoning Commission of application 2023-13-CU/CAFO, and include the updated modifications to numbers 7 and 8 of the Planning and Zoning recommended decision of December 2023, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

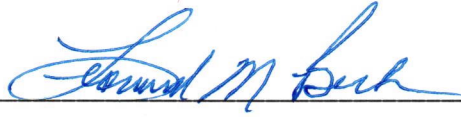
2:51 PM **Motion and Action:** Exit the hearing for the CUP/CAFO permit for Midway Dairy, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

- 19) 11:49 AM Geotechnical survey discussion - McMurray requested the item remain on the agenda
- 20) 3:39 PM Proposed county building discussion
 - a) Kunau requested taking time next week to go over his drawing of a footprint for an office building.
- 21) 11:50 AM Grandstands construction matters including but not limited to payment requests
 - a) There were none to be considered at this time.
- 22) 3:40 PM Adjourn

3:40 PM **Motion and Action:** Adjourn, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

APPROVED:

A handwritten signature in blue ink, reading "Leonard M. Beck", is written over a horizontal line.

Leonard M. Beck, Chair

DEPUTY CLERK OF THE BOARD:

A handwritten signature in black ink, reading "Cally Velasquez", is written over a horizontal line.

Cally Velasquez

SUMMARY CLAIMS APPROVAL REPORT INCLUDING BUDGET BALANCES

BOTH UNPAID CLAIMS & DEMANDS GENERAL GOVERNMENT FUNDS
36% 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	1,949,917.61	62,773.43	3,786,994.39	66%
0002 ROAD & BRIDGE	754,095.00	131,765.93	2,039.61	622,329.07	83%
0006 DISTRICT COURT	377,630.00	92,891.49	555.18	284,738.51	75%
0008 JUSTICE FUND	13,922,579.00	4,503,156.27	113,164.76	9,419,422.73	68%
0012 M-C MISDEMEANOR PROBATION	1,184,800.00	414,368.66	1,494.14	770,431.34	65%
0013 911 COMMUNICATIONS	866,250.00	71,444.32	2,486.40	794,805.68	92%
0016 SOCIAL SERVICES-ASSISTANCE	537,550.00	50,066.49	5,860.10	487,483.51	91%
0020 REVALUATION	356,180.00	117,540.19	131.16	238,639.81	67%
0025 WATERWAYS	50,000.00	27,307.43	1,489.90	22,692.57	45%
0027 NOXIOUS WEED & PEST	439,385.00	91,816.04	1,699.83	347,568.96	79%
0028 SNOWMOBILE	86,425.00	7,832.79	3,192.90	78,592.21	91%
0029 PHYSICAL FACILITIES	12,041,300.00	743,321.65	102,269.87	11,297,978.35	94%
0032 PREVENTIVE HEALTH FUND	270,000.00	89,933.04	22,483.26	180,066.96	67%
0048 EMPLOYEE BENEFITS FUND	3,873,550.00	1,354,634.61	43,727.32	2,518,915.39	65%
0053 NARCOTICS SEIZED ASSETS FUND	40,000.00	9,343.19	482.90	30,656.81	77%
Total Amount Paid			363,850.76		

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

2-12-2024

Edward M. Beech
COMMISSIONER

Bob Kuman
COMMISSIONER

Kent L. Seale
COMMISSIONER

attest: Cally [Signature] deputy clerk

* WARNING: This fund is over budget

Cassia County Commissioner Meeting

Attendance Log

Date: 2/12/2024

NAME (Please Print)	TOWN	REPRESENTING
1. George Warrell	Oakley	Sheriff
2. Amber Prewitt	Burley	Probation
3. J. Thompson		CCSO
4. Valerie Cawhorn	TWF	Midway Dairy
5. Steve Gernatt	Burley	Midway Dairy
6. David Gerratt	Decto	Midway Dairy
7. Chad Pickup	Burley	Midway Dairy
8. Kyle Gerratt	Burley	Midway Dairy
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