

Cassia County Board of Commissioners REGULAR MEETING MINUTES

Monday, March 11, 2024

Cassia County Courthouse • Commission Chambers 1459 Overland Ave - Room 206 - Burley ID 83318

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.

8:02 AM MCCJC Quarterly Commission review and walk through.

- a) Cassia County and Minidoka County Commissioners participated in the quarterly jail inspection and tour.
- b) Lt. Taylor stated that all three deputies currently attending POST have passed their tests and are expected to graduate. There are still four open positions to be filled.
- c) Taylor is hoping to present new communications technology contracts for consideration. Their experience with Securus has not been satisfactory in terms of equipment or service. He reported that any time they need to call a technician to fix something, the company sends someone from North Dakota. A decision to continue with Securus or not must be made before June to notify Securus in time.
- d) The body scanner is expected to be delivered next Monday however they've discovered that the completed machine is three inches too tall for the planned space. Marshall Worthington, maintenance supervisor, explained the difficulties of punching through the ceiling as it is a kind of concrete sprayed onto a suspended mesh. Taylor thought about putting the scanner in a different room that has a higher ceiling but then would have to make adjustments and rearrange for the current station in the room that would be displaced. The various options to adjust for the scanner are costly and time consuming and no clear solution has been decided on yet.
- e) Taylor plans to report on his evaluation of the instituted differential pay for the employees at the beginning of April.
- f) The tour was completed at 9:05 AM.

ACTION AGENDA ITEMS

- 1) 9:16 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 9:17 AM Roll call

Roll Call.

Present: Leonard M. Beck - Chair, Kent R. Searle - Member, Bob Kunau - Member, Cally Velasquez - Deputy Clerk

- 4) 9:17 AM Calendar, meetings, committee reports, and correspondence were reviewed.
 - a) 3/11/2024 Joint 250-Year Celebration Committee meeting Searle
 - b) 3/12/2024 Fair Board meeting Beck
 - c) 3/12/2024 Joint Justice and Juvenile meetings Searle
 - d) 3/12/2024 Meeting with Bowen Insurance Searle
 - e) 3/14/2024 FAA meeting in Jerome to discuss airspace and the Lava Ridge project Beck

CASSIA COUNTY COMMISSION REGULAR SESSION Monday, March 11, 2024

Instrument # 2024000819

BURLEY, CASSIA, IDAHO

10:46:08 AM No. of Pages: 12 3-25-2024

Recorded for : CASSIA COUNTY COMMISSIONERS Fee: 0.00

JOSEPH LARSEN

Ex-Officio Recorder Deputy Index to: COMMISSIONERS MINUTES

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- f) Searle reported on his meeting with the coroner regarding some newspaper articles on autopsies in Bannock County. They decided to wait on making any agreements for pathology services until details can be worked out. Beck also informed the Bannock County Commissioners that this Board was unwilling to sign any agreements that didn't have the signatures of Bannock County's Commissioners already on them. There has been no response so far.
- g) Searle reported on the progress of getting a new operating system for dispatch. Bannock County will not consider any other county joining on their server until their upgrades and other projects can be completed.
- h) Searle reported on his attendance at the Idaho Public Safety Communications Committee meeting in Boise last week. He also discussed what he learned about current and recent legislative proposals regarding 911 funds and EMS services.
- Beck suggested having Bowen Insurance provide a quarterly report to department heads, similar to the monthly department head reports, to help educate the employees of Cassia County on the many valuable benefits offered to them.
- j) Beck has not had any response for the various people he has tried to reach regarding the State Animal Damage Control invoice and their program. He spoke with Spencer Black of Almo who said the program is needed and appreciated. Beck was hesitant to move forward with the request for funding until a report of their activities can be presented to the board.
- k) A text from Commissioner Orton expressed concern over language Paul Ross has submitted for the boundary language change proposal between Minidoka and Cassia Counties. The concern involved the usage and definition of "channel" of the river over "flow" of the river. One implies a fluctuating boundary line based on the flow rate of the river which affects who has claim over some island territories. Language in State Code referencing river boundaries will be researched and relied upon.

9:36 AM Mr. McMurray entered the meeting.

- 10:20 AM Mr. McMurray provided a letter of interest to serve on the Industrial Development Corporation Commission from Tyler Dewsnup. There aren't any openings currently.
- m) 11:15 AM It was discussed that even though Kunau is on the Middle Snake regional Water Resource Commission, he is unable to attend their meetings because they occur at the same time as the South-Central Public Health District meetings. Beck asked if Kunau would consider appointing him as an alternate to attend the executive committee meetings. The matter will be considered during the next regular meeting of the Board.
- 5) 10:21 AM Approve payables for 3/11/2024

10:21 AM **Motion and Action:** Approve payables as presented on 3/11/2024 in the amount of \$506,585.54, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

6) 10:22 AM Approve minutes from 3/4/2024

10:23 AM **Motion and Action:** Approve minutes from 3/4/2024 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

7) 10:23 AM Approval of synopsis for February 2024

10:23 AM **Motion and Action:** Approve synopsis for February 2024 as presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

8) 10:24 AM Approval of Clerk's Office recommendations regarding junior college Certificates of Residency

10:24 AM **Motion and Action:** Approve Clerk's Office recommendations to approve two junior college Certificates of Residency as presented, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- 9) 10:25 AM Personnel Matters Change of Status Requests
 - a) Cassia County Sheriff's Office Kenny Emery Corporal Investigations voluntary resignation
 - b) Noxious Weed & Pest Sarah Somsen Noxious Weed/4-H Administrative Assistant new hire

10:26 AM **Motion and Action:** Approve Change of Status Requests as presented, **Moved by** Kent R. Searle - Member. Motion failed for lack of second. Beck had a question on one of the submissions.

10:29 AM Ottley provided clarification for Change of Status request from his office. This position is shared between Noxious Weed department and the 4-H/Extension office

10:29 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.

10) 11:18 AM Executive Session

11:19 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.

11:20 AM Prosecutor Larsen joined the meeting during Executive Session.

12:06 PM Upon exit of Executive Session, the board took the matter under advisement.

- 11) 10:38 AM Consider meeting schedule for March 18, 2024
 - a) The Board determined that they would not hold a regular meeting on March 18, 2024.
- 12) 10:39 AM Discuss Gateway and/or Sage Grouse information
 - a) McMurray provided copies of correspondence he received from Mr. Joshua Uriarte of the Office of Species Conservation with the Governor's Office.
 - b) The State has proposed an alternative to the Environmental Assessment that the BLM is doing with regards to sage grouse habitat. McMurray also provided a blow-up of the map Uriarte sent with an

- overlay of the County's electrical zone added on top. Uriarte said he could visit with the Board but could not provide any other information until the BLM comes out with their plan either this month or next month for public comment.
- c) It was reiterated that this map is the State's proposal to BLM for consideration but BLM has not released their projected map yet for public comment.
- d) It was clarified that Commissioner Searle would like to see a map showing within a mile swath the general planned route from PacifiCorp.
- e) 2:29 PM Mr. Uriarte joined the meeting via Zoom. Beck stated the two main points he was looking for information on. His first question was to find out what kind of information was correlated with BLM and his office for the designation of sage grouse habitat. The second was what was to find out their response to the declining numbers of sage grouse but Fish and Game continued to issue tags for hunting.
- f) Uriarte summed up the involvement his office has had in concert with cooperating agencies and stake holders to provide input to BLM as the BLM prepares to publish their draft Environmental Impact Statement.
- g) During the Board's meeting with BLM officials recently, they brought forth a document called a Record of Decision, which states that "should the PPH Classifications change before the project begins construction (then currently scheduled for 2018-2019), the BLM would reconsider the alignments on public lands not classified as Priority Habitat." He said that Mr. Courtney said in his estimation, that was the only sentence that provided for the County's efforts in the project, through reclassification of habitat to move the power lines to public lands.
- h) Uriarte advised the best course of action for the commissioners would be to provide feedback when the draft EIS is published for public comment by the BLM. The draft EIS is anticipated to be published in the next couple of months. They must allow for a period of public comment, then compile the input and finalize the study. He recommended that the commissioners provide personal comment and to encourage others to comment as well.
- i) He advised the Board to reach out to our area's Fish and Game Commissioner to discuss the issuing of hunting tags for a declining bird population that BLM was trying to preserve habitat for. He also directed the commissioners to review government websites that report on population data and other information related to their concerns. The map from a 23-page document referring to mitigation triggers published on the site was printed out for review.
- j) BLM's mitigation hierarchy was discussed in light of a possible exchange of ground for sage grouse use. Governor Little introduced a mitigations principles bill for BLM's consideration which requested evaluating certain triggers that affected much larger swaths of land than was actually affected by the triggers. The commissioners were advised to discuss the triggers and their effects with Fish and Game.
- 13) 11:08 AM Sign letter to PacifiCorp and BLM regarding Gateway related matters
 - a) The letters with questions to the two entities were reviewed. A request was made to include a timeframe for a response to the Board's questions in the letter. McMurray will make those adjustments.
 - b) 12:06 PM McMurray presented the revised letters for board approval and signatures.

12:07 PM **Motion and Action:** Authorize the chairman to sign the letter to PacifiCorp with the questions that have been presented, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

12:08 PM **Motion and Action:** Authorize the chairman to sign the letter and send it to Mr. Courtney at the BLM regarding the Gateway matter, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- 14) 10:30 AM Consider District #3 Animal Damage Control Board nomination
 - a) Beck read a letter from the Idaho Wool Growers Association renominating Mr. Doug Pickett for the commission's consideration as director from Cassia County to the District #3 Animal Damage Control Board.
 - b) McMurray was requested to draft a letter notifying the Association and Mr. Pickett of the Board's nomination.

10:32 AM **Motion and Action:** Renominate Mr. Doug Pickett to serve on the District #3 Animal Damage Control Board, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- c) Upon further examination, McMurray advised the Board to rescind the motion for nomination and instead motion to appoint Mr. Pickett to the position.
- 10:35 AM Motion withdrawn by Kent R. Searle Member. Second withdrawn by Bob Kunau Member.
 - d) Beck asked if motion to withdraw needed a vote. Searle incorrectly stated the original motion for nomination had not been voted on. The Board proceeded as if Searle's original motion had not passed a vote but was withdrawn instead.

10:37 AM **Motion and Action:** Appoint Doug Pickett to be Cassia County's representative to the District #3 Animal Damage Control Board, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- e) 2:28 PM Revisited the matter to review and approve the letter of appointment prepared by Mr. McMurray.
- 2:28 PM **Motion and Action:** Authorize the chairman to sign the letter of appointment of Mr. Pickett, **Moved by** Bob Kunau Member, **Seconded by** Kent R. Searle Member. Motion passed unanimously.
- 15) 12:09 PM Deliberate regarding bid for security window Prosecutor
 - a) Based on recent changes in the Prosecutor's Office, Prosecutor Larsen has decided to implement a temporary solution by installing an Arlo security camera for the lobby rather than install a window at this time.

- b) Larsen is withdrawing the window installation bid from consideration and would like to test out the camera system for a time and see what public comment might be towards the camera system. He noted that the window company has agreed to hold the bid for 60 days while they consider options.
- 16) 12:11 PM Deliberate regarding historic use of Masonic Lodge Prosecutor
 - a) Prosecutor Larsen acknowledged that Commissioner Kunau has used part of the Masonic Lodge as personal office space since approximately 1970. With the recent acquisition by the County, Larsen encouraged the Board to make a motion allowing the historic use retroactively.
 - b) The building is scheduled to be demolished soon and most everything from Commissioner Kunau's personal business has already been removed from the premises. He has personally paid the utility bills since the County's purchase in exchange for use until final plans for the lodge could be determined.
 - c) Kunau recused himself from introducing, supporting, or voting on any such motion.

12:16 PM **Motion and Action:** Recognize the historic use of the Masonic Lodge, in particular that Commissioner Kunau has been involved with, knowing that its basically done, and we recognize that he has been paying the utilities and we're ready to move on, **Moved by** Kent R. Searle - Member, **Seconded by** Leonard M. Beck - Chair. Chair Beck requested the motion be shortened to say this motion is retroactive to the historic use of the Masonic Lodge. Searle agreed to the modification, Beck seconded the agreement for modification. Motion passed.

SCHEDULED ACTION AGENDA ITEMS

- 17) 9:33 AM Personal Property Lease Agreements with Terry Hutchison and Austin Udy Ottley
 - a) Ottley presented the personal property lease agreements with Terry Hutchison and Austin Udy for rental of mules and trailer to conduct weed spraying operations as had been done for the last eight years. It was stated that Prosecutor Larsen has reviewed and approved them.
 - b) The terms and costs remain the same as the prior year. The cost agreement is \$45.00 per day per horse or mule that is used and \$30.00 per full day for the use of the horse trailer.

9:35 AM **Motion and Action:** Approve the personal property lease agreement between Cassia County and Terry Hutchison involving the mules, horses and horse trailer, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

9:36 AM **Motion and Action:** Approve the personal property lease agreement between Austin Udy and Cassia County involving mules and horses, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- 18) 9:37 AM Sign 2024 Idaho Transportation Department Agreement for Noxious Weed Control Ottley
 - a) Ottley presented the agreement between ITD and Cassia County to treat any hot-spots on road ways within the County.
 - b) Ottley increased the price by \$1,000.00 to a total of \$9,000.00 from last year due to ITD's placement of a port right in the middle of a scotch thistle patch which he expects will need additional attention for weed control.

c) For educational purposes, he learned that the weed control responsibilities on freeways during construction projects falls to the construction company conducting the work on the roads.

9:41 AM **Motion and Action:** Approve the Board signing the Idaho Transportation Department Agreement for Noxious Weed Control with the County Weed Department, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Motion passed unanimously.

- 19) 9:43 AM Sign Notice to Comply with Order for Extermination of Noxious Weeds Ottley
 - a) Ottley presented the notice that his department has to do every year to satisfy statute to conduct their weed control operations within the county.

9:44 AM **Motion and Action:** Approve signing the Notice to Comply with Order for Extermination of Noxious Weeds for the department, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member. Motion passed unanimously.

- 20) 9:44 AM Sign the Order Creating Area for Extermination of Noxious Weeds Ottley
 - a) This is in conjunction with the Notice to Comply that must be done every year. Both documents will need to be published and put on the county's website once signed.

9:45 AM **Motion and Action:** Authorize the chairman to sign Order Creating Area of Extermination of Noxious Weeds, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- 21) 9:46 AM Consider request to declare items as surplus: 2010 Kubota, 2013 Can-Am 800, Clean Burn oil burn heater & accessories, and a big enclosed fan Ottley
 - a) Ottley reminded the Board of his request a year ago to declare certain items as surplus so that he can dispose of them and perhaps use any revenue from it for the purchase of newer four-wheelers. He is planning to replace two 2016 ATVs this coming year.
 - b) He noted that the 2022 Chevy long box and bumpers are still listed on the auction website with no interest. They've lowered the asking bid several times with no positive feedback.
 - c) The company that manufactured the Clean Burn oil burn heater said the unit in its current condition is worth between \$4,000.00 -\$5,000.00.
 - d) Kunau suggested talking to Keith Couch who runs an auction and plans to hold some sales soon. Ottley said the trade in value for the 2013 Can-Am was listed at \$3,800.00.
 - e) Ottley inquired if a resolution would be necessary for him to proceed. McMurray advised Ottley that given the action taken by the Board today, to be sure to do a proper notice of sale and publish it in the Times News with information about when, where, and that the value of the items being put up for sale is in excess of \$250.00. Ottley will work with McMurray to get the right language composed.

9:51 AM **Motion and Action:** Declare as surplus the 2010 Kubota, 2013 Can-Am 800, Clean Burn oil burn heater & accessories, and a big enclosed fan, **Moved by** Kent R. Searle - Member, **Seconded by** Bob Kunau - Member. Motion passed unanimously.

- 22) 9:54 AM Review of local and State data regarding Juvenile Justice D. Tate and J. Miller
 - a) Dixie Tate with Mini-Cassia Juvenile Probation began the presentation of the 2023 Cassia County Annual Juvenile Justice Report. She observed that when reviewing the statistics decade by decade, juvenile crime is on the decline but could not indicate the reasons for the decline since many different variables affect the data.
 - b) 9:58 AM Jeff Miller, the district liaison with the Department of Juvenile Corrections reviewed the numbers of youth arrests reported by the Idaho State Police for Cassia County. He reviewed the breakdown of the different types of charges, probation intakes vs. releases, diversion intakes vs. releases, probation success rate and diversion success rate for the year.
 - c) It was discussed that the average youth offender in Mini-Cassia Area for 2023 was a 14 to 16 year-old hispanic male, but also noted that the number of female offenders has been increasing.
 - d) Rates of recidivism were compared at six months, twelve months and 24 months. These statistics also track youth offenders who turn 18 during that time frame. The national average is between 28-30%. Our county was 20% for 2023.
 - e) State funding levels for these programs were also reviewed. The percentage of the juvenile justice budget portion of state funding was down to 8% for 2023 from 11% in 2021 and 9 % in 2022.

UNFINISHED BUSINESS ACTION AGENDA ITEMS

- 23) 12:17 PM Geotechnical survey discussion nothing to discuss at this time.
- 24) 11:00 AM Proposed County building discussion
 - a) Kunau said they needed to decide if they were going to continue with erstad Architects. Beck reported that McMurray was reviewing the contract for legal ramifications. The consensus was to see if an alternative delivery method, as discussed last week, was a viable option.
 - b) It was discussed that IT Administrator Burgess had requested consideration in the designation of department areas to account for IT needs. Previous requests from the Assessor would also need to be included in the discussion.
 - c) Searle wanted to explore the possibility of vacating a portion of 15th Street to increase building or parking possibilities. He recognized concern for traffic patterns and expeditious exits by law enforcement personnel from the current parking lot using 15th Street.
 - d) 12:17 PM Matter was revisited to discuss continuing a contract relationship with erstad Architects. The specifics of the agreement were reviewed for consideration. If the Board decided to have plans drawn up by another entity, they would still need to be put out for bid to be finished by a licensed engineer. Since erstad has those qualifications, it would be a more efficient use of time to simply maintain the contract. Kunau was asked to contact erstad and set up some time for conversation between them and the Board for Monday, March 25th at 2:00 PM.
 - e) Kunau agreed to contact erstad to schedule a time for discussion.
- 25) 11:00 AM County Fair grandstands construction matters including but not limited to payment requests none to be considered.
- 12:26 PM Recess until 2:30 PM.
- 2:28 PM Reconvene from Recess.

26) 3:12 PM Adjourn

3:12 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

44% 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	2,293,285.52	99,388.36	3,443,626.48	60%
0002 ROAD & BRIDGE	754,095.00	163,455.00	4,922.31	590,640.00	78%
0006 DISTRICT COURT	377,630.00	108,072.44	5,563.79	269,557.56	71%
0008 JUSTICE FUND	13,922,579.00	5,349,520.44	255,190.10	8,573,058.56	62%
0012 M-C MISDEMEANOR PROBATION	1,184,800.00	516,478.45	17,987.26	668,321.55	56%
0013 911 COMMUNICATIONS	866,250.00	77,384.47	2,422.94	788,865.53	91%
0018 CASSIA COUNTY FAIR	280,380.00	103,741.52	1,446.00	176,638.48	63%
0020 REVALUATION	356,180.00	141,167.04	5,923.77	215,012.96	60%
0027 NOXIOUS WEED & PEST	439,385.00	108,891.66	5,795.95	330,493.34	75%
0028 SNOWMOBILE	86,425.00	13,134.84	641.45	73,290.16	85%
0029 PHYSICAL FACILITIES	12,041,300.00	782,151.18	15,164.14	11,259,148.82	94%
0032 PREVENTIVE HEALTH FUND	270,000.00	112,416.30	22,483.26	157,583.70	58%
0048 EMPLOYEE BENEFITS FUND	3,873,550.00	1,533,377.92	69,520.24	2,340,172.08	60%
0053 NARCOTICS SEIZED ASSETS FUND	40,000.00	9,479.16	135.97	30,520.84	76%
		Total Amount Paid	506,585.54		

STATE OF IDAHO CASSIA COUNTY

03/08/2024 08:01:35

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

COMMISSIONER

COMMISSIONER

ommissioner commission
attest: Cally Velasquer deputy clirk

^{*} WARNING: This fund is over budget

Cassia County Commissioner Meeting Attendance Log Date: 3 | 11 | 2024

NAME (Please Print)	TOWN	REPRESENTING
1. J. Thompson		CCSO
2. Michael Ottley	Ella	conuc
3. George Warrell	cakley	Sherift'
4. Kevin) Horan		ccso
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