

**COMMISSIONERS MINUTES**

**DECEMBER 10, 2012**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan. Also present were Civil Attorney Buzz Grant, Clerk Barbara Steele and Deputy Clerk Shelley Hooper.

Tracy LeFever, E911 Coordinator, appeared to have the Board review the Centurylink Contract Change Order. Ms. LeFever would like to make a change to the E911 system upgrade to include specialized programmable keypads for the dispatchers.

Motion by Shaw, second by Wootan, to approve and sign the Centurylink Contract Change Order and pay the \$648.00 fee.

- SHAW** ..... -**AYE**
- HOFER** ..... -**AYE**
- WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Alan Christy, Growth & Development Director, and John McCallum appeared to discuss the Mayfield Townsite. There is an issue of water to the townsite. Water Resources is saying there is 7,100 cubic feet of water available, but Idaho power is saying there is no water available in the area. Mr. McCallum is requesting to put the project on hold for a year to get the issue resolved, because if there will be no water available to the site, there is no use going further with the project. Mr. Christy reviewed approval conditions that need to be met and if they can't be met there is an amendment process that needs to take place. Mr. McCallum stated he can only do minor planning until the water issued is straightened out. There is a fee of \$5,000.00 due for review processes, application meetings and hearings, which is stated in the ordinance, but Mr. McCallum feels he should not have to pay the fees if he cannot move forward with the project. Mr. Christy stated that if the conditions cannot be met by the outlined time frame Mr. McCallum would need to request an extension and a deferral of the annual report requirement.

Assessor Ron Fisher, Dave and Robin Cameron and Preston Lord appeared to discuss Ag Exemptions. Mr. Fisher explained Ag exemption forms are sent out to owners of properties totaling five acres or more. The exemption paperwork needs to be returned to the Assessor's office by March 15<sup>th</sup> of each year to get the Ag exemption. Assessment notices are sent out on the first Monday of June and include last year's taxes and the amount of taxes for the current year. If the taxpayer wants to appeal the taxes, the appeals need to be filed on or before the fourth Monday of June. The Ag exemption on Mr. and Mrs. Cameron's property was pulled because the Assessor's office did not receive an Ag exemption form. Ms. Cameron stated that she did not receive the Ag Exemption form to fill out. She did receive the assessment notice in the mail, but didn't realize there was an increase

in her taxes until she received her tax bill and by then the deadline to file an appeal had passed. Mr. & Mrs. Cameron feel that their exemption should not have been pulled because they lease out 500 acres of their land to Mr. Lord, who runs cattle on the land. Mr. Fisher stated that per Idaho Code, it is the responsibility of the property owner to make sure the assessments on their property are correct. The Cameron's have missed the deadlines to file the paperwork for the exemptions for this year, so they will be responsible to pay the increase on their taxes for this year and will receive the Ag exemption starting next year. Discussion followed.

Motion by Wootan, second by Hofer, to take the matter regarding the Ag Exemption for Dave and Robin Cameron under advisement.

**SHAW** ..... -**AYE**

**HOFER** ..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Steve West and Ryan Eldridge, Centra Consulting Inc, appeared to update the Board of the Arid Exemption status at the Bennett Road Landfill and the buffer zone around the Glens Ferry Landfill. The Glens Ferry buffer zone is in the exclusion process to incorporate the setback around the landfill. Mr. Eldridge reviewed a letter he will be sending to the Idaho Department of Environmental Quality (DEQ) with responses to comments posed by DEQ regarding the Arid Landfill Design at the Bennett Road Landfill.

Motion by Wootan, second by Shaw, to approve the minutes for November 26, 2012.

**SHAW** ..... -**AYE**

**HOFER** ..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Wootan, to approve the Expenses in the amount of \$318,749.77.

**SHAW** ..... -**AYE**

**HOFER** ..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Senator Bert Brackett appeared to touch base with the Board to see if they had any questions or concerns. Personnel property tax issues were discussed. Clerk Steele is awaiting paperwork from the State Tax Commission on property taxes and how they will impact the county budget. She will then forward it to Senator Brackett. The water issue at the Mayfield Townsite was also discussed. The Board discussed Indigent issues. Senator Brackett stated that the State will be facing two issues, a state run health insurance exchange and expanding Medicaid, which will give the counties some relief from indigent cost. Commissioner Wootan stated that there have been discussions with the Idaho Department of Transportation regarding fire breaks along Interstate 84 to decrease the amount of acreage destroyed by wildfires and the high costs of these fires. The possibility of compensating

local fire fighting companies to respond to vehicle fires along the interstate or on BLM lands was discussed. Senator Brackett asked if the Board might be interested in weekly conference calls with the Legislators to answer any questions or concerns they may have. Chairman Shaw suggested inviting the City to participate as well. Senator Brackett will be attending the next City meeting and will invite them to attend. Clerk Steele will coordinate the conference call.

Motion by Shaw, second by Hofer, to approve the payroll for November 2012 in the amount of \$395,434.00.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to approve the Ambulance District Expenses in the amount of \$3,766.59, Hiler Brothers Co. - \$1,078.12, Nitz Pine Store - \$157.66, Intermountain Communications of Southern Idaho - \$1,708.00, Norco - \$34.27 and Valley Co-ops Inc. - \$788.54.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Wootan, to approve the Pest Abatement Expenses in the amount of \$37.66 payable to Centurylink.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to approve the Certificates of Residency for Ross Steven Arellano, Justin Dennis Connolly, Kassandra Marie Cumbridge, Catalina Marie Garcia, Kaelynn Jean Mills, Feona Jenine Peele-Nowak, Kayla Fayone Reuter, Miguel Donovan Sanchez, Tammy E. Sanchez, Shelby L. Sloan, Joseph Robert Spinazzolo, Amanda Lee Caraway, John D. Crowe, Sheryl M. Elms, Taylor O. Saucedo and Caitlyn Louise Smith.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to approve the Recorder's Office Report, Clerk's Bail Bond Report and Treasurer's Office Report for the record only.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to approve the Tax Cancellations No. 1190 Dallas Qualman-\$49.58, No. 1191 Dallas Qualman-\$49.58, No. 1192 Dallas Qualman-\$49.58 and No. 1193 Ella Mae Coombes- \$49.58.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

The requirements for Ag Exemptions were revisited.

Motion by Wootan, second by Shaw, to adjourn for lunch.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed.

Motion by Shaw, second by Hofer, to approve and sign the revised Pay Port Contract.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**NAY**

**Motion carried and so ordered.**

Alan Christy, Growth & Development Director, appeared to review the High Mesa Wind Farm Decommissioning Agreement. The wind farm is on the county line near Twin Falls with eleven turbines situated in Elmore County.

Motion by Shaw, second by Hofer, to approve and sign the High Mesa Wind Farm Decommissioning Agreement.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Mr. Christy discussed a new vehicle purchase for his department. The bid price for his new vehicle is \$21,635.10.

Plant Facilities will also be purchasing a new vehicle. The bid price for that vehicle is \$22,932.00.

Motion by Shaw, second by Hofer, to approve the bid price purchases of pick-up trucks for Plant Facilities and Growth and Development.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to approve and sign Resolution No. 509-12 authorizing the Idaho Association of Counties to represent Elmore County regarding TracFone and emergency communication fees.

**SHAW ..... -AYE**

**HOFER ..... -AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

Randy and Ronda Avery, Idaho Waste Systems, appeared to discuss the Third Amendment to the Landfill Mitigation Agreement. Attorney Grant reviewed revisions to be made to the mitigation agreement. Ms. Avery reviewed the Glens Ferry Landfill Transfer Station Operation Billing. Mr. Avery stated they need to replace a roof on the shack and put down road mix on the road at the Bennett Road site and presented the board with bids for the work.

Marty Jones, Central District Health, updated the board of the status of the solid waste facilities.

Assessor Fisher appeared again to review the Ag Exemption process. The Board asked if there is a better way to notify the taxpayers of Ag qualifications and whether they will keep their exemption from year to year. Mr. Fisher stated that his office researches the exemptions and evaluates the requirements, and they send out tax assessment notices. It is the responsibility of the taxpayer to review their assessments and make sure they are getting the exemptions they qualify for.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Reconsideration on case K-08-12-14. Roll call vote was taken.

**SHAW ..... -AYE**

**HOFER ..... -AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

A Hearing of Reconsideration was held on case K-08-12-14. Present at the hearing were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele and Deputy Clerk Shelley Hooper. Also present were Social Services Director Marianne Bate and Social Services Assistant Candy Hinton and the applicant. Questions were asked and answered and the hearing was closed.

Regular session resumed. The following decision was made as a result of the Executive Session:

K-08-12-14 Motion by Wootan, second by Hofer, to approve the application minus \$1,572.00 for the dates of service that were not covered per the medical review. Reimbursement of \$100.00 per month and 50% of Federal and State tax refunds is required as payment.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

County Prosecuting Attorney Kristina Schindele and John Hunt of Stevenson’s Computer Consulting, appeared to discuss a new software system for the Prosecutor’s Office. Mr. Hunt informed Ms. Schindele that her office would need to upgrade the Justware Case Management Software. The approximate cost for the upgrade would be \$10,000.00, which includes the software, training on the new system, transferring all of their data and documents into the new system and a new server component.

Motion by Shaw, second by Wootan, to approve the \$10,000.00 cost to upgrade the Justware Case Management Software for the Prosecutor’s Office.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

A short recess was taken. Regular session resumed.

A discussion was held regarding Captain Harry’s Oasis. Alan Christy, Growth and Development Director, explained that Brad Lewis, the owner of Captain Harry’s Oasis, has not been holding commercial events there, but has hosted a private birthday party and there are concerns over how the event center can be utilized. Mr. Lewis was notified in August of the steps he needs to take to obtain a conditional use permit for land use. Mr. Lewis has not completed these steps as of yet. The building on the property was “red tagged” on November 29<sup>th</sup> due to the fact that Mr. Lewis was utilizing the building without an occupancy permit, the building was not built according to plans and the required inspections were not done on the building. County Prosecuting Attorney Kristina Schindele stated her office will review the International Building Code to see if Mr. Lewis will be cited for failure to have a Certificate of Occupancy, failure to comply with building plans, which are on file, and failure to have proper inspections done at the event center. Discussion followed.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed. The following decisions were made as a result of the Executive Session:

K-11-12-03 Motion by Shaw, second by Hofer, to deny as applicant does not meet the definition of resident, not emergent and not indigent per Idaho Code.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-08-12-12 Motion by Shaw, second by Wootan, to approve order of dismissal as St. Luke’s MVRMC withdrew the appeal.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-10-12-08 Motion by Shaw, second by Hofer, to approve with all billing being sent to CAT as Elmore County has met the \$11,000.00 obligation on this case.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

K-10-12-09 Motion by Shaw, second by Hofer, to approve with reimbursement order of \$100.00 per month and 50% of Federal and State tax refunds as payment.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

The Canyon Creek Water Runoff Infiltration Study was discussed.

Attorney Grant reviewed the Noxious Weed Cost Share Request.

Motion by Wootan, second by Hofer, to approve and sign the Noxious Weed Cost Share Request 2013.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**  
**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to add to the agenda the discussions of Captain Harry’s Oasis Events Center, the purchase of new vehicles for Plant Facilities and the Growth and Development Department and the bids for snow removal services in Pine, as all of the matters were of urgent nature.

**SHAW** ..... -**AYE**  
**HOFER** ..... -**AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

Motion by Shaw, second by Hofer, to go into Executive Session under I.C. 67-2345(d) to review a confidential document. Roll call vote was taken.

**SHAW ..... -AYE**

**HOFER ..... -AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

Regular session resumed. No decision was made as a result of the Executive Session.

Bids received for snow removal service at the Ambulance/Sheriff's Joint Sub Station in Pine were discussed.

The Property Tax issue for Dave and Robin Cameron was discussed. The issue was tabled until the next meeting.

Motion by Shaw, second by Hofer, to adjourn.

**SHAW ..... -AYE**

**HOFER ..... -AYE**

**WOOTAN..... -AYE**

**Motion carried and so ordered.**

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**ARLEN O. SHAW, Chairman**

**ATTEST:**

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**BARBARA STEELE, Clerk**