

**COMMISSIONERS MINUTES
MARCH 12, 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 4th 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.

Motion by Wootan, second by Hofer, to approve the Liquor License for El Herradero Restaurant, LLC, for their change of location.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Bond Attorney Stephanie Bonney, representing Moore, Smith, Buxton & Turcke, appeared to explain Bond Refunding. Any time a government entity decides to issue bonds, either an original bond or a refunding bond, they are required to have bond counsel prepare all of the documentation and give an opinion that the bond has been validly issued. Refunding of a bond does not require a vote or any other procedure, since the County will not be incurring any new debt. Ms. Bonney stated the current bond rates are extremely low, so several entities are refunding current bonds in order to save money for the tax payers. Financial advisors, bidding through the Idaho Bond Bank and market rates were discussed.

Motion by Hofer, second by Wootan, to approve the minutes for February 27, 2012.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Hofer, to approve the expenses in the amount of \$576,652.27. Discussion followed.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Ronda and Randy Avery, Idaho Waste Systems (IWS), appeared to give their ninety day update to the Board. Ms. Avery stated there seems to be some concerns of the viability of IWS. They want to insure the Board they are committed to this project and plan on making the landfill an asset to Elmore County and continue to be a major part of the community. Ms. Avery reviewed financial information for the upcoming fiscal year. Chairman Shaw questioned the disposal of tires at the landfill. Mr. Avery stated they are still taking tires into the landfill and are charging a specific rate for the landfill to accept tires. The money collected will be used to find a solution for long-term management of the tires. There is tire pyrolysis testing being done at the landfill. They are making progress in finding a solution to processing the tires properly and Mr. Avery assured the Board they will have a business plan in place to present at their next ninety day update. The mitigation agreement was discussed. They will double the tonnage received from the County from 60 tons to 120 tons. The Site Monitor position and the Site Manager resident requirement were discussed. A Site Monitor is required, according to the mitigation agreement. Mr. Avery proposed a Site Monitor be required only if IWS fails to meet certain criteria at the landfill. Ms. Avery stated that they need to update several areas at the landfill. They are looking forward to marketing the landfill to generating more business, so the landfill will be profitable for both IWS and the County. Marty Jones, Central District Health, discussed hazardous waste going into the landfills. The Site Manager oversees what is coming in and makes sure everything is going to the correct location in the landfill. There has been an increase in inquiries from larger companies regarding the services IWS can provide.

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of \$2,102.24: Valley Co-ops, Inc - \$376.03, Norco - \$176.70, RTI - \$55.72, Katherine E. Baldwin - \$500.00, Hiler Bros Co. - \$293.79, Pine Resort, LLC - \$700.00, and the Pest Abatement District Expenses in the amount of \$41.45, payable to K&H Quick Lube.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Wootan, to approve the Certificates of Residency for Heather Shea Adams, Anika R. Austin, Madison A. Batchelor, Kasie Marie Cline, Andrew Scott Crighton, Jaclyn Danielle Cristobal, Jamie Rae Doyle, Kelby Nicole Drake, Jade Marie Gorrell, Brittany Lynn Green, Arisha Anna Marie Karren, Christopher Clay Mills, Sarah Ann Osborn, Olivia Marie Ostberg, Michael Allen Parkinson, Bridgette B. Smith, Violeta J. Garcia-Sedano, Michele Analisa Shopland, Jacob E. Smith and Janice D. Smith.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

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 Continuation on case K-07-11-09. Roll call vote was taken.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

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 at the meeting were Social Services Director Marianne Bate, Social Services Assistant Kalene Lewis, the applicant, the applicant’s husband and Chavon Weimer, representing St. Alphonsus Regional Medical Center. Attorney Michael Hague, representing Elmore Medical Center, was on speaker phone. Chairman Shaw swore in those who would be testifying. Questions were asked and answered. The hearing was closed.

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

The hearing on case K-07-11-09 was continued to March 19, 2012 at 11:45 a.m.

K-07-11-09 Motion by Wootan, second by Shaw, to approve the PCIP insurance.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Sheriff Rick Layher appeared to update the Board on matters related to the operations of the Sheriff’s Office. Sheriff Layher has gotten new tires for several of his department vehicles. He has been comparing local pricing for the tires and found Commercial Tire gives the state bid price for tires. Comp time, vacation and sick time were discussed.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss a personnel matter. 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.

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

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Regular session resumed.

Motion by Hofer, second by Wootan, to approve and sign the Idaho Juvenile Accountability Incentive Block Grant (JABG) Application.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Motion by Hofer, second by Shaw, to approve and sign the Alternative Replacement Building Room Rental and Use Agreement.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Motion by Hofer, second by Shaw, to sign the Independent Contractor Agreement for Juvenile Probation.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Motion by Hofer, second by Shaw, to sign Resolution No. 472-12, Juvenile Probation Fees.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

RESOLUTION NO. 472-12

AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 12TH DAY OF MARCH 2012, THE FOLLOWING RESOLUTION WAS ADOPTED, TO WIT:

WHEREAS, Elmore County, acting through its Board of County Commissioners, pursuant to I.C. 31-601 and 31-604 has the authority to effectively carry out the duties imposed by the provisions of the Idaho Code and Constitution; and

WHEREAS, the Elmore County Juvenile Probation Office provides certain services to juvenile offenders; and

WHEREAS, Elmore County (the “County”) desires to impose certain fees in connection with the services it provides to juvenile offenders; and

WHEREAS, Idaho Code 20-520(4) permits the County to charge fees as ordered by the court for reimbursement by the juvenile, or the juvenile’s parents, legal guardian or custodian; and

WHEREAS, the County Board of County Commissioners has determined that it is in the best interest of the public to establish certain fees and to adjust certain other fees for the services set forth on the attached **Exhibit A**, which exhibit is made a part hereof as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the County Board of County Commissioners in lawful assembled meeting as follows: The Board authorizes the Juvenile Probation Department of the County to establish and charge fees for juvenile offender services as set forth on **Exhibit A**.

IT IS FURTHER ORDERED That the fee increase will be effective as of the date hereof.

DATED this 12th day of March, 2012.

ELMORE COUNTY COMMISSIONERS

/S/ ARLEN O. SHAW, Chairman

/S/ ALBERT HOFER, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Exhibit A

<u>Item</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Cognitive Self Change Class	None	\$20.00
Community Service and (per statute) fee	60 cents per hour	60 cents per hour \$20.00 administration
Drug Testing (Urinalysis)	None	\$2.00 per instant \$5.00 per lab test \$5.00 – screen Ethyl Glucuronide (Etg) (Alcohol)
LC/MS/MS		\$15.00 – screen and confirmation Ethyl Glucuronide (Etg)

(Saliva)		\$20.00 per lab test
drug)		\$10.00 GC/MS (per
		\$20.00 Spice
		\$50.00 comp test
Detention Reimbursement adjusted by Income	\$85.00 per day (varies)	\$95.00 per day,
Electronic Monitoring (GPS)	\$10.00 per day	\$10.00 per day

Motion by Shaw, second by Hofer, to approve the payroll for February 2012 in the amount of \$400,903.35.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

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

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Wootan, 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
so ordered.

Motion carried and

Regular session resumed. The decisions regarding the Executive Session will be voted on later in the meeting.

Alan Christy, Growth and Development Director, presented the Board with a variance amending the High Mesa Wind Farms. The wind farms acquired additional property south of the project and decided to move five wind towers into Elmore County.

Motion by Shaw, second by Hofer, to approve the Variance for the High Mesa Wind Farms.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

The Board discussed the Public Hearing, which was held on February 13, 2012, regarding the Zoning and Development Ordinance change. Mr. Christy stated that he will meet with the Planning and Zoning Commission every January to review the ordinance and see if any revisions need to be made. The structural stability and safety of the wind farm towers and the County’s liability was discussed. The proposed ordinance states the County Building Inspector will have to verify the structural safety of the towers. Mr. Christy stated that State Certified Engineers will do the final inspection and approval of the towers and he will clarify the wording in the ordinance.

Motion by Wootan, second by Hofer, to approve and sign Ordinance No. 2012-01, amending and reinstating, in its entirety, the Elmore County Zoning and Development Ordinance, Title 6&7, effective upon publication.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING AND RESTATING IN IT’S ENTIRETY THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6 & 7, ELMORE COUNTY CODE TO PROVIDE FOR REGULATIONS INCLUDING A ORDINANCE, PURPOSE, INTERPRETATION AND ENACTMENT, DEFINITIONS, APPEALS, ENFORCEMENT, WAIVERS, VARIANCES, TIME EXTENSIONS, APPLICATION PROCEDURES, AUTHORITY AND DUTIES OF THE GROWTH AND DEVELOPMENT DIRECTOR, HEARING EXAMINER,

PLANNING AND ZONING COMMISSION JURISDICTION AND DUTIES, ZONING AND OVERLAY DISTRICTS, NON CONFORMING PROPERTY, FARM DEVELOPMENT RIGHT, STANDARD REGULATIONS, FIRE PREVENTION AND WILD FIRE MITIGATION STANDARDS AND REGULATIONS, FLOOD HAZARD REQUIREMENTS, AREA OF CRITICAL CONCERN, HILLSIDE DEVELOPMENTS, ONE-TIME DIVISION OF PROPERTY, PROPERTY BOUNDARY ADJUSTMENTS, PUBLIC AND PRIVATE ROADS, MASTER SITE PLAN REQUIREMENTS, LANDSCAPING, PARKING REQUIREMENTS, TEMPORARY USE, WELLHEAD PROTECTION, ACCESSORY USES, CONDITIONAL USE PERMITS, SUBDIVISIONS, DEVELOPMENT AGREEMENTS, PLANNED COMMUNITIES, PLANNED UNIT DEVELOPMENTS, PLANNED UNIT DEVELOPMENT DISTRICTS, SURETY AGREEMENTS, CONFINED ANIMAL FEEDING OPERATIONS, COMMON DRIVEWAYS, FLAG LOTS, AIRPORT HAZARD ZONES, FAMILY BURIAL GROUNDS, MAYFIELD TOWNSITE PLANNED COMMUNITY ZONING ORDINANCE, CLUSTER SUBDIVISIONS, MOUNTAIN HOME AREA OF IMPACT, GLENN'S FERRY AREA OF IMPACT

WHEREAS, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) adopted the 2004 Comprehensive Growth and Development Plan on August 9, 2004, which comprehensive plan was subsequently amended on December 3, 2007 and August 17, 2011 (the “Comprehensive Plan”);

WHEREAS, the Board adopted the Elmore County Zoning and Development Ordinance on May 13, 2009 as Ordinance 2009-3; which was subsequently amended on December 1, 2010 and August 17, 2011 (“Existing Zoning Ordinance”);

WHEREAS, the Elmore County Growth and Development Department along with the Elmore County Planning and Zoning Commission have proposed certain changes to the Existing Zoning Ordinance in the form of an amendment and restatement of the Existing Zoning Ordinance in the form attached hereto on Exhibit A (the “Amended and Restated Elmore County Zoning and Development Ordinance”), which exhibit is made a part hereof as if fully set forth herein. The Amended and Restated Elmore County Zoning and Development Ordinance, among other things, corrects certain errors contained in the Existing Zoning Ordinance, adds a new chapter regarding regulation and development of cluster subdivisions;

WHEREAS, the Elmore County Planning and Zoning Commission conducted public hearings on September 7, 2011, September 21, 2011 and December 7, 2011 and offered a written recommendation of approval to the Board on December 21, 2011 in compliance with both the Local Land Use Planning Act and the Existing Zoning

Ordinance for consideration for the adoption of the Amended and Restated Elmore County Zoning and Development Ordinance;

WHEREAS, The Elmore County Board of Commissioners conducted a public hearing on February 13, 2012 in compliance with both the Local Land Use Planning Act and Zoning Ordinance for consideration in amending and restating in its entirety the Existing Zoning Ordinance into the Amended and Restated Elmore County Zoning and Development Ordinance;

WHEREAS, The Elmore County Board of Commissioners has determined the Amended and Restated Elmore County Zoning and Development Ordinance is not in conflict with the Comprehensive Plan.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:

SECTION 1. ADOPTION OF THE AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE: The Amended and Restated Elmore County Zoning and Development Ordinance is hereby adopted as the new and amended and restated Elmore County Zoning and Development Ordinance.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. The Existing Zoning Ordinance is hereby repealed and replaced in its entirety with the Amended and Restated Elmore County Zoning and Development Ordinance. Additionally, any other ordinance of Elmore County, Idaho which are in conflict with the terms of the Amended and Restated Elmore County Zoning and Development Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

ELMORE COUNTY COMMISSIONERS

/S/ ARLEN O. SHAW, Chairman

/S/ ALBERT HOFER, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Shaw, second by Hofer, to recess as a Board of Commissioners and convene as a Board of Equalization.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Assessor Ron Fisher appeared to discuss a Homeowner’s Exemption issue for Gregory Hunt. Mr. Hunt called the assessor’s office to confirm that he was still getting a homeowner’s exemption. Mr. Hunt has an Indiana address, but stated he was still residing in Mountain Home. Assessor Fisher went to Mr. Hunt’s home and the property looked as if no one was living there. Assessor Fisher found in Mr. Hunt’s file, a notation from 2010 that an appraiser went to the property and there were no signs of anyone living there at that time either. Mr. Hunt sent a letter stating he had lived in the residence until 2011. According to the State Tax Commission, Mr. Hunt showed no recent income from the State of Idaho and all of their correspondence has been sent to an out of state address. Assessor Fisher sent a letter to Mr. Hunt in October 2011, asking him to provide proof of residency. Assessor Fisher never heard from Mr. Hunt until February 2012, so his request for a Homeowner’s Exemption was denied. Assessor Fisher verified that Mr. Hunt worked in Mountain Home until 2007, so the Homeowner’s Exemption would be valid for years 2005 through 2007. Mr. Hunt did not provide proof of residence before the deadline for years 2008 through 2011. If the Board of Equalization votes to deny his request for a Homeowner’s Exemption for years 2008 through 2011, he will have to appeal to the State Tax Commission.

Motion by Shaw, second by Hofer, to approve the Homeowner’s Exemption for Gregory Hunt, parcel #RPA01690020010A, for the years 2005-2007 and deny the Homeowner’s Exemption request for the years 2008-2011.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Hofer, to recess as a Board of Equalization and convene as a Board of Commissioners.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Mr. Christy presented the Board with the results of the final walk-through of the Pine Property.

Motion by Hofer, second by Wootan, to approve and sign the closing documents for the Pine Property Purchase.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Attorney Grant discussed the Inmate Telecommunication Locations Agreement, which provides telephone services for the inmates at the County Jail. There will be a company name change from Telmate LLC to Pinnacle Public Services, LLC, so an amendment to the contract must be made.

Motion by Shaw, second by Hofer, to accept the First Amendment to Inmate Telecommunications Location Agreement, changing the name from Telmate, LLC to Pinnacle Public Services, LLC.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

The following decisions were made as a result of the Executive Session held earlier in the meeting:

K-08-11-13 Motion by Shaw, second by Hofer, to sign the Order of Dismissal as the providers withdrew the appeal.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

K-01-12-03 Motion by Shaw, second by Wootan, to deny as not indigent. Applicant has over 4 ½ times the discretionary income to pay the medical bills over five years.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

K-02-12-01 Motion by Shaw, second by Wootan, to approve with all billing sent directly to CAT, as Elmore County has already paid the \$11,000.00 obligation in the CAT year on this applicant. Reimbursement of \$5.00 per month.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

K-02-12-02 Motion by Shaw, second by Hofer, to deny as not eligible for dates of service as the applicant is not a resident. The applicant did not live in the state of Idaho for thirty days before the first date of service.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

NM-02-12-03 Motion by Shaw, second by Wootan, to deny as applicant is not indigent.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

NM -03-12-02 Motion by Shaw, second by Hofer, to deny as applicant made arrangements to pay Rost Funeral Home directly.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

K-03-12-05 Motion by Shaw, second by Hofer, to deny as an untimely filed application and incomplete application per I.C. 31-3502(7).

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

No action was taken on case K-11-11-05.

Motion by Hofer, second by Wootan, to approve the Tax Cancellations for No. 1152 Western Carpet & Upholstery Cleaning - \$7.10, and No. 1153 I & T Investments - \$36.00.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE **Motion carried and so ordered.**

Jennifer Clark, of the Idaho 4-H, appeared before the Board. Members of the 4-H Club gave presentations, explaining how participating in 4-H has helped them. 4-H keeps them busy and out of trouble. They are raising pigs and showing them at the County Fair. 4-H has helped them become better students, get more involved with the community and with helping others.

John Keiffer, Chairman of the Elmore Soil and Water Conservation District, appeared to discuss funds for Fiscal Year 2013. Mr. Keiffer explained the projects and services the Soil and Water District are involved with and what the funding will be used for.

Steve West and Ryan Morgan, Engineers with Centra Consulting Inc., appeared to update the Board regarding solid waste issues. Chas Arliss has left Centra and has gone back to working for the Department of Environmental Quality. Centra personnel have been working with Hiddleston Drilling trying to locate additional information on existing wells and well logs for the Glenss Ferry Landfill. The wells have been dry, so they may be able to monitor them less as they cannot monitor water issues on dry wells. The Glenss Ferry Landfill has a total of eight hundred acres of land. Not all of the land is being used at this time for the landfill. There was a question of whether grazing can be an option on the land that is not currently being used. Discussion followed.

Motion by Shaw, second by Hofer, to adjourn.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

/S/ ARLEN O. SHAW, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk