

**COMMISSIONERS MINUTES
APRIL 30, 2012**

The Commissioners met in regular session on the above date in the Commissioner's 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 was Civil Attorney Buzz Grant and Clerk Barbara Steele.

Sheriff Rick Layher and Sgt. Laytrelda Schultz appeared and reported that the Elmore County surplus auction went well. Storage units were discussed.

Motion by Hofer, second by Wootan, to approve the minutes for April 23, 2012.

SHAW..... - AYE

HOFER..... - AYE

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

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 Motion carried and so ordered.

An application for cancellation of taxes, hardship or special, from Kathryn Walker was discussed. Treasurer Rose Plympton and Assessor Ron Fisher appeared. The property will be on the tax deed roll this year and Treasurer Plympton is asking for the cancellation for the year 2008 only.

Motion by Wootan, second by Hofer, to approve the cancellation of taxes due to a hardship on parcel number RP03S06E019950A, Kathryn Walker, for 2008, in the amount of \$1,203.20 to include late fees and costs.

SHAW..... - AYE

HOFER..... - AYE

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

Assessor Fisher reviewed applications for property tax exemption for site improvements associated with land for A & A Development, Inc., Silverstone #2 Subdivision, ELW Holdings LLC, Rolling Hills #5 Subdivision, Liberty Homes, Inc, Desert Edge Ranch Subdivision, and C-Four Corporation, Driftwood Subdivision.

Motion by Shaw, second by Hofer, to adjust the net taxable value to \$285,863 on Silverstone #2 Subdivision regarding the property tax exemption for site improvements.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Hofer, to adjust the net taxable value to \$476,455 on Rolling Hills #5 Subdivision regarding the property tax exemption for site improvements.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Hofer, to adjust the net taxable value to \$74,125 on Desert Edge Ranch Subdivision regarding the property tax exemption for site improvements.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Hofer, to adjust the net taxable value to \$237,001 on Driftwood Subdivision regarding the property tax exemption for site improvements.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Hofer, to recess as a Board of Equalization the reconvene as a Board of Commissioners.

SHAW..... - AYE

HOFER..... - AYE

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

Civil Attorney Grant checked with Idaho Counties Risk Management Program (ICRMP) regarding the Homeowners exemption and divorced couples, and Assessor Fisher is following the law on the issue.

Judy Allred, representing the Domestic Violence Council, appeared to request funds for the 2013 budget cycle in the amount of \$1,000.00. The Commissioners stated the request would be considered when the 2013 budget workshops begin.

Motion by Wootan, second by Shaw, to approve an Ambulance District Expense in the amount of \$72,185.89 payable to Elmore Medical Center.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Wootan, second by Shaw, to purchase the Norco oxygen tanks that are being used in the County’s ambulances and the outlying quick response areas to be paid from the Ambulance District Account.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Hofer, second by Wootan, to add to the agenda and approve the reappointment of Dr. Jane Young to serve on the Central District Health Department’s Board of Health.

SHAW..... - AYE

HOFER..... - AYE

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

The Commissioners discussed whether the County should purchase or rent a propane tank for the Pine Property. The Commissioners decided to purchase a propane tank for the Pine property.

The Department Heads meeting was held.

Carol Killian, Disaster Services, appeared and gave the Commissioners an emergency disaster pocket guide for Senior and Elected Officials. There was a small flood in the Featherville area that has been taken care of. Ms. Killian reported on future grants.

Wade Baumgardner, Veterans Service Officer, appeared and stated April was a very busy month. August 15th through the 17th is the annual Veteran’s Service Training and Mr. Baumgardner will be attending. Thirty nine Veterans and or family members have been assisted in April.

Alan Christy, Growth and Development Director, appeared and gave the Commissioners a report on the Department. 132 building permits have been issued for the fiscal year. The Department has brought in \$437,308 from permits and applications for the fiscal year. \$323,760 has been for wind farms permits and \$36,027 for solar farms. There is currently one pending planned community application with the Planning and Zoning Commission. Property splits and surveys were discussed.

Vence Parsons, Plant Facilities Manager, appeared and questioned what to do with old public defender files. The Prosecutor will be asked the rules on retaining those records. Yard waste disposal was discussed.

Steven Dye, Juvenile Probation Director, appeared and reported on the Idaho Department of Juvenile corrections SFY 2013 distribution of JCA and Tobacco tax funds to Counties. JCA funds are up a little and Tobacco tax funds are down significantly. Mr. Dye stated they will have a new employee starting next week.

Motion by Hofer, second by Wootan, to approve and sign the contract between Elmore County and Redwood Toxicology Laboratory, Inc. for Juvenile Probation.

SHAW..... - AYE

HOFER..... - AYE

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

Jennifer Crogg, Adult Misdemeanor Probation, appeared and gave a report to the Commissioners. The total number on probation is 190. There are 55 people enrolled in Community Service who are on unsupervised probation only.

Motion by Wootan, second by Hofer, to approve the tax cancellations in the amount of \$48.38. No. 1158 Desert Canyon Golf Course \$8.32, No. 1159 JP Moving Inc., John Peterson \$13.46, No. 1160 Elmore County Towing, Eric Hoyd \$14.94, No. 1161 Pioneer Auto, Eric & Martina Hoyd \$8.74, No. 1162 Paws and Claws, Robyn Kruckeberg, \$2.92.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Wootan, second by Hofer, to approve the Certificates of Residency as read:
Alyssa Rachelle Beck, Shannon Marie Conway, Harry William Knox III, Lottie M.
Lucas, Timothy William Luckraft, Feona Jenine Peele-Nowak, Ivette Popoca, Marcene
Sievers, and Brandon Joseph Stowell.

SHAW..... - AYE

HOFER..... - AYE

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

The Elected Officials met for their regular monthly meeting.

Assessor Ron Fisher reported his office has been working on circuit breakers and
homeowners exemptions.

Treasurer Rose Plympton reported the 2nd half of tax due reminders will be mailed soon
and her office is working on the tax deeds. There are six mining claims included in the
tax deeds. A lengthy discussion was held on the tax deed sale and mining claims.

Clerk Steele reported her office has been working on elections. To date 175 people have
already absentee voted.

The Commissioners stated there was a meeting with the City of Mountain Home last
week and the subject of the animal shelter and County dogs were discussed.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-
2345(b) to discuss personnel issues. Roll call vote was taken.

SHAW..... - AYE

HOFER..... - AYE

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

Regular session resumed. No action was taken as result of the Executive Session.

Motion by Shaw, second by Hofer, to recess for lunch.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(d) to hold a hearing on K-12-11-10. Roll call vote was taken.

SHAW..... - AYE

HOFER..... - AYE

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

A hearing was held on K-12-11-10. Present at the hearing were Chairman Arlie Shaw, Commissioners Al Hofer and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Social Services Director Marianne Bate, Social Services Assistant Kalene Lewis, Attorney Michael Hague by phone representing Outreach Services, and the applicant. Questions were asked and answered.

The hearing was closed.

Regular session resumed. No action was taken as result of the Executive Session.

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

SHAW..... - AYE

HOFER..... - AYE

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

Regular session resumed. The following decision was made:

K-12-11-10 Motion by Shaw, second by Hofer, to approve with a reimbursement of \$500.00 today with a reimbursement order of \$400.00 per month to begin on June 1, 2012 with half of State and Federal income tax refunds for 2012 and ongoing years as payment.

SHAW..... - AYE

HOFER..... - AYE

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

General discussion followed on current activities.

The release of liability for riders on the snow grooming equipment was reviewed by Civil Attorney Grant. An opinion by ICRMP (Idaho Counties Risk Management Program)

was also reviewed. Volunteers to help would be accepted to ride with the groomer but not sightseers. Civil Attorney Grant will send the information to Clerk Steele to forward on to Allen Kiester in Pine.

Regarding Bradford Street, the Commissioners have instructed Attorney Grant to send the Mountain Home Highway District a letter regarding maintenance. The County has surveyed the road.

Russ Duke and Betty Ann Nettleton, representing Central District Health, appeared to review the budget request for fiscal year 2013. The Department is asking for \$108,921.00 from Elmore County for fiscal year 2013. Mr. Duke reviewed the handout given to the Commissioners. Motion by Shaw, second by Wootan, to accept the 2013 budget presented by Central District Health.

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Wootan, to go into Executive Session pursuant to I.C. 67-2345(d) to meet with Social Services Director Marianne Bate to review 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:

K-03-12-07 Motion by Shaw, second by Hofer, to approve with a reimbursement order of \$300.00 per month with half of State and Federal income tax refunds as payment as the medical review stated it was emergent and necessary.

SHAW..... - AYE

HOFER..... - AYE

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

K-03-12-12 Motion by Shaw, second by Wootan, to deny as the applicant is not medically indigent per Idaho Code, the applicant has failed to cooperate to provide required documentation to determine indigency.

SHAW..... - AYE

HOFER..... - AYE

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

K-04-12-01 Motion by Shaw, second by Wootan, to deny as applicant is not eligible.
The applicant was not a resident of the State of Idaho for 30 days.

SHAW..... - AYE

HOFER..... - AYE

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

K-04-12-05 Motion by Shaw, second by Hofer, to deny as Elmore County is not the last resource at this time as Medicaid is pending and the applicant is not indigent per Idaho Code because of discretionary income.

SHAW..... - AYE

HOFER..... - AYE

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

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

SHAW..... - AYE

HOFER..... - AYE

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

Motion by Shaw, second by Wootan, to correct a motion made earlier in the day regarding C-Four Corporation, Driftwood Subdivision, changing the net taxable value from \$237,001 to \$309,451.

SHAW..... - AYE

HOFER..... - AYE

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

The Commissioners reviewed the Application for Property Tax Exemption from Mountain Home Korean Baptist Church. Civil Attorney Grant stated property exempt

from taxation regarding religious organizations means property owned by a church group and used exclusively for and in connection with religious, educational or recreational purposes is exempt from property taxation. The qualification of exemption depends upon ownership and exclusive use. Tax exemptions are a matter of legislative grace. All tax exemption statutes must be strictly and narrowly construed against the taxpayer. Courts may not presume exemptions. The burden of proof is on the taxpayer. Attorney Grant referenced a Supreme Court Case regarding a court ruling. The question of whether or not Mr. McCarthy can represent the church as he is not affiliated with it in any way was discussed. Assessor Fisher stated he did not see that as a concern. Mr. McCarthy gave the Commissioners a letter with a list of uses of the property by the church. Motion by Wootan to approve the property tax exemption for the Mountain Home Korean Baptist Church. Discussion followed. Second by Hofer. Civil Attorney Grant stated he was still concerned with the fact that Mr. McCarthy was not affiliated with the Church and felt he could not represent the Church regarding the request.

SHAW..... - AYE

HOFER..... - AYE

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

Bill Kelley, Oasis Fire District, appeared regarding a request to annex a piece of property into the Fire District. Civil Attorney Grant read the rules from Idaho Code on how a piece of property is annexed into a Fire District. Attorney Grant stated because the first request was done in 2008 he feels the process needs to be repeated. The Commissioners stated they would pay for the public hearing notice. Mr. Kelley will start the process over and report back to the Commissioners.

Motion by Shaw, second by Hofer, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss personnel issues. Roll call vote was taken.

SHAW..... - AYE

HOFER..... - AYE

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

Regular session resumed. The following action was taken as result of the Executive Session:

Motion by Hofer, second by Shaw, to sign and approve a letter to be sent to an employee.

SHAW..... - AYE

HOFER..... - AYE

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

Johnny Urrutia, Mitch Arkoosh, and Roy Prescott, Jerome County Commerce Authority, appeared to discuss with the Commissioners energy projects. Three projects were named and the group is asking for an acknowledgement from the Commissioners on those projects. Mr. Urrutia presented a sample letter to the Commissioners regarding that acknowledgement. Commissioner Wootan stated a letter regarding economic growth and added jobs to Elmore County would be a letter that possibly the Commissioners could sign. Civil Attorney Grant will review the request.

Motion by Shaw, second by Hofer, to adjourn.

SHAW..... - AYE

HOFER..... - AYE

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

/S/ ARLEN O. SHAW, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk