

COMMISSIONERS MINUTES SEPTEMBER 17, 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 and Commissioner Wes Wootan. Also present were Civil Attorney Buzz Grant, Clerk Barbara Steele and Deputy Clerk Shelley Hooper. Commissioner Al Hofer will join the meeting later.

Sheriff Rick Layher appeared to discuss an email he received from the Pine/Featherville Coalition regarding the extra hours worked by sheriff's deputies during the recent Trinity Ridge Fire. The deputies are salaried employees and are not entitled to overtime pay, but the Coalition feels the deputies need to somehow be compensated for the extra hours worked. Discussion followed.

Steve West, Centra Consulting, appeared to discuss the landfill Arid Exemption application. Mr. West stated that the Department of Environmental Quality (DEQ) requested more documentation and model testing before the application can be approved. Mr. West will meet with DEQ regarding the additional documentation and resubmit a revised application. He will update the Board of the results.

The public portion of the meeting was held. Richard Reymer, of Oasis, appeared to request a suspension of the Conditional Use Permit (CUP) for the Red Barron Air Strip. He feels that planes from the private airport are flying too low over his property and the neighboring properties, causing dangerous conditions for residents. The properties are not in the flight pattern and there should be no reason for planes to be flying that low over the houses. Mr. Reymer has spoken to the FAA, sent pictures of the low flying planes, including tail numbers and the FAA still has done nothing. According to the CUP, they are not supposed to have visitor planes flying into the air strip. Mr. Reymer stated that the CUP does not allow visitor planes to land at the airstrip, but last weekend, he witnessed a visitor plane land at the airstrip and called the FAA. While on the phone with them, the visitor plane took off. An Elmore County Sheriff's Deputy came out regarding the incident and spoke with the owner of the airport and was told that two visitor planes landed there that weekend. Mr. Reymer feels that the airport is in violation of the CUP and again requested it be suspended. Alan Christy, Growth & Development Director, stated that a permit cannot be pulled without proper documentation of a violation. Sheriff Layher asked Mr. Reymer to keep a log of tail numbers and possibly take pictures of each incident so they can properly document the violations. Rick Taylor, another neighboring property owner, also appeared to give testimony of the low flying planes and the fact that the FAA has continued to ignore the issue. Mr. Taylor has been providing information of the violations for six years and nothing has been done yet. Mr. Christy will work with Sheriff Layher and the residents to find a solution.

Motion by Shaw, second by Wootan, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Reconsideration on case K-05-12-04. Roll call vote was taken.

SHAW..... -AYE

HOFER..... -ABSENT

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

A Hearing of Reconsideration was held on case K-05-12-04. Present at the meeting were Chairman Arlie Shaw, Commissioner Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper and Social Services Director Marianne Bate. Attorney Michael Hague, representing Elmore Medical Center, was present via speaker phone. Questions were asked and answered and the hearing was closed.

The following decision was made as a result of the Executive Session: The Hearing on case K-05-12-04 will be continued until October 10, 2012 at 11:00 A.M. so Ms. Bate can obtain a medical review.

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..... -ABSENT

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

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

K-07-12-03 Motion by Shaw, second by Wootan, to approve additional treatment for vascular disease and add to the application already approved.

SHAW..... -AYE

HOFER..... -ABSENT

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

K-08-12-02 Motion by Shaw, second by Wootan, to suspend the application pending Medicaid eligibility.

SHAW..... -AYE

HOFER..... -ABSENT

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

K-08-12-03 Motion by Shaw, second by Wootan, to deny as applicant has failed to cooperate to determine eligibility. Medical billing and records are incomplete.

SHAW..... -AYE

HOFER..... -ABSENT

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

Motion by Shaw, second by Wootan, to approve the minutes for August 18, 2012.

SHAW..... -AYE

HOFER..... -ABSENT

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

The Idaho Waste Systems Mitigation Agreement and the tire shredder were briefly discussed.

Katie Ashby, Drug Court Supervisor appeared to review the Drug Court Grants her department has received.

Motion by Shaw, second by Wootan, to sign the Drug Court Highway Safety Grant.

SHAW..... -AYE

HOFER..... -ABSENT

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

Attorney Grant reviewed the provisions of the Department of Justice Grant with Ms. Ashby.

Motion by Shaw, second by Wootan, to sign the Drug Court Department of Justice Assistance Grant.

SHAW..... -AYE

HOFER..... -ABSENT

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

Commissioner Hofer joined the meeting.

Motion by Shaw, second by Hofer, to approve the Certificates of Residency for Sheri Anne Bernt, Justin Dennis Connolly, Jeremy Graham Dewsbury, Anthony James Frank, Danielle Clairese Hall, Arisha Anna Marie Karren, Jack William Richelieu and Justine Rochelle Turner.

SHAW..... -AYE

HOFER..... -AYE

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

The current Food Service Provider Agreement for the Elmore County Jail will expire in January 2013 and the provider will need to re-bid for services. Attorney Grant drafted a letter to be sent to the provider.

Motion by Shaw, second by Wootan, to approve and sign the Letter of Notice to the Jail Food Service Provider.

SHAW..... -AYE

HOFER..... -AYE

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

Motion by Shaw, second by Wootan, to approve and sign the Youth Conservation Corp Project Letter of Support for the Forest Service RAC Fund Request.

SHAW..... -AYE

HOFER..... -AYE

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

Motion by Shaw, second by Hofer, to approve and sign the Agreement to Provide Access to Certain Records for Guaranty Title Inc. of Mountain Home, Idaho and Alliance Title & Escrow Corp. of Boise, Idaho.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Hofer, to approve all of the Taxing District Levies.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

Motion by Shaw, second by Hofer, to approve Resolution No. 493-12 Sixth Extension of Declaration of Local Disaster Emergency.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

ELMORE COUNTY

**SIXTH EXTENSION OF DECLARATION OF LOCAL DISASTER
EMERGENCY**

RESOLUTION NO. 493 -12

AT A MEETING OF THE BOARD OF ELMORE COUNTY (the “County”) COMMISSIONERS (the “Board”), STATE OF IDAHO, ON THE 17TH DAY OF SEPTEMBER 2012, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED, TO WIT;

WHEREAS, the Board, on August 9, 2012, passed Resolution No. 481-12 (“Initial Declaration”) declaring a state of local disaster emergency regarding the wild fire located in the County, referred to as the Trinity Ridge Fire; and

WHEREAS, the declaration of local disaster emergency under Idaho Code is §46-1011(1), is limited in duration to seven days unless it is continued or renewed for a period in excess of seven days with the consent of the governing board of the political subdivision; and

WHEREAS, the Initial Declaration ran from August 9, 2012 through August 16, 2012; and

WHEREAS, the Board, on August 13, 2012, passed Resolution No. 483-12 (“First Extension”) extending the declaration of local disaster from August 16, 2012 through August 23, 2012; and

WHEREAS, the Board, on August 20, 2012, passed Resolution No. 485-12 (“Second Extension”) extending the declaration of local disaster from August 23, 2012 through August 30, 2012; and

WHEREAS, the Board on August 27, 2012, passed Resolution No. 486-12 (“Third Extension”) extending the declaration of local disaster from August 30, 2012 through September 6, 2012; and

WHEREAS, the Board on September 6, 2012, passed Resolution No. 490-12 (“Fourth Extension”) extending the declaration of local disaster from September 6, 2012 through September 13, 2012; and

WHEREAS, the Board on September 10, 2012, passed Resolution No. 491-12 (“Fifth Extension”) extending the declaration of local disaster from September 13, 2012 through September 20, 2012; and

WHEREAS, the Board desires to extend the declaration of local disaster emergency from September 20, 2012 through September 27, 2012; and

WHEREAS, the Board, pursuant to Idaho Code §46-1011, has the authority to declare a state of local disaster emergency regarding the County; and

WHEREAS, the Board has determined that the wild fire located in the County, commonly known and referred to as the Trinity Ridge Fire, is a local disaster emergency; and

WHEREAS, a local disaster emergency exists in the County and the County requires state emergency assistance to supplement local efforts to protect life and property and to activate the response and recovery aspects of any and all applicable local or intergovernmental disaster emergency plans and to authorize the furnishing of aid and assistance thereunder; and

WHEREAS, the Board requests that the Governor of the State of Idaho, together with the other appropriate state officials, along with other appropriate federal officials, to

make such declarations, and provide such assistance within County as required and allowed by law.

NOW, THEREFORE, BE IT RESOLVED, that Elmore County Board of Commissioners does hereby declare, pursuant to Idaho Code §46-1011, that a local disaster emergency exists in Elmore County, Idaho; and

BE IT FURTHER RESOLVED, that the Governor of the State of Idaho be advised of this local disaster emergency and is requested to take all action available for the amelioration of the above described local disaster emergency; and

BE IT FURTHER RESOLVED, that the Elmore County Recorder be directed to properly file this Resolution pursuant to Idaho Code Section 46-1011 and that the Elmore County Clerk provide prompt and general publicity of this declaration.

BE IT FURTHER RESOLVED, that this Resolution shall remain in effect for seven days, unless it is extended by the Elmore County Board of Commissioners.

Approved as a Resolution of the Elmore County Board of Commissioners effective on this 17th day of September 2012.

ELMORE COUNTY COMMISSIONERS

/S/ ARLEN O. SHAW, Chairman

/S/ ALBERT HOFER, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Expenses for the Trinity Ridge Fire were discusses.

Motion by Shaw, second by Wootan, to go into Executive Session under I.C. 67-2345(b) to discuss a personnel issue. Roll call vote was taken.

SHAW..... -AYE

HOFER..... -AYE

WOOTAN..... -AYE
so ordered.

Motion carried and

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

Bids for a new ambulance and repairs to the transmission of an ambulance for Elmore Ambulance Service were discussed.

The Idaho Waste System Mitigation Agreement was briefly discussed.

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