

COMMISSIONERS MINUTES

DECEMBER 22, 2014

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 Al Hofer, Commissioner Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Hooper. Commissioner Corbus will join the meeting later.

A Public Hearing was held regarding the vacation of the Elk Valley Subdivision No. 2 Final Plat SUB-2014-01. Present at the meeting were Chairman Al Hofer, Commissioner Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper, and Alan Christy, Land Use and Building Department Director. No public was present at the hearing.

Chairman Hofer read the rules for the public hearing and Mr. Christy read the staff report into the record.

Motion by Hofer, second by Wootan, to approve the Elk Valley Subdivision No. 2 Final Plat, including the conditions, and have the County Commissioners sign the final plat once it is signed by the County Treasurer and all taxes are paid in full.

HOFER **-AYE**
CORBUS **-ABSENT**
WOOTAN **-AYE**

Motion carried and so ordered.

The hearing was closed.

Reimbursement funds for the Trinity Ridge Fire were discussed.

The weekly correspondence was reviewed.

The Human Resources Manager position was discussed.

Motion by Hofer, second by Wootan, to approve the Certificate of Residency applications for Alexis M. Berry, Audrey Dale Carl, Jessica Lynn Cook, Andrea Juarez, Paola Rodriguez, Rydell L. Smith, Jesten James Dick and Jordyn BreAnn Wortham.

HOFER **-AYE**
CORBUS **-ABSENT**
WOOTAN **-AYE**

Motion carried and so ordered.

David Patten, Director of the Southwestern Idaho Cooperative Housing Authority (SICHA), appeared to discuss proposed changes to a joint powers agreement. Mr. Patten explained the SICHA program, which

includes some federal programs for housing such as the Housing Choice Voucher program, in which SICHA helps the home buyer with subsidy for rent. In the 1970's the SICHA put together a joint powers agreement for a multi-county housing authority but they never took the next step to form a quasi governmental agency. They are now trying to complete that process. All of the funding they receive for the program is from federal grants, they have never requested funding from any counties. They receive grants from USDA Rural Development and the Department of Housing and Urban Development. Mr. Patten is requesting the board sign an amendment to the joint powers agreement. Attorney Grant will review the amendment for the board's execution.

Commissioner Corbus joined the meeting.

The Human Resources Manager position was re-visited.

Motion by Hofer, second by Corbus, to take a recess to attend a tour of the new location of the Mountain Home Animal Shelter.

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

Regular session resumed.

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of \$278.57, payable to RTI-\$138.48 and Verizon Wireless-\$140.09.

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

Motion by Hofer, second by Wootan, to approve the Pest Abatement District Expenses in the amount of \$281.08, payable to Verizon Wireless-\$32.64, London Fog-\$242.20 and Jim Torbert-\$6.24.

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

Motion by Hofer, second by Corbus, to approve the expenses in the amount of \$105,744.87.

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

Ambulance repairs and specs for an ambulance remount were discussed.

Deliberations were held regarding the appeal of CUP-2010-06 Red Baron Estates Pilots and Homeowners Association. Chairman Hofer stated that this is a quasi-judicial matter. The public hearing is closed. The board will not be taking comments, including non-verbal gestures, from the public during deliberations. The review of the record is de novo.

Attorney Grant stated that the board will need to decide if the appeal stated a basis for the appeal based on Ordinance section 6-3-2.E.

Motion by Wootan, second by Hofer, that the basis for the appeal of CUP-2010-06 was stated during the public hearing.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN -**AYE**

Motion carried and so ordered.

Chairman Hofer reviewed the twelve required findings of the CUP and the board agreed with those findings. The board then reviewed the six conditions to the CUP proposed by the Planning & Zoning Commission. Two of those conditions were unchallenged in the appeal. The board reviewed the four conditions that were the subject of the appeal, which are as follows:

Condition #2 states: “Conditional Use Permit will not be in effect until all outstanding fees and property taxes have been paid in full by all members of the Red Baron Estates Pilot’s and Homeowner’s Association.” Chairman Hofer stated that upon consultation with the Prosecutor’s offices, Condition #2 will be eliminated.

Condition #3 states: “Each homeowner or tenant is allowed no more than one (1) aircraft invitee at one time.” It was stated that if a specific limit is not set, it could turn into having an overabundance of guests per homeowner flying in at one time. Chairman Hofer discussed the possibility of the residents having several guests flying in for a special occasion, so he recommend sending a courtesy notice to Soles Rest if there will be more than the allowed invitees flying in at one time. Commissioner Wootan suggested a limit of three invitees per homeowner. The board decided that three invitees per homeowner will be allowed.

Condition #4 states: “Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.” During the hearing, the applicant testified that this was arbitrary and felt that the condition was not needed. P&Z found that this condition is needed to keep the airport from further unpermitted expansion. The board agreed to keeping the condition.

Condition #5 states: "Completed order by the parties December 15, 2014." The Soles Rest Homeowners Association and the Red Baron Estates Pilots and Homeowners Association presented the board with an avigation agreement signed by members of both parties.

Attorney Grant will prepare a draft of the findings for consideration by the board. Final deliberations and reconsideration of the appeal will be held on January 12, 2015 at 11:00 am.

A short recess was taken. Regular session resumed.

A second deliberation session was held regarding the appeal of CUP-2014-11 Idaho Country Concerts, LLC for a two year music festival, vendors and campgrounds. Chairman Hofer stated that this is a quasi-judicial matter. The public hearing and the record are closed. The review of the record is de novo. The board will not be taking comments, including non-verbal gestures, from the public during these deliberations or otherwise until and unless the record is re-opened. Members of the public were asked to refrain from talking to the board or otherwise trying to influence the board's decisions through non-verbal gestures. The board finds that the proposed concert under the CUP and application will be of economic benefit to the county and furtherance of the plan.

Chairman Hofer read the conditions.

In reference to conditions #6, #7 and #9, the board discussed and decided that the applicant shall enter into agreements with the Elmore County Sheriff's Office, Elmore Ambulance Service (EAS) and a wildland and/or entity and provide evidence of the same no less than one hundred twenty (120) days prior to the event. Also, in reference to condition #7, the applicant shall advise the county medical director and EAS of its medical plan and set up open lines of communication with such groups one hundred twenty (120) days prior to the event.

In reference to condition #7 the board added reimbursement for ambulance equipment.

In reference to condition #9, regarding the wildland firefighting agency agreement specifications, the board discussed items that will need to be included in the firefighting agreement. The firefighting trucks were discussed first. In reference to item "A", the board would like the item to specify that the firefighting truck will be compliant with the Idaho Department of Lands specifications for firefighting. The coverage area and perimeters for fire suppression on and off site were discussed next. The board discussed the possibility of having Memorandums of Understanding with the neighboring third parties being put in place to allow the agency to fight fires on the land surrounding the event. The need for an Incident Commander was also discussed. The board discussed using the main roads surrounding the event as "fire breaks" to establish a perimeter. In reference to item "D", the board decided that the applicant must have agreements with the Bureau of Land Management and the Forest Service to fight

fires on any of their lands within a two mile radius of the event. The board will also require an Incident Commander, with experience in wildland firefighting, to be on site or on call during the event.

The board ended deliberations. Review of the discussed changes and any further deliberation will be held next week, December 29th at 2:30 pm.

Motion by Hofer, second by Corbus, to adjourn.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN -**AYE**

Motion carried and so ordered.

/S/ WESLEY R. WOOTAN, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk