

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

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

Clerk Steele discussed the changes she will be making to allow her office to start issuing same sex marriage licenses as of tomorrow.

Jeff Day, Idaho Fish and Game and Alan Christy, Land Use and Building Department appeared to discuss the Hammett Park boat ramp project. The project is on a county owned piece of property. There is a question of who owns a small strip of land between the county parcel and the river. Mr. Day stated that the project is on hold until the ownership is figured out.

Martin Beach and Penny Meyers, Mountain Home Highway District, appeared to update the board of their progress of the road repairs due to the mudslides and flooding. They presented the board with a report outlining the extra expenses they have occurred due to the unforeseen road repairs.

Motion by Wootan, second by Corbus, to approve funding to the Mountain Home Highway District in the amount of \$160,000.00 and funding to the Atlanta Highway District in the amount of \$40,000.00 for emergency repairs to roadways as a result of mudslides and flooding.

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

The issue of winter maintenance for Arrowrock Road was discussed.

Public Defender Terry Ratliff and Michelle Meyers, Office Administrator, appeared to review a revised proposal of the public defender contract.

Motion by Hofer, second by Corbus, to approve and sign the Agreement for Snow Removal in Pine with Allen’s Water Tender Service.

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

Motion by Hofer, second by Wootan, to approve the Certificate of Residency application for Jenna Nicole Crowe.

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

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

HOFER -**AYE**
CORBUS -**AYE**
WOOTAN..... -**AYE**

Motion carried and so ordered.

Regular session resumed.

Motion by Hofer, second by Corbus, to approve and sign the Agreement for Fire Protections Services at the Bennett Road Landfill with the Mountain Home Rural Fire Protection District.

HOFER -**AYE**
CORBUS -**AYE**
WOOTAN..... -**AYE**

Motion carried and so ordered.

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

HOFER -**AYE**
CORBUS -**AYE**
WOOTAN..... -**AYE**

Motion carried and so ordered.

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

K-06-14-06 Motion by Corbus, second by Wootan, to approve the Finding of Facts, Conclusion of Law.

HOFER -**AYE**
CORBUS -**AYE**
WOOTAN..... -**AYE**

Motion carried and so ordered.

K-09-14-02 Motion by Corbus, second by Wootan, to approve with a reimbursement order of \$25.00 per month beginning 11/1/2014. Monthly payments will increase to \$150.00 per month and 50% of Federal and State tax refunds beginning 4/15/2015.

HOFER -**AYE**
CORBUS -**AYE**
WOOTAN..... -**AYE**

Motion carried and so ordered.

An appeal hearing was held regarding an approved Conditional Use Permit by Red Baron Estates Pilot's and Homeowner's Association, Inc. (CUP-2014-10) in an Agricultural (Ag) Zone. Present at the hearing were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper and Land Use and Building Department Director Alan Christy. Several residents from the Red Barron Estates Subdivision and Soles Rest Creek Subdivision were present in the audience. Chairman Hofer called the meeting to order. Roll call vote was taken and the public hearing was opened.

Chairman Hofer read the following disclosure statement into the record. "I, Chairman Hofer received a phone call from Rosie Castle, an interested party to the appeal. Ms. Castle gave me information while the application was before the Planning and Zoning Commission regarding the proposed conditions of approval for the payment of taxes. I then spoke with the Land Use and Building Department Director and asked him to research the condition with legal counsel. I will not use the information, which I inadvertently received, in any future deliberations or decisions concerning this matter. I have not used this information in rendering any prior decision. I have and will continue to be fair and impartial in this matter and the inadvertent receipt of this information will not impact my fair and impartial treatment of any actions I may take in connection with this matter."

The board of commissioners waived the notice of requirement for the delivery of written testimony.

Mr. Christy read the rules for the public hearing into the record. He also read the following from the staff report.

HEARING BACKGROUND:

An Application for an appeal of an approved conditional use permit was submitted the Land Use and Building Department on August 28, 2014. The Elmore County Planning and Zoning Commission ("Commission"), upon a 6-0 vote approved a conditional use permit application, CUP-2014-10, from Red Baron Estates Pilot's and Homeowner's Association, Inc. ("Association") amending and existing conditional use permit, CUP-2004-10, to allow guests of residents of the Association to use the private airstrip. The approval contained the following six (6) conditions of approval:

- 1. Failure to comply with this amendment or any previously approved applicable conditions may result in revocation of the conditional use permit.*
- 2. 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.*
- 3. Each homeowner or tenant is allowed no more than one (1) aircraft invitees at one time.*
- 4. Aircraft will not taxi to the runway from neighboring properties outside the Red Baron Estates unless approved through a separate Conditional Use Permit.*

5. *Conditional Use Permit will not be in effect until a recorded Memorandum of Understanding regarding the need for an aviation agreement or an aviation agreement, between Red Baron Estates Pilot's and Homeowner's Association and Sole Rest Creek Home Owner's Association.*
6. *Expansion will comply with all State and Federal Regulations."*

The application for appeal did not contain the basis of the appeal. The Association seeks to overturn the Commission decision on condition numbers 2,3,4,&5.

Notice of public hearing was sent to surrounding property owners on September 23, 2014 and was mailed to agencies on September 23, 2014. Notice of public hearing was published in Mountain Home Newspaper on September 24, 2014. Property was posted on October 6, 2014.

The Conditional Use Permit was approved by the Elmore County Planning and Zoning Commission on August 6, 2014. The FCO was signed on August 21, 2014.

The application history was contained in the staff report, which Mr. Christy did not read into the record. Also included in the staff report were two letters for the record and four attachments, including the entire record for the case.

The process for appeals is found in section 6-3-2 of the Elmore County Zoning and Development Ordinance. Appeals shall be based on five items found in Section 6-3-2.E.

In order to approve a conditional use permit there are twelve findings that must be met, which are found in Chapter 27 of the Elmore County Zoning and Development Ordinance.

The Commission found that the application to amend the conditional use permit from the Association met the twelve conditions only with the additional conditions of approval.

The appellant, Rosie Castle, was first to testify and provided the board with written testimony. The Red Baron Estates Pilots and Homeowners Association (HOA) is appealing the additional conditions of the approved amended CUP-2014-10. Ms. Castle first discussed condition number one and two, regarding revocation of the CUP and past due property taxes. She stated that the HOA is made up of many single family dwellings and if one property owner is delinquent on taxes, the whole community should not be punished because of it. Condition number three, regarding no more than one aircraft invitee at one time was discussed next. She stated that when Planning & Zoning granted the CUP for the airstrip, there was a potential for at least forty eight aircraft to utilize the airstrip. There are many parcels in the subdivision for sale, and potential buyers have asked to fly in to look at the property and the airstrip. They have been turned away because no "guests" are allowed to fly in and in turn, the potential sales have been lost. This has put strains on the individuals trying to sell their extra parcels when they can't show it in the manner which is expected. Potential buyers would like to "check out" the runway as well as the parcel. She feels

that the Red Baron airstrip is being singled out due to the fact that other like airstrips in the area and across the state have no such restrictions. Condition number four, regarding aircrafts not being allowed to taxi to the runway from outside Red Baron Estates, was discussed next. Ms. Castle feels that this condition is a non-issue and should be stricken as an additional condition. She explained that the surrounding properties outside of Red Baron Estates are full of sagebrush and badger holes and any aircraft owner or pilot would not want to taxi through those properties. Condition number five, regarding the CUP not being in effect until an aviation agreement with Soles Rest Creek HOA is in place was discussed next. Ms. Castle stated that Bob Ruth, a Soles Rest Creek property owner, has been pressing the issue for an aviation agreement for some time. The Red Baron Estates HOA feels there is no need for an aviation agreement, as their pilots never have and do not fly over the Soles Rest Subdivision. Ms. Castle reviewed her Exhibit 5, which was a map which included the Red Baron airstrip, land owned by the Bureau of Land Management (BLM) and subdivisions surrounding the airstrip.

Arnie Borreson was the next person to testify. He is in support of the appeal. Mr. Borreson is the airport manager of Mountain Home Municipal Airport and he is also a pilot. He explained the Federal Aviation Regulations (FARs), and take off and landing patterns at the Red Baron airstrip. The residents are concerned about airplanes flying low over their homes, but according to the FARs, there are no height restrictions for pilots during take offs and landings. He explained when pilots are landing at the Red Baron airstrip, they fly over a section of BLM land, make a dog leg turn and land on the runway, thus staying away from the homes in the subdivisions. The runway is approximately 2,900 feet long. When the pilots are taking off, they may not have the altitude to make an abrupt turn to avoid flying over the subdivision, but according to the FARs, the pilot is allowed to do whatever is necessary to safely take off. Mr. Borreson stated that most take offs take less than three minutes and the planes that take off from that runway are generally quiet running planes.

Attorney Grant asked Ms. Castle to confirm that her appeal is only regarding Conditions 2, 3, 4 and 5. Ms. Castle confirmed that her appeal is based on only those conditions. Attorney Grant asked if she had any objections to Conditions 1 and 6. She stated she does not and she did not address those conditions in her appeal. Attorney Grant asked if she knew approximately how many flights come in and out of the airport each month. Ms. Castle stated that recently, there have only been three or four flights flying in and out per month. Attorney Grant referred to Ms. Castle's written testimony, which states "I do not feel Red Baron Estates Pilots and Homeowners Association should be singled out when other like airstrips, in our community and in the state, have no such restrictions" and asked whether she had any evidence to support that statement. Ms. Castle stated that she provided information regarding an airstrip in close proximity to the Red Baron airstrip, located close to Simco Road as Exhibit 4 in her written testimony, but did not have any written information to provide about any specific airstrips in the state. Attorney Grant stated that when an appeal is filed, it is required that the applicant state the basis of the appeal and Ms. Castle did not clearly state the basis for her appeal in her application. He reviewed each condition included in Ms. Castle's written testimony and asked Ms. Castle to explain the basis for her appeal of each condition.

Chairman Hofer stated that testimony would now be heard from those in support of the appeal.

Ken Casper was the first person to testify. Mr. Casper stated that the residents of the Red Baron Estates have been trying very hard to get along with the neighbors in the other subdivision. He stated that airplanes often fly over the area and these airplanes have nothing to do with the Red Baron airstrip, it's just because there is a normal flight pattern over that area and pilots commonly use the interstate as a flight guide. The airstrip has also had emergency landings. In those cases, they will have the pilot fill out paperwork stating it was an emergency landing and take pictures of the aircraft's tail to document the emergency landing. Mr. Casper explained that on the west side of the airstrip they do have an avigation agreement and easement in place to fly over the BLM land and do adhere to flying in and out over that area and do not fly over the neighbors properties. He stated that, as testified by Mr. Borreson, they do have the right to fly over the Soles Rest Subdivision, but choose not to because they want to be neighborly. He stated that they would just like Red Baron to be treated fairly, as other airstrips are.

Ron Castle was the next person to testify. Mr. Castle stated that he took a resident of the Soles Rest Subdivision on a flight to show him the pilot's flight patterns and that the planes do not fly over the Soles Rest Subdivision and the resident agreed. Mr. Castle flies several different types of planes and has never had a problem using the flight pattern over the BLM lands and does not fly over the subdivision. He stated that the Red Baron residents are trying to sell properties in the subdivision and have had interested parties wanting to fly in to look at them. When they are told that they can't fly in, the possible sales are lost.

Frank Brady was the next person to testify. Mr. Brady discussed the proposed avigation agreement prepared by the Soles Rest Subdivision. As read from the agreement, number one states "No over flights over any structure less than 1,000 feet above ground level, part of 91.119, the only exception being bona fide FAA reported flight emergencies." Mr. Brady stated if you read that statute, it states "except for takeoff or landing as necessary". Mr. Brady stated that a small plane does not have the horsepower to climb to 1,000 feet over the span of the BLM land, which is 1,320 feet. He continued reading from the proposed avigation agreement, "the Elmore County imposed condition use shall be strictly adhered to, including no over flights over any residence less than 1,000 feet." He disagrees with that as well, stating that no airplane can fly at 1,000 feet then drop straight to the runway, they must land gradually. Mr. Brady stated that regardless of their destination, the pilots take off and make sure not to fly over the subdivision and homes, they practice "friendly flying". Even if he is flying straight to Mountain Home, he will take off, turn and fly around the subdivision, then turn back toward Mountain Home, as to not disturb the residents of the subdivision. Chairman Hofer stated that contents of the proposed avigation agreement is not part of the appeal hearing and if he would like, they could discuss it at a later time.

Sheila Casper was the next person to testify. Ms. Casper stated that the airstrip a good thing. During two wildfire incidents, the airstrip had been used to land helicopters during the fire fighting efforts, since the airstrip is not far from the water source used to replenish the helicopters.

Chairman Hofer asked if there was anyone else who would like to testify in support of the appeal. There were no others wanting to testify in support.

Chairman Hofer stated that testimony would now be heard from those opposed to the appeal.

Dawn McClure was the first person to testify. She is the president of the Soles Rest Creek Homeowners Association. Her property is located on the far end of the subdivision and she doesn't have any problems with planes flying low over her home, but she appeared to speak on behalf of some homeowners that live close to the airstrip. The homeowner's that have concerns with the low flying planes did not appear at the hearing. Chairman Hofer asked if these homeowners provided any written testimony concerning the low flying planes and Ms. McClure stated they did not. Commissioner Corbus feels that it would have been better to hear from the concerned parties themselves. Ms. McClure explained that these homeowners addressed the Soles Rest Creek Homeowners Association at their meeting and it was decided that Ms. McClure would express the concerns for the homeowners. She stated that they have no current proposed aviation agreement from the Red Baron Subdivision and no one has come to them to discuss it. She stated that the Soles Rest Subdivision residents also want to be good neighbors and feel that an aviation agreement is a small thing to ask. Past Homeowners Association boards have been asking for an aviation agreement and Red Baron has consistently denied the requests. She stated that the residents understand that emergency flights happen. They also appreciate the landing strip being there, as Life Flight has landed there for emergencies in their neighborhood. They would just like the Red Baron pilots and their "guests" to agree, in writing, not to fly low over their homes.

Bob Ruth was the next person to testify and provided the board with written testimony. When the Soles Rest Creek Subdivision was being developed, the Red Baron airstrip was 1,485 feet long. The runway is now 2,942 feet long, ending a mere 1,300 feet from the homes in the Soles Rest Creek Subdivision. During the expansion planning, the Soles Rest Creek residents were promised that all flights in and out would take mandatory patterns to the north and avoid their subdivision, but to date the subdivision residents continue to experience aircraft in violation of the promise. If there is a change in the number of aircraft allowed at the airstrip, with no restriction, the airspace intrusion will become even more troublesome. Nine years, the residents of Soles Rest Creek requested an aviation agreement from Red Baron but never got one. They subsequently requested an aviation agreement three different times and were denied each time. Mr. Ruth described an instance when one of his neighbors was in her arena riding her horse. A white single engine aircraft flew over her at a very low altitude and spooked her horse. The woman, who is an accomplished equestrian, had a difficult time regaining control of her horse and was quite frightened. Her husband witnessed this and stated the plane was flying very low, approximately 50 feet above them, and the plane then proceeded to do at least two "almost" touch and go passes on the runway. Two other neighbors also reported seeing the same low flying plane. The residents of Soles Rest Creek are not anti airplane and do not wish ill will on their neighbors. They are asking that the Red Baron airpark respect the airspace above their homes, demonstrate consideration of their rights to safety, peace

and quiet and show the courtesy they deserve. Mr. Ruth stated that currently, there is only one plane that flies in and out, but their concern is not with one aircraft. The CUP will give them the ability to increase the number of planes flying in and out. They have no problem with having more planes and “guests” flying in and out as long as they would make “turn outs” when taking off and landing as to avoid flying low over their homes. Mr. Ruth stated that their big question is, if the pilots have no problem making these “turn outs” to avoid flying over the Soles Rest Subdivision, then why not get an agreement in writing so “future” pilots using the airstrip are aware of the rule. Commissioner Corbus asked Mr. Ruth when the last time was that the two parties met to try and resolve the issue. Mr. Ruth stated they have met and discussed the aviation agreement in 2009, 2010 and 2012, each time the Red Baron refused to sign. The most recent discussion was at the beginning of this year. Mr. Ruth was speaking with Mr. Brady and the subject of aviation agreements came up. Mr. Ruth asked him if they could get an agreement and Mr. Brady refused again. Mr. Ruth stated that they would like to get both Homeowners Associations together again to discuss the issue.

Rick Taylor was the next person to testify. Mr. Taylor stated that his residence is within 400 feet of the runway and has taken pictures of low flying planes from his property. Mr. Taylor’s property is located at the end of the runway opposite of the Soles Rest Subdivision, but has had the same trouble with planes flying low over his property as well. He stated that he was legally made to enter into an aviation agreement with Red Barons Subdivision and stated that they don’t abide the agreement anyway.

Jennifer Sturgill was the next person to testify. Ms. Sturgill purchased her home in the Soles Rest Subdivision two and a half years ago. Prior to moving, her family live in Columbia Village near the airport in Boise, so she is used to planes flying in and out. Ms. Sturgill stated that they wanted to buy a house in an area that was nice and quiet and thought this area was a perfect “out in the middle of nowhere” place. She did state that they were aware that there was an airstrip nearby before purchasing the home. She made several visits to the house during the purchase process and didn’t see a lot of air traffic at that time and was happy that they were no longer going to have “airport noise”. With the condition in the CUP allowing “guests”, there is potential for 48 homes to have airplanes and each can also have a “guests”, all of these planes will be flying over their home and they will feel like they are back in Boise. She stated that in that area, there is also the potential for wildfires, so each time they hear a plane immediately go outside expecting to see a fire. She now feels like every time she hears a plane, it makes her wonder what type of emergency is going on outside. Ms. Sturgill likes her neighbors but feels that with forty eight planes flying overhead that it will turn the quite neighborhood into another Columbia Village. Chairman Hofer asked Ms. Sturgill if she was aware that there was an airstrip near her property and that there was 48 potential lots in the Red Baron Subdivision before she purchased her home. She stated that she was aware of the airstrip and made several visits to the house before the final purchase to see how much air traffic there was at the airstrip. She also stated that she was not aware of the fact that there were so many lots in the subdivision. Chairman Hofer asked how many planes have flown over her house since she moved in. Ms. Sturgill stated that she has not seen any, but she is normally not home until late in the evening and is gone on the weekends. She also stated that with one plane in the

subdivision now, the chances of her seeing a plane fly over are pretty slim, but she is concerned for the future, with the potential for 48 planes and “guest” flying in and out.

Chairman Hofer asked if anyone had any other questions or comments.

Ken Casper spoke and discussed the avigation agreement between Mr. Taylor and Red Baron. Mr. Casper stated Mr. Taylor does own property right at the end of the airstrip. Red Baron had to go take Mr. Taylor to court because Mr. Taylor had built berms near the end of the runway, posting signs and placed a barrel there as well, all of which were obstructing flights on takeoff and landing. The outcome of that was the avigation agreement with Mr. Taylor. Mr. Casper explained that one of the reasons why they needed the avigation agreement with Mr. Taylor was because they do fly over his property, but that is not the case with the Sole Rest Creek Subdivision. They do not fly over those properties, their flight patterns are off to the left and right. He stated they will sign a paper stating that they will fly left or right to avoid unnecessary flyovers over the properties, but they feel that an avigation agreement is not necessary.

Motion by Wootan, second by Hofer, to take a ten minute recess.

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

Motion carried and so ordered.

Regular session resumed. The hearing reconvened.

Attorney Grant asked Mr. Christy why the Planning and Zoning Commission (P&Z) imposed the condition that aircrafts will not taxi to the runway from neighboring properties outside the Red Baron Estates. Mr. Christy stated that they imposed that condition to further clarify that if someone purchased a property that was located outside of the Red Baron Subdivision and had a plane, they would not have access to the airstrip, even if they had relatively easy access to the runway. He believes that P&Z imposed that condition to restrict the number of flights in and out of the airport.

Ms. Castle provided a rebuttal. Regarding the discussion of set rules of airspace and how high an airplane must be over structures, the Red Baron pilots abide by the FAA altitude rules, except for take offs and landings, and according to the FARs they are allowed to fly low during those times. Ms. Castle stated that they had an emergency landing there a few weeks ago. That pilot had engine trouble and did fly over a home, but the pilot had no choice but to fly a straight path to the runway to get on the ground instead of crashing the plane trying to avoid flying over any homes. Elmore County law enforcement responded and was aware of the situation. Ms. Castle also feels that pictures taken from the ground of airplanes flying overhead do not and cannot accurately depict how high the airplane is from the ground or where exactly over the ground they are flying. She also stated that if there are planes flying over properties as low as people say, then those witnesses should be able to get the tail numbers from the planes and report them to the proper authorities. She again stressed the fact that just because a plane is flying over the area does not

mean that it is associated with the Red Baron airstrip, since that area is a long established flight path and the Red Baron has no control over the airspace. Chairman Hofer asked why the Red Baron Estates is so against signing an avigation agreement with Soles Rest Subdivision. Ms. Castle explained that there is a federal law that states when exactly an avigation agreement is needed but did not bring the paperwork to substantiate that. She, as a board member, is not opposed to meeting with Soles Rest HOA to discuss another agreement, but she feels that the agreement needs to be short and to the point.

Deliberation of the appeal was set for October 20, 2014 at 10am. The hearing was closed.

Motion by Corbus, second by Hofer, to add to the agenda Alan Christy, Director of the Land Use and Building Department to set a Public Hearing for the Comprehensive Plan.

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

A public hearing for the Comprehensive Plan was set for November 17, 2014 at 10:00 a.m.

Motion by Hofer, second by Corbus, to approve and sign the Glenns Ferry Economic Development Director letter of support.

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

Motion by Hofer, second by Corbus, to approve and sign the Intermountain Hospital Agreement.

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

Motion by Hofer, second by Corbus, to suspend the reading of Resolution No. 557-14 and refer to it in title only.

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

Motion by Hofer, second by Wootan, to approve Resolution No. 557-14 Destruction of Certain Elmore County Records.

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

RESOLUTION NO. 557-14

AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 14th DAY OF OCTOBER, 2014, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED TO WIT:

WHEREAS, the Board of Elmore County Commissioners is permitted, pursuant to Idaho Code §31-871(2), Idaho Code, to authorize the destruction of certain Elmore County Records; and **WHEREAS**, the County of Elmore, acting through its Board of County Commissioners, has possession of numerous paper records which prove to be of no further purpose. The Clerk's Office has made electronic copies of all of the following documents and will retain the electronic copies until a future date. These records consist of the following documents:

“Semi-permanent Records” under Idaho Code §31-871(a):

Auditor/Recorder

Auditor Certificates – Fiscal Year 2009
Monthly Financial Reports – Fiscal Year 2009
Posting Reports – Fiscal Year 2009
Commissioner Approvals – Fiscal Year 2009
Accounts Payable – Monthly Bills- Fiscal Year 2009
1099'S- Fiscal Year 2009
Audit Adjustments-Fiscal Year 2009

“Temporary Records” – under Idaho Code §31-871(a)

Auditor/Recorder

Tax Cancellations (Clerk's Copy Only) – Fiscal Year 2012
Liquor License Applications - Fiscal Year 2012
Passport Transmittals – Fiscal Year 2012

WHEREAS, approval for the destruction of the below listed records has been obtained from the Idaho State Historical Society, when required, and the Prosecuting Attorney, as provide by Idaho Code § 31-871.

NOW, THEREFORE, BE IT RESOLVED, that the Elmore County Board of Commissioners in lawful meeting assembled hereby authorizes the destruction of the following paper records:

Auditor Certificates – Fiscal Year 2009
Monthly Financial Reports – Fiscal Year 2009
Posting Reports – Fiscal Year 2009
Commissioner Approvals – Fiscal Year 2009

WHEREAS, Idaho Code § 67-6519(1) permits the County to impose a reasonable fee for processing permits under the Idaho Local Land Use Planning Act, Idaho Code, Title 67, Chapter 65; and

WHEREAS, Idaho Code § 63-1311A sets forth the requirements for advertising and hearings of proposed fee increases; and

WHEREAS, the Board established certain fees for the Department, which fees were effective June 11, 2012 by Resolution No. 476-12 (the “2012 Resolution”); and

WHEREAS, the Board has determined that it is in the best interest of the public to waive certain administrative fees (“Fees”) for public services as set forth on “Exhibit A,” which exhibit is attached hereto and incorporated herein, for those certain services provided by the Department from the date hereof through September 30, 2015; and

WHEREAS, since the Fees will be temporarily waived, notice and hearing is not required under Idaho Code § 63-1311A; and

WHEREAS, on October 1, 2015, the Fees reduced herein will revert back to the level as set forth in the 2012 Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board, in lawful assembled meeting, the Board hereby authorizes and directs the Department to waive the Fees for public services as set forth on “Exhibit A” from the date hereof until September 30, 2015. On October 1, 2015, the Fees shall automatically revert back to the level as set forth in the 2012 Resolution without any further action required by the Board.

APPROVED as a Resolution of the Elmore County Board of Commissioners effective on this 14th day of October 2014.

ELMORE COUNTY COMMISSIONERS

/S/ ALBERT HOFER, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Attorney Grant discussed the AT&T Cell Tower Lease Agreement.

Motion by Hofer, second by Corbus, to approve the Pest Abatement District Expenses in the amount of \$8,109.62, payable to Bastida Auto Repair-\$148.36, Elmore County-\$6,616.33, Mir Seyedbagheri-\$20.44, Ace Glass-\$35.00, El-Wyhee Hi-Lites-\$75.00, Office Value-\$295.66, Adapco-\$900.00 and James M. Torbert-\$18.83.

HOFER -AYE

CORBUS -AYE

WOOTAN -AYE

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve the Ambulance District Expenses in the amount of \$5,174.96, payable to Grubbrother Arts-\$103.00, Intermountain Communications-\$261.34, Pine Resort-\$176.15, Hiler Brothers Wholesale Fuel-\$313.40, Norco-\$53.83, Valley Co-Ops, Inc-\$135.60, Elmore County-\$3,899.19, Office Value-\$69.00 and Brian Chevalier-\$163.45.

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 \$433,153.87.

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

Motion by Hofer, second by Corbus, to approve the payroll for September 2014 in the amount of \$415,910.85.

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

The proposed public defender contract was discussed.

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(f) – 31-874 to discuss possible litigation. Roll call vote was taken.

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

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

Motion by Hofer, second by Wootan, to adjourn.

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

/S/ ALBERT HOFER, Chairman
ATTEST: /S/ BARBARA STEELE, Clerk