## **COMMISSIONERS MINUTES**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Wes Wootan, Commissioners Bud Corbus and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Essl.

Motion by Wootan, second by Hofer, to approve the minutes for March 9, 2018 and March 16, 2018.

CORBUS......--AYE

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

Motion by Wootan, second by Hofer, to approve the expenses in the amount of \$616,888.99.

CORBUS......--AYE

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

Motion by Wootan, second by Hofer, to approve the payroll for March 2018 in the amount of \$509,496.03.

Motion by Wootan, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(d) - 31-874 to discuss indigent applications. Roll call vote was taken.

CORBUS ..... -AYE

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

K-11-16-07, K-06-17-08, K-06-17-09, K-06-17-11, K-07-17-07, K-08-17-06, K-09-17-05 & K-01-18-05 Motion by Corbus, second by Hofer, to remove the cases from suspension and approve with a reimbursement order of \$5.00 per month for each case.

CORBUS.....--AYE

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

K-02-18-04 Motion by Corbus, second by Hofer, to approve with a reimbursement order of \$5.00 per month as payment.

WOOTAN --AYE CORBUS --AYE

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

K-02-18-07 Motion by Corbus, second by Hofer, to approve with a reimbursement order of \$5.00 per month and 50% of federal and state income tax refunds as payment.

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

K-03-18-14 Motion by Corbus, second by Hofer, to suspend as the applicant has filed for SSD/SSI.

CORBUS......--AYE

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

Bob Stephenson and Jon Hunt appeared to give an IT update.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) - 31-874 to hold a Hearing of Reconsideration on case K-11-17-07. Roll call vote was taken.

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

A Hearing of Reconsideration was held on case K-11-17-07. Present at the hearing were Chairman Wes Wootan, Commissioners Bud Corbus and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Essl, Social Services Director Deb Marceau and Social Services Assistant Trish McCain and the applicant. Questions were asked and answered and the hearing was closed.

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

K-11-17-07 Motion by Hofer, second by Corbus, to approve with a reimbursement order of \$75.00 per month and 50% of federal and state income tax returns as payment.

WOOTAN ..... -AYE

CORBUS......--AYE

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

Motion by Wootan, second by Hofer, to approve the Recorder's Office Report for the record only.

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

Motion by Wootan, second by Corbus, to suspend the reading of Resolution No. 656-18 and refer to it in title only.

WOOTAN --AYE CORBUS --AYE

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

Motion by Wootan, second by Hofer, to approve Resolution No. 656-18 Destruction of Certain Elmore County Records, Prosecutor's Office.

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

Motion carried and so ordered.

### **RESOLUTION NO. 656-18**

# AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 6<sup>th</sup> DAY OF APRIL 2018, 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 Prosecutor's Office desires to destroy the following certain "Semi-Permanent Records" under Idaho Code § 31-871:

Elmore County Prosecutor's Office –

"Semi-Permanent Records"

• Certain prosecution declined files received between January 1, 2012 and December 31, 2012 (see attached list)(files are more than 5 years old).

**WHEREAS**, approval for the destruction of the below listed records has been obtained from the Prosecuting Attorney, as provided 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 paper records retained by the Elmore County Prosecuting Attorney's Office reflected in the lists attached hereto.

**DATED** this 6<sup>th</sup> day of April 2018.

**ELMORE COUNTY COMMISSIONERS** 

/S/ WESLEY R. WOOTAN, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ ALBERT HOFER, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Wootan, second by Corbus, to suspend the reading of Resolution No. 657-18 and refer to it in title only.

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

Motion by Wootan, second by Corbus, to approve Resolution No. 657-18 Destruction of Certain Elmore County Records, Prosecutor's Office.

Motion carried and so ordered.

# **RESOLUTION NO. 657-18**

# AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 6<sup>th</sup> DAY OF APRIL 2018, 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 Prosecutor's Office desires to destroy the following certain "Semi-Permanent Records" under Idaho Code § 31-871:

Elmore County Prosecutor's Office –

"Semi-Permanent Records"

• Certain prosecution declined files received between January 1, 2011 and December 31, 2011 (see attached list)(files are more than 5 years old).

**WHEREAS**, approval for the destruction of the below listed records has been obtained from the Prosecuting Attorney, as provided 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 paper records retained by the Elmore County Prosecuting Attorney's Office reflected in the lists attached hereto.

**DATED** this 6th day of April 2018.

## **ELMORE COUNTY COMMISSIONERS**

/S/ WESLEY R. WOOTAN, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ ALBERT HOFER, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Wootan, second by Hofer, to suspend the reading of Resolution No. 658-18 and refer to it in title only.

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

Motion by Wootan, second by Corbus, to approve Resolution No. 658-18 Destruction of Certain Elmore County Records, Prosecutor's Office.

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

### **RESOLUTION NO. 658-18**

# AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 6th DAY OF April 2018, 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 Prosecutor's Office desires to destroy the following certain "Semi-Permanent Records" under Idaho Code § 31-871:

Elmore County Prosecutor's Office – "Semi-Permanent Records"

• Certain misdemeanor files received between January 1, 2012 and December 31, 2012 (see attached list)(files are more than 5 years old).

**WHEREAS**, approval for the destruction of the below listed records has been obtained from the Prosecuting Attorney, as provided 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 paper records retained by the Elmore County Prosecuting Attorney's Office reflected in the lists attached hereto.

**DATED** this 6th day of April 2018.

**ELMORE COUNTY COMMISSIONERS** 

/S/ WESLEY R. WOOTAN, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ ALBERT HOFER, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) - 31-874 to hold a Hearing of Reconsideration on case K-12-17-09. Roll call vote was taken.

A Hearing of Reconsideration was held on case K-12-17-09. Present at the hearing were Chairman Wes Wootan, Commissioners Bud Corbus and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Essl, Social Services Director Deb Marceau and Social Services Assistant Trish McCain. Questions were asked and answered and the hearing was closed.

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

K-12-17-09 Motion by Wootan, second by Corbus, to approve with a reimbursement order of \$75.00 per month and 50% of federal and state income tax refunds as payment.

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

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to approve Tax Cancellation No. 1386 Patricia Martinez Rostro-\$19.08 and No. 1387 Manuel Augusto Jr-\$1,843.59.

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

Motion carried and so ordered.

Motion by Wootan, second by Hofer, to approve the Certificate of Residency applications for Madeline Nicole Ewing, Abigail T. Fogleman and Amy M. Kinnan.

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

Motion carried and so ordered.

The board deliberated the first request for reconsideration of the Cat Creek Energy Conditional Use Permits and Development Agreement. Chairman Wootan and Commissioner Corbus both feel that the request should be denied. They feel that the board held several public hearings and gave the public plenty of opportunity to be heard.

Motion by Corbus, second by Wootan, to approve the Finding of Facts Conclusion of Law and Order pertaining to the first request for reconsideration from S Bar Ranch that was submitted on February 16, 2018.

Motion carried and so ordered.

The board then discussed a second request for reconsideration from S Bar Ranch in response to the Finding of Facts Conclusion of Law and Order pertaining to the amendment to the Cat Creek Energy approval and the amendments to the approval conditions. In the second request, S Bar Ranch restated most, if not all of the issues contained in the first request, but also added three new issues. It is Attorney Grant's recommendation that a public hearing be held for the second request for reconsideration.

Motion by Corbus, second by Wootan, to conduct a hearing on the second request for reconsideration of the approval of the Cat Creek Energy, LLC CUP's from S Bar Ranch on May 11, 2018 at 1:30 p.m.

Motion carried and so ordered.

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

CORBUS......--AYE

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

Regular session resumed.

Terry Scanlan, SPF Water Engineers and Attorney Scott Campbell appeared to discuss water issues in Executive Session.

Motion by Wootan, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(f) to discuss pending litigation. Roll call vote was taken.

Motion carried and so ordered.

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

Motion by Wootan, second by Corbus, to sign the Assignment Consent and Request with Mountain Home Ground Water Advisory Committee.

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

Motion carried and so ordered.

Motion by Wootan, second by Hofer, to authorize Terry Scanlan, John Stewart and Scott Campbell to execute for and on behalf of Elmore County Canyon Creek Aquifer Recharge Project, IDI 032357 and IDI038693.

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

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to approve and sign the application for the Assignment of Right of Way IDI032357 for aquifer recharge.

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

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to approve and sign the proposal from SPF Water Engineers to continue water right acquisitions and water recharge issues.

WOOTAN --AYE
CORBUS --AYE

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

Motion by Hofer, second by Wootan, to authorize retention of Attorney Matt McGee to assist Attorney Campbell in water litigation matters, upon approval from the County Prosecutor.

CORBUS ..... -AYE HOFER ..... -AYE Motion carried and so ordered. Alexis Pickering, Central District Health Department, gave the board a brief update on the community health initiative. Motion by Wootan, second by Corbus, to approve the polling places for the May 15, 2018 Primary CORBUS ..... -AYE HOFER ..... -AYE Motion carried and so ordered. Motion by Wootan, second by Corbus, to approve and sign the independent contractor agreement with Joe Inama. CORBUS......--AYE HOFER ..... -AYE Motion carried and so ordered. Motion by Wootan, second by Corbus, to approve and sign the Agreement with the Mountain Home Rural Fire Protection District for Fire Protection at the Bennett Road Landfill. CORBUS ..... -AYE Motion carried and so ordered. HOFER ..... -AYE The board opened a single fuel bid received from Hiler Brothers Company for county fuel services. Motion by Hofer, second by Corbus, to award the bid for county fuel services to Hiler Brothers Company. WOOTAN...... -AYE

CORBUS ..... -AYE HOFER ..... -AYE

Motion carried and so ordered.

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

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

/S/ WESLEY R. WOOTAN, Chairman ATTEST: /S/ BARBARA STEELE, Clerk