

COMMISSIONERS MINUTES

NOVEMBER 10, 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, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Hooper.

Vivian Garcia, Elections Specialist, appeared to review the results of the November 4, 2014 General Election.

Motion by Corbus, second by Wootan, to approve the canvass of the November 4, 2014 General Election.

HOFER -AYE

CORBUS -AYE

WOOTAN -AYE

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to approve the nomination and appointment of Elting Hasbrouck to serve on the Central District Health’s Board of Health replacing Frank Eld.

HOFER -AYE

CORBUS -AYE

WOOTAN -AYE

Motion carried and so ordered.

Sheriff Rick Layher and Chief Deputy Mike Barclay appeared to update the board. They are planning to hold an auction in the next few months to sell vehicles that have been seized by the sheriff’s department.

Commissioner Corbus left the meeting to attend an Elmore Ambulance Services meeting. He will return to the meeting later.

The public portion of the meeting was held.

Larry Joost appeared to discuss a weed issue in Pine. There is a property next to his that has weed issues. Mr. Joost has a tractor with a spray rake, and has his pesticide applicator’s license and he will gladly spray the weeds twice a year, if the property owner will supply the chemicals.

Jim Carrie also appeared to discuss an issue he having with his property. His home sits on six acres of land in a platted subdivision. He would like to split his lot in half. The covenants will allow this as long as there is at least two acres after the split. He spoke with the Land Use and Building Department and was told that if he wanted to split the lot he would have to get the land surveyed, re-platted and go through a public hearing process. Mr. Carrie feels that this is very expensive and that he should not have to go through such a lengthy process just to split the lot in half. He asked if there may be another route to

go, such as a variance. The board will discuss the issue with Alan Christy, Land Use and Building Director and get back to Mr. Carrie.

Motion by Hofer, second by Wootan, to approve the Recorder’s Office Report and the Clerk’s Bail Bond Report for the record only.

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

Motion carried and so ordered.

Ed Cornforth, Fred Cornforth and Pat Marker, representing North Park Limited Partnership, and Assessor Ron Fisher, appeared to review a tax cancellation request on parcel # RPA0076000077CA and parcel # RPA0076000078AA. North Park owns two low income housing apartment units and they feel the properties were assessed to high. The properties are to be appraised according to Idaho Code for Section 42 low-income properties, using the required documentation provided by the property owner. North Park did not provide accurate information to be used in the assessment. Ed Cornforth explained that they went through the initial appeal process with the Elmore County Commissioners Board of Equalization regarding their assessment and the appeal was denied. They appealed the decision to the State Board of Tax Appeals, but the appeal was not perfected and therefore dismissed. Assessor Fisher stated that this issue was reviewed during Board of Equalization and the values cannot be changed unless there was an error made in the assessment. Assessor Fisher feels there was no error in the assessment on the part of the Assessor and Appraiser Connie Dorr made the assessment according to the information she received. The reason the assessment was higher than the prior year was due to the lack of accurate information. According to statute, if proper financial documentation is not provided, the assessor may use market rents and normalized expenses of non Section 42 properties to determine net income. Discussion followed. The board will take the request under advisement.

Commissioner Corbus rejoined the meeting.

Traci LeFever, E911 Coordinator, appeared to review a resolution to add another E911 board member.

Motion by Hofer, second by Wootan, to suspend the reading of Resolution No. 559-14 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. 559-14 Addition of E911 Board Member with the deletion of the Board of County Commissioners electing an at large member.

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

WOOTAN..... -AYE

Motion carried and so ordered.

RESOLUTION NO. 599-14

AT A MEETING OF THE BOARD OF THE ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO ON THE 10th DAY OF NOVEMBER, 2014, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY ADOPTED; TO WIT;

WHEREAS, the Legislature in 1988 enacted the Emergency Communications Act (the “Act”) as Title 31, Chapter 48 of the Idaho Code; and

WHEREAS, the Act establishes a method for financing the initiation, maintenance, and enhancement of a consolidated emergency communications system; and

WHEREAS, on November 5, 1996, at a general election, the voters of Elmore County (the “County”) approved a telephone line user fee to fund and finance the maintenance and operation of a 911 emergency communications system as provided for in the Act; and

WHEREAS, the telephone user fee having been set pursuant to said election as up to one dollar (\$1.00) per month, per line; and

WHEREAS, the telephone user fee is currently being assessed and collected in County at the rate of one dollar (\$1.00) per month, per line, and

WHEREAS, in 1997, the County Board of Commissioners (“Board”) desired to obtain direct input from user agencies on telephone line user fee fund issues as well as unresolved 911 emergency communication system issues and user agencies desired to provide that input; and

WHEREAS, in January 1998, the Board established by resolution the County Emergency Communications Board (“ECECB”); and

WHEREAS, in March 2004, the Board adopted Resolution No. 327-04, which renamed the ECECB to the Elmore County Public Safety Communications Board (“ECPCSB”) and changed the appointment and requirements for service on the ECPCSB to provide for more representation and input from members of the County; and

WHEREAS, the said ECPCSB shall have the responsibility for the selection and prioritization of expenditures to be made from telephone user fee funds subject to veto by the County Board of County Commissioners; and

WHEREAS, the Board adopted Resolution No. 400-07 on December 17, 2007, but the body of the resolution identified a nine-member ECPSCB rather than a ten-member ECPSCB while listing the ten members, requiring an amended Resolution to be considered; and

WHEREAS, the Board adopted Amended Resolution No. 400-07 on March 10, 2008 correcting the errors contained in Resolution No. 400-07; and

WHEREAS, it is now the desire of the Board to increase the number of board members serving on the ECPSCB from ten members to eleven members by adding an at-large position to the ECPSCB to provide for more representation and input from certain unrepresented or underrepresented County constituents.

NOW THEREFORE, BE IT ENACTED THAT the Board hereby authorizes an eleven – member ECPSCB, comprised as follows:

ONE, an appointee from Mountain Home ABB or "his/her designated alternate," who shall be appointed by the Mission Support Group Commander; and

ONE, the County Sheriff or his/her appointee from his/her department; and

ONE, the Police Chief of Mountain Home or his/her appointee from his/her department; and

ONE, a resident of Mountain Home appointed by the Mayor of Mountain Home; and

ONE, a resident of rural Mountain Home appointed by the Board; and

ONE, a resident of Glenss Ferry appointed by the Mayor of Glenss Ferry; and

ONE, a resident of the County whose residence lies north of the east west line drawn through Lockman Butte and west of the north south line drawn through House Mountain (Mayfield, Oasis, Tipanuk and Prairie) appointed by the Board; and

ONE, a resident of the County whose residence lies north of the east west line drawn through Lockman Butte and east of the north south line drawn through House Mountain (Atlanta, Pine/Featherville and Camas) appointed by the Board; and

ONE, a resident of the County whose residence lies south of the east west line drawn along Beet Dump Road not to include Glenss Ferry (Hammett Area) appointed by the Board; and

ONE, a resident of rural Glenss Ferry or King Hill appointed by the Board; and

ONE, at large member appointed by the Board.

Each Board Member may designate an alternate that may attend and vote in the absence of the Board Member.

APPROVED AND ADOPTED this 10th day of NOVEMBER, 2014.

ELMORE COUNTY COMMISSIONERS

/S/ ALBERT HOFER, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Bill Richey appeared to discuss a meeting he attended at the Idaho Department of Water Resources (IDWR) regarding the acquisition of water right at the Mountain Home Air Force Base and the Lower Boise River Feasibility Study. Mr. Richey told IDWR that the Commissioners are very concerned that Elmore County is not being discussed in the feasibility study. Considering the drop in the aquifer level there definitely is a water issue in Elmore County that needs to be addressed. He also stated to IDWR that the commissioners are opposed to water being diverted from Elmore County when the county already has water issues. IDWR was voting on a resolution to commit funds to the feasibility study, but Mr. Richey felt that Elmore County needed to be included. After some debate, it was decided to leave the resolution unchanged and to make sure that the meeting minutes reflect that Elmore County will be considered in the feasibility study. He also spoke with Cynthia Bridge Clark, IDWR Project Manager, and Tim Fleegeer of the Army Corp of Engineers, who updated him on the progress of the feasibility study. Ms. Bridge Clark thought it would be a good idea to hold a meeting in Elmore County to get some more information on Elmore County's water needs and come up with a plan to incorporate the county into the study and get some water diverted into Elmore County.

Commissioner Corbus updated the board of the Elmore Ambulance meeting and the recommendations made following the EMS assessment. It was suggested that Elmore County needs someone to oversee the operations. Commissioner Corbus thinks they may need to hire someone part time to oversee the entire EMS system, including the outlying areas such as Atlanta, Pine and Grandview. The transport aspect was also discussed. Commissioner Corbus stated that transport situations in Elmore County are different than in other areas. If an ambulance is called to do a transport, then another ambulance is called in from a different area to back them up, then a third crew will need to back up the second crew up, so three ambulance crews are in service and getting paid due to one transport. He feels the transport issue may need to be looked into further. The next Ambulance Oversight Committee meeting will be held next week and Commissioner Corbus will review these concerns at the meeting.

Motion by Hofer, second by Corbus, to approve the Ambulance District Expenses in the amount of \$39,172.20, payable to Elmore Medical Center-\$38,951.25, Intermountain Comm of Southern Idaho-\$62.67 and Nitz Pine Store-\$158.28.

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 \$140.07, payable to Centurylink-\$36.07 and James Torbert-\$104.00.

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

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve and sign the thank you letters regarding the Elmore County EMS assessment.

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 Wootan, to add to the agenda the Idaho Waste Systems discussion of the tire grinder operation.

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

Motion carried and so ordered.

Randy and Ronda Avery, Idaho Waste Systems (IWS), appeared to update the board on the tire grinder operation. The tire grinder is in place and operational. Mr. Avery stated that they did not get final approval from the Department of Environmental Quality (DEQ) on the tire grinder. They are following the specs set forth for the operation of the grinder that are followed by several other landfills using the same grinder. Mr. Avery requested that the board does not require them to get approval from DEQ for the grinder operation. Attorney Grant stated that there is a requirement in the agreement with IWS that they get DEQ approval, so the agreement would have to be amended. Attorney Grant asked if they are putting the shredded tires into the landfill. Mr. Avery stated that they are going to stock pile the shredded tires

near the landfill, not in it. He feels that they will have a beneficial use for the tires, and that is why they are going to keep them separate. They also do not want to put anything in the landfill that they don't have to as they are in the process of expanding the landfill and that is a priority right now. Attorney Grant reviewed the timeline that was put in place to have the tires shredded. Mr. Avery stated that they can get on track with shredding the tires by this summer. There was a question of whether it is required to get DEQ's approval for shredding the tires and putting them into the landfill. Mr. Avery stated that there is a requirement that if you are going to put tires into a landfill, you must be able to reduce them by 65%, which he is able to do with the tire shredder, that is why he feels he does not need DEQ's approval. The board decided to extend the timeline for the tire shredding due to the fact the IWS is currently in the process of expanding the landfill. Attorney Grant will amend the agreement to address the timeline extension and the DEQ approval issue. Mr. Avery also discussed the Bennett Road Landfill. He would like to close the landfill on Tuesdays as well as Sundays starting at the beginning of next year. He will advertise the hours of operation change in the local paper and on the radio. A notice will also be put on the county website to let public know before they implement the change.

Motion by Hofer, second by Wootan, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss a personnel issue. 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 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-09-14-04 Motion by Wootan, second by Corbus, to deny as the applicant failed to cooperate, unable to determine obligated county. Applicant has discretionary income of almost eight times the amount to self pay the bill over five years and is not indigent per Idaho Code.

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

K-09-14-05 Motion by Wootan, second by Corbus, to approve with a reimbursement order of \$100.00 per month and 50% of Federal and State tax refunds to begin April 15, 2015. Applicant shall also apply for health insurance on November 11, 2014 and provide the county with results of that application.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN..... -**AYE**

Motion carried and so ordered.

K-09-14-07 Motion by Wootan, second by Corbus, to deny as the applicant failed to cooperate and missed two interview appointments. The address on the application is a mailing address only and Elmore County is unable to determine residency or indigency. The applicant has a pending crime victims application and Elmore County is not the last resource.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN..... -**AYE**

Motion carried and so ordered.

K-09-14-08 Motion by Wootan, second by Corbus, to deny as the application is not indigent. Elmore County is not the last resource as the applicant has resources available to pay the medical bills.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN..... -**AYE**

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve and sign the FY2015 Annual Snowmobile Operating Plan with Idaho Department of Parks and Recreation and the Forest Service, US Department of Agriculture Boise National Forest.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN..... -**AYE**

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to approve the Certificate of Residency applications for Brianna Challis Clark and Kaitlyn Lee Stevens.

HOFER -**AYE**

CORBUS -**AYE**

WOOTAN..... -**AYE**

Motion carried and so ordered.

Alan Christy, Land Use and Building Director, appeared. Mr. Christy updated the board of his research regarding the potential for a building near the county jail to be used for a garage to maintain county vehicles. Mr. Christy reviewed his findings regarding building plans, grading of the property and utility issues. Mr. Christy also updated the board of the Planning and Zoning Commission members. One member has moved out of Elmore County and has turned in their resignation. Members are appointed by

the county commissioners. Mr. Christy posting the opening in the newspaper. Chairman Hofer discussed an issue of potholes on Bradford Street.

Motion by Hofer, second by Wootan, to approve Tax Cancellation No. 1260-\$727.28 and No. 1261-\$5.14 for several tax drive parcels owing less than \$1.00 in taxes.

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

Motion by Hofer, second by Wootan, to suspend the reading of Resolution No. 560-14 and refer to it in title only.

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

Motion by Hofer, second by Corbus, to approve Resolution No. 560-14 Transfer of Funds from PILT to Justice Fund, Juvenile Justice Revenue and Current Expense, also Current Expense to Justice Fund.

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

RESOLUTION NO. 560-14

A RESOLUTION AMENDING THE BUDGET OF THE ELMORE COUNTY GOVERNMENT TO PROVIDE CONTINUING FUNDING AND ADJUST FOR CHANGES IN SPENDING PRIORITIES.

WHEREAS, The Board of Commissioners of Elmore County have the authority and duty under Article XVIII, Section 6 of the Idaho Constitution and Title 31, Chapter 6 of the Idaho Code to provide funding operations of the Government of Elmore County for expenditure of those funds; and

WHEREAS, The Board considered this adjustment to the 2015 County budget during a regular session on November 10, 2014, and the need to amend the County budget has been satisfactorily demonstrated to the Board of Commissioners.

IT IS HEREBY RESOLVED:

- 1. That \$500,000.00 from line item 138.338.00.099.00 PILT, be transferred to line item 190.390.00.098.00 Justice Fund to cover expenses as per published in the fiscal year 2015 budget.

/S/ ALBERT HOFER, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk