

COMMISSIONERS MINUTES

OCTOBER 21, 2016

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

Motion by Corbus, 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**
WOOTAN -**ABSENT**
HOFER -**AYE** **Motion carried and so ordered.**

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

K-09-16-01 Motion by Hofer, second by Corbus, to deny as the application is incomplete, not indigent and not last resource.

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

K-09-16-02 Motion by Hofer, second by Corbus, to deny as the applicant failed to cooperate with Elmore County to determine indigency, residency or last resource. The applicant has left the state and refused to notify Elmore County of current address.

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

Motion by Hofer, second by Corbus, to remove the 1:30 p.m. Hearing of Reconsideration on K-11-15-04 from the agenda as the hearing has been rescheduled for a later date.

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

Commissioner Wootan joined the meeting.

Paula Riggs and Courtney Lewis, City of Mountain Home Economic Development and Cheyenne Robinson, representing Buxton, appeared. Ms. Robinson gave a power point presentation of the progress

Buxton and the City of Mountain Home have been making with the program to recruit new retail business into the area. She reviewed all of the economic conditions and possibilities that are marketable for Elmore County. Ms. Riggs discussed the annual Buxton contract. She explained that the contract renews in February and the ICSC Conference is in May. Ms. Riggs doesn't get the matches from Buxton for at least four weeks after the contract renews, which doesn't leave much time to make contact and set up appointments with the matches so those matches can get their information together before the conference. She asked the commissioners if they would mind amending the contract to change the renewal date to January instead of February. The commissioners agreed to the amendment. Ms. Riggs also gave the board an update on the Mountain Home Air Force Base. She has been working with the Air Force base on a lease agreement for the city to lease the railroad. Legal counsel for each side cannot agree on verbiage for the lease, so after meeting with base commander Colonel O'Donnell, everyone concluded that the city should try to purchase the rail from the Air Force. They are working on letters to Senator Crapo and the Idaho Delegation because they will need their help and she stated that they will also need help from the county commissioners.

The monthly department head meeting was held.

Alan Roberts, Extrication Department, appeared. They had a relatively slow month with only one call. They are still working on the improvements to the new extrication building. He has been working with Brian Chevalier, Pine EMS Supervisor, regarding the specs package for the new ambulance purchase. He is also still working on the specs for the King Hill repeater project.

Wade Baumgardner, Veterans Services Officer, appeared. He assisted in the final planning of veteran's memorial at the Mountain View Cemetery. He provided VA briefings to the American Legion members on October 4th and to the VFW members in Glens Ferry on October 20th. The topics discussed were Gulf War issues, VA grants to the homeless veterans programs, the VA's 2017 congressional budget, suicide prevention and the Veteran's "Choice" program. He worked two specific claims for surviving family members who's father passed away in the VA Hospital in Boise, which makes them eligible for Dependency Indemnity Compensation. Since the last meeting he has assisted twenty three veterans, spouses and/or family members with specific VA issues.

Brian Chevalier, Pine EMS Supervisor, appeared. While responding to a call, the siren in ambulance 2517 went out. He had it checked out and both speakers are blown, so they have new speakers on order. The battery was also replace on that ambulance as it was having trouble starting. Last year he got quotes to get heaters put on the ambulances to keep the equipment and fluids warm during the colder months while keeping the bay heat on a low setting. He got one installed last year and would like authorization to get one installed in the other ambulance, at a cost of \$853.04. The board approved the installation. Scheduling is still a challenge, but he has met with some people in the Pine area interested in being drivers, so he has put a CPR class together to get them certified. They held a landing zone class and a rope rescue class. They will also be holding a training session tomorrow for their new charting system.

They had six calls last month, with one being transported to the hospital by Pine EMS, three were transported by air crews and two were cancelled or no patient found.

Pat Momont, Interim Extension Office Supervisor, appeared. Specialists from the Parma Research Center and Twin Falls Research Center Extension Office have been lending support to the extension office regarding various crop issues, a horticulture educator from Ada County has been lending support with master gardener and horticulture issues and Jerome County has been helping out with soil and crop issues as well. There were no internal applicants for the Elmore County educator position so they have advertised nationally with the advertisement closing on Sunday. He has recruited a U of I graduate who has applied for the position. The 4-H department is working with three hundred thirty youth contacts from the Air Force base. She has reapplied for mentoring grants for the ongoing programs. They are working with a faculty member from Boise State University on a survey for farmers with water issues regarding available grant funding for water issues.

Steve Dye, Probation Services, appeared. Juvenile probation cases have gone up slightly, which usually happens once school resumes. This is the time of year when all of his state reports are due, which include probation statistics and financial reviews. The community garden was a success, with the produce going to the food pantry and the senior center. Adult misdemeanor cases remain at one hundred nine, in addition to the pre-trial services the probation officers provide. One hundred forty hours of community services were done. He will be writing policy and procedures regarding the process and criteria for clients to receive funding to help pay for programs and fees associated with their probation. Drug Court currently has twenty three participants. He has applied for yearly grant funding for the program. The Avertest Agreement for drug testing services was reviewed.

Motion by Corbus, second by Hofer, to approve and sign the Agreement for Drug Testing Services with Avertest, LLC.

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

Motion carried and so ordered.

Carol Killian, Disaster Services Coordinator, appeared. She has been working on various grant funding applications. The annual Idaho Emergency Management Association (IEMA) Conference will be held in February. She attended the first meeting to plan the full scale exercise for next year. She received a bid for a generator for the Pine EMS building with a cost of \$15,000.00. That will be taking a huge chunk of available grant money for the year.

Vence Parsons, Plant Facilities, appeared. The parking lot between courthouse and the DMV building will be repaved next week. The courthouse roof was replaced a few weeks ago and there were no leaks during the recent rain storm.

Billy Richey, Military Liaison, appeared. Paula Riggs, Economic Development Director for the City of Mountain Home has been working with the Air Force regarding the purchase of a section of railway. The 389th fighter wing has deployed with a total of five hundred gun fighters deployed. Gun fighter exercises will be held on November 1st and 4th.

Motion by Hofer, second by Wootan, to approve the minutes for September 2, 2016.

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

Motion carried and so ordered.

The monthly elected officials meeting was held.

Assessor Ron Fisher stated that his office is continuing to sign residents up for homeowners' exemptions. They are still reviewing properties in the county and are approximately 40% complete with the review. They have been checking building permits for new constructions and just made the annual trips to Prairie and Pine to do those checks. They just completed uploading the 2016 Forest Protection charges and the 2016 special rates, which are the solid waste fees, in preparation for the tax drive.

Treasurer Amber Sloan stated that her office in the middle of the tax drive and they are hoping to be finished by next Friday.

Motion by Hofer, second by Wootan, to approve the expenses in the amount of \$266,192.99.

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

Motion carried and so ordered.

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

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

Motion carried and so ordered.

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

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

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

Motion carried and so ordered.

Regular session resumed.

Motion by Corbus, second by Wootan, to approve the Ambulance District Expenses in the amount of \$877.17, payable to Les Schwab-\$368.04, RTI-\$243.54 and Pine Resort, LLC-\$265.59.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the Pest Abatement District Expenses in the amount of \$1,879.26, payable to Beverley Engelhardt-\$197.11, Express Employment Professionals-\$1,202.78, BOE-\$126.98, Office Value Inc-\$238.39, and Xerox Financial Services-\$114.00.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the Certificate of Residency application for Jared H. Snoey.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to suspend the reading of Resolution No. 607-16 and refer to it in title only.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve Resolution No. 607-16 Destruction of Certain Elmore County Records - Prosecutor’s Office.

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

Motion carried and so ordered.

RESOLUTION NO 607-16

AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 21st DAY OF OCTOBER 2016, 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 records pursuant to Idaho Code § 31-871: to-wit: prosecutor files where charges were not filed where denial took place more than 5 years ago, misdemeanor files where more than five years have elapsed since final discharge, and felony prosecutor files where charges were resolved by dismissal or sentencing and more than ten years have passed since the final discharge of the defendant;

WHEREAS, the Prosecutor's Office specifically has requested the Board designate prosecutor review files where charges were not filed and misdemeanor prosecutor files as semipermanent records which must be retained for five years post declination and felony prosecutor files where charges were resolved by dismissal or sentencing as permanent records which must be retained for ten years post final discharge of the defendant;

WHEREAS, the Prosecutor's Office has specifically requested destruction of the following records:

Prosecutor review where charges were not filed from the years 1976 through 1989, where said records have been retained more than five years post declination;

Misdemeanor prosecutor files from the years 1976 through 1989, where said records have been retained more than five years post final discharge of the defendant;

Felony prosecutor files where charges were resolved by dismissal or sentencing and more than ten years have passed since the final discharge of the defendant; and

The files are identified in the spreadsheet attached hereto;

WHEREAS, approval for the destruction of the below listed records has been requested, and therefore obtained, from 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 deems prosecutor review files where charges were denied as semipermanent records which must be retained for a minimum of five years after date of declination.

IT IS FURTHER RESOLVED that the Elmore County Board of Commissioners in lawful meeting assembled hereby deems misdemeanor prosecutor files as semipermanent records which must be retained for a minimum of five years after the date of final discharge of the defendant.

IT IS FURTHER RESOLVED that the Elmore County Board of Commissioners in lawful meeting assembled hereby deems felony prosecutor files as permanent records which must be retained for a minimum of ten years after the date of final discharge of the defendant.

IT IS FURTHER RESOLVED, that the Board authorizes destruction of the paper records retained by the Elmore County Prosecuting Attorney’s Office reflected in the list attached hereto.

DATED this 21st day of October 2016.

ELMORE COUNTY COMMISSIONERS
/S/ **FRANKLIN L. CORBUS, Chairman**
/S/ **WESLEY R. WOOTAN, Commissioner**
/S/ **ALBERT HOFER, Commissioner**
ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Corbus, second by Wootan, to suspend the reading of Resolution No. 608-16 and refer to it in title only.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve Resolution No. 608-16 Destruction of Certain Elmore County Records – Auditor, Recorder and Indigent.

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

Motion carried and so ordered.

RESOLUTION NO. 608-16

AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 21st DAY OF OCTOBER, 2016, 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(1)(b):
Auditor/Recorder
Auditor Certificates – Fiscal Year 2011

Monthly Financial Reports – Fiscal Year 2011
Posting Reports – Fiscal Year 2011
Commissioner Approvals – Fiscal Year 2011
Accounts Payable – Monthly Bills- Fiscal Year 2011
1099’S- Fiscal Year 2011
Audit Adjustments-Fiscal Year 2011
Warrant Copies-Fiscal Year 2011
Indigent
Denials-Fiscal Years 2011
Released Liens-Fiscal years 2011

“Temporary Records” – under Idaho Code §31-871(1)(c)

Auditor/Recorder

Tax Cancellations (Clerk’s Copy Only) – Fiscal Year 2014
Liquor License Applications - Fiscal Year 2014
Passport Transmittals – Fiscal Year 2014

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 2011
Monthly Financial Reports – Fiscal Year 2011
Posting Reports – Fiscal Year 2011
Commissioner Approvals – Fiscal Year 2011
Accounts Payable – Monthly Bills- Fiscal Year 2011
1099’S- Fiscal Year 2011
Warrant Copies-Fiscal Year 2011
Tax Cancellations (Clerk’s Copy Only) – Fiscal Year 2014
Audit Adjustments-Fiscal Year 2011
Liquor License Applications - Fiscal Year 2014
Passport Transmittals – Fiscal Year 2014
Denials-Fiscal Years 2011
Released Liens-Fiscal years 2011

DATED this 21st day of October, 2016.

ELMORE COUNTY COMMISSIONERS
/S/ FRANKLIN L. CORBUS, Chairman
/S/ WESLEY R. WOOTAN, Commissioner
/S/ ALBERT HOFER, Commissioner
ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Corbus, second by Hofer, to add the Elmore County Intermountain Facility Agreement to the agenda as the current agreement has expired and needs to be renewed.

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

Motion by Corbus, second by Hofer, to approve and sign the Elmore County Intermountain Facility Agreement.

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

A short recess was taken. Regular session resumed.

A public hearing was held on a request for a site visit prior to the appeal hearing on the denial of conditional use permit applications from Cat Creek Energy, LLC for pump storage hydro electrical generating facility, PV solar electrical generating facility, wind turbine electrical generating facility, transmission lines and substation.

Chairman Corbus opened the public hearing. He emphasized that the nature of the hearing is for one reason only, to receive input or testimony in regard to the site visit. Any testimony that does not pertain to the site visit will not be permitted. Verbal testimony regarding the appeal of five conditional use permits for Cat Creek Energy, LLC will be accepted at the appeal hearings scheduled for November 16 & 17, 2016. Any and all interested persons will have the opportunity to provide verbal and written testimony at that time. All written testimony will be required to be delivered at the commencement of the hearing on November 16th and will not be accepted after that time unless the board elects to continue the hearings.

Chairman Corbus stated that the board plans on making its decision whether to conduct a site visit following this hearing.

Chairman Corbus asked if any commissioners would like to make any disclosures at this time.

Commissioner Hofer stated that he received an email from Peter Livers stating “I highly recommend the trip to view the Cat Creek proposed site. It will dramatically demonstrate what a tragedy it would be to spoil the scenic beauty of this lovely part of Elmore County by putting windmills on it. The noise of the operation will also disrupt the peace and quiet those of us who live there enjoy.” The email was made part of the record. Commissioner Hofer also stated that last week he received a call from Mike Hollinshead, who stated that there was going to be a meeting in Pine about the site visit. He told Mike that he could not discuss the matter and the conversation ended.

Commissioner Wootan had no disclosures at this time other than he knows the applicant personally.

Chairman Corbus had no disclosures at this time.

Alan Christy, Land Use and Building Department Director, reviewed a summary of the rules for the hearing. Copies of the rules were also handed out to the audience.

Mr. Christy gave a brief background summary. A motion from the applicant to view the property prior to the appeal hearing before the Board of County Commissioners was received on September 26, 2016. Elmore County decided to conduct a public hearing regarding the Motion and the hearing was scheduled for October 21, 2016 at 2:00p.m. The public hearing notice for the Motion was mailed to all agencies on October 3, 2016 and neighboring landowners on October 3, 2016. The public hearing notice for the Motion was published in the Mountain Home News on October 5, 2016. The public hearing notice for the Motion was posted on the site on October 13, 2016. The notice of public hearing was noticed the same as the original hearing with the Planning and Zoning Commission. The Board has been given a copy of the record. Any additional items that pertain to the appeal will be given to the Board prior to the appeal hearing scheduled for November 16 and 17, 2016. The Department has concerns with the procedure and logistics of conducting a site visit. The Zoning and Development Ordinance does not have a procedure or a requirement for the Board to conduct a site visit for appeals of conditional use permit applications. The Department recommends against site visits for quasi-judicial hearings. If the Board chooses to conduct a site visit the earliest possible date would be November 10, 2016 based on noticing requirements. Staff recommends an initial site location and a possible site route if the Board chooses to conduct a site visit. Staff also recommends that if the Board chooses to conduct a site visit that certain rules take place. Mr. Christy stated that legal counsel will probably have additional recommendations if the Board chooses to conduct a site visit.

Chairman Corbus asked for clarification on one point, that the applicant is requesting the site visit but it seems that according to the staff report, Mr. Christy and not the applicant will determine where the site visit location would be. Mr. Christy stated that the applicant requested the site visit but did not provide a location on site to conduct the site visit. Through some correspondence with the applicant’s attorney, Mr. Christy proposed the site route and received no comment. Chairman Corbus again asked for clarification on whether the applicant had any input on the location and Mr. Christy stated that they did not.

The applicant, John Faulkner stated that he would like to withdraw the invitation to have a site visit. He doesn't understand why they need to have a public hearing for his site visit request. Commissioner Hofer explained that there is a lot of people who have a lot of interest in this project and they need to give them an opportunity to know what is going on. Mr. Faulkner wanted them to visit the site long ago, but it keeps getting postponed over and over. He still doesn't understand why the process is taking so long. Every time a decision needs to be made it gets delayed for weeks and months. What he thought would take about six months is now going on over two years. Attorney Grant asked Mr. Faulkner to clarify that he was in fact withdrawing his request for a site visit and Mr. Faulkner stated that yes, he was withdrawing the request.

The hearing was closed.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(b) to discuss a personnel issue. Roll call vote was taken.

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

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

Motion by Corbus, second by Wootan, to approve the personnel action submitted by the Prosecuting Attorney.

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

Motion by Wootan, second by Corbus, to adjourn.

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

/S/ FRANKLIN L. CORBUS, Chairman
ATTEST: /S/ BARBARA STEELE, Clerk