

COMMISSIONERS MINUTES

SEPTEMBER 9, 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, Commissioners Wes Wootan and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Essl.

Sheriff Rick Layher, Chief Deputy Mike Barclay and Deputy Bobby Wade appeared to update the board. Sheriff Layher discussed an employee drug and alcohol counseling program that he feels will be beneficial to the county. Attorney Grant reviewed the contract for the counseling program and presented it to the board for their review.

Motion by Corbus, second by Wootan, to add to the agenda the Drug and Alcohol Counseling Contract with Ben Reuter.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve and sign the Drug and Alcohol Counseling Contract with Ben Reuter.

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

Motion carried and so ordered.

The issue of the Sheriff’s Office requesting fire protection in the Tipanuk area was also discussed. Residents in the Tipanuk area have chosen not to pay to be within the boundaries of a fire protection district. There have been instances where Sheriff’s deputies have responded to fires in Tipanuk and in turn have requested that area fire departments respond to put out the fires, thus creating a financial burden for those fire departments that respond. These departments feel that the resources that are paid for by tax payers within the fire district should not be used to fight fires for residents whose chose not to pay to be in the fire district. Attorney Grant did some research and found that the county would not be liable to reimburse these districts for any firefighting efforts outside of their district boundaries and that the homeowners would be responsible for paying for the firefighting service. Discussion followed. Sheriff Layher will meet with the residents in the Tipanuk area to inform them of the issue and try to find a resolution.

Motion by Corbus, second by Wootan, 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..... -AYE
HOFER -AYE **Motion carried and so ordered.**

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

K-07-16-05 Motion by Wootan, second by Corbus, to approve with a reimbursement order of \$150.00 per month and 50% of federal and state tax refunds as payment.

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

K-11-15-09, K-10-13-05 and K-05-14-04 Motion by Wootan, second by Corbus, to deny all of the suspended cases as not the last resource as the applicant was approved for Medicaid from 8/1/13 to 7/31/16.

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

K-10-11-08 Motion by Corbus, second by Wootan, to approve and sign the subordination agreement.

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

Motion by Wootan, second by Hofer, to approve the Clerk's Bail Bond Report for the record only.

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

Motion by Wootan, second by Hofer, to approve and sign the letter to Frederick Watkins.

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

Motion by Corbus, second by Wootan, to approve the Certificate of Residency applications for Juvenal E. Beltran, Alexis R. Georgianna and Dominique J. Morris.

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 a litigation 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 a 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.

A public hearing was held regarding updates to the Elmore County Flood Ordinance. Beth Bresnahan, Land Use and Building Department, appeared and gave a brief overview of the changes. Upon a recommendation from the state flood plain manager, definitions were added to the county flood ordinance to bring it in line with the state flood ordinance.

The hearing was closed.

Motion by Wootan, second by Hofer, to approve Ordinance No. 2016-01 Amendment to the Elmore County Zoning and Development Ordinance pertaining to Flood Plains.

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

Motion carried and so ordered.

ORDINANCE 2016-01

AN ORDINANCE AMENDING AND RESTATING CHAPTER 13 OF THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6, FOR REGULATIONS PERTAINING TO DEVELOPMENT IN FLOOD PLAINS AND SPECIAL FLOOD HAZARD AREAS, FLOOD DAMAGE PREVENTION, FLOOD HAZARD REDUCTION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, the Idaho Disaster Preparedness Act of 1975, amended by the Idaho Homeland Security Act of 2004, Title 46, Chapter 10 of the Idaho Code authorizes local government to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property;

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) adopted the 2014 Elmore County Comprehensive Plan on January 20, 2015 (the “Comprehensive Plan”);

WHEREAS, the Board amended and restated, in its entirety, the Elmore County Zoning and Development Ordinance on March 21, 2012 as Ordinance 2012-01, which ordinance was subsequently amended on September, 19, 2012, as Ordinance 2012-03 and on July 23, 2014 as Ordinance 2014-01 (collectively, the “Existing Zoning Ordinance”).

WHEREAS, the Existing Zoning Ordinance, as Chapter 13, entitled Flood Hazard Mitigation and Development Requirements Pertaining to Flooding (“Existing Chapter 13”), pertains to flood zones and standards under the Existing Zoning Ordinance.

WHEREAS, the State of Idaho National Flood Insurance Program Coordinator has provided Elmore County with the State of Idaho Model Flood Ordinance (“Model Ordinance”) and recommended its adoption. The Elmore County Land Use and Building Department, the Elmore County Planning and Zoning Commission and the Board desire to: (i) adopt the Model Ordinance with certain changes by Elmore County, in the form of an amendment to the Existing Zoning Ordinance, which amendment is attached hereto on Exhibit A (the “Amendment”), and made a part hereof as if fully set forth herein; (ii) delete in its entirety the Existing Chapter 13; and (iii) replace the Existing Chapter 13 with the Amendment which shall be the new Chapter 13 to the Existing Zoning Ordinance;

WHEREAS, following notice, the Elmore County Planning and Zoning Commission conducted a public hearing on June 1, 2016 and offered a written recommendation of approval to the Board on June 15, 2016 in compliance with both the Local Land Use Planning Act, Idaho Code §§ 67-6501 through -6529, and the Existing Zoning Ordinance in consideration for the adoption of the Amendment;

WHEREAS, the Board conducted a public hearing on September 9, 2016 in compliance with both the Local Land Use Planning Act and Zoning Ordinance in consideration of amending the Existing Zoning Ordinance by the addition of the Amendment; and

WHEREAS, The Elmore County Board of Commissioners has determined the Amendment is: (i) not in conflict with the Comprehensive Plan; (ii) complies with the regulations outlined for the base zone, specifically the purpose statement; (iii) shall not be materially detrimental to the public health, safety and welfare; (iv) and shall not result in an adverse impact upon the delivery of services by any political

subdivisions providing public services within the planning jurisdiction including, but not limited to, school districts.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:

SECTION 1. REPEAL OF CHAPTER 13 OF THE EXISTING ZONING ORDINANCE. The Existing Chapter 13 is repealed in its entirety.

SECTION 2. ADOPTION OF THE AMENDMENT TO THE EXISTING ZONING ORDINANCE: The Amendment is hereby adopted as an amendment to the Existing Zoning Ordinance, as a new and replacement Chapter 13. The Existing Zoning Ordinance shall remain in full force and effect as amended by the Amendment.

SECTION 3. REPEAL OF CONFLICTING ORDINANCE. Any other ordinances of Elmore County, Idaho, if any, which are in conflict with the terms of this Ordinance and the Amendment are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 9th day of September, 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 approve the Pest Abatement District Expenses in the amount of \$5,927.67, payable to Mountain Home News-\$46.33, Elmore County-\$3,522.56, Express Employment Professionals-\$651.87, Office Value-\$144.60 and Stephenson Computer Consulting-\$1,562.31.

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

Motion by Corbus, second by Wootan, to approve the Ambulance District Expenses in the amount of \$4,493.70, payable to Mountain Home News-\$45.20, Norco-\$75.41 and Elmore County-\$4,373.09.

CORBUS..... -AYE

WOOTAN..... -AYE
HOFER -AYE

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to go into Executive Session pursuant to I.C. 74-206(d) to discuss protected records. Roll call vote was taken.

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

Motion carried and so ordered.

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

Motion by Corbus, second by Wootan, to add Idaho Power representatives to the agenda to give the board an update on time sensitive materials.

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

Motion carried and so ordered.

Mark Stokes, Idaho Power gave the board an update on the Gateway West Project. There has been some recent developments with the Bureau of Land Management (BLM) and the routes that they are looking at for the project. Mr. Stokes wanted to share the information with the board because it will impact some land in Elmore County. Mr. Stokes presented the board with maps depicting the routes. A lengthy discussion followed regarding aspects of the project.

Motion by Hofer, second by Corbus, to approve and sign the FY2017 Juvenile Detention Housing Agreement with Canyon County.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve and authorize Chairman Corbus to sign the ICRMP Joint Powers Subscriber Agreement.

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

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve the expenses in the amount of \$237,797.72.

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 a result of the Executive Session.

Motion by Hofer, second by Corbus, to send a payment to Idaho Waste Systems (IWS) in the amount of \$7,190.15 once the check from IWS in the amount of \$18,832.17 clears. The county check to IWS will be accompanied by a cover letter from legal counsel and a revised spreadsheet.

CORBUS..... -**AYE**

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

HOFER -**AYE**

Motion carried and so ordered.

Commissioner Hofer updated the board on the remodeling projects currently being done at the new county building.

Motion by Corbus, second by Hofer, to adjourn.

CORBUS..... -**AYE**

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

HOFER -**AYE**

Motion carried and so ordered.

/S/ FRANKLIN L. CORBUS, Chairman

ATTEST: /S/ BARBARA STEELE, Clerk