

K-02-18-01 Motion by Wootan, second by Corbus, to suspend as the applicant meets the criteria and has a pending social security case which may be a resource.

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

Motion carried and so ordered.

K-02-18-03 Motion by Wootan, second by Corbus, to deny as Elmore County is not the obligated county. Ada County is the obligated county.

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

Motion carried and so ordered.

Traci Lefever appeared and reviewed the Centurylink Communications Software Agreement.

Motion by Wootan, second by Hofer, to approve and sign the Centurylink Communications Software Agreement.

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

Motion carried and so ordered.

Jeff Day, Waterways board appeared to request that Laytrede Schultz be appointed to the Waterways Board.

Motion by Corbus, second by Wootan, to appoint Laytrede Schultz to the Waterways Board.

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

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to go into Executive Session pursuant to I.C. 74-206(d) – 31-874 to hold a Hearing of Reconsideration on case K-10-17-03. Roll call vote was taken.

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

Motion carried and so ordered.

A Hearing of Reconsideration was held on case K-10-17-03. Present at the hearing were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, 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.

**GRANTING INVENTIVE, LLC, A PROPERTY TAX EXEMPTION PURSUANT TO IDAHO
CODE § 63-602NN**

At a meeting of the Elmore County (the “County”) Board of Commissioners, State of Idaho, on the 2nd day March 2018, the following Resolution was adopted, to wit:

WHEREAS, Idaho Code § 31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code § 31-828 grants the Board authority "to do and perform all other acts ... which may be necessary to the full discharge of the duties of the chief executive authority of the county government"; and

WHEREAS, Idaho Code § 63-602NN authorizes the Board to exempt certain investment in plant and building facilities from property taxes; and

WHEREAS, the Board on October 6, 2017 adopted an ordinance setting forth the minimum amount of exemptions under Idaho Code § 63-602NN and the general process for granting such exemption; and

WHEREAS, the Board has considered the application of Inventive, LLC, doing business as In The Ditch Towing Products, 3190 Industrial Way, Mountain Home, Idaho (hereinafter "Taxpayer"), for a property tax exemption pursuant to Idaho Code § 63-602NN, related to investment in a new manufacturing facility to be developed on property located at 2195 Industrial Way, Mountain Home, Idaho, and more particularly described on Exhibit A (the "Project Site"), which exhibit is attached hereto and made a part hereof; and

WHEREAS, Taxpayer has demonstrated by a written plan (the “Plan”), which is attached hereto as Exhibit B and made a part hereof, outlining the proposed project, that it meets, or will meet, all of the requirements of Idaho Code § 63-602NN, as well as those standards established by the County for receiving the exemption; and

WHEREAS, Taxpayer plans to invest approximately \$13,143,000.00 in eligible investments in the construction of a manufacturing facility and related business personal property at the Project Site during 2019 through 2023 (the “Project Period”), and has requested an exemption for one hundred percent (100%) of its eligible investment in this project, for a total exemption not to exceed \$13,143,000 in property value annually for five (5) years; and

WHEREAS, notwithstanding the exemption, approximately \$578,440 of property value from the investment in this project will be added to the property tax rolls, due to the purchase of land previously

owned by the City of Mountain Home and will not be eligible for the exemption under I. C. 63-602NN, in the County during the exemption period; and

WHEREAS, the Board has considered terms and conditions for granting Taxpayer a property tax exemption pursuant to Idaho Code § 63-602NN, to include the following:

1. A one hundred percent (100%) exemption on investments in the building improvements and manufacturing equipment that are qualified investments made during the project period provided Taxpayer substantially follows its written plan. The exemption shall apply to tax years beginning in 2019. Taxable value in 2018 and earlier, if any, will not be subject to this exemption.
2. Taxpayer shall annually provide to the County Assessor, on or before June, 2019 and each year thereafter through June, 2023, a detailed list of the property and equipment that has been placed into service during the previous calendar year, and the County Assessor shall be permitted to verify the list, including through the on-site inspection.
3. Taxpayer shall invest approximately \$13,143,000 in plant and building facilities that are qualified investments, or investments in buildings or structural components of buildings, and shall maintain evidence and documentation of all investments in property and equipment for the project period. These records shall be made available to the County upon request, with reasonable notice.
4. Taxpayer shall comply with all conditions imposed by all other governmental entities in Idaho with respect to any other incentive agreements related to this project.
5. The County may recapture taxes that would have been paid had the exemption not been granted unless Taxpayer (or their assigns) completes its project substantially as proposed, and continues operations at substantially the same level at the facility for the ten (10) years commencing immediately after the year the taxes were exempted (taxes to be recovered in substantially the same manner as described in Idaho Code § 63-602G(5)); and
6. Taxpayer agrees that this right of the County to recover taxes as provided in the paragraph above, runs with the land and that this document may be recorded to give notice of said encumbrance; and
7. Taxpayer agrees to these conditions; and

WHEREAS, Taxpayer has agreed to the terms and conditions set forth above; and

WHEREAS, the Board finds that significant economic benefits will accrue to the County, and to the taxing districts within the County, as a result of the proposed investment; and;

WHEREAS, notice has been given as required in Idaho Code § 63-602NN(5).

BE IT THEREFORE RESOLVED, pursuant to Idaho Code § 63-602NN, and subject to the terms and conditions set forth above, the Board hereby agrees to exempt, for five (5) years, one hundred percent (100%) of the value of Taxpayer's investment in Qualified Property and equipment at the Project Site, more particularly described in Exhibit A, in an amount not to exceed \$13,143,000 in value annually, beginning with tax year 2019.

APPROVED AND ADOPTED effective this 2nd day of March, 2018.

ELMORE COUNTY COMMISSIONERS

/S/ ALBERT HOFER, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ WESLEY R. WOOTAN, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Motion by Hofer, second by Wootan, to approve the Pest Abatement District Expenses in the amount of \$4,572.95, payable to USPS-\$1,954.63, Stephenson's Computer Consulting-\$105.94, Verizon Wireless-\$53.16, Centurylink-\$108.06, Xerox Financial Services-\$114.00, Northwest Mosquito & Vector Control Association-\$40.00, Jim's Lumber & Building Supply Inc-\$10.45, DDS-\$68.60 and BOE-\$2,118.11.

HOFER -AYE
WOOTAN -AYE
CORBUS -AYE

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve the Ambulance District Expenses in the amount of \$1,950.29, payable to Verizon Wireless-\$200.40, RTI-\$140.86, Brian Chevalier-\$208.50, Valley Co-ops, Inc-\$630.12, Pine Resort, LLC-\$708.41 and Norco-\$62.00.

HOFER -AYE
WOOTAN -AYE
CORBUS -AYE

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to approve Tax Cancellation No. 1383 Norberto Anquiano-\$160.28 and No. 1384 Ronald E. & Marta L. Wells-\$816.56.

HOFER -AYE
WOOTAN -AYE
CORBUS -AYE

Motion carried and so ordered.

Motion by Hofer, second by Wootan, to reappoint Megan Blanksma to the Central District Health Department Board of Health.

HOFER -AYE

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

Motion by Hofer, second by Corbus, to approve and sign the Detention Counseling Agreement with Ben Ruhter.

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

Attorney Scott Campbell appeared to discuss water issue in Executive Session.

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

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

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

Attorney Grant reviewed a request for reconsideration that was received from S Bar Ranch, LLC to reconsider the approval of the Conditional Use Permits for Cat Creek Energy, LLC.

Motion by Corbus, second by Wootan, to schedule a hearing for a request for reconsideration of the Cat Creek Energy, LLC Conditional Use Permits.

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

Motion by Wootan, second by Corbus, to suspend the reading of Ordinance No. 2018-02 and refer to it in title only.

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

Motion by Wootan, second by Corbus, to approve Ordinance No. 2018-02 Amend and reinstate Ordinance No. 2018-01 adopting a development agreement for the Cat Creek Energy, LLC conditional use permits.

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

ORDINANCE NO. 2018-02

AN AMENDED AND RESTATED ORDINANCE OF THE BOARD OF COMMISSIONERS OF ELMORE COUNTY ADOPTING A DEVELOPMENT AGREEMENT IN CONNECTION WITH THE CAT CREEK ENERGY, LLC CONDITIONAL USE PERMITS (CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06, CUP 2015-07) AMENDING AND RESTATING ORDINANCE NO. 2018-01.

WHEREAS, this amended and restated ordinance amends and restates Ordinance No. 2018 - 01, which failed to include the final hearing information;

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

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) on February 10, 2017, conditionally approved CUP-2015-03, CUP-2015-04, CUP-2015-05, CUP-2015-06, and CUP-2015-07 for Cat Creek Energy, LLC (the “Applicant”) pursuant to the Findings of Fact, Conclusions of Law and Order dated February 10, 2017 (the “Approval”);

WHEREAS, the Approval contained certain conditions, one, Condition No. 2, of which was for the Applicant and Elmore County to enter into a recorded development agreement by November 15, 2017;

WHEREAS, on or about October 20, 2017, the Applicant requested the Board, pursuant to a public hearing with notice, to extend the amount of time it had to complete the development agreement from November 15, 2017 until May 15, 2018, as such extension was permitted in Condition No. 2 of the Approval;

WHEREAS, on December 1, 2017, the Applicant came before the Board in a public meeting to request a future hearing for approval of the development agreement, which the Board granted;

WHEREAS, on December 22, 2017, the Board, pursuant to a public hearing with notice, conducted a hearing on the development agreement, which hearing was continued until January 26, 2018; and

WHEREAS, on January 26, 2018, pursuant to a public hearing with notice, the Board continued the hearing on the development agreement which hearing was continued until February 9, 2018; and

WHEREAS, on February 9, 2018, pursuant to a public hearing with notice, the Board continued the hearing on the development agreement, and following the hearing held deliberations and takes the action described below.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS BY A 2-0 VOTE (HOFER RECUSAL), THE FOLLOWING:

SECTION 1. DEVELOPMENT AGREEMENT: The Board hereby adopts and approves the Development Agreement in the form set forth on Exhibit A (the “Development Agreement”), for that real property (the “Property”) described therein, which exhibit is attached hereto and made a part hereof.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. Any ordinance of Elmore County, Idaho in conflict with the terms of this Ordinance is hereby repealed to the extent of such conflict.

SECTION 3. 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 2nd day of March, 2018.

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

Motion by Wootan, second by Corbus, to suspend the reading of Resolution No. 653-18 and refer to it in title only.

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

Motion by Wootan, second by Corbus, to approve Resolution No. 653-18 Amend and reinstate Resolution No. 652-18 adopting a development agreement for the Cat Creek Energy, LLC conditional use permits.

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

RESOLUTION NO. 653-18

AN AMENDED AND RESTATED RESOLUTION OF THE BOARD OF COMMISSIONERS OF ELMORE COUNTY ADOPTING A DEVELOPMENT AGREEMENT IN CONECTION WITH

THE CAT CREEK ENERGY, LLC CONDITIONAL USE PERMITS (CUP 2015-03, CUP 2015-04, CUP 2015-05, CUP 2015-06, CUP 2015-07), AMENDING AND RESTATING RESOLUTION NO. 652-18.

WHEREAS, this amended and restated resolution amends and restates Resolution No. 652-18, which failed to include the final hearing information;

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

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) on February 10, 2017, conditionally approved CUP-2015-03, CUP-2015-04, CUP-2015-05, CUP-2015-06, and CUP-2015-07 for Cat Creek Energy, LLC (the “Applicant”) pursuant to the Findings of Fact, Conclusions of Law and Order dated February 10, 2017 (the “Approval”);

WHEREAS, the Approval contained certain conditions, one, Condition No. 2, of which was for the Applicant and Elmore County to enter into a recorded development agreement by November 15, 2017;

WHEREAS, on or about October 20, 2017, the Applicant requested the Board, pursuant to a public hearing with notice, to extend the amount of time it had to complete the development agreement from November 15, 2017 until May 15, 2018, as such extension was permitted in Condition No. 2 of the Approval;

WHEREAS, on December 1, 2017, the Applicant came before the Board in a public meeting to request a future hearing for approval of the development agreement, which the Board granted;

WHEREAS, on December 22, 2017, the Board, pursuant to a public hearing with notice, conducted a hearing on the development agreement, which hearing was continued until January 26, 2018; and

WHEREAS, on January 26, 2018, pursuant to a public hearing with notice, the Board continued the hearing on the development agreement which hearing was continued until February 9, 2018; and

WHEREAS, on February 9, 2018, pursuant to a public hearing with notice, the Board continued the hearing on the development agreement, and following the hearing held deliberations and takes the action described below.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY A 2-0 VOTE (HOFER RECUSAL), that the Board hereby adopts and approves the Development Agreement in the form set forth on Exhibit A (the “Development Agreement”), for that real property (the “Property”) described therein, which exhibit is attached hereto and made a part hereof.

Dated this 2nd day of March, 2018.

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

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

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

Regular session resumed.

Sheriff Hollinshead appeared to discuss the need for a new washer and dryer in the jail.

Motion by Hofer, second by Corbus, to approve the purchase of a washer and dryer set for the jail.

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

Sheriff Hollinshead also briefed the board on an issue in Executive Session.

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

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

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

Heather Reynolds, Human Resources Manager, appeared and reviewed the cost of shredding services. A new job description for a Systems Administrator position was reviewed. Pay scales were also discussed.

Motion by Hofer, second by Wootan, to adjourn.

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

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