

Minutes of Meeting
Request for Cancellation of Taxes
April 3, 2013
9:00 a.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee and Commissioner Dan Green met to discuss the following agenda items. Also present were Treasurer Tom Malzahn, Chief Deputy Assessor Richard Houser, and Deputy Clerk Nancy Jones. Commissioner Jai Nelson was excused.

A. Call to Order: Chairman Tondee called the meeting to order at 9:00 a.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: Chief Deputy Assessor Richard Houser asked that an item regarding the Welburn Family Trust, AIN 312411, be added to the agenda.

Commissioner Green moved to add an item to the agenda for the Welburn Family Trust, in order to give timely attention to this matter. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Excused

Commissioner Green: Aye

Chairman Tondee: Aye

The motion passed.

D. Old Business:

1. *Lewis – AIN 303699* – Chairman Tondee recalled that this is one of a large number of parcels for which occupancy taxes were omitted due to a software error. Chairman Tondee noted that Mr. Lewis has sent in the paperwork that was previously requested in regard to this matter. Commissioner Green gave direction to staff to bring Resolution 2013-22, Cancellation of Penalties and Interest, Parcel No. PJ3580020140/AIN 303699, forward for approval at the next Business Meeting, after confirming that the current tax bill has been issued.

E. New Business:

1. *Patriot Construction & Rock Products, LLC – AIN 180098* – Chief Deputy Assessor Richard Houser explained that this request cancels personal property taxes for 2010, as the owner has provided documentation to show that the business was operating (and already paid taxes) in Benewah County in 2010.

Commissioner Green moved to authorize signing of the Cancellation of 2010 Tax Assessment for Patriot Construction and Rock Products, LLC. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Excused

Commissioner Green: Aye

Chairman Tondee: Aye

The motion passed.

2. *Almgren – AIN 220155* – Mr. Houser stated that the Homeowner’s Exemption was removed in error for the years 2010 through 2012. This request would cancel the value for 2010 and 2011, in order to replicate a Homeowner’s Exemption. Mr. Houser mentioned that taxes for 2012 have already been received.

Commissioner Green moved to approve the signing of the Roland Almgren Trust Homeowner’s Exemption Reinstatement for 2010 and 2011. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Excused

Commissioner Green: Aye

Chairman Tondee: Aye

The motion passed.

3. *Owens Construction, Inc. – AIN 307876* – Mr. Houser informed the Board that in 2011, Owens Construction wrote to the Board, asking for a waiver of taxes, penalties, and interest for 2010, stating that the business had been liquidated. However, because the request stated that the business dissolved in October 2010, personal property taxes were still due and payable for the 2010 tax year, and the request was denied. Mr. Houser noted that taxes for 2011 were cancelled. According to the documentation submitted, it appears that the business assets were liquidated without any attempt to pay the past due tax balance. Commissioner Green gave direction to staff to forward this file to Legal to determine if there is a remedy that would allow for collection of all, or a portion, of these unpaid taxes.
4. *Kirkpatrick’s Conkling Marina and Resort, LLC – AIN 123442* – Mr. Houser explained that Thomas Kirkpatrick sold this property in 2007, only to foreclose on the purchaser this year (2013). Property taxes for the parcel are past due for 2010, 2011, and 2012, for a total of \$66,209.52, and Mr. Kirkpatrick requested cancellation of the late charges and accrued interest, in the approximate amount of \$9,200. Commissioner Green suggested offering a waiver of taxes and penalties if the past due taxes were paid in full within thirty (30) days. Treasurer Tom Malzahn and Chairman Tondee noted that Mr. Kirkpatrick was fully aware of the amount due when he chose to repurchase this investment property through the Trustee auction.

Commissioner Green moved to deny the request from Kirkpatrick’s Conkling Marina and Resort, LLC. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Excused

Commissioner Green: Aye

Chairman Tondee: Aye

The motion passed.

5. *Powell – AIN 202255* – Mr. Houser shared that Ron and Beverly Sweiger sold a parcel to Powell in 2005. In 2007, the Sweigers recorded a Quit Claim Deed that granted an additional strip of land to Jeff and Reiko Powell, without the Powells’ knowledge. In 2009, First American Title was involved in the matter, after being informed that this strip of land should have been included in the legal description when the property was originally sold in 2005. First American Title paid the past due taxes (for 2005 through the first half of 2009), on the additional strip of land, in response to this issue. However, it appears that the Powells are still confused as to why they are receiving two tax bills for their property, and taxes for the second half of 2009 through 2012 are now past due (in the amount of \$974), including penalties and interest. Mr. Houser explained that the two pieces of land cannot be combined into one parcel, because each parcel is part of a different subdivision. (One parcel is located in the Shamrock Ranch subdivision, while the other is part of Schwiger Addition.) Commissioner Green wondered whether a lot line adjustment might correct this issue.

Chairman Tondee asked if Mr. and Mrs. Powell are fully aware of the ramifications if this ten (10) foot strip of land is sold at tax sale, as the larger parcel will not attach to the road if they lose ownership of the smaller parcel. Mr. Malzahn and Mr. Houser were not sure if anyone from the County had spoken to them directly. The Board determined that this is a civil issue, that the County tax billing for this parcel of land is not in error, and that the request for cancellation of taxes is unreasonable. Chairman Tondee established that he would contact Mr. and Mrs. Powell directly to ensure that they have full understanding of the situation. The Board will revisit this issue after that discussion takes place.

- 6. *Welburn Family Trust – AIN 312411* – Mr. Houser stated that this parcel was originally part of a larger piece of land. At the time that the Chicken Hill Estates subdivision was platted, the Homeowner’s Exemption was erroneously removed from this existing parcel.

Commissioner Green moved to approve the 2011 Homeowner’s Exemption Reinstatement for the Wilburn Family Trust, AIN 312411. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Excused

Commissioner Green: Aye

Chairman Tondee: Aye

The motion passed.

F. Staff Reports: There were no staff reports.

G. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 9:38 a.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Nancy A. Jones, Deputy Clerk