

Minutes of Meeting
Request for Cancellation of Taxes
May 10, 2013
2:30 p.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Chief Deputy Treasurer Laurie Thomas, Personal Property Appraiser II Dee Ann Reed, and Deputy Clerk Nancy Jones.

A. Call to Order: Chairman Tondee called the meeting to order at 2:32 p.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: There were no changes made to the agenda.

D. Old Business: There was no old business discussed.

E. New Business:

1. Appleway Chiropractic – AIN 242802

Chief Deputy Treasurer Laurie Thomas explained that personal property taxes for Appleway Chiropractic were certified (i.e. the tax amount due was transferred to the taxpayer's personal property bill) in 2006 and 2007. Personal property taxes are delinquent for tax years 2008 through 2011. In response to a Warrant of Destraint that was mailed out on April 30, 2013, Mr. Brian Norce contacted the office of the Board of County Commissioners, stating that he did not feel the assessed tax amount was valid. Mr. Norce did remit a check in the amount of \$105.32, for payment of the 2012 taxes, but this amount will actually be applied toward the 2008 balance, per County policy. Taxes were estimated from 2008 through 2010, because Mr. Norce did not return his required Personal Property Tax Declaration. Mr. Norce requested cancellation of all interest, penalties, and late charges due. In addition, Mr. Norce asked for a payment arrangement on the past due tax balance. The Board noted that, due to changes in legislation, this business is not likely to owe future personal property taxes. Commissioner Green recommended extending an offer to cancel \$500 of the interest owed, if Mr. Norce pays the balance due (including taxes, penalties, and late charges) within thirty (30) days. Chairman Tondee expressed concern that this inducement would be difficult to apply consistently to similar future circumstances. Commissioner Nelson was also not supportive of tax forgiveness with reference to this request.

Commissioner Nelson moved to decline the request from Appleway Chiropractic/Brian Norce for cancellation of taxes for 2008 through 2011 on AIN 242802. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Aye

Commissioner Green: Nay

Chairman Tondee: Aye

The motion carried.

2. **Don Johnston- AIN 164453**

Personal Property Appraiser II Dee Ann Reed explained that Mr. Don Johnston had leased a building that was located on land owned by Burlington Northern Sante Fe Railroad (BNSF). Mr. Johnston vacated this property in 2010, at which time he paid all personal property taxes due through the first half of 2010. Building tenants were given eviction notices, and the property reverted to ownership by the railroad. At that time, one tenant arranged with BNSF to continue renting space in the building. In accordance with the original property lease agreement, which required the property to be returned to its original condition, Mr. Johnston demolished the building in September, 2012. Ms. Thomas verified that personal property taxes were assessed, and are currently due and payable, for the second half of 2010, and all of 2011 and 2012. Ms. Thomas explained that both Mr. Johnston and BNSF deny responsibility for the past due personal property taxes. The Board determined that BNSF is responsible for the past due amount, as they were receiving rents from the final building tenant. Ms. Thomas was given direction to send a letter to BNSF, requesting payment in full within sixty (60) days, in an attempt to collect approximately \$1,300 in past due personal property taxes. The Board also directed Ms. Thomas to remove this property from the Tax Deed Sale process, pending a response, and to bring this item before the Board after expiration of the sixty (60) day period.

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 2:55 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Nancy A. Jones, Deputy Clerk