

Minutes of Meeting
Request for Cancellation of Taxes
May 31, 2013
8:30 a.m.

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

- A. Call to Order:** Chairman Tondee called the meeting to order at 8:33 a.m.
- B. Introductions:** There were no introductions made.
- C. Changes to the Agenda:** Chief Deputy Assessor Richard Houser asked that four (4) last minute items regarding cancellation of taxes be added to the agenda – two (2) cancellations: Whittrock – AIN 180775, Wendland – AIN 193216 and two (2) multiple year cancellations: Cook/Pulyeart – AIN 133398, and Riley – AIN 153415.

Commissioner Nelson moved to add the four (4) items: Whittrock – AIN 180775, Wendland – AIN 193216, Cook/Pulyeart – AIN 133398, and Riley – AIN 153415 to the agenda in order to give timely attention to these matters. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

D. Old Business: Appleway Chiropractics – AIN 242802

Chief Deputy Treasurer Laurie Thomas noted that this ongoing case was back before the Board and Brian Norce/Appleway Chiropractics is seeking a second hearing to request that the property taxes for 2008, 2009, and 2010 be readjusted to a value equal to his 2011 and 2012 tax bills. Mr. Norce also requested that the back years' adjustments then be placed on a payment plan. Mr. Norce argued in his letter that a County clerical error in 2010 was the cause of the accruing penalties, interest, and fees from tax years 2008, 2009, 2010, and that, due to that error, these portions of his Property Tax Bill should be eliminated or reduced.

Commissioner Nelson moved to deny Mr. Norce's request for cancellation of penalties, interest, and fees, but directed the Assessor to recalculate Appleway Chiropractics' (AIN 242802) tax years 2008, 2009, and 2010, based on the information contained in Brian Norce's Declaration as submitted for tax years 2011 and 2012. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

E. New Business:

1. Kuzmin – AIN 307299

Chief Deputy Assessor Richard Houser explained that Irina Kuzmin owned Illumination Café, LLC (AIN 307299), but that she closed the business in May of 2011. The Assessor had issued tax bills for both 2011 and 2012, as the Idaho Secretary of State indicated that the business was not officially dissolved until September of 2012. Ms. Kuzmin asked the Board for the cancellation, or a reduction, of 2011 and 2012 taxes.

Commissioner Nelson moved to cancel 2012 taxes, penalties, interest and fees for AIN 307299 and gave staff direction to send the taxpayer an updated tax bill requesting that taxes owed for 2011 be paid.

Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

2. Legacy House – AIN 311896

Chief Deputy Treasurer Laurie Thomas explained that Legacy House is an ongoing property tax issue. The owners, Larry and Ruby Stoker, are having a difficult time paying back property taxes. The Treasurer had initially discussed a tentative payment plan with Mr. Stoker; however, he objected to the twelve percent (12%) per annum statutory interest rate. Mr. Stoker claimed that Legacy House is operating far below breakeven with substantial negative cash flow each month. He also requested that the Board reassess the property to a lower market value, forgive the accrued penalties and interest, and accept his commitment for a \$5000 per month payment plan.

Commissioner Nelson moved to deny the taxpayers' request for cancellation of back taxes and directed the Treasurer to contact Larry and Ruby Stoker in an effort to set up a payment plan for the outstanding balance. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk

Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

3. Bunes – AIN 100612

Chief Deputy Treasurer Laurie Thomas informed the Board that Peter and Lorrie Bunes requested that the Board allow them to take the Circuit Breaker property tax reduction for 2012 as they had in 2011. The Bunes were not aware that the exemption must be claimed every year and believed that their one-time filing qualified them for the property tax relief for each subsequent year. The Bunes requested that the property tax for 2012 be reduced to the amount that they would have owed if they had filed a timely Circuit Breaker form.

Commissioner Nelson moved that staff adjust 2012 property taxes to reflect what the taxable amount would have been had a Circuit Breaker exemption been filed, and to set up a payment program for the balance due for outstanding tax years. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

4. Janke – AIN 324239

Chief Deputy Assessor Richard Houser noted the Assessor had issued a tax bill for JJ's Caretaking Service (AIN 324239) for 2012, and that the taxes remain unpaid. However, when contacted about the pending Sheriff's Warrant of Distrain, Mr. Janke claimed he never got beyond registering the business name with the Idaho Secretary of State in November of 2011. Mr. Houser also explained that JJ's Caretaking Service is still listed as an active business with the Secretary of State. Mr. Janke requested that, since his business never got off the ground, the Board cancel all taxes, penalties and interest showing as owed.

Commissioner Nelson moved to approve Mr. Janke's request, and directed the Assessor to cancel all 2012 taxes, interest, penalties, and fees for AIN 324239. Chairman Tondee seconded the motion, adding that staff should include instructions to Mr. Janke on how to properly dissolve his business/corporation. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

5. Inkspot – AIN 318530

Chief Deputy Assessor Richard Houser explained that Louise Buffaloe, owner of Inkspot Screen Printing (AIN 318530), claimed that she closed the business in December of 2010; however it is currently listed as an active business according to the Secretary of State. Mr. Houser also noted the business has now been deleted from the 2012 tax rolls.

Commissioner Nelson moved that the Assessor cancel all 2011 interest, penalties, and fees assessed for Louise Buffaloe/Inkspot Screen Printing (AIN 318530), provided that the property tax balance of \$135.70 is paid in full within thirty (30) days. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

6. Whittrock – AIN 180775

Mr. Houser explained that, although Lois Whittrock had properly filed for the Circuit Breaker Homeowners' exemption for 2012, due to a clerical error, the form was improperly processed and the exemption was not applied. Mr. Houser noted that for AIN 180775 the Circuit Breaker property tax reduction should be allowed for tax year 2012.

Commissioner Nelson moved that the Assessor place the 2012 Circuit Breaker property tax reduction on the account for AIN 180775, and retroactively adjust the amount owed. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

7. Wendland – AIN 193216

Mr. Houser explained that, due to a clerical error, the Homeowners' Exemption for 2012 for AIN 193216 had not been entered correctly and the Exemption had been removed from the account. The error has since been corrected and Michael Wendland should receive the Homeowners' Exemption for 2012.

Commissioner Nelson moved that the Assessor apply the 2012 Homeowner's Exemption to the account for AIN 193216, and retroactively adjust the amount of tax owed. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

8. Cook/Pulyeart – AIN 133398

Mr. Houser explained that this is a three (3) year tax cancellation for 2010, 2011, and 2012. When the Assessor's Office attempted to assess the value of the property, no one was home to allow a detailed inspection of the premises. As a result, the value of the exterior (detached) garage was estimated from a roadside examination and the building was assessed as 'finished.' The homeowner has since contacted the Assessor and allowed an inspection. Mr. Houser's office has confirmed that the structure is, in fact, unfinished, hence, the request to adjust the assessed value of the detached garage and amend the tax bills.

Commissioner Nelson moved that the Assessor adjust the property tax for 2010, 2011, and 2012, for AIN 133398, to reflect the amended value for the unfinished garage and apply that credit to the homeowners' account. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
Chairman Tondee: Aye

The motion passed.

9. Riley – AIN 153415

Mr. Houser noted that AIN 153415 was initially assessed as two buildable lots. However, in 2005, the two properties were joined by covenant and agreement as platted lots held as one larger parcel. Mr. Riley brought this discrepancy to the Assessor's attention and requested a reassessment of the property taxes for 2010, 2011, and 2012.

Commissioner Nelson moved that the Assessor amend the value of the property (AIN 153415) for 2010, 2011, and 2012. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Beaver called the roll:

Commissioner Nelson: Aye
Commissioner Green: Excused
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 9:21 a.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: _____
Michael Beaver, Deputy Clerk