

Minutes of Meeting
Requests for Cancellation of Taxes
April 6, 2016
9:00 a.m.

The Kootenai County Board of Commissioners: Chairman Dan Green, Commissioner Marc Eberlein, and Commissioner David Stewart met to discuss the following agenda items. Also present were Chief Deputy Treasurer Laurie Thomas, Chief Deputy Assessor Rich Houser, Mapping Manager Joseph Johns, Customer Service Technician I Beckie Williams, BOCC Administrative Secretary Stephanie Clark and Deputy Clerk Cecilia Sweet. Also present were citizens Scott and Joann McArthur.

- A. Call to Order:** Chairman Dan Green called the meeting to order at 9:00 a.m.
- B. Introductions:** There were no introductions.
- C. Changes to the Agenda:** There were no changes to the agenda.
- D. Old Business:**

Snyder / AIN 144090 / Request to cancel repayment of Homeowners' Exemption / 2009 - 2015

Chief Deputy Assessor Rich Houser stated that the homeowners were requesting to cancel their repayment of the homeowners' exemption from 2009 through 2015. Mr. Houser said that the Assessor's correspondence with Mr. and Mrs. Snyder indicated that they were not the primary residents of this property.

Customer Service Technician I Beckie Williams said that Mr. and Mrs. Snyder did not rent their home or pay Idaho resident income tax, because they lived in Wyoming. She added that the State of Wyoming did not have a homeowners' exemption program. She stated that she had been in contact with the Snyders and that she was surprised that they were repealing the repayment of the 2009 through 2015 homeowners' exemption. She noted that a recorded deed dated March 5, 2014, listed the Idaho property as the Snyders' second home.

Commissioner David Stewart moved to deny Snyder/AIN 144090/Request to Cancel Repayment of Homeowners' Exemption from 2009 through 2015. Commissioner Marc Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

McArthur / AIN 197289 / Request to reflect Homeowners' Exemption / 2015

- E. Swearing In of Participants in Attendance:** Chairman Green instructed the Deputy Clerk to administer the Board of County Commissioners' Oath to Scott and Joann McArthur.

Mr. Houser stated that the McArthurs were requesting the 2015 Homeowners' Exemption. He added that the home was purchased on January 21, 2014, but the property did not reflect a Homeowners' Exemption for either 2014 or 2015. He mentioned that Ms. Williams had sent the McArthurs a letter in 2015 regarding the Homeowners' Exemption, but no application was filed. He added that they have applied for a 2016 Homeowners' Exemption.

Citizen Scott McArthur stated that he and his wife had full time jobs and were raising children when they moved into this house. He added that after meeting with the title company, they had attempted to file for the Homeowners' Exemption. Mr. McArthur informed the Board that a \$235 increase to their monthly mortgage payment would be a financial hardship for his one income household. He added that since he could not prove he had filed for the Homeowners' Exemption, he was asking for a 2015 tax forgiveness.

Commissioner Stewart moved to approve McArthur/AIN 197289/request to reflect a Homeowners' Exemption for 2015 and to direct the Treasurer's department to credit the McArthur property for the 2015 taxes and to draft a letter for the mortgage company of this 2015 Homeowners' Exemption and credit. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Nay

The motion carried.

Mr. and Mrs. McArthur exited the meeting at 9:19 a.m.

Friedman / AIN 262279 / Request to cancel penalties and interest / 2015

Mr. Houser said that there was a recorded deed for AIN 262279, which had two addresses. He added that the property owner stated that they did not receive the County Tax Statement since it went to the property address instead of the mailing address. He stated that the property owners were requesting to cancel the 2015 penalties and interest due to the oversight.

Commissioner Eberlein moved to approve Friedman/AIN 262279/request to cancel penalties and interest for 2015. Commissioner Stewart seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

Vaughn –A&J Enterprises (Theresa Casey-Estate Representative)/ AIN 235042/Request to cancel taxes, penalties and interest/ 2014 - 2015

Mr. Houser said that the Vaughn-A&J Enterprises property had been sold in 2013, and that the Assessor’s office had received a letter dated February 8, 2016, saying that the property owner had died in 2013.

Commissioner Stewart moved to approve AIN 235042/Request to cancel taxes, penalties and interest for 2014 and 2015. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

JCAV, LLC-Thayer/AIN 257306/Brought forward by the Treasurer’s office - request to cancel late charges, interest and fees 2007 – 2015 and a reduction of taxes in 2007 to reflect the correct tax amount / 2007 – 2015

Assessor Mapping Manager Joseph Johns reported that a Warranty Deed was recorded in June of 2005, and the Assessor’s office sent a letter stating that there was a range reference error, so the previous Warranty Deed was rerecorded again in August 2005. He added that the August 2005 description of the street approach was different from the information recorded in June of 2005. He explained that the Warranty Deed was rerecorded again in February 2006, with a different legal description. He added that since it was a re-recording with a new legal description, an attempt was made to return the property to the original legal description. He explained that the deed processor mistakenly viewed the deed as a property split instead of a property correction.

Chairman Green asked if there was a tax liability on the property.

Chief Deputy Treasurer Laurie Thomas explained that there had been a placeholder value set on the property since 2008. Ms. Thomas said that it had been difficult to reach a definitive answer on the property’s ownership. She added that a title report had been issued so the pending tax deed processes could be addressed. She said that the Treasurer’s department recommendation would be to amend the 2007 full value to a 1,000 acre placeholder value, which would adjust the taxes to \$8.62 with an aquifer fee of \$8.00. She said that, with Board approval, the County would request Mr. Thayer pay the full tax amount minus the late charges and interest, if paid within 30 days.

Commissioner Stewart moved to approve AIN 257306/JCAV, LLC-Thayer/Request to cancel late charges, interest and fees for 2007 through 2015 if the property taxes were paid within 30 days, and to reflect the 2007 placeholder value of \$1,000. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

Mr. Johns exited the meeting at 9:34 a.m.

Treasurer's Office Late Charge/Interest Waived Report

March 2016 Report

Ms. Thomas explained that there were two parcels which were billed in error. She said that the first error was due to a property transfer to an incorrect name and address, which required a correction of \$373.19. She added that the second error was due to the wrong billing date with a needed correction of \$15.01.

Amended Market Value

Pugh Brothers Construction, Inc./AIN 259362/Equipment was assessed in Kootenai County in Error/2015

Mr. Houser said that Pugh Brothers Construction's property was located in Benewah County but had been assessed in Kootenai County in error. He recommended that the County amend the \$134,272 to zero value for 2015.

Commissioner Eberlein moved to approve the amended market value of Pugh Brothers Construction, Inc. / AIN 259362 / from \$134,272 to zero value for 2015. Commissioner Stewart seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

J&J Construction/AIN 322471/Company was only in the Kootenai County for 2 months and was assessed for 12 months/2015

Mr. Houser reported that J&J Construction's personal property was located in Kootenai County for two months, but had been assessed for twelve months in error. He added that since the assessed value was below \$100,000, the recommendation would be to amend the market value from \$267,000 to zero value for 2015.

Commissioner Stewart moved to approve the amended market value of J&J Construction /AIN 322471/ from \$267,000 to zero value for 2015. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

Nelson / AIN 117089 / Home and Cabin burned down Nov 2015 Cancellation for Dec 2015 / 2015

Mr. Houser explained that the Nelsons' home and cabin burned down on November 27, 2015. He recommended amending the original market value from \$246,430 to \$239,769.

Commissioner Stewart moved to approve the amended market value of Nelson / AIN 117089 / property from \$246,430 to \$239,769 for 2015. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

Mountain Power Construction Co./ AIN 211860 / Portion of the equipment was assessed in Montana / 2015

Mr. Houser said that a portion of Mountain Power Construction Company's property was assessed in Montana for the full year. He recommended the County amend the original market value from \$930,801 to \$518,140.

Commissioner Stewart moved to approve the amended market value of Mountain Power Construction Company/AIN 211860/ from \$930,801 to \$518,140 for 2015. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

MacDonald Family Trust of 1008 / AIN 117346 / Parcel segregation occurred in error / 2015

Mr. Houser stated that in 2015 the MacDonald Family Trust of 1008 was segregated by mistake, and in 2016, AIN 117346 was combined with AIN 115093 to correct the error. He recommended the County amend the original market value from \$233,164 to \$126,444 for 2015.

Commissioner Stewart moved to approve the amended market value of MacDonald Family Trust of 1008 /AIN 117346/ from \$233,164 to \$126,444 for 2015. Commissioner Eberlein seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

The motion carried.

Commissioner Eberlein exited the meeting at 9:46 a.m.

Demars / AIN 322728, 322723, 322722, 322718 & 322716 / Transfer of Condo was not valid in July 2015 / 2015

Mr. Houser reported that the transfer of the Bayview properties were not valid until July 27, 2015, which changed the occupancy from eight months to five months. He said that he recommended the County amend the original market value for AIN 322728, AIN 322723 and AIN 322722 from \$200,153 to \$83,395 for 2015; and AIN 322718 and AIN 322716 from \$78,193 to \$48,870 for 2015.

Commissioner Stewart moved to approve the amended market value of Demars’/AIN 322728, AIN 322723, AIN 322722, from \$200,153 to \$83,395 for 2015 and AIN 322718 and AIN 322716 from \$78,193 to \$48,870 for 2015. Chairman Green seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Excused
Chairman Green: Aye
The motion carried.

Paradis De Golf Holdings, LLC. / AIN 211393 & AIN 217491 / Error in calculation, thus removing the tax exempt status / 2014

Mr. Houser explained that on AIN 211393 and AIN 217491 there was an error in the quarterly proration calculations, and these AIN values were based on the third quarter instead of the second quarter of 2014. He recommended that the County amend the original market value for AIN 211393 from \$750 to \$500 for 2014 and AIN 217491 from \$1,912,238 to \$1,274,826 for 2014.

Commissioner Stewart moved to approve the amended market values of Paradis De Golf Holdings, LLC. AIN 211393 from \$750 to \$500 for 2014, and AIN 217491 from \$1,912,238 to \$1,274,826 for 2014. Chairman Green seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Excused
Chairman Green: Aye
The motion carried.

Homeowners Exemption

Weingart / AIN 113700 /Exemption was removed in error / 2014 & 2015

Mr. Houser stated that this was a Homeowners’ Exemption that was removed in error, and was discovered when a new Homeowners’ Exemption application was filed. He reported that the 2014 original market value was \$157,510, and the amended market value would be \$82,405; and in 2015 the original market value was \$167,200 and the amended market value would be \$79,220.

Commissioner Stewart moved to approve the 2014 and 2015 Weingart/AIN 113700/Homeowners' Tax Exemption Status and the amended market values of \$82,405 for 2014 and \$79,220 for 2015. Chairman Green seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Excused
Chairman Green: Aye

The motion carried.

Solid Waste Fee

Asbury / AIN 1211161 / Refund of Fee / 2015

Ms. Thomas said the property owner stated that there was an uninhabitable mobile home located on AIN 1211161. Ms. Thomas was recommending a cancellation of Solid Waste fees in the amount of \$93.00.

Commissioner Stewart moved to approve the Asbury/AIN 121161/Solid Waste fees refund in the amount of \$93.00 for 2015. Chairman Green seconded the motion. There being no further discussion, Deputy Clerk Sweet called the roll:

Commissioner Stewart: Aye
Commissioner Eberlein: Excused
Chairman Green: Aye

The motion carried.

Other Topics

Discussion of Tax Exempt procedure-Discussion of March 28, 2016 decision for CornerStone Christian Academy

Chairman Green reopened discussion of the Board's decision to approve tax exempt status for CornerStone Christian Academy for 2015 due to the discovery that the business had not paid property taxes. He added that since the business had not paid their property taxes prior to receiving tax exempt status the business could file requests for the cancellation of taxes for 2012, 2013 and 2014.

BOCC Administrative Secretary Stephanie Clark explained that she had not received a cancellation of taxes application, but the owner did inquire about the process.

Chairman Green explained that tax exempt status could not be granted retroactively, so the process would be the cancellation of taxes.

Mr. Houser suggested that one of the criteria could be whether property taxes were current when a business was applying for tax exempt status.

Commissioner Stewart opined that the County would not be allowed to require property owners to be current on their property taxes before applying for tax exempt status or cancellation of taxes. He added that he felt this was important information to know before a public hearing.

The Board discussed this matter at length. No decisions were made.

F. New Business: There was no new business.

G. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no public comments.

Chairman Green adjourned the meeting at 10:06 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

DANIEL H. GREEN, CHAIRMAN

BY: _____
Cecilia M. Sweet, Deputy Clerk
