

*****Monday, September 08, 2014**, Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

County resident Terry Capurso joined the meeting.

9:00 a.m., Road and Bridge Superintendent Jeff Gutshall joined the meeting to give his departmental report. Mr. Gutshall presented a written report.

Mr. Gutshall's report included the following: removing stumps from Eileen Road up to the slide area Road and Bridge was working on and cleaning out culverts on Fleming Creek Road. Road and Bridge is now working on the hill so there will be some delays and closures. Mr. Gutshall explained the problems the rains have been causing. Commissioner Pinkerton and Mr. Gutshall said the existing culverts on Fleming Creek Road are too short. Mr. Gutshall's report also included the mention of work on Cascade Creek project, the pedestal on Eileen Road, coordinating work on traffic counts, sign and Durapatcher work. Mr. Gutshall said he is working on updated accident information as well.

Mr. Gutshall said he will publish a notice for Cascade Creek project road closures and he added that he will look to start work on this project the last week of September.

Mr. Gutshall said his recommendation is to finance the mini-excavator through Caterpillar (CAT) Financial Services and he can pay the lease off at a cost of \$10,700 per year with an interest rate of 3.25%. The total amount is \$50,000, there is a guaranteed buyback of \$38,000 and the lease has a non-appropriation clause. Mr. Gutshall said he has budgeted for this in the next budget cycle. Mr. Gutshall said he doesn't want to build too much equity into this machine until the end of the term. Mr. Gutshall said if he were to finance the equipment through a bank, they would probably just match the rate. Mr. Gutshall said vendors were quoted for their piggyback information. Commissioners and Mr. Gutshall discussed financing details.

Commissioner Kirby moved to finance the mini-excavator through CAT Financial Services and utilize the payout program at \$10,669.50 per year for a five year term. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to authorize the Chairman to sign the financing documents for the mini-excavator upon the county civil attorney's review. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners reviewed the Idaho Transportation Department Professional Services Agreement for engineering services on the Trout Creek Bridge Project.

Commissioner Pinkerton moved to authorize the Chairman to sign the Idaho Transportation Department Local Professional Services Agreement for the Trout Creek Bridge Project. Commissioner Kirby second. Motion passed unanimously.

Commissioners and Mr. Gutshall discussed matters pertaining to Schedule A of the Cooperative Forest Road Agreement between Boundary County and the USDA, Forest Service Idaho Panhandle National Forests. Schedule A consists of four Forest Service maintained roads and the Forest Service has primary responsibilities for maintenance. It's the county's right-of-way, but the Forest Service maintains these

roads for their own purposes. Mr. Gutshall spoke of Copper Creek Road as it's listed on Schedule A and said the county hasn't opened this road for maintenance as there has been no public need. Mr. Gutshall said up to this point the county has not found need for maintenance on Copper Creek Road for the first six-tenths of a mile. Mr. Gutshall said the Forest Service received a call from someone with the last name of Larson letting them know he plans on living on Copper Creek Road and he questioned whether the Forest Service plans on plowing in the winter, to which the Forest Service said no. Rick Driggs with the Forest Service questioned if the county wants to plow this road. Mr. Gutshall said the biggest expense is driving to this location. Mr. Gutshall explained the county receives \$3,000 per mile for 340 miles to maintain the county's roads in addition to fuel taxes collected at pump in Idaho. As it pertains to Copper Creek Road, Mr. Gutshall said he told Mr. Driggs if Road and Bridge started plowing this road, he would have to take on all maintenance for this road in order to receive funds to help him pay for doing that. Mr. Gutshall questioned if it is worth it or if there is public need because one person decided to make their permanent residence there. Mr. Gutshall suggested contacting the Idaho Association of Counties (IAC) or the Local Highway Technical Assistance Council (LHTAC) to see what it is to determine public need. Mr. Gutshall said the county would receive \$1,800 per year to plow this portion of Copper Creek Road, but if the Forest Service hauls on this road, Road and Bridge will be faced with dust abatement, etc.

Chairman Dinning said Commissioners have the same situation in District 3 with one resident on this road. It's a county dedicated road and Commissioners will have the same issue. Mr. Gutshall said there are already too many county roads with one resident on them. Mr. Gutshall said his inclination it to let this go as why would the county want to make the situation worse. Mr. Gutshall said this road is not to county standards so the county is not obligated to maintain it. Mr. Gutshall said under the Road Standards Ordinance the county is not supposed to open a road for maintenance under these conditions. Chairman Dinning added that it's just because Boundary County chose not to maintain it. Mr. Gutshall said he doesn't know if this road was ever opened for maintenance. Chairman Dinning asked Mr. Gutshall to research this in order to find language pertaining to this situation. Commissioner Pinkerton suggested taking the Forest Service out of the picture then ask what would normally be required of the county for maintenance. The county plows as far as Timberlane Road, which is close to Copper Creek Road. Mr. Gutshall said he will talk to this resident to see if there are other residents in that area. Chairman Dinning asked if Mr. Gutshall could research the county's right-of-way.

Mr. Gutshall mentioned a Road and Bridge employee has left employment at the county and another Road and Bridge employee is interested in filling this position. Mr. Gutshall said he may need to find another mechanic. Secure Rural Schools (SRS) funds are very uncertain, but if they are received, they will be less. Mr. Gutshall spoke of how the Sheriff's deputies feel it is inconvenient for them as far as scheduling vehicle maintenance work through Road and Bridge. Mr. Gutshall said he feels this practice is basically subsidizing another department for approximately \$50,000. If Road and Bridge does the maintenance work, there should be reimbursement for all the work. Unlike departments supported by taxes, Road and Bridge is working out the cost of living increases on its own. Road and Bridge has cut five positions through attrition. Mr. Gutshall said the contingency program is to stop providing free vehicle maintenance and stop funding free GPS for everyone. A couple Road and Bridge employee retirements are coming up and two more positions with those cost savings could be eliminated, especially if he promotes from within, and exercises the non-appropriation clause for a piece of equipment, if need be. This is \$300,000 reduced from the budget. Mr. Gutshall said he has been robbing the B budget to support the A budget. Mr. Gutshall said he feels the Sheriff's Office needs to budget their own vehicle repairs as Road and Bridge cannot support it any longer. Mr. Gutshall spoke of how he utilizes his staff in other areas if needed.

Clerk Poston said the Sheriff's Office pays for their own expenses. Mr. Gutshall said the mechanics are not compensated for their work. Commissioner Pinkerton asked Mr. Gutshall about the demands for the landfill's equipment. Mr. Gutshall said Solid Waste Superintendent Claine Skeen has his own shop and is used to being billed for the work. Mr. Skeen is set up to do his own work, according to Mr. Gutshall. Commissioners said this would have been good to discuss a month ago when preparing the budget. Chairman Dinning said the Sheriff's Office can have maintenance work done somewhere else, but if there is something major, they can have Road and Bridge work on the issue. Mr. Gutshall said he's trying not to fill the vacant position and he is trying to get ahead of the game as it pertains to SRS funds. In the winter, Mr. Gutshall said Road and Bridge had only one mechanic in the shop otherwise everyone was out plowing snow.

Commissioners and Mr. Gutshall reviewed title paperwork for the property near the gravel pit along Highway 2 in Moyie Springs.

Commissioner Pinkerton moved to sign the Cooperative Forest Road Agreement between Boundary County, a political subdivision of the State of Idaho, and the USDA, Forest Service Idaho Panhandle National Forests including Schedule A. Commissioner Kirby second. Motion passed unanimously.

The meeting with Mr. Gutshall ended at 10:03 a.m.

Commissioner Pinkerton moved to sign the Independent Contractor Agreement with Rosin Brothers, LLC. as it pertains to baling metal at the landfill. Commissioner Kirby second. Motion passed unanimously.

Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense	\$40,003.11
Road & Bridge	84,687.33
Airport	4,239.02
District Court	6,341.20
Justice Fund	58,430.66
911 Funds	1,347.31
Health District	13,332.25
Indigent & Charity	3,263.76
Parks and Recreation	4,795.72
Revaluation	2,062.35
Solid Waste	11,053.98
Tort	866.51
Veterans Memorial	186.89
Weeds	26,322.16
Restorium	14,397.46
Snowmobile	3,000.00
Waterways	112.24
Juvenile Probation-Lottery	539.94

TOTAL \$275,081.89

Trusts

Auditor's Trust	18,637.14
Drivers License	6,768.50
Magistrate Trust	43,685.53
Motor Vehicle Trust	90,895.35
Sheriff's Trust Fund	<u>618.90</u>

TOTAL	\$160,605.42
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GRAND TOTAL	\$435,587.31
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Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2013-2014).

Commissioner Pinkerton moved to adopt Resolution 2014-27. A resolution appointing an interim Planning and Zoning Administrator. Commissioner Kirby second. Motion passed unanimously. Resolution 2014-27 reads as follows:

**RESOLUTION NO. 2014-27
BOUNDARY COUNTY, IDAHO**

TITLE: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BOUNDARY COUNTY, IDAHO; APPOINTING ASSISTANT PLANNING AND ZONING ADMINISTRATORS; PROVIDING FOR VOLUNTEER STATUS; PROVIDING FOR REIMBURSEMENT OF COSTS; PROVIDING FOR INSURANCE COVERAGE STATUS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS RESOLUTION

WHEREAS: Boundary County, Idaho, a political subdivision of the State of Idaho, is governed by the Board of County Commissioners; and,

WHEREAS: The Board, in compliance with Title 67 of Idaho Code, and the specific provisions of the Local Land Use Planning Act (LLUPA) has appointed a Planning and Zoning Commission and has appointed a Planning and Zoning Administrator to provide compliance with State Code and with the provisions of the County Ordinances and Resolutions concerning land use issues; and,

WHEREAS: The Planning and Zoning Administrator, Dan Studer, has retired from county employment; and,

WHEREAS: John Moss, member of the Planning and Zoning Commission, is intimately aware of the provisions of the Ordinances and Resolutions, and the procedures and processes, concerning land use issues in Boundary County; and,

WHEREAS: John Moss has volunteered to perform the routine and ongoing duties and functions required of the Planning and Zoning Administrator and to provide for an orderly, prompt, and efficient processing of applications, requests, inquiries, and other pending matters for that office.

NOW, THEREFORE, BE IT RESOLVED THAT: The Board of County Commissioners of Boundary County, Idaho, does hereby appoint John Moss as Assistant Planning and Zoning Administrator for Boundary County, Idaho. This appointment shall be indefinite and continuing in its duration.

BE IT FURTHER RESOLVED THAT: The Assistant Planning and Zoning Administrator is and shall be deemed volunteer, and not an employee of Boundary County. The Assistant Planning and Zoning Administrator shall not be paid a salary or other income, but shall be reimbursed for any and all costs and expense incurred.

BE IT FURTHER RESOLVED THAT: The Assistant Planning and Zoning Administrator shall have all the authority and powers of the Planning and Zoning Administrator conferred or provided in any Ordinance and/or Resolution of Boundary County concerning land use planning issues and the operation and administration of that office.

BE IT FURTHER RESOLVED THAT: The Assistant Planning and Zoning Administrator shall be provided errors, omissions, and negligence insurance to the extent provided to persons in such office or capacity by ICRMP, the insurance carrier for Boundary County, and shall be further provided defense, coverage, and indemnification by Boundary County for any claim, loss, demand, or legal action commenced against either of them arising from the performance of these duties

BE IT FURTHER RESOLVED THAT: This Resolution shall be in full force and effect upon its adoption by the Board of County Commissioners of Boundary County, Idaho, in a regular meeting of the Board, and upon the execution and attestation of the same.

ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF BOUNDARY COUNTY, IDAHO on the 8th day of September, 2014.

s/_____
Dan R. Dinning, Chairman

s/_____
LeAlan Pinkerton, Commissioner

s/_____
Walt Kirby, Commissioner

ATTEST:

s/_____
Glenda Poston, Clerk
To The Board of Boundary County Commissioners
Recorded as instrument #261757

Deputy Clerk Nancy Ryals joined the meeting at 10:18 a.m. at Commissioners request. Deputy Clerk Ryals informed Commissioners the Kootenai Health Business Associate Agreement pertains to the Health Insurance Portability and Accountability Act (HIPAA).

Commissioner Pinkerton moved to sign the Kootenai Health Business Associate Agreement as it pertains to HIPAA. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting at 10:23 a.m.

Commissioners discussed a matter involving the possibility of intervening in Grizzly bear as it pertains to state endowment lands. Chairman Dinning said if Commissioners want to go forward, we should contact Lincoln County, Montana to inquire about their involvement. Commissioner Kirby said he wants to move forward toward intervention after finding out necessary details pertaining to this matter. Commissioner Pinkerton said money is not a consideration and we need to find any way to prevent additional closures. Chairman Dinning said he will contact the Governor's Office to state that Montana needs help defending their endowment lands. It was said it would be scary if the Endangered Species Act started affecting endowment lands. Mr. Capurso referred to the Interim Lands Committee and said his personal criticism is a lot of time is spent on endangered species and that is not the task of this committee.

Airport Manager Dave Parker joined the meeting.

Commissioners reviewed sample requests for disaster declarations for the agricultural issue caused by rain. Commissioner Pinkerton said before a declaration can be submitted we need to have input from our local community. Chairman Dinning said this declaration allows farmers in this community to be eligible for low cost loans if they want them.

Mr. Parker said he thought he had all his paperwork completed for Northern Air to build its new hangar. Mr. Parker and Commissioners reviewed a diagram of what he is proposing to build for Northern Air and he said the existing hangar currently belongs to Larry Engert. Mr. Engert's lease runs out in year 2017, according to Mr. Parker. Commissioners said they had no questions about the hangar.

Mr. Parker said the airport's automated weather observation (AWOS) system is the way the weather system is relayed to the pilots and emergency services, etc. Airplanes would not be able to approach the airport without this system. Mr. Parker presented Commissioners with the renewal agreement and said it is the same last year. The agreement covers three maintenance inspections as well as technical support. Mr. Parker explained how the cost is arrived at for this contract. Mr. Parker said the AWOS is huge for a fixed wing more so than for a helicopter.

Commissioner Kirby moved to sign the All Weather Observation System (AWOS) maintenance agreement with All Weather, Inc. at a cost of \$6,900. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton discussed airport revenue and other airport related matters with Mr. Parker. Mr. Parker said the county used to own Merle Howard's property long before this current Board of Commissioners was in office and the easement went along with the sale when former Commissioners sold the property. Commissioner Pinkerton questioned whether or not the county needs this property. Mr. Parker recalled the meeting in which it was decided the acquisition of Craig Wheatley's property was a priority above the Howard property.

Clerk Poston asked for the status of the engineering firm JUB and the airport land acquisition grant. Commissioner Pinkerton mentioned a time frame of two weeks. Mr. Parker said the county will lose on the Marylou Speed transaction as far as costs already expended, but it won't be much. Chairman Dinning said the county should not have expended any funds beyond the appraisal in regards to JUB. The whole process the county has entrusted JUB with was wrong. Mr. Parker said the environmental work did have to be done first. Commissioner Pinkerton said that has to be done before making an offer. Mr. Parker said he agrees with Chairman Dinning in that we should find out what the result is going to be first. Commissioner Pinkerton said we need to be able to justify the expenditures.

The meeting with Mr. Parker ended at 11:03 a.m.

Commissioner Kirby moved to approve the minutes of September 1 & 2, 2014. Commissioner Pinkerton second. Motion passed unanimously.

11:03 a.m., Arnold and Lisa Tuttle of Tuttle's Cleaning Service joined the meeting.

Ms. Tuttle said they wanted to meet with Commissioners to discuss some issues with regards to their janitorial work. Ms. Tuttle read from her list of issues and stated they are to provide cleanup of just basic trash, vacuuming, etc. Ms. Tuttle said her and her husband's motto is to go above and beyond and she added that they don't mind that their work is being inspected, but feel the inspections are being done

unfairly. The Courthouse restrooms are cleaned to industry standards and the toilets are cleaned. Ms. Tuttle said toilets may be and are used after they have been cleaned so if the restrooms have been cleaned and someone, including themselves, uses the restroom, they are not going to re-clean it. The lighting in some of the restrooms is horrible so they bring in a flashlight, which is above and beyond, according to Ms. Tuttle. Having the lights replaced would make a difference. Ms. Tuttle explained the high cost for grates in the urinals and she said if there are hairs in the urinals, they will stay there until the grates are replaced. Ms. Tuttle asked Commissioners to tell county employees not to put anything in the urinals except for urine. Ms. Tuttle reiterated that restroom lighting in the restrooms is horrible after dark.

Chairman Dinning asked the Tuttles not to take it as a personal attack when Commissioners or their designee notices something they need to notify the Tuttles about. Commissioners have asked to be notified if anything is found and they will relay it to Tuttles so they can be aware of the matter.

Ms. Tuttle referred to various dates that Commissioners had mentioned in a note to the Tuttles. Ms. Tuttle said the reason the restrooms had been cleaned better on that specific day as opposed to another day is because they had come in to clean during the day instead of in the evening. Chairman Dinning asked Mr. and Ms. Tuttle not to take the notifications personally and he added that Commissioners have a responsibility in spending taxpayer's dollars. Chairman Dinning said this is just starting out saying there will be bumps and he added that if he is doing a job and not seeing something that he is missing, he would hope someone would tell him so he does a better job. Mr. Tuttle informed Commissioners about the restroom stall doors and said they need to be painted and it takes time for that type of paint to dry.

Commissioner Kirby said two issues that have popped up are lights and lighting as the first thing and the other issue is the stall doors need repainted. Ms. Tuttle said the stairwell of the main floor to the third floor is quite dim. Mr. Tuttle said speaking for himself, he is a perfectionist so he expects perfection. Mr. and Ms. Tuttle said they do appreciate knowing the specifics of an issue within 24 hours. Ms. Tuttle said it would also be helpful to know details such as if there is a cobweb, to know specifically where the cobweb is instead of something vague.

Ms. Tuttle said since winter is coming, carpets and rugs that are wet won't be vacuumed, but they will do their best to sweep them. Also the GIS Office will not be vacuumed if snow is tracked onto the carpet as it is harmful to the vacuum. Ms. Tuttle said the offices behind the Courthouse won't be cleaned if snow is not cleared away as the safety of their employees is important. Mr. Tuttle said his issue is just the snow in the GIS office as the snow gets into the carpet. It was said the contract began April 2014 so there had not been a snow issue and it may not even be an issue. Ms. Tuttle said it might be fairly decent and not be icy or much snow.

Chairman Dinning reminded the Tuttles to keep the door between the Extension Office and the meeting room locked and closed when they are done cleaning that room. Ms. Tuttle said they've been having miscommunications with Courthouse Maintenance John Buckley when talking to him. Mr. Buckley has asked them to correspond via emails stating he hasn't been able to understand them on their cell phone. The Tuttles said they have a new cell phone and Mr. Buckley said he still cannot understand them when others can understand them on the phone. Mr. Buckley sometimes doesn't respond to the emails. The Tuttles said they had not been informed the Courthouse parking lot was going to be paved last month so if they had not already cleaned the Assessors' Office, it wouldn't have gotten cleaned. Chairman Dinning said in the future, the county will be sure to notify them of this type of maintenance

work, but it only happens once every so many years. Chairman Dinning said Commissioners have asked Mr. Buckley to communicate via email, but there are times he cannot respond.

Commissioner Pinkerton said Tuttles are providing the service and the county is the customer. Mr. Buckley is acting as the liaison so he is also the customer and he may not be able to make contact with the Tuttles in return, but they shouldn't expect him too. Mr. Buckley's part is done when he has relayed an issue. Mr. Tuttle said it would help to know if the message was received such as notification of the broken part on the paper towel dispenser. Commissioner Pinkerton said the county is doing its due diligence in sending the message, but they shouldn't get tied up in that.

Mr. Tuttle said the Extension Office is using their mop and bucket again and he explained how Clerk Poston had contacted them earlier once before to let them know that had been dealt with. Clerk Poston asked if that is the supply room and Ms. Tuttle said yes. Ms. Tuttle said another issue is an email about the emergency lights. There had been a storm once when cleaning was taking place and the power went out and the emergency lights were not working so it's a safety issue for their employees and the county employees. Ms. Tuttle asked if someone could find out if the lights have been fixed.

Chairman Dinning said this Courthouse is loaded to the maximum as far as power outlets so another outlet cannot be added. Ms. Tuttle asked if the rugs will be returned to the main floor and the entrance, and Clerk Poston said the rugs are in the process of getting cleaned.

The meeting with Mr. and Ms. Tuttle ended at 11:27 a.m.

Jean Mace stopped by Commissioners' Office to talk about the table at the Naples dumpster site. The table had been used to place items on that someone was going to throw away, but could be something that someone else would have wanted. The rural site monitor said the table can't be used anymore, but the table was useful and people would take things that were too good to throw away, according to Ms. Mace. A lot of people were using this table. Ms. Mace said she thought the reason the table had to be taken away had to do with food, but if so, the monitor could make sure there is no food involved. Chairman Dinning said he remembered there being a safety issue, but he will find out what that issue was before he comments.

Ms. Mace left the meeting.

County Civil Attorney Tevis Hull and Airport Manager Dave Parker joined the meeting at 11:35 a.m.

11:35 a.m., Commissioner Kirby moved to go into executive session under Idaho Code 67-2345(1)f, to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated as it pertains to E.C. Enterprises. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye" and Commissioner Kirby "aye". Motion passed unanimously. 12:39 p.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to authorize the Chairman to sign the response documents to the Craig Wheatley of E.C. Enterprises, complaint and demand for jury trial, civil case #2014-304. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners addressed nominations for the Capital Crimes Defense Fund.

Commissioner Kirby moved to nominate Dan Green to the Capital Crimes Defense Fund Board for District 1. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to reappoint Dave McGraw for Capital Crimes Defense Fund At-Large position. Commissioner Pinkerton second. Motion passed unanimously.

There being no further business for the remainder of the day, Commissioners' meeting adjourned at 12:50 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLENDIA POSTON, Clerk
By: Michelle Rohrwasser, Deputy Clerk