

*****Monday, December 22, 2014**, Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

County resident Terry Capurso joined the meeting.

Commissioners gave the opening invocation and said the Pledge of Allegiance.

9:00 a.m., Road and Bridge Superintendent Jeff Gutshall joined the meeting to give his departmental report. Mr. Gutshall did not present a written department report, but at Commissioners' recommendation he did present his contingency plan as it pertains to his department and possible lack of continued Secure Rural Schools (SRS) funding. Mr. Gutshall said by looking at the next cycle he has a total of \$230,000 of non-expenditures in his A and D budgets. Mr. Gutshall said he is looking at workman's compensation insurance increasing as it does every year so it may be better to say \$200,000 in non-expenditures. Mr. Gutshall spoke of job vacancies through attrition and promoting from within.

Mr. Gutshall said for his department's B budget if the current fuel prices hold until the end of summer and if rock is stockpiled, the crusher and rock hauling may slow down and save between \$100,000 and \$150,000 by next October. Mr. Gutshall said Road and Bridge can start curtailing crushing and major rock hauling. Road and Bridge is full on chips and ¾ inch rock and is now crushing ½ inch rock so they could stop producing that for one year and save money. Mr. Gutshall said he won't cut into the chipseal program because if the county does, those improvements will be lost. Every time Road and Bridge chipseals those roads will be locked in and it will be 10 years or so before they even need durapatching. Other non-expenditures could include a savings of \$80,000 in dust suppression. It's not the greatest, but we've lived without dust suppression before. Mr. Gutshall said his figures for non-expenditures in the B budget are conservative and more funds could possibly be saved.

Mr. Gutshall said his C budget is in really good shape. The 950 loader will be paid off in one more payment so that's a savings of \$20,000. Road and Bridge won't budget for a 972 loader and may drop a payment and send a loader back in year 2015 under the non-appropriation clause. That is a payment of \$30,000 under a seven year contract. Mr. Gutshall said non-expenditures could total \$70,000 and the total expenditure is up to \$518,000 without laying anyone off and keeping the same level of winter service.

Mr. Gutshall said Road and Bridge receives \$240,000 every quarter from the Highway User Fund and may receive \$60,000 per quarter in actual timber receipts. Mr. Gutshall said even without receiving Secure Rural Schools (SRS) funds, Road and Bridge may receive \$240,000. Current expenditures will average \$500,000 per quarter so this would result in a \$200,000 per quarter spending deficit effective immediately. Mr. Gutshall said Road and Bridge could get by for two to three years budgeting this way and he added that he feels he's been conservative in this overall estimate.

Positions going away by attrition in the next two years is a possibility. As far as the work, if crushing is caught up, that provides extra personnel for summer work. Mr. Gutshall said every year he tries to do a few miles of reconstruction. Aside from chipsealing, grading would be going on and this uses fuel, but not like six or seven trucks hauling rocks would.

On the revenue side there is something about an increase in license plate fees for road work so it may be possible to generate \$100,000 to \$150,000 if the county had to do that. Commissioner Kirby said if the county has to levy, do Commissioners have to levy like last time such as was done for the ambulance

district and levy the absolute highest amount. Chairman Dinning said in Idaho Code the county can levy under Road and Bridge, but it's not like it increases outside of the existing budget. This would not be a new levy outside of the cap, just a new line. Chairman Dinning said it could also be that 50% of levy dollars generated within the cities goes back to those two cities. Mr. Gutshall said he thought the percentage was less.

Chairman Dinning said he has hopes the new congressional members will pick up these SRS issues and fix them. Commissioner Kirby said he would support the thinking of reconstruction of new roads as opposed to setting money aside and saving it as it may cost more in the end when the roads need repaired.

Chairman Dinning said he was made aware of someone from the city going to work somewhere else and making the statement about using a county employee. Chairman Dinning questioned if there is any benefit to contract with the City of Bonners Ferry for the county to provide road maintenance within city limits and then be reimbursed by the city for that work. Mr. Gutshall said he isn't sure there is any advantage to doing that and he doesn't think there is anything to gain from the standpoint of efficiency. Mr. Gutshall said Road and Bridge has the efficiency and he would advise against providing work in the city.

Mr. Gutshall spoke briefly regarding work on Labrosse Hill Road. Chairman Dinning said he received calls from three people who were thankful for the work done.

There being no further business, the meeting with Mr. Gutshall ended at 9:39 a.m.

Mr. Capurso requested to make a comment regarding SRS funds and he said he would like to caution the approach that has already been done by the City of Bonners Ferry to keep going back and taking from the taxpayer when the root of problem isn't there to begin with. The problem is the lack of contact with the federal government and county. The federal government is breaking the rules. Chairman Dinning said the only alternative if SRS goes to zero, is to take from within the existing budget levy authority. Mr. Capurso said there is also the emergency levy as well, if the matter rises to that. Chairman Dinning said we need to look at what we cover that is not mandated by Idaho Code. Mr. Capurso said the problem is that this situation is nothing new and we've been watching this problem of being hooked to the umbilical cord of the federal government and it will get worse as time goes on. A reasonable person cannot believe it will continue the way it is going. Mr. Capurso said we will have to find a way of taking back what rightfully belongs to us, which is land and the resources as that is where the economy is, not what the federal government gives us. Mr. Capurso explained that this is just good conversation. Chairman Dinning said he and Mr. Capurso ultimately agree.

Commissioner Pinkerton moved to approve and sign the junior college certificate of residency forms for the following students: T. Kuhlman, E. Tanner, M. Moore, C. Lyle, J. Allinger, T. Woomert, and L. Woomert. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to approve and sign the junior college certificate of residency form for H. Kuhlman pending confirmation of Boundary County residency. Commissioner Kirby second. Motion passed unanimously.

Commissioner Kirby moved to sign the Contract for Law Enforcement Service with the Kootenai Tribe of Idaho. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners postponed signing the quarterly report from JUB Engineering until the final document is ready.

9:54 a.m., County resident Tim Heenan met with Commissioners at their request to discuss a vacancy on the County Planning and Zoning Commission. Commissioners said they had heard that Mr. Heenan was interested in the vacant position and they asked Mr. Heenan to provide them with some information about himself. Mr. Heenan said that he is originally from southwest Washington, but now lives in Paradise Valley on 40 acres. Mr. Heenan said he's just a mere citizen hopefully with some common sense and he felt if he were to err, he would err on the side of the law. Mr. Heenan said he has spent time as a labor relations negotiator, mediator, and arbitrator. Mr. Heenan said he also got involved with labor and management and he provided more information to Commissioners.

Commissioner Pinkerton asked Mr. Heenan why he was interested in volunteering on the Planning and Zoning Board. Mr. Heenan said he does not have an agenda, and if there were issues involving his property, he would recuse himself and explain the issue. Commissioner Pinkerton said there are things he feels should be updated pertaining to Planning and Zoning and Mr. Heenan having been an arbitrator, it may be a benefit to things contrary. Commissioner Kirby said Mr. Heenan has qualifications he's not familiar with. Commissioner Kirby said Planning and Zoning Board has developed into a pretty good board and issues that come up are important to the future of the county.

Commissioner Dinning said some of the worst times as a Commissioner is when a Planning and Zoning Board individual goes off on their own believing they can interpret the Planning and Zoning Ordinance their own way so he feels Mr. Heenan would be good at applying ordinances as intended. Chairman Dinning said someone's application before Planning and Zoning, whether someone agrees or not, if it's allowed by the county's ordinance, then the application is allowed.

Commissioner Pinkerton said part of the problem was that Planning and Zoning Commission members were not participating at meetings and hearings as often as they should and he asked if Mr. Heenan has the time to commit and be in attendance at meetings and hearings. Mr. Heenan said he is committed. Chairman Dinning said Mr. Heenan, if appointed to the Planning and Zoning Commission, will also receive a booklet on the Idaho Open Meeting Laws and as a commission member and board, he has to live within those laws. Communication outside of an open meeting, sending emails, etc., even with other Planning and Zoning Board members, is discouraged, according to Chairman Dinning. Chairman Dinning said this has been one of the county's best boards to work with.

Chairman Dinning handed Mr. Heenan a copy of the DVD about Boundary County titled, Boundary County: A Natural Balance.

The meeting with Mr. Heenan ended at 10:20 a.m.

Commissioner Pinkerton moved to appoint Tim Heenan to the Boundary County Planning and Zoning Commission replacing John Moss with a term to expire January 31, 2019. Commissioner Kirby second. Motion passed unanimously.

Commissioners spoke to County Civil Counsel Tevis Hull via telephone at 10:21 a.m. to clarify matters regarding the quarterly report from JUB Engineering as it pertains to the airport land acquisition grant. Attorney Hull said there is more work to be done on these documents before Commissioners sign them.

The call to Attorney Hull ended at 10:25 a.m.

Commissioner Kirby moved to approve the Assignment of Hangar Ground Lease currently in the name of Bob Loosemore. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to approve and sign the renewed Hangar/Ground Lease Agreements for Rick DeCarlo, R. George Little, J. Offord and L. Wetzel of Arrow Flyers, Burt Wolff, and Jim Fairchild and Mark Weber pending receipt of the updated lease agreements. Commissioner Kirby second. Motion passed unanimously.

Commissioners tended to administrative duties.

Commissioner Pinkerton said he would like for Commissioners to schedule discussion on their agenda on the matter of selling property smaller than minimum lot size. Chairman Dinning briefly mentioned matters regarding transfer of development rights (TDR's). Mr. Capurso said it is ridiculous to have TDR's in the Planning and Zoning Ordinance. Chairman Dinning said it is and it isn't. Chairman Dinning questioned if it is better to allow the private sector to negotiate that for a period of a certain number of years and have it not be permanent. Mr. Capurso questioned how to logistically justify those rights. Mr. Capurso said if he builds a structure and the term ends, will those improvements be blown up. Mr. Capurso questioned what is the definition of development? Chairman Dinning said let's just call it a subdivision. Mr. Capurso mentioned it's for a subdivision in which for a period of time there is no further subdividing. Chairman Dinning gave an example if there is a farm in the valley and a piece of property in the North Bench area. The property owner in North Bench wants to split their land more than is allowed in that area so he purchases 10 development rights from the property owner in the valley. That farm is now restricted from having homes built on it for a specific amount of time, but the property owner in the North Bench area can now built 10 homes on his parcels. Chairman Dinning said it's a private sector matter and the county has the ability to track it. Mr. Capurso said that is allowing a section of the ordinance to violate the minimum lot size. Commissioner Pinkerton said he thinks this matter just needs to be revisited. Chairman Dinning said the private sector market is the market that drives this. It isn't the federal government in this case. Why would the county disallow the ability for the private sector to improve their property by having more when this other side says they don't want a forever easement? Commissioner Pinkerton said if he were to need more money, why should he get something for free? Commissioner Pinkerton said for example if he has his own land, he has a right to live on it, farm it, and sell it, but he doesn't have a right to impose on someone else. Commissioner Pinkerton said it's wrong for him to get paid to continue using his property as he has been, and not taking advantage of his development rights so someone else can. Mr. Capurso said Chairman Dinning's logic was correct at the time. The flaw in this as we approach things now is just because government isn't involved in the transaction doesn't mean it is right.

The discussion on Planning and Zoning matters ended.

Commissioners recessed for lunch at 10:56 a.m.

Commissioners reconvened for the afternoon session at 12:00 p.m.

County Civil Attorney contacted Commissioners via telephone.

12:06 p.m., Commissioner Pinkerton moved to amend the day's agenda to add an executive session at this time. Commissioner Kirby second. Motion passed unanimously.

12:06 p.m., Commissioner Pinkerton 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. Commissioner Kirby second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye" and Commissioner Kirby "aye". Motion passed unanimously. 12:30 p.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

There being no further business for the week, the meeting adjourned at 12:30 p.m.

DAN R. DINNING, Chairman

ATTEST:

GLEND A POSTON, Clerk
By: Michelle Rohrwasser, Deputy Clerk

