

**\*\*\*Monday, June 29, 2015, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

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

9:00 a.m., Road and Bridge Superintendent Jeff Gutshall and Assistant Superintendent Ken Arthur joined the meeting to give the departmental report. No written report was provided.

Those present discussed piggyback bids and trade-in paperwork received from Western States and Rowand Machinery for Road and Bridge's existing 950 loader. Mr. Arthur and Mr. Gutshall spoke of the implements Road and Bridge already has for its equipment.

Western States CAT's piggyback for a Caterpillar 950M UT Wheel Loader includes a price quote of \$222,709, trade-in allowance of \$168,000, price after trade totaling \$54,709, and a seven year buyback of \$167,000. The quote from Rowand Machinery for a John Deere 644K Wheel Loader includes a price quote of \$221,000, trade-in allowance of \$165,000, price after trade totaling \$56,000, and a seven year buyback of \$165,000. Both piggyback bids met the bid specifications and the bid difference of \$1,291 is in favor of Western States/CAT. Road and Bridge recommends the acceptance of the low bid submitted by Western States/CAT.

Commissioner Kirby moved to accept the piggyback bid from Western States/CAT for a Caterpillar 950M UT Wheel Loader at the price of \$222,709. Commissioner Pinkerton second. Motion passed unanimously.

Mr. Arthur informed Commissioners how many hours Road and Bridge's existing 950 loader has and he added that Road and Bridge has had this equipment for seven years. The amount financed after the trade-in allowance is approximately \$54,000. Chairman Dinning questioned if it would be better to just pay the new loader off rather than finance it. Mr. Gutshall suggested waiting to see what financing looks like.

Commissioners, Mr. Gutshall, and Mr. Arthur resumed discussing Road and Bridge's supervisory and administrative flow chart. Chairman Dinning asked if in the proposed structure there needs to be an assistant superintendent or could another employee fill that slot in the absence of the superintendent. Commissioner Pinkerton discussed his thoughts and preferences for this proposed flow chart.

Mr. Arthur, Mr. Gutshall, and Commissioners discussed the road patching that needs to be done on Deep Creek Loop and other patching that needs to be done on various roads. Mr. Arthur said Oxford Inc.'s truck is available so Road and Bridge will begin providing dust abatement. Those present spoke of juggling staff in order to provide dust abatement in addition to working on chipsealing.

The meeting with Mr. Gutshall and Mr. Arthur ended.

Planning and Zoning Administrator John Moss and Blue Sky Broadcasting Reporter Mike Brown joined the meeting.

9:32 a.m., Commissioners spoke to County Civil Attorney Tevis Hull via telephone.

Chairman Dinning informed Attorney Hull that he drove to the property near the landfill associated with the Idaho Department of Land's (IDL) easement request and the easement is as the county wants it. Steve Moyer with JRS Surveying said the changes that had been made were nothing to do with county, but was something property owner Roger Miller had requested. Attorney Hull said he received an email that this legal description has been completed, but IDL has recommended he tend to some verbiage changes so he will work on that.

Commissioners and Attorney Hull reviewed the Landowner Agreement for the Restoration Project under the Kootenai River Habitat Restoration Project. Attorney Hull said this agreement indicated Boundary County would receive some type of funding from this project and if that is the case, how is this money going to be used. It was questioned if Boundary County is just basically granting access to land for the restoration process. Chairman Dinning said the Tribe had met with the Boundary County Parks and Recreation Board so it's possible the Kootenai Tribe offered funds to them. Attorney Hull said he will review that portion of the agreement.

Attorney Hull said he sent correspondence to Planning and Zoning Administrator John Moss and Commissioners pertaining to Findings and Decision for the Flood Damage Prevention Ordinance and the changes proposed for Ordinance 2012-1. Mr. Moss said he replied to Attorney Hull's email. Attorney Hull said he would review the proposed North Idaho College building lease and the Wildland Urban Interface Vendor Contract.

Commissioners said they would contact Attorney Hull at a later time to discuss a request for records. Attorney Hull said he will work on documents for the matter involving E.C. Enterprises.

Commissioners asked Attorney Hull for his comments on the details for the invitation to bid for the installation of new docks at the Rock Point boat launch. Attorney Hull said the information provided is too vague. Commissioners will contact Waterways Board member Mike Naumann to request more detailed information.

Attorney Hull said he would draft a letter pertaining to funds owed from Country Cable.

The call to Attorney Hull ended at 9:40 a.m.

Commissioner Pinkerton moved to approve the list of volunteers for the July 4, 2015 holiday event and to verify the volunteers have been added to the list of insured. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the City/County Dispatch Agreement for fiscal year 2015-2016. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to approve the Certificate of Residency forms for A. Sanders, C. Martin, and E. Kerstiens. Commissioner Kirby second. Motion passed unanimously.

10:00 a.m., Commissioners continued the public hearing to consider Planning and Zoning Application #15-020 pertaining to changes proposed for Planning and Zoning Ordinance 2012-1. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Deputy Clerk Michelle Rohrwasser, Planning and Zoning Administrator John Moss, and Blue Sky Broadcasting Reporter Mike Brown. The hearing was recorded.

Commissioners and Mr. Moss reviewed Section 8.2 and questioned the definition of special event in regards to definitions of commercial activity. Mr. Moss said the definition for commercial in the ordinance specifically states that it provides locations to attract clients for wholesale, retail, etc. in which to offer goods. The definition in the ordinance does state "provision of services", which would be an interpretation of a sporting event or theatrical event. Perhaps Commissioners could add, "but not limited to malls, etc." and add "or outdoor sporting events." Section 2.2.7., refers to commercial. Chairman Dinning said Section 2.7., pertains to what has been talked about earlier regarding a special event. Mr. Moss said he would look at the need for a clear definition and "commercial" was chosen as there is a definition in the ordinance itself. Chairman Dinning said we just referred back to Section 2.7. as the definition. It was said Attorney Hull commented that the county needs to actually have a definition as opposed to using that first sentence Mr. Moss quoted earlier. Chairman Dinning questioned if Commissioners could be creating conflict if manufacturing is mentioned as criteria for what is considered a special event. Mr. Moss said the statement also says "or" providing goods and services. Mr. Moss reviewed the definition of special event. The term "commercial" is the hang up. The statement includes meetings, assemblies, contests, or competitions, according to Mr. Moss. Chairman Dinning said to be honest free enterprises will try to find a way to fall under this definition. Chairman Dinning said someone could take a special event as it is worded today, have something that is a commercial venture fall under this provision and then be required to obtain a special event permit. Mr. Moss said what he has a problem with in the permitting process is the definition of commercial. Looking at the definition of commercial he can appreciate that most businesses have a permit, but this commercial permit doesn't really give the right to anything. There is no licensing involved. There are also a lot of people who have a commercial enterprise, but don't have permits. Mr. Moss said relative to Chairman Dinning's concern, he doesn't know what retail market would occur that is considered a special event. Chairman Dinning said a special event is a one-time event.

Mr. Moss said if a vendor is selling popcorn on the street, it is a commercial permit, but what if this consists of only one day? Chairman Dinning said as it is written, this scenario could also fall under special event. Mr. Moss said he is trying to find goods or services that someone is selling that would make this questionable. Chairman Dinning suggested using the definition with portions of the commercial definition that Commissioners want to describe rather than using "commercial." Mr. Moss proposed inserting a period after the word "provision of services."

Mr. Moss said Attorney Hull commented on the last sentence in Section 8.8., pertaining to penalties for violation. If someone is guilty of two infractions, charges will increase to a misdemeanor. Mr. Moss said he took out the mention of a two year period for offenses and Attorney Hull had suggested a five year period, but he feels that is irrational. Chairman Dinning briefly mentioned an applicant's prior offenses and he said this is dealing with two different things. Do Commissioners want to give the Planning and Zoning Administrator the authority to deny a permit based on prior offenses? If the matter cannot be resolved and it is a repeating offense, the fine can increase to \$1,000.

Mr. Moss spoke of violations being considered a misdemeanor. Chairman Dinning said a separate violation may exist and he referred to Section 4.1.2. If the applicant pays the fine, the county cannot take further action. Mr. Moss said it is in the case of an illegal structure placement so it doesn't really deal with special events or anything else for that matter. Section 4.2., gives this some teeth unless the applicant pays the penalty, according to Chairman Dinning. Section 8.8.2., is where Commissioners need to determine whether or not a five year period for offenses is reasonable. Chairman Dinning said he thinks it is reasonable.

Chairman Dinning said Attorney Hull is trying to establish a cumulative cause and effect and he questioned what basis Commissioners could deny a permit. Mr. Moss said it would be a violation of the terms and conditions. If there is a complaint, the second permit could include a condition to mitigate the grievance. Chairman Dinning said he doesn't have an issue with Attorney Hull's comment about a five year period. Mr. Moss said he does, because the verbiage was there when the permit was issued. Mr. Moss said who is going to remember five years ago. Chairman Dinning said generally a neighbor will know of something negative that had happened. Those present discussed having Attorney Hull present for the next hearing.

Commissioner Pinkerton moved to continue the public hearing on Planning and Zoning Application #15-020 to Tuesday, July 7, 2015, at 11:00 a.m. Commissioner Kirby second. Motion passed unanimously.

Mr. Moss left the meeting.

Deputy Clerk Nancy Ryals joined the meeting at 10:45 a.m.

Commissioner Kirby moved to go into closed session under Idaho Code 31-874. Commissioner Pinkerton second. Motion passed unanimously. 10:48 a.m., Commissioner Kirby moved to go out of closed session. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to put indigent applications 2015-18 and 2015-21 into suspension. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to approve indigent application 2015-22. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Nancy Ryals left the meeting.

Assessor Dave Ryals, Appraiser Tracy Golder, Appraiser Kendra Neumeyer, and Appellant Richard Raine joined the meeting.

11:00 a.m., Commissioner Kirby moved to recess as the Board of Boundary County Commissioners and convene as the Board of Equalization. Commissioner Pinkerton second. Motion passed unanimously.

11:03 a.m., Commissioners held a Board of Equalization appeal hearing for parcels #RP62N02E276150A and #RP62N02E289100A owned by Richard and Sallee Raine. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Deputy Clerk Michelle Rohrwasser, Assessor Dave Ryals, Deputy Assessor Tracy Golder, Appraiser Kendra Neumeyer, and Appellant Richard Raine. Mr. Raine did not present any exhibits. The Assessor's Office presented one exhibit marked "County Exhibit/Assessor #1" consisting of 12 pages. The appeal hearing was recorded.

Chairman Dinning reviewed the Board of Equalization appeal hearing procedures and administered the oath to those giving testimony. The appellant was asked for his opening statement.

Mr. Raine said he has a Bonneville power line cutting across his property and this area is classed as "other land." If someone had told him he's paying a certain amount for this land, it would have been of little consideration and would have been ignored, but over the years it is a considerable amount of money. Mr. Raine said he has dug up stumps and planted trees and now he is being charged for land he

cannot use. Mr. Raine said this land should be taxed as something else such as forestry, a right-of-way, etc., and that he is just asking for a reasonable and logical resolution.

Chairman Dinning asked Commissioners if they had any questions for Mr. Raine. Chairman Dinning said there are approximately 2.50 acres in total being taxed as "other category." Chairman Dinning said one parcel consists of approximately 7,420 acres and the other parcel is 21,000 acres for 4.5 acres in other land. There are only 2.5 acres under the Bonneville power line, according to Mr. Raine. It was said for parcel ending #89100 4.55 acres fall in the "other land" category. For parcel ending in #276150 there are 2.5 acres in "other land." It was said of the total of 7 acres in "other land" only 2.5 acres are being questioned.

Mr. Golder read his statement into the record as follows: Parcel RP62N02E289100A is a 13.50 acre parcel located on Katka Road. It has 8.95 acres of Category 6 (Timber) and 4.55 total acres of Category 18 (Other Rural Land). 1.50 acres of the Category 18 are within the Bonneville Power Administration or (BPA) easement. Parcel #RP62N02E276150A is an 18.50 acre parcel also located on Katka Road and is contiguous to the previous parcel. It has 15 acres of Category 6 (Timber), 1 acre (Homesite), Category 31 (Dwelling) and 2.50 acres of Category 18 (Other Rural Land). 1.50 acres of Category 18 is also within the BPA easement.

The only category in question at this hearing is the Category 18 acreage within the BPA easement. Assessor's records indicate the calculated measurement to be 3 acres total within the BPA easement. The easement is currently void of any timber or agriculture activity. The owners of the property state in their appeal that they "cannot grow trees", which is a requirement to receive a timber exemption and therefore does not qualify. The owner's statement that the BPA easement has "no value" is disputed based on the owner's accessing their home by road across the easement. There is also a separate road across the easement accessing the contiguous parcel. These roads can both be seen in the aerial provided.

According to Mr. Golder since the land within the BPA easement does not qualify as timber it is valued at full market minus 50%. This reduction is for the loss of utility due to restrictions that are attached to BPA easements. These two properties have been treated the same as all other properties in Boundary County that have land within BPA easements. Mr. Golder closed with the statement that at this time he would ask the Board of Equalization to sustain the Assessor's Office values.

Chairman Dinning said Commissioners had dealt with a similar issue last year and had spent a lot of time discussing the matter. The decision comes down to the authority, as the Board of Equalization, to correct an error, but the Board of Equalization cannot arbitrarily fix something. The issue Commissioners have comes from the State Tax Commission's mandate, so where does the 50% reduction that Mr. Golder mentioned come from? Does this come from the State Tax Commission? Mr. Golder said that is how these situations have been treated in order to determine a fair market value. The Assessor's Office knows there is a loss of use of property under these easements, but the property owner can have an agriculture easement and plant certain crops. There are restrictions pertaining to heights for trees, according to Mr. Golder. We are just treating what is here and what the land's use is currently from this standpoint.

Commissioner Pinkerton asked about the 50% reduction and asked what that was based on. Commissioner Pinkerton said this takes the total acreage within "other rural land." If this BPA power line wasn't there, the property owner would be able to qualify for the forested land exemption or

agriculture exemption, but since none of those things are taking place, the land falls in the category of "other land" that is not covered by an exemption. Since the power line is there the Assessor's Office is showing a 50% reduction of what the value would be without the power line. Commissioner Pinkerton said it is hard to swallow, but the Assessor's Office is giving a reduction due to the power line going through the property.

Mr. Raine said if he walks 10 feet away, the property is markedly different for taxes. Commissioner Pinkerton said last year the Board of Equalization had a similar situation, but it came down to the land was not being used for agriculture or forestry because the property owner or the county has no control. The State of Idaho has these provisions for land that cannot be used so the property owner was given a 50% reduction. Commissioner Pinkerton said it is hard to swallow and he understands.

Mr. Raine said he has use of the property by driving over it. He also has a forestry exemption. Twenty-five feet of the road across an 80 or 90 foot easement is really not...it's not a freeway, it's not a market use. You cannot put down that you can drive down your driveway as a use for your property, according to Mr. Raine. Chairman Dinning asked if Mr. Raine had any questions. Mr. Raine said he used to work for the Department of Justice and has spent time in court. Mr. Raine said he doesn't think Commissioners can make the law and it just agitates him that he can't use this land, but he has to pay taxes on it. Chairman Dinning asked the appellant if he wished to rebut any statements made by the Assessor's Office.

Assessor Ryals commented that he doesn't wish to rebut, but wanted to talk about state statute. In Idaho property tax law, everything is taxable in Idaho at fair market value, unless specifically exempted and the list of those exemptions is short. Assessor Ryals said the timber exemption is in place to encourage people to grow timber, a crop for subsequent harvest, etc. It is specific that crops have to be grown to be harvested. If not, then the land cannot qualify for that exemption. The law requires that a county remove an exemption if the land is not used for growing so then it has to be valued at market value, but the Assessor's Office feels there is utilitarian loss and use is limited so a 50% reduction was in order just to ease the pain a bit as they recognize loss of use of property. The seller of the property wouldn't tell a new owner about this loss. Market value is based on full values. Assessor Ryals said the county cannot define this as there are no sales so there is no value to put on this property, but it is worth some kind of discount so his office assessed a 50% reduction. It's not the perfect solution, but it is better than nothing, according to Assessor Ryals.

There being no further testimony, Commissioners closed the appeal hearing to further comment. Chairman Dinning explained the process for making a decision, which is to make a decision before the appeal hearing is concluded or to take the matter under advisement. Chairman Dinning informed Mr. Raine that he has the right to appeal the decision made by the Board of Equalization if he disagrees with the decision.

Chairman Dinning called for discussion amongst Commissioner Pinkerton and Commissioner Kirby. Commissioner Pinkerton and Commissioner Kirby said they had no additional comments. Chairman Dinning said he understands Mr. Raine's frustration wholeheartedly and he explained a situation in which drainage ditches in the valley used to have no value until the State Tax Commission said everything had value so the county had to put a value on drainage ditches. Chairman Dinning reiterated that a property owner has a right to appeal value and he is glad people can take advantage of that. The Board of Equalization can either uphold the Assessor's valuation or deny the valuation.

Commissioner Pinkerton moved to uphold the Assessor's valuation for parcel #RP62N02E276150A and parcel #RP62N02E289100A owned by Richard and Sallee Raine. Commissioner Kirby second. Motion passed unanimously.

The Board of Equalization appeal hearing ended at 11:25 a.m.

Commissioner Pinkerton moved to adjourn as the Board of Equalization and reconvene as the Board of Boundary County Commissioners. Commissioner Kirby second. Motion passed unanimously.

11:27 a.m., County residents Rick and Barbara Henslee joined the meeting to discuss an issue with a neighbor's sheep roaming onto their property.

Ms. Henslee explained that she and her husband rent a pasture for their cattle. Ms. Henslee said prior to June 15, 2014, Lou Maring's sheep would come over in a herd of 100 or so and would be taken to pasture. The sheep were dumped out and would go where they wanted as there were no fences. The sheep would roam onto Forest Service land then roam to where her cattle were. Along with the sheep were the guard dogs that came with the sheep. These dogs perceive the Henslee's cows as a danger when they got into the cow's pasture so the cows would need to be rounded up and the Henslee's would have to fix their fences, etc. Ms. Henslee informed Commissioners she had with her copies of all the reports from an assault and battery in addition to the trespass of sheep and dogs that has been going on for the last 379 days. Nothing at all has been done, according to Ms. Henslee. Ms. Henslee said there are probably seven more additional complaints made a week ago by them to the Sheriff's Office now. Mr. Henslee said he was told to talk to the Prosecutor's Office. The Henslee's explained that when people come to the property near theirs they tear down gates so it is also vandalism and they had to have padlocks to keep them from locking sheep in. Ms. Henslee said on June 15, 2014, she called the Sheriff's Office three times about the sheep and to say that she needed help as there would be problems. Mr. Maring ended coming to the property and he had been mad about the calls to the Sheriff's Office. Ms. Henslee said as a result there is a battery charge and pictures of what happened to her husband. Ms. Henslee said Mr. Maring is approximately 50 years old and her husband is 70 years old and her husband was sucker punched so an officer came out and had Mr. Maring sit in a truck. Ms. Henslee said she was not allowed to fill out an officer's report, but they did take her husband's report. Nothing was done about the sheep and dogs.

Ms. Henslee said according to what she has researched, there are laws against dogs harassing livestock. Ms. Henslee said she went to the library and printed out a lot of statutes dealing with this matter. Ms. Henslee said their property is in a herd district and sheep are not to be on a cattle pasture and she added that she has paperwork on this to include strays and more dog related paperwork, and nobody will do anything. With the battery charge the matter was taken to the Prosecutor's Office, but the case was sent to Bonner County because Mr. Maring works for the Customs and Border Protection. When this was sent to Bonner County she and her husband were not notified. Ms. Henslee said she had pictures of what happened, but when she traveled to Alaska, the Sheriff said she may not be allowed to sign the witness statement while she was out of town. The Prosecutor's Office sent the matter to Bonner County and Bonner County dismissed the case because they said there was no evidence so they sent it back to Prosecutor Jack Douglas and she and her husband were not notified about anything until approximately 10 days ago. She was told if she wanted information, she would have to go to Bonner County to obtain it. Bonner County said they send the paperwork to Prosecutor Jack Douglas so when she approached the local Prosecutor's Office she was told to go to the Sheriff's Office to complete a records request form. Ms. Henslee said if they had been told about this sooner, things would have

happened a lot sooner. Ms. Henslee said if she has the laws written down right here with her, why isn't the Sheriff's Office doing something about it and she questioned if it is because she and her husband are just common? You have someone who works at the border who is supposed to enforce the law, but then they don't follow the law. The Prosecutor is voted in, but then he doesn't fight for the citizens of the county.

Ms. Henslee spoke of a matter in which someone had horses running around on the highway and they were prosecuted and put in jail. Ms. Henslee named this person and said he had no resources for an attorney. Now there are sheep running all over, but it involves a federal employee. Ms. Henslee briefly explained having had this issue with a different neighbor who had hogs. That person went to jail and it involved lower poverty people, but now you have sheep and no one will touch Mr. Maring. Ms. Henslee said it has been 379 days and not one thing has been done and all of the paperwork is right here. Ms. Henslee reiterated that her property is in a herd district and she presented a map for review. Ms. Henslee said she had been told that an officer would contact her last Monday, but she heard nothing so five minutes before coming to meet with Commissioners, she and her husband visited the Sheriff's Office to say they have been waiting a week. The Sheriff's Office said they were doing research on this, but she had just gone to the library and in just a few minutes she had the statute printed out.

Ms. Henslee said on Father's Day she and her husband had gone to dinner and when they got back the sheep were out so they had to deal with that so she is concerned about where their cattle would be. She was told to get witnesses so that is what she did. Ms. Henslee said when she went looking around the property she found a person in a yellow hoody with a sheep herder who was trying to chase sheep away. Ms. Henslee said she is paying \$2,200 per month for pasturing their cattle and the sheep are eating more grass than the cows. She and her husband have had to repair fences since nothing is being done and it is not fair. Nothing is done, not even a phone call and she would like to know if it is who you are, how much money you make, or the status of employment as to how the pendulum swings.

Mr. Henslee asked Commissioners if there is any part of this they can address. Ms. Henslee said the person causing this issue rents land from the John DeBoer Trust. Mr. Henslee said Randy Curless owns the property where his cows are and the sheep are invading. Ms. Henslee said when the officers called Mr. Maring, they will leave a message because he doesn't pick up and it could be three days these animals are doing this. It is negligence and Mr. Maring just continues to let it happen. Ms. Henslee said do they have recourse to kill these animals, no, not whatsoever. Ms. Henslee explained she has 20 head of cattle on a pasture at a cost of \$440 per month for the pasture. With the sheep eating the grass, it costs \$90 to feed the cattle and that is approximately \$2,300 dollars compared to \$440. That is a big difference due to the sheep running around. When the sheep come out and eat grass they pull it out of ground and it is gone for the next year. The sheep are also into the salt and water. When the ewes get caught and break fence wire that results in more work they need to do. The cattle stay in one area because sheep are taking over. Ms. Henslee questioned what they are supposed to do. Chairman Dinning asked the Henslees if they have talked to Mr. Curless about this. Ms. Henslee said no. Chairman Dinning said they may want to do that to let him know what is going on. Chairman Dinning asked if there is a local contact for the property owner Mr. Maring is leasing from. Ms. Henslee explained that last Wednesday night she was cooking dinner at 9:00 p.m. and when she looked out the window and saw that the neighbor had built a fire in the middle of the sheep pasture so they called the cops who sent out fire trucks.

Commissioners explained that they cannot tell the Sheriff or the Prosecutor what to do as they are also elected officials. It is set in Idaho Code this way and appropriately so in that Commissioners cannot



influence what other elected officials do. Those other positions are elected officials just like Commissioners. Ms. Henslee said she and her husband are taxpayers so should they not expect something in return. Chairman Dinning asked Mr. and Ms. Henslee if they have spoken directly to the Sheriff and Prosecutor. Ms. Henslee said yes, and she added that she brought in the paperwork pertaining to the laws and the Sheriff's Office said they didn't even know these things existed. Last week the Prosecutor said they cannot do anything because the officers can't. Chairman Dinning said there may be civil liability options. Ms. Henslee said she could do that and receive \$5,000, but that is not really the point. When there are laws they should be enforced or do away with the laws. Ms. Henslee said if they were to shoot the sheep, what would happen? She has no rights. When you have animals and put them out to pasture you repair fences, etc., you don't just dump them in the middle of nowhere. Ms. Henslee said the sheep are on the highway, county road, and everywhere, including in their shed. Mr. Henslee said he has contacted Mr. Maring many times last year, but when he was punched by Mr. Maring, he stopped calling Mr. Maring and started calling the Sheriff's Office. The Henslee's had been told by Mr. Maring's wife that they would fix the fence, but it has not been fixed. Ms. Henslee said this is when elk and deer come in. Mr. Henslee said there had been a large head of elk in the field last night.

Ms. Henslee spoke of having to fix fences and she mentioned the fence that borders the Curless property also borders Forest Service land and there are masses of sheep there. The Forest Service is aware that sheep are coming over and they said they would do something. Commissioner Pinkerton asked Ms. Henslee if she has spoken to the brand inspectors. Ms. Henslee said she has received forms from the Attorney General's Office. Ms. Henslee said she asked for a copy of the report made to Mark Gray at the Forest Service and they appeared to be reluctant that the Henslees would want that information. Ms. Henslee said she contacted the Forest Service Office in Coeur d' Alene and they did not sound happy. Ms. Henslee explained the steps she took and said she received a letter from the Forest Service saying the information she needs is at Boundary County Ranger Station and that it would be sent to them by July 22<sup>nd</sup>, but the information is just right here. Ms. Henslee said she is gathering information to send to the Attorney General's Office.

Ms. Henslee said she did recently contact Lou Maring's employer and that was quite the conversation. Mr. Maring's employer said he cannot do anything because the matter is outside of work. Commissioner Pinkerton said the Customs and Border Patrol would not have control and as far as the Port of Entry, it is outside of that scope so it is not relevant as far as they are concerned. Commissioner Pinkerton said when talking about the cost of fencing, etc., the brand inspector needs to be involved as far as violations. Commissioner Pinkerton said the cost is \$90 per day to graze so that is a claim to go to court to be reimbursed. They are paying for pasture and now feed. Commissioner Pinkerton said it is someone losing money because of someone else's actions. Mr. Henslee said the herd laws should be enforced and is criminal. Ms. Henslee said she has the small claims paperwork so she is in process of doing that as well. Commissioner Pinkerton spoke of the process of judgement of a wrong doing and he said the Prosecutor's Office and Sheriff's Office cannot do anything. Ms. Henslee said there should be criminal charges as well as civil charges. Commissioner Pinkerton suggested going before a judge.

The Henslees spoke of a past issue involving pigs coming onto their property and how they were told it wasn't a big deal, until Mr. Henslee had to shoot the pigs, then it was a big deal. Mr. Henslee said the Prosecutor put the owner of the pigs in jail, then he was taken to court. Mr. Henslee questioned if he has to kill sheep for something to happen? Ms. Henslee said it was said Mark Gray at the Forest Service was to schedule a meeting with Mr. Maring. Ms. Henslee said she is also looking into the Attorney General's Corruption Division for law enforcement who are not doing their job so maybe someone will be held accountable. It seems ludicrous as it is all right here in the information she has and no one is

doing anything about it. Ms. Henslee suggested hiring officers who know the law and who uphold those laws. Ms. Henslee said when a county officer came out to their house he made a comment that sheep were not his priority, but Mr. Henslee said the officer had subsequently driven out to the property and saw the sheep so maybe something will happen. Ms. Henslee said she will follow through on the small claims matter, no doubt about that. Commissioner Pinkerton said there is nothing Commissioners can do to motivate the Sheriff's Office and Prosecutor's Office. Commissioners don't hire or fire for those departments. Commissioner Pinkerton said if nothing is being done to the Henslee's standards, then that is the time to take the matter to small claims court.

Commissioners again explained that the Sheriff is an elected official.

The meeting with Mr. and Ms. Henslee ended at 12:07 p.m.

Commissioners recessed for lunch.

1:30 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

Chief Deputy Clerk Tracie Isaac joined the meeting at 1:30 p.m.

1:34 p.m., Commissioner Pinkerton moved to go into executive session under Idaho Code 67-2345(1) b, to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student, and 67-2345(1) c, to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Commissioner Kirby second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. 2:00 p.m., Commissioner Pinkerton moved to go out of executive session. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to deny the request to pay, outright, vacation time that has not been used by the deadline. Commissioner Kirby second. Motion passed unanimously.

2:00 p.m., Solid Waste Superintendent Claine Skeen and Blue Sky Broadcasting Reporter Mike Brown joined the meeting.

Commissioners reviewed the proposed fee increase for the Solid Waste Department. Chairman Dinning said we need to define "dead animal" as there is no fee for dogs, pets, etc., as compared to bull haulers. Chairman Dinning said we don't want to penalize a local person. Chairman Dinning said 8% is a pretty good hit. Mr. Skeen said 8% will get the Solid Waste Department where it needs to be.

Commissioners said they would plan on the 8% increase.

Mr. Skeen left the meeting at 2:25 p.m.

Commissioner Pinkerton moved to authorize the Chairman to sign the Landowner Agreement for Restoration Projects under Kootenai River Habitat Restoration Program pending review of the language by the county's civil attorney. Commissioner Kirby second. Motion passed unanimously.

There being no further business, the meeting adjourned at 3:10 p.m.

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DAN R. DINNING, Chairman

ATTEST:

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