

*****Monday, July 6, 2015, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

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

Blue Sky Broadcasting Reporter Mike Brown was in attendance of the meetings on and off throughout the day.

9:00 a.m., Road and Bridge Department Assistant Superintendent Ken Arthur joined the meeting to give the department report. Mr. Arthur presented a written report. Mr. Arthur provided a general reminder about residents using an access road near the Moyie gravel pit. Mr. Arthur also provided information on a site tour for the 2015 Federal Lands Access Program (FLAP) Proposals for the Myrtle Creek Bridge Replacement and Riverside Road Improvement Projects.

Those present discussed the process of chipsealing.

Mr. Arthur said Road and Bridge has had conversations with the engineers on the Trout Creek Bridge project. Boundary County wants a two lane bridge, but may need to build or improve upon the approaches to accommodate two lanes.

Mr. Arthur said with conditions as dry as they have been he would like to open up the drainage ditch and cement pipe in the vicinity of the sloughing on Lyons Den Road. Mr. Arthur said he hadn't heard of any issues.

Commissioners asked if there have been any reports of wind damage sustained over the weekend.

The meeting with Mr. Arthur ended at 9:16 a.m.

Commissioners tended to administrative duties.

Commissioner Pinkerton moved to sign the Certificate of Residency form for E. Stanley-Matyi, S. Claphan, and M. Litterell. Commissioner Kirby second. Motion passed unanimously.

Commissioners tended to administrative duties.

9:47 a.m., Solid Waste Superintendent Claine Skeen joined the meeting.

9:53 a.m., Bonners Ferry District Forest Ranger Kevin Knauth stopped by the meeting to update Commissioners on this year's fire season and restrictions. Mr. Knauth presented Commissioners with an update on the daily fire situation pertaining to the Baker's Camp fire and Cape Horn fire. The Cape Horn fire has already increased to possibly 3,200 acres. There are reports of six homes burned with a total of possibly up to eight confirmed structures having been burned. Structures can consist of sheds, garages, etc.

Mr. Knauth said the United States Forest Service's ability to bring other resources to this area will be a challenge as those same resources are needed elsewhere. The Black Tail fire is small consisting of approximately 12 acres and the Granite fire is over 100 acres burned and is the biggest challenge right

now. Mr. Knauth said these three fires are managed by a Type III team and if progress continues on the Baker fire, the team will probably move to the fire Priest Lake fire. The Forest Service has utilized the local middle school as a staging location and that agreement will continue as the Forest Service is looking for an initial attack crew to deal with new fire starts. The team in place is managing the larger fires, but will also manage the initial starts. The bigger concern is lightning and it is possible that lightning on Sunday started a fire along the Idaho/Montana border. The nature of fuels now is that the Forest Service does not have much time to deal with fuels because they are really growing fast. Mr. Knauth said he is not aware of human caused fires, but there are a couple suspect although there is nothing local. The Forest Service has gone to Stage I restrictions over the weekend in the valley and people are already aware of issues. Stage I consists of campfires allowed only in a designated recreation sites in a metal or concrete constructed fire ring. A person who smokes is only allowed to do so in a vehicle or in an area clear of vegetation within a three foot radius. These restrictions don't apply to a person on their private land, but counties can effect these restrictions by initiating a burn ban. Propane or white gas is fine as they do not throw sparks as opposed to fire or charcoal, according to Mr. Knauth. On July 14th the Forest Service is looking to go to Stage II. Stage I is more educational and Stage II is no longer just educational as people will be cited. Campfires, charcoal, or barbeques are not allowed anywhere.

Chairman Dinning asked why we are waiting to initiate the next level since there isn't any precipitation forecasted. Mr. Knauth explained the coordination that has to take place and he added that Stage II is when "hoot owl" practices are enacted. There is an internal combustion engine piece to Stage II such as chainsaws, welding, torch work, skidders, and fire wood cutting all fall under Stage II. People can still operate this equipment from 1:00 a.m. to 1:00 p.m., but not from 1:00 p.m. to 1:00 a.m. This affects logging operations, but not in a great way this time of year as loggers are trying to get out of the heat by this time of day as well. Loggers have to hang out in the woods for one hour after work ceases to make sure fires haven't started.

Chairman Dinning said he remembers the forest being totally shut down at one time. Mr. Knauth said that would be a different yield. Now, people cannot drive in the forest with approved roads, which are two tracks with vegetation in the middle making exhaust systems a concern.

The Baker's Camp fire had some wind, but it also had broken fuels. The topography makes it hard to fight fire, but there are also some fuel breaks in it. Alder and ceanothus are not stopping fires, but aviation resources have really helped. Mr. Knauth explained the difference between the terms "contained" and "controlled."

Chairman Dinning asked if there is anything the county needs to plan for in order to assist. Mr. Knauth said he doesn't see anything the county can do right now. Mr. Knauth added that Boundary County Emergency Services Incident Commander Bob Graham had visited with him to see if there is any need for people with heavy equipment. Mr. Knauth said normally people will put their name on a list in the possession of the Idaho Department of Lands. If there is a big event, it's possible that a location is needed to stage people such as the fairgrounds or a private landowner.

The meeting with Mr. Knauth ended at 10:25 a.m.

10:25 a.m., Solid Waste Superintendent Claine Skeen met with Commissioners to give his department report. Those present discussed a proposed fee increase and the reasons for the increase. Clerk Poston questioned if fees marked "other fees" will also increase 8%. Mr. Skeen said those fees will stay the

same. Clerk Poston suggested asking for a specific dollar amount up front in order for Mr. Skeen to deduct from. Mr. Skeen mentioned the landfill has a few business demolition debris accounts that are past due. These companies have been contacted, but some are no longer in business or the phone number is no longer active, etc. Chairman Dinning asked how long the county can go back to collect these balances. Mr. Skeen said he just wanted to bring this to Commissioners' attention.

Mr. Skeen said Ellery Howard with JUB Engineering has a contract in place for updating the landfill's closure plan and Mr. Howard is in the process of reviewing this contract with his supervisor.

Mr. Skeen left the meeting at 10:36 a.m.

10:38 a.m., County Cartographer Olivia Drake joined the meeting. Ms. Drake said there used to be a road naming committee, which is listed in the road naming ordinance. Ms. Drake said this ordinance states that any new road name must go through the road naming committee, but there really is no committee any longer. The committee may or may not even be in existence, according to Ms. Drake. Commissioners said as long as Ms. Drake applies the proper criteria someone should be able to change their road name. Ms. Drake said the ordinance states if the committee can't agree, the county would take a staff member from certain departments or Commissioners to make a decision. Chairman Dinning said Commissioners will have to hold a public hearing in order to amend the ordinance. Chairman Dinning suggested Ms. Drake put together a list of bullet points of items that need to be changed. Ms. Drake explained if there are three residents on a road, due to that third neighbor, the road now needs a private road name as opposed to an address based on the highway. This puts the task on the third neighbor to deal with the other two neighbors to come to an agreement on a road name and the existing residents would have to change their addresses. The best time to establish a road name is when the first resident moves or builds a house off that private road or driveway. Commissioners questioned whether or not a private road sign is required. The key is if the road accesses a larger parcel that could eventually be split as opposed to a minimum acre parcel.

Ms. Drake informed Commissioners that there is a week-long GIS conference coming up in October in Spokane and a portion of this conference discusses matters pertaining to 911. Ms. Drake said she will determine what the costs are so Clerk Poston can budget for it. Chairman Dinning said it would be a good conference to attend provided the Assessor is in favor of it.

Ms. Drake left the meeting at 11:00 a.m.

11:00 a.m., Restorium Administrator Karlene Magee and Assistant Administrator Pam Barton joined the meeting to give the Restorium report. Those present reviewed the statistics from April 2015 through June 2015. Of the first four months of year 2015 the report shows an average of 3.5 vacant rooms. In year 2014 there was an average of 6.5 vacant rooms for that same time frame. Ms. Barton said she would revise the forms to fit the fiscal year format as opposed to a calendar year. Ms. Magee and Commissioners discussed the trend in obtaining more residents. Higher occupancy tends to occur in the fall, but it is still difficult to determine the influx.

Those present discussed looking into the cost to have the maple trees at the Restorium limbed up.

Commissioners discussed the work for the newly hired Restorium maintenance person. Ms. Barton said there is a daily list of maintenance needs, but she and Ms. Magee are wondering who will manage this new employee as far as the larger tasks. Ms. Magee said what she had done in the past is give the list to

the maintenance person who will then return the list at the end of the day. If there are concerns with what has or has not been completed, Ms. Magee or Ms. Barton can notify Courthouse Maintenance John Buckley. Commissioner Pinkerton said since this employee is new he needs to understand the list needs to be completed or as close to being completed as possible and if not, Ms. Magee needs to know why. Chairman Dinning said Mr. Buckley mentioned this daily list should take approximately four hours. Ms. Barton said they have kept the list light for Mr. Buckley while he was filling in. The monthly list, not the daily list, is what keeps the Restorium in compliance and Mr. Buckley already has a copy of that list, according to Ms. Magee and Ms. Barton.

Commissioner Kirby explained that the Restorium would like to put up a new five foot high vinyl fence at the Restorium, and Ms. Magee provided Commissioners with a quote. The fence would start at the elevator entrance, follow along Kaniksu Street, along the parking lot and back up to the upper Restorium gate. Ms. Magee explained that the existing wood fence is rotten. Ms. Magee said she is looking at the capital budget to fund this purchase. Clerk Poston reviewed budget information for the Restorium and said for several months there had been talk about taking money generated from the additional room fees and having the bathrooms redone, but that project was put on hold and that was maybe a good idea as the Restorium is now running short on revenue. Ms. Magee said if the cost can come out of this year's budget, she feels it would be a good idea. Clerk Poston asked Ms. Magee to go back to double check the Restorium carry forward amount. Clerk Poston said she just needs to know what will be decided.

Commissioners agreed to move forward with purchasing a new fence for the Restorium.

Ms. Magee asked Commissioners for any advice they may have to advertise for the Restorium as she and Ms. Barton have tried everything. Chairman Dinning said there is a radio station in Libby, Montana that covers that general area. Ms. Barton said she has attempted to contact Jo Jo Baker, but hasn't heard back. Clerk Poston said the county fair is coming up and for potential residents, they could enter a drawing to receive half of one month's room and board free. Commissioner Kirby said he knows rooms would rent out more easily if they had separate bathrooms. Chairman Dinning said the Restorium is better off at this point with its higher rate than if had the same vacancy at the prior lower rate. Ms. Magee said the Restorium cannot afford to have one more vacant room, but she does have day care participants to offset that deficiency. Chairman Dinning said vacancies are cyclic and has nothing to do with anything else. Just the cycle flows.

The meeting with Ms. Magee and Ms. Barton ended at 11:35 a.m.

11:38 a.m., Boundary County Economic Development Council (EDC) Specialist David Sims joined the meeting to update Commissioners on EDC matters. Mr. Sims said a large retailer has asked for a 30 day extension to close on a property purchase. Chairman Dinning asked about the offer to Boundary Volunteer Ambulance (BVA) to rent out a building at a low rate. Mr. Sims said BVA was not sure of the ability to reside at the building.

Mr. Sims said the fiber project is coming back. The City of Sandpoint has contacted a firm that helped a community in Wyoming get a fiber optic system. Sandpoint had applied for stimulus funds for a fiber network in their area, but were not successful so funding was obtained from various local cities. Eventually the City of Sandpoint found Blackfoot Communication who agreed to do the work to expand fiber, but then backed out so the scope of the project shrunk back to Sandpoint. The model this company was pushing was that municipalities would receive funds from service providers. An attorney

had a problem with the legal documents so the old documents are being recirculated. Mr. Sims explained how fiber would work and he added that a new provider is coming up for a meeting the end of this week. Panhandle Area Council (PAC) is on board with this idea, but in reality PAC hasn't considered this project for years. It may come to fruition in Sandpoint. Bonners Ferry's problem is having microwave or Frontier Communications for internet. The project would be to build a line from Sandpoint to Bonners Ferry, but the hold-up is the link. Mr. Sims said TING is a new provider that has fiber optics in either Montana or Canada and they can link to Bonners Ferry so he will let Commissioners know what comes out of the meeting. TING is similar to Google in that they sell gig connections. Mr. Sims said Google is building out high band width cities, but he thinks there will eventually be a big divide.

Mr. Sims said the visitor's guide for the Chamber is completed so he will pick it up. The Urban Renewal District is short one board member and currently a board member doesn't have to be a city resident. Mr. Sims spoke of wanting to pay off the bond for the Super 1 project. To be funded a project has to be a public improvement. The current increment is \$95,000 with the loan and only 25% of that increment has been spent. Mr. Sims said improvements can include work to improve Bonners Ferry City Hall or the Courthouse. Mr. Sims said this year the legislature will be looking at prohibiting the use of funds for public buildings.

Chairman Dinning said Boundary County did budget more for the Economic Development Council (EDC) position for the next budget year, but did we commit for more this year. Clerk Poston said no. Clerk Poston said she and Mr. Sims talked about billing the State of Idaho for the amount of \$17,500 so ultimately \$52,000 would be received from the state. The state will provide \$35,000 next year. Mr. Sims explained how the extension request works. This is the last year of funding for the EDC program and it will change to a yearly grant.

Mr. Sims said the Department of Labor information was a surprise. The Bonners Ferry office is on the list for closures, but the Director for the Department of Labor said the Bonners Ferry office is not on the list for closure and never was so this local office should stay open. One full time employee has retired so the office will now operate with two employees.

Mr. Sims gave a brief update on the Library's Fab Lab and added that Library Director Sandy Ashworth is accumulating equipment for this lab.

The Idaho Transportation Department will host a meeting on August 5, 2015, regarding the South Hill Project. Concerns have been voiced as there has been discussion about having a cross walk at the top of the South Hill. Chairman Dinning said that is a concern especially having a semi-truck stopping at this proposed crosswalk in the winter.

The meeting with Mr. Sims ended at noon.

Commissioners recessed for lunch at 12:04 p.m.

2:00 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

2:00 p.m., Clerk Nancy Ryals joined the meeting.

Commissioner Pinkerton moved to go into closed session under Idaho Code 31-874. Commissioner Kirby second. Motion passed unanimously. 2:07 p.m., Commissioner Kirby moved to go out of closed session. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to stipulate to hold off on the appeal hearing for indigent applications 2015-11 and 2015-12 at the request of the appellant until final eligibility determinations are made for social security insurance/social security disability insurance and Medicaid. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to put indigent applications 2015-26, 2015-27, and 2015-28 in suspension upon the recommendation of the Clerk. Commissioner Pinkerton second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting.

Commissioners and Clerk Poston discussed various budget matters.

Commissioners tended to administrative duties.

2:30 p.m., Airport Manager Dave Parker joined the meeting to review the proposed airport budget. Mr. Parker said the total project cost for the purchase of the Howard property is \$550,000. Boundary County pays approximately 5.5 percent of the project cost. It was asked if there is grant match beyond the purchase price. There is \$80,000 budgeted this year for airport improvements, but in addition to the Wheatley property purchase, that also is to fund the airport lighting system, Precision Approach Path Indicator (PAPI), asphalt overlay, etc. Clerk Poston asked how much of that \$80,000 is anticipated to be used. Mr. Parker said he didn't think about it that way. The grant total is \$874,000 and the \$40,000 being budgeted for next year is purely for the Howard property purchase. The Wheatley property purchase has to be completed by the end of September. It was asked how it would work in the budget if there is budget and cash left over. Clerk Poston said she needs to know what will be spent this year up to September 30th and she mentioned having the remaining \$40,000 for the next budget year. Clerk Poston said she thinks she carried more money forward in the budget. The airport improvement project should be completed September 30th and the Commissioners can adopt a resolution to allow spending authority.

Commissioners and Clerk Poston continued the review of the airport budget.

The meeting with Mr. Parker ended at 3:17 p.m.

3:45 p.m., There being no further business, the meeting recessed until tomorrow at 9:00 a.m.

*****Tuesday, July 07, 2015, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

9:00 a.m., Solid Waste Superintendent Claine Skeen joined the meeting at the request of Commissioners to discuss carry forward for the Solid Waste Department budget.

Mr. Skeen left the meeting at 9:27 a.m.

Commissioners and Clerk Poston resumed their review of the remaining proposed fiscal year 2015-2016 budget.

10:31 a.m., Andrakay Pluid joined the meeting.

Commissioner Pinkerton moved to go into executive session under Idaho Code 74-206-1(c), deliberate regarding labor negotiations or acquisition of an interest in real property. Commissioner Kirby second. Commissioners voted as follows: Chairman Dinning “aye”, Commissioner LeAlan Pinkerton, “aye”, and Commissioner Kirby “aye”. Motion passed unanimously. 10:45 a.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

Ms. Pluid left the meeting.

Commissioner Pinkerton moved to approve the Certificate of Residency for L. Hamilton. Commissioner Kirby second. Motion passed unanimously.

Planning and Zoning Administrator John Moss and County Civil Attorney Tevis Hull joined the meeting.

11:00 a.m., Commissioners held a continuation of Planning and Zoning Application #15-020, amending 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 County Civil Attorney Tevis Hull. Blue Sky Broadcasting Reporter Mike Brown joined the hearing at 11:25 a.m. The public hearing was recorded.

Mr. Moss, Commissioners, and Attorney Hull reviewed the definition for “commercial.” Attorney Hull said he suggested adding the term “activity” after the term “use” as that addressed his concern. It was also suggested adding a statement in Section 8 where it discusses commercial activity, a reference to “refer to definition in Section 2.7” so there is direct relationship to the definition. Chairman Dinning questioned if someone would need to apply for a special event permit in order to operate a daycare and if so, how do we get away from that. Mr. Moss said a special event lasts no more than seven calendar days. Mr. Moss said if someone were to have a rock concert and that person offered day care services, would there be an issue? Attorney Hull said those services would be a part of the event.

Mr. Moss mentioned concerns about costs for repeat offenders as it pertains to the permits and his response to that would be that the concern is justified, but it is not just for special events as it would be across the board as far as any other violation of the ordinance. Attorney Hull said there has to be two infractions before an offense becomes a misdemeanor. Chairman Dinning asked if something occurred that was egregious and intentional, can that be used as the basis for denying the next special event. Attorney Hull spoke of the low cost of a ticket so it is not a worry to the applicant, but the legislature increased fines so they are now high. In this case there needs to be some type of mention that if a previous special event permit is violated by either not applying for one when someone should have it could possibly be tied to a conviction, because we did have that ability under the ordinance to charge a misdemeanor when someone should have applied for a permit. The other matter is if there is more than a certain number of violations, it can act as a denial of the next permit. There has to be more teeth, according to Attorney Hull. Chairman Dinning said if we just say if a violation occurred, that could possibly be used as a reason for denial. Mr. Moss said the Planning and Zoning Administrator has the provision for denial for cause. If there are no terms and conditions tied to the first permit and there was

a dust or noise issue, one new term or condition can be dust abatement, etc. That is a term and condition that is established and could be considered just cause. Attorney Hull questioned what happens if someone doesn't apply for a permit when they should have. Attorney Hull said a list of items needs to be developed and to include the statement of "but not limited to." Attorney Hull said there should be some definition of "for cause." Including a definition for just cause such as not getting a permit prior to past violations. The examples can be listed in the definition section and then just reference that section. Mr. Moss said he is doing his best to amend this ordinance and he doesn't want to short change this, but this could take many weeks. Attorney Hull explained how different people interpret the same statement differently and how the county needs to go through this construction process to get to the end result.

Those present discussed having assurances before an applicant can continue with the permitting process. The Planning and Zoning Administrator doesn't have the ability to say someone needs a guarantee so a clause can be inserted into the ordinance. Mr. Moss said the Planning and Zoning Administrator is the deciding body and if he feels a guarantee is needed, he would refer the matter to the Commissioners.

Mr. Moss said the only thing he is aware of is the need for a definition for the term "commercial" and "denied for cause" and a statement can be inserted into the ordinance saying "refer to Section 2.7." Commissioner Pinkerton said Mr. Moss doesn't have to refer to where the definitions for cause are as it is up to the applicant to locate that as long as it is in the ordinance.

Mr. Moss said he feels the amount of fees, etc., should not be included in the ordinance as fees can change. Mr. Moss said there is a separate process for approving fees so why wouldn't this be the same or a similar process.

The public hearing was continued Monday, July 13, 2015 at 9:30 a.m.

Attorney Hull reviewed the Contract for Hazardous Fuels Treatment Wildfire Mitigation Activities for Commissioners'.

Commissioner Pinkerton moved to authorize the Chairman to sign the Contract for Hazardous Fuels Treatment Wildfire Mitigation Activities for Hester Forest Management, Northwest Tree Reclamation Company, and Deaton's Tree Service. Commissioner Kirby second. Motion passed unanimously.

There being no further business, the meeting adjourned at 12:01 p.m.

DAN R. DINNING, Chairman

ATTEST:

July 6 & 7, 2015

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