

*****Monday, May 29, 2017, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan L. Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

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

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball and Office Manager Renee Nelson joined the meeting to present the Road and Bridge report and work with Commissioners and Clerk Poston on the upcoming budget.

Mr. Kimball said he has had the graders out on the roads. Deep Creek Loop has been opened and he will measure some bench marks on this road. Commissioner Pinkerton suggested Mr. Kimball have County Public Information Officer Mike Meier put out a press release informing people that if the bench marks fail, Deep Creek Loop might need to be closed again. Mr. Kimball said there is still water three feet beneath the surface of this road. Commissioners said they have received a lot of thanks from people for opening Deep Creek Loop.

Mr. Kimball said Laila Kral, with the Local Highway Technical Assistance Council (LHTAC), has pointed out some concerns regarding road projects, but that can be discussed during the budget discussion portion of this meeting.

Potholes are getting filled using the Durapatcher and Mr. Kimball mentioned an area on Shiloh Loop that was patched. Mr. Kimball added that Road and Bridge is trying to get Fleming Creek Road suitable for traffic.

Mr. Kimball informed Commissioners that he has selected two new employees so he is waiting for the paperwork process to be completed.

Those present discussed matters pertaining to the condition of Atkins Canyon. Mr. Kimball spoke of drilling down 40 feet and finding only sand, occasional rock, etc., but the big issue is getting a horizontal drain. Mr. Kimball said he has been speaking with an engineer and the conversation that is being held today with Commissioners is the same discussion he had with the engineer last Monday. The engineer's comment was that water is always the issue in these matters so we need to figure out how to rectify that. Mr. Kimball said he thinks LHTAC or Federal Highways will help with Deep Creek Loop, but he is concerned about the cost for Atkins Canyon. Ms. Nelson mentioned Road and Bridge turning in an application for Atkins Canyon.

Commissioners and Mr. Kimball discussed the amount of water still visible at Oxford Loop.

Commissioner Kirby moved to go out to bid for a prefabricated bridge for Snow Creek. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to go out to bid for chloride dust palliative materials for year 2017. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners informed Mr. Kimball that they had been asked about possible emergency funding to repair Morris Road. Mr. Kimball explained that Morris Road wanders through numerous private sections and by the time you get to the end of this road, it continues through Idaho Department of Lands property

followed by more private sections. Mr. Kimball said Morris Road is all private. Those present talked about contacting County Public Information Officer/Emergency Services Director Mike Meier to see if the State or Forest Service has applied for funds to repair Morris Road.

Commissioner Pinkerton moved to apply for the wastewater planning grant through the Idaho Department of Environmental Quality for the regional sewer feasibility study. Commissioner Kirby second. Motion passed unanimously.

Commissioners, Clerk Poston, Mr. Kimball, and Ms. Nelson discussed the 2017-2018 proposed Road and Bridge budget. Mr. Kimball said he anticipates a specific amount of funding from Highway User and HB312 sources. Those present reviewed anticipated revenues from sources other than taxes as well as reviewed information pertaining to the capital line item, income, and cash carry over. Mr. Kimball mentioned lack of Secure Rural Funding and he voiced concern over cutting back on services due to lack of this funding source. Chairman Dinning said the county may need to look at all county budgets to help out the Road and Bridge budget. Secure Rural Schools funding has continued to be the highest priority for the longest time; it used to be called Craig-Wyden. Commissioners said they would take another look at the budget. Chairman Dinning asked about project matches for various projects and Mr. Kimball questioned projects and how to go about them. Mr. Kimball mentioned that some projects would be out of reach for the county if not for the participation of LHTAC, etc., and he expressed concern over not being able to provide the service that should be provided.

It was said there are no new equipment purchases in the upcoming proposed budget and the budget for part-time positions will be taken out. Mr. Kimball said he will go back and review his budget. Those present discussed the lease terms for existing equipment. Clerk Poston questioned the ability for the Road and Bridge Department's excavator to be used at the landfill, and for the Solid Waste Department to reimburse the Road and Bridge budget for that use. Mr. Kimball said Solid Waste Department Superintendent Claine Skeen was not receptive to doing that. Ms. Nelson asked if Road and Bridge would be able to lease its equipment to another county department and be reimbursed for that use by those other departments and use those reimbursements to make the equipment lease payment.

Mr. Kimball mentioned looking into arrangements for exchanges that are not equitable such as county rock used by the city in exchange for plowing snow in certain areas as well as rock for the fairgrounds, etc.

County resident Gary Leonard joined the meeting at 10:30 a.m.

The meeting with Mr. Kimball and Ms. Nelson ended.

Mr. Leonard said July Fourth is coming up and he is getting ready for the fireworks event. Liability will be covered through the City of Bonners Ferry's insurance. Mr. Leonard said fund raising for the event is going okay, although he started a bit late. There is \$2,000 left over from last year so there is approximately \$2,500 raised now. Pizza Factory has set up a Go Fund Me account and they will match up to \$1,000. There has been a lot of private donations through the Go Fund Me donations, according to Mr. Leonard.

Mr. Leonard updated Commissioners on the possibility of using an electric ignition.

The meeting with Mr. Leonard ended at 10:40 a.m.

Commissioner Pinkerton moved to cancel taxes totaling \$358.35 as well as specials, costs, late fees and interest for years 2011 through 2016 for parcel #RP65N01W084815A as the payments will be deducted from the amount owing on the note and distributed to the taxing districts and specials from those payments. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to cancel taxes totaling \$380.57 as well as specials, costs, late fees and interest for years 2011 through 2016 for parcel #RP00840010016A as the payments will be deducted from the amount owing on the note and distributed to the taxing districts and specials from those payments. Commissioner Kirby second. Motion passed unanimously.

Commissioner Kirby moved to approve the minutes of May 15 & 16, 2017. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to approve the catering permit for Spirit Lake Resort for a Mountain Mafia event to be held June 2, 3 and 4, 2017. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Certificates of Residency for Kadi Bateman, Hannah Sims, Madison Hoggan, and Lindsey Christopherson. Commissioner Kirby second. Motion passed unanimously.

10:46 a.m., County Civil Attorney Tevis Hull contacted Commissioners via telephone.

Chairman Dinning informed Attorney Hull that Road and Bridge may be looking into buying right-of-way near a land slide area and if so, does the county have to have this area appraised even though the landowner and county might agree on a price or does the emergency declaration do away with that. Attorney Hull said the property area in question needs to be appraised.

Chairman Dinning said a person has purchased property up Pack River Road and was given an easement to cross to his property, but he was told this area could never be logged. Attorney Hull said when this person purchased the property there was a restrictive covenant and the issue came up concerning the access property or people who sold them the property. A logging exemption had once been granted and when the current landowner bought this property, the paperwork had gone through the Assessor's Office, who reviews the codes, covenants and restrictions. The Assessor's Office staff sent a letter to the previous owner of the property that states they should not have been granted the exemption for forest land, because there is a deed restriction for which the prior landowner did not qualify. The new owner was notified that he was not going to get the exemption so he sent a series of emails to the Assessor's Office about this. Assessor Ryals replied that he supports his staff and also informs the property owner of the remedy if he doesn't agree with the analysis, which is to file an appeal to the Board of Equalization. Attorney Hull said even though communication is sour, Assessor Ryals is correct in that the exemption doesn't apply and the remedy is to file an appeal before the Board of Equalization for a review. Chairman Dinning said in going forward has Mr. Roberts, the current property owner, been notified of the process of the Board of Equalization. Attorney Hull said Assessor Ryals did mention this Board of Equalization appeal process, but Commissioners should send the property owner another letter informing him that he needs to go through this appeal and that he needs to read the instructions on appeal options that are listed on the back of the property assessment letter that he should be receiving shortly.

Attorney Hull said everything is going fine pertaining to the Moore property near the airport and we are just waiting for an appraisal.

The call with Attorney Hull ended at 10:50 a.m.

Commissioners tended to administrative duties.

11:00 a.m., Trial Court Administrator Karlene Behringer, 1st District Court Judge Barbara Buchanan, and 1st District Magistrate Court Judge Justin Julian joined the meeting to discuss the upcoming court budget. Chairman Dinning said the Road and Bridge Department is a county entity, not a highway district. Generally out of the forest funds, known as Secure Rural Schools (SRS), the county receives approximately \$900,000.00, but those funds were not reauthorized by Congress so the county has received \$156,000.00. It doesn't look like SRS will be reauthorized in the foreseeable future and in addition, the county has learned it has \$4,500,000.00 in road damage as a result of this past winter and spring weather conditions. Even though the county qualifies for Federal Emergency Management Assistance (FEMA), the county's match can range from 15% to 50% so Commissioners need to consider all funding. There are other funds that are discretionary and they can be used in other areas. Clerk Poston said there is a little bit of sales tax revenue outside of court costs that are included in the draft budget she put together, but the amount fluctuates as it depends on the amount of fines and fees collected. Clerk Poston said in the back of her report she included a list of fines and fees that have been increasing. District Court has increased and Magistrate Court has decreased, but if you were to go back to year 2014, District Court was \$70,000 higher and Magistrate Court was down by \$34,000 or \$36,000. There has been talk of having additional court staff and that comes out of the Justice fund, not District Court, but Court Clerk Della Armstrong mentioned that comes out of the Odyssey Program training.

Clerk Poston said getting back to District Court she did increase the travel budget and the budget for telephones increased as well by \$300.00 to \$2,800.00. When you look at the overall budget, Juvenile Probation is through the District Court fund, though it's a different department, but when you look at funds coming in under District Court, it doesn't pay "like for like" for Probation.

Chairman Dinning asked Judge Buchanan, Judge Julian, and Ms. Behringer if they can see anywhere in their budget there could be a reduction. Ms. Behringer said the Supreme Court said they could help with travel costs so they will pay before the county has to contribute.

Those present reviewed a graph of monies due from fines and fees that Clerk Poston had prepared. Clerk Poston explained the information associated with the charts and said between Magistrate Court and District Court for the period of nine years is an accumulative figure of \$241,000 owed in fines and fees. Clerk Poston said she also keeps a report of funds due to the city and that has significantly declined. Judge Buchanan said Kootenai County is not arresting people for non-payment of fines and fees. Judge Julian added that he still does arrests for non-payment, but Boundary County is probably the last county to do so. Chairman Dinning said Sheriff Kramer mentioned that he is starting up the road slide clean-up program. Judge Julian said that is in lieu of jail and the inmate pays for that. Judge Buchanan said historically the courts have budgeted more than has been spent.

Clerk Poston said she doesn't know what to expect as far as costs associated with the Odyssey Program. Judge Julian said he would like to see some nicer padded chairs for the jury.

Clerk Poston informed those present that Juvenile Probation will be moving to the armory. The Sheriff's Office will also relocate to the armory to include the office of the civil deputy and driver's licensing. Space at the jail will be converted to accommodate non-threatening inmates who come in over the weekend

and the Sheriff has plans for a covered area behind the jail as well as a sally-port. Clerk Poston said it will take a year for all of these details to fall into place.

Judge Buchanan spoke of trying to get a better communication system to work with mental holds. Judge Julian said we had a pretty good system a matter of years ago, but now he's hearing it may be obsolete. This system works to communicate with juvenile offenders, but it sounds like it's a possibility the system might not work connecting to Kootenai Medical Center (KMC) as KMC did an upgrade a few years ago. Those present discussed their experiences in using this system. Judge Julian spoke of mental holds and his experience with them making it to their appointments and hearings. Chairman Dinning said we will check into this as it is a savings even though it may only affect a couple people.

Judge Buchanan said she knows of the budget issues with Road and Bridge, but she would like to make the Courthouse handicap accessible at some point. Chairman Dinning spoke of the Courthouse being located in the lower part of town "the hole" and the dangers involving the trains that run behind the Courthouse, rivers flooding, etc., and he said he has thought a lot about different scenarios. Chairman Dinning said the thought to add on to the Courthouse consisted of adding a ground-floor wing, etc., but it is just creating more offices in the hole, which is not the safest place to be.

Those present discussed matters pertaining to public defenders.

Ms. Behringer said the Department of Justice came to Kootenai County and there is a big push for Americans with Disabilities Act (ADA) compliance. The Attorney General's staff that was assigned to conduct the inspection submitted quite the list for improvements. There are some little things and big things that need to be done to the Kootenai County Courthouse, according to Ms. Behringer.

The meeting with Judge Julian, Judge Buchanan and Ms. Behringer ended at 11:51 a.m.

Commissioner Kirby moved to approve the minutes of May 22 & 23, 2017. Commissioner Pinkerton second. Motion passed unanimously.

County Civil Attorney Tevis Hull joined the meeting at 11:54 a.m.

Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(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. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye" and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 12:05 p.m. No action was taken.

Commissioners recessed for lunch at 12:05 p.m.

1:15 p.m., Commissioners reconvened for the afternoon session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

1:15 p.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting.

Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(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. Commissioner Pinkerton second. Commissioners voted as follows: Chairman Dinning “aye”, Commissioner Pinkerton “aye” and Commissioner Kirby “aye”. Motion passed unanimously. The executive session ended at 1:40 p.m. No action was taken.

Clerk Glenda Poston and Coroner Mick Mellett joined meeting. Mr. Mellett left at 1:50 p.m.

County resident Larry Peterson stopped by Commissioners’ Office and asked about grading District 5 Road. Mr. Peterson left the meeting at 2:00 p.m.

2:01 p.m., Assessor Dave Ryals joined the meeting to discuss a matter involving a timber exemption. Assessor Ryals left the meeting at 2:23 p.m.

Clerk Poston and Commissioners had a general discussion regarding the Road and Bridge budget and the armory.

There being no further business, the meeting adjourned at 2:30 p.m.

DAN R. DINNING, Chairman

ATTEST:

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