

**\*\*\*Monday, May 7, 2018, 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.

County residents Marty Martinez, Terry Spence and Blue Sky Broadcasting News Reporter Mike Brown were in attendance of the meetings off and on throughout the day.

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

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give the department report. A written report was presented. Mr. Kimball said he has just been busy, mentioning that he has continuing discussion with the Federal Emergency Management Agency (FEMA) and is making headway on the Atkins Canyon project. Mr. Kimball said there is a slide on Katka Road that he needs to get cleaned up, but he needs to talk to the property owner in that location. Commissioners were informed that it appears Road and Bridge will get the grindings from the first phase of the highway project to use on Meadow Creek Road.

Mr. Kimball said he spoke to Union Pacific Railroad representatives and learned they will not be doing any work on the Moyie River Road siding this year.

Commissioner Kirby moved to go out for bids for chloride dust palliative materials for year 2018. Commissioner Pinkerton second. Motion passed unanimously.

The meeting with Mr. Kimball ended at 9:15 a.m.

Commissioner Pinkerton moved to cancel \$1,071.54 in yield taxes for year 2017 for parcel #RP63N03W030001 due to error. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Medical Services Contract with Bonners Ferry Family Medicine for the Boundary County jail. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign Certificates of Residency for Austin Kemmis, Grace Villelli, Cassidy Chaffin and Benjamin Tompkins. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning said Commissioners received ballots from Northern Lights Inc., regarding their policies and he asked if this is something Commissioners want to participate in. Chairman Dinning said one proposed amendment is to remove the ability of the NLI board members to receive health insurance benefits in return for their service as a director and the second amendment pertains to provisions for when bylaws are allowed to be amended. Chairman Dinning said his feeling is that these matters should be decided or voted on by NLI's members, even though the county is a member, but he is referring to the private members.

Commissioner Pinkerton moved to approve and sign the No Spray Weed Control Agreements with Sandy Steinhagen, Laura Richardson, Mary Kate McKerney, Paul Wheeler, Greg & Merv Ashby, Richard Jenkins, and Dianna Boyd. Commissioner Kirby second. Motion passed unanimously.

Commissioner Kirby moved to approve the minutes of April 23 & 24, 2018. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Release of Liability for Bryan Hurst as it pertains to removing tires from the landfill's tire pile. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Hangar-Ground Lease Agreement for Hangar C3 with Kevin McAlpin doing business as Creative Commercial. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning briefly updated Commissioners on the matter of the Pacific Northwest Trail and he said there will be an alternate route. Commissioners may need to write a letter of support in the future for the reroute, but not at this time, according to Chairman Dinning.

9:32 a.m., Commissioners spoke to County Civil Attorney Tevis Hull via telephone to receive updates on various matters Attorney Hull is working on.

Attorney Hull said he reached out to Kootenai Lumber Company as it pertains to checking the status of a proposed lease agreement for additional parking across from the Rock Point boat launch/Waterways Building, but he hasn't heard back from their representative.

The contract for housing Tribal inmates was discussed last week, but the Kootenai Tribe of Idaho needs to meet and approve the contract before forwarding it to Commissioners.

Attorney Hull said the Road and Bridge Department's bid request for dust control is good.

Attorney Hull informed Commissioners that he has a meeting with County GIS Mapper Olivia Drake to go over the vacation of an easement pertaining to the county's purchase of the Tihonovich property.

Commissioners were given an update on an indigent matter.

9:40 a.m., Commissioner Kirby moved to go into executive session pursuant to Idaho Code 74-206(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 Pinkerton second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye" and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 9:45 a.m. No action was taken.

The call to Attorney Hull ended at 9:45 a.m.

Solid Waste Department Superintendent Claine Skeen and Assistant Superintendent Eric Owen joined the meeting.

Mr. Skeen informed Commissioners that Cannon Hills had provided him with a discounted quote of \$60,000 to grind the entire wood pile at the landfill. Mr. Skeen said the cost can be taken out of the landfill closure account and reimbursed at a later time. Commissioners asked about this service from other companies. Mr. Skeen said Diversified Wood out of Spokane never responds when he reaches out to them. Chairman Dinning said it would still be good to seek a quote from them and to have Cannon Hills provide their quote in writing. Chairman Dinning said this process increases the budget so Commissioners will find out how to legally go about this.

Mr. Skeen discussed possibly establishing demolition fees to dispose of concrete from a commercial aspect. Contractors are telling the private individuals that it won't cost anything to dispose of concrete if the homeowner brings the material to the landfill themselves as opposed to a commercial company doing it for them.

Chairman Dinning questioned bringing in a load of tree branches that may weigh approximately 500 pounds. Are we going to take advantage of bringing in wood as some people don't bring in any? Why not just capture actual uses. Chairman Dinning questioned charging the private individual now as the county is having to pay by the ton to grind the wood so why doesn't the county charge by the ton. Commissioner Pinkerton said he thinks doing that is appropriate. Chairman Dinning said right now we're budgeting to grind the wood pile and we cannot keep up. Mr. Skeen said he could weigh a load when someone brings one in in order to get an idea of the weight. Chairman Dinning said those who are causing the expense of grinding the wood are the ones who can generate the income. Chairman Dinning asked Mr. Skeen to give it some thought as to where the break in size should be. Mr. Skeen said there would be an issue at the monitored sites as far as determining weight and Chairman Dinning replied that he now understands why a load has been based on volume.

Those present reviewed budget scenarios for the landfill. Mr. Skeen said there are increases in order to accommodate recycling and dealing with wood debris. The amount of \$100,000.00 would replace the amount of \$60,000 coming out of the closure account that was used to dispose of the wood pile. The next scenario is putting \$200,000 into a line item for carry over for the next fiscal year. Then to budget \$20,000 for a waste oil burner as discussed in the past to burn used oil. Mr. Skeen said it costs his department anywhere from \$2,000 to \$3,000 to dispose of oil every two to three years. The Possi-shell would cost \$20,000. Chairman Dinning said using this scenario, there is no budget for carry over for the first few months.

Mr. Skeen said the second scenario involves a reduction in employee hours, electricity and gate open time, but it still includes the Possi-shell. The Naples and Paradise Valley sites would be open 156 days and closed for 199 days, according to Mr. Skeen. This does not include closing the landfill on Sundays as during the last discussion, it was suggested keeping it open on Sundays. There will be a savings in electricity of \$1,717 by closing the three sites as well as a fuel savings for the trucks.

Chairman Dinning said with the way the State of Idaho is talking about the rule process, Commissioners will need to hold a public hearing to discuss using the Possi-shell material. Chairman Dinning informed Mr. Skeen that the Idaho Association of Counties has formed some kind of committee on solid waste and small and large landfills as new requirements are coming up.

The meeting with Mr. Skeen and Mr. Owen ended at 10:31 a.m.

10:31 a.m., Chief Probation Officer Stacy Brown joined the meeting to give the departmental report. Jim Crowley, Liaison with the Idaho Department of Juvenile Corrections also joined the meeting.

It was announced that Mr. Crowley is retiring and Commissioners thanked him for the work he has done over the years. Ms. Brown provided a brief update in that there are five participants on the Youth Accountability Board, 25 active juvenile probation cases, four warrants for adults and 183 people on unsupervised probation, but that number may be plus or minus 15 or 20 people. Chairman Dinning asked if the Youth Accountability Board is working as far as recidivism. Ms. Brown said it is working.

Mr. Crowley provided Commissioners with information on dedicated funding from the state that is distributed to counties from the Juvenile Corrections Act, Cigarette and Tobacco Tax, and Lottery funds for use in support of juvenile justice programs in addition to the 2017 Annual Juvenile Justice Report for Boundary County. Mr. Crowley said the juvenile arrest data is always reported as one year behind. Those present reviewed intakes and releases, average age and gender at point of intake, community service hours performed, restitution collected, percentage of juveniles who have successfully completed probation, juveniles who reoffended, and a one day snapshot of juveniles on county probation on September 30<sup>th</sup>. Mr. Crowley presented Commissioners with a breakdown of funding that passes from the state department to the county and the last page of information backs up the previous pages reviewed.

The meeting with Ms. Brown and Mr. Crowley ended at 10:50 a.m.

Chairman Dinning updated Commissioners as to what he has learned of the status of two caribou herds.

10:55 a.m., Courthouse Maintenance John Buckley joined the meeting to give a department report.

Mr. Buckley said everything is going well and he has been really busy. Chairman Dinning asked about painting the entryway of the Courthouse and Mr. Buckley said yes, he does plan on doing that. Mr. Buckley informed Commissioners that the Sheriff's Office needs a new roof. It was said there is enough budget for that so Sheriff Kramer will need to get bids. The Courthouse roof and Extension Office roof both need another coating. Commissioners and Clerk Poston spoke of the process of painting the Courthouse. Commissioners asked Mr. Buckley to look into seal coating and restriping the parking lot on the south side of the Extension Office and asked about the current condition of the Restorium's parking lot. Commissioner Kirby suggested talking to Panhandle Health District about paving as they share a parking lot with the Restorium and they would have the budget for it. Mr. Buckley said he will get quotes for all the work that needs to be done.

Mr. Buckley left the meeting at 11:15 a.m.

City of Bonners Ferry Attorney Andrakay Pluid joined the meeting.

11:25 a.m., Boundary Economic Development Director Dennis Weed joined the meeting to provide an update on various projects he is involved in.

Mr. Weed presented Commissioners with a copy of the Bike and Pedestrian Trail Committee documents listing their 501© 3 status. A new agreement or assignment of the existing agreement will need to be signed transferring the lease from the county to the Bike and Pedestrian Trail Committee and Eric Anderson will need to sign it as the President of the Committee.

Mr. Weed said tomorrow's meeting with Keller and Associates is to go over what is hoped to be accomplished before having a meeting with the stakeholders. Once Keller and Associates get all the ground work done, there will be a meeting with the stakeholders at the Gathering Place, according to Mr. Weed. Chairman Dinning said tomorrow's meeting it just about the Three Mile area and he added that his concern is the public perception and not being able to participate.

Mr. Weed said he is looking into all options to bring in a company for the former Atkins Harvest Foods Building.

Mr. Weed informed Commissioners that he is working with Alta Mill on bringing in cedar logs and a possible expansion so he will look into incentives.

The Economic Development (ED) Pro Grant will be submitted this Friday as it is due next Wednesday.

Mr. Weed said he hasn't learned more about opportunity zones as of yet. Boundary County is one out of 20 counties approved for an opportunity zone, but we need to learn more about it.

Mr. Weed said he is still working through an issue with his office. Attorney Pluid said the City of Bonners Ferry is happy to house him, but at this point all available offices are on the second floor.

The meeting with Mr. Weed and Attorney Pluid ended at 11:41 a.m.

Commissioners recessed for lunch at 11:45 a.m.

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.

1:30 p.m., Leonard "Bill" Clausen met with Commissioners to discuss an issue he has been experiencing for over a year involving a neighbor's cows getting into his yard. Mr. Clausen said he was nice about this situation in the beginning, but then the neighbor started using their ATV to get their cows back so he told them they could only do so on foot. Mr. Clausen explained his background in dairy farms. The cows that are getting into his yard are only contained by chicken wire, but the problem boils down to open range. Chairman Dinning said to be honest what Commissioners have read about open range in Idaho Code is confusing. Mr. Clausen said there is a two mile section of open range from Mt. Hall School to a little bit past the cemetery and there are a number of people and large trucks that use this road. Mr. Clausen presented Commissioners with a letter and petition voicing opposition to this area being open range. Commissioners said they would forward Mr. Clausen's information to the county civil attorney to determine the path to take. Chairman Dinning said his understand today is if the county changes the entire open range district, in this context, that the county would have to pay for the fencing. Mr. Clausen said the person that he has been dealing with tells him that Idaho is a "fence out" state and his cows can go wherever they want and he added that Butte County in year 1976, closed the open range and made it a herd district. Commissioner Pinkerton said it looks like Mr. Clausen is on the right path as he has provided signatures on a petition. Commissioner Pinkerton added that once that is done, there are steps to take such as decisions to make and creating a board, etc. Mr. Clausen said in his opinion there are two routes to go, which is to either extend the existing herd district as they surround this open range area or make this area its own herd district. It boils down to the individual with the cows needs to maintain their fence and Idaho Code lists how to construct that fence. Mr. Clausen said the problem with open range is if the entire county is open range, it would entail tons of fencing as everyone would have to fence out the cattle. If someone has made an attempt to keep their animals in, they've made that attempt, but they have to have certain fencing. Chairman Dinning informed Mr. Clausen that he may have to determine whether or not the people who signed the petition are actual property owners as opposed to just being a resident so he will want to make sure that was done properly. Commissioners reiterated that they will forward the information to their civil attorney for guidance. Commissioners and Mr. Clausen questioned fencing requirements.

The meeting with Mr. Clausen ended at 1:55 p.m.

2:00 p.m., Treasurer Sue Larson and Assessor Dave Ryals joined the meeting to discuss a tax matter scheduled before Commissioners.

Commissioners contacted property owner Dan Baker via telephone.

Mr. Baker informed Commissioners that Norm Aldridge owned a parcel, had it split and built a home on one of the parcels in year 1988. The property was foreclosed on and it went back to the lender and Mr. Baker was the buyer when the property with the home went to auction, which is in February of 2014. Mr. Baker said six months later an issue with the survey was discovered and he learned the home was not on his parcel. Mr. Baker added that he doesn't want to file suit so he is trying to work this out, but it has not happened so it looks like he will have to file suit. It was said the taxes have been charged to the home itself. Mr. Baker informed Commissioners that he would like to pay the neighboring property owner, Tom Keating, for the real estate under the house, do a lot line adjustment, pay the taxes and call it good, but he would also like to see the tax deeding postponed as this matter will be taken care of one way or another. The property is to be tax deeded on Monday, May 14, 2018, according to Treasurer Larson.

Mr. Baker said the Keatings purchased Lots 7, 8, 9 and his parcels are lots 10, 11 and 12, and there is no question the house that he bought is supposed to be on Lot 10. Mr. Aldridge deeded Lots 8 and 9 to the Keatings due to the encroachment. Chairman Dinning said the house on the survey shows to be on Lot 9. Mr. Baker said that's correct. There is a concrete walkway that leads to the house that shows up on Lot 10. Chairman Dinning mentioned the value for Mr. Baker's parcel, bought in 2014, has been assessed as if his lot had the home on it. The survey done in November of 2014 had been requested by the Keatings. Mr. Baker said he was going to list the property and sell it so he contacted an agent in Bonners Ferry who contacted the Keatings about a possible issue. Commissioner Pinkerton said the county needs to be paid the taxes for the property that Mr. Baker does own.

Chairman Dinning asked Assessor Ryals and Treasurer Larson, if the county has discovered an error, do we have the ability to go back and charge the Keatings for those taxes. Assessor Ryals said no. Assessor Ryals said on the survey the house appears to be on Lot 9. Commissioners can cancel the tax on the house and remove the value, however that leaves the tax owed on the house in question and the county cannot go back and bill the Keatings for the past years. If Mr. Baker goes to court and is awarded the house, then the tax on the house had been forgiven and the money was given away.

Commissioner Pinkerton said there should've been a title search, etc. As far as what's been owed to the county, in his opinion, would be to remove the funds that would be owed by Mr. Baker for the house that he does not own and have him pay the taxes for what he does own, which is just land. The civil case may award Mr. Baker the home after going to court. Assessor Ryals said he just wants Commissioners to be aware that the funds can't be recaptured. Treasurer Larson said in her opinion, if Mr. Baker takes care of paying the tax for the year that is causing the tax deed, then the situation could run its course. Commissioners can always go back and cancel the other years. Commissioner Pinkerton questioned if Mr. Baker had filed for a change in value since knowing this since year 2014. Chairman Dinning said he didn't do anything because it would alert that the house is on another property. Mr. Baker said he has no problem paying the \$900 in tax on the land and he added that he thinks the matter would be solved, definitely within the year.

Chairman Dinning said if Commissioners were to make a motion to accept the tax for the land totaling \$910.90 today and also in that motion provide for one year to resolve the issue with the house that has tax owing for approximately \$1,000, could Commissioners do that to prevent the tax deed. Commissioner

Pinkerton said he cannot do that because the house, as it looks, is on a separate property owner's parcel so in the event that Mr. Baker, through means outside of this office, gains ownership of house, then it isn't Mr. Keating's property and those taxes should be added to the other three lots Mr. Baker has. Commissioner Pinkerton said the house does not belong to Mr. Baker so the Keatings should have been paying the taxes as they knew about this back in year 2014, but they didn't step up to this and approach the Assessor's Office about it. The Keatings are the people, in his mind, who would owe taxes on the house. Commissioner Pinkerton said Mr. Baker owes the tax amount of \$910.90 for 2014. If that tax of \$910.90 is not paid, those three parcels, Lots 10, 11 and 12, go up for tax deeding and it has no impact on Lot 9. Commissioners agreed the amount Mr. Baker owes for tax year 2014 is \$910.90. There is approximately \$1,000 for the house to write off. Chairman Dinning said at this point there is no request to address anything other than tax year 2014. Mr. Baker said correct. Chairman Dinning commented that the county can accept \$910.90 or so, cancel tax because of an error on the remaining home amount as it is not a part of this ownership, then everything else stays the same until the next year. Commissioner Pinkerton said he agrees that the 2014 taxes need to be paid. It was questioned that if, in the interim, Mr. Baker does acquire ownership and Lot 9, is there going to be deficit to the county as it's not only the house. Either way the county is not going to get the correct tax for one year. The county cannot go back for the late taxes on the house. Chairman Dinning said he understands Mr. Baker would pay the tax for the land value of \$910.90, and then the county would cancel tax for the house, not value, for the remainder of the \$1,000 and leave everything the same for year 2014. Then Mr. Baker can address the issue when he wishes to address it again and if there is a transfer in the meantime, Assessor Ryals can work with that in his system. The county cannot back bill, but it can go forward.

Commissioner Pinkerton moved to require the tax on the land for year 2014 totaling \$910.90 be paid and to cancel taxes for the house that were incorrectly established on parcel #RPB0240041012BA. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning informed Mr. Baker that the county needs to receive the funds for the 2014 tax by this Friday, May 11, 2018.

The call to Mr. Baker ended at 2:36 p.m.

Assessor Ryals and Treasurer Larson left the meeting at 2:45 p.m.

Sheriff Dave Kramer and Chief Deputy Clerk Tracie Isaac joined the meeting at 3:00 p.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 3:15 p.m. No action was taken.

Sheriff Kramer and Chief Deputy Clerk Isaac left the meeting.

3:15 p.m., there being no further business, the meeting recessed until tomorrow afternoon at 1:30 p.m.

**\*\*\*Tuesday, May 8, 2018, at 1:30 p.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

1:30 p.m., Commissioners met at the Bonners Ferry Visitor's Center meeting room to participate in a kick-off meeting for the Boundary County sewer feasibility study. Also present were: Boundary Economic Development Director Dennis Weed, City of Moyie Springs Public Works Director John Nelson, City of Bonners Ferry Engineer Mike Klaus, Larry Rupp, Kyle Meschko and Eric Roundy with Keller Associates, Susan Kiebert with SMK Communications, and Deputy Clerk Michelle Rohrwasser.

Mr. Meschko handed out two aerial maps for Land Use and Population (Figures A and B), an aerial map of the Moyie Springs area and a kickoff meeting agenda with project overview. Mr. Meschko discussed data collection to include determining population growth. Mr. Klaus said the percent of population growth was listed in the 2008 County Comprehensive Plan. Growth is limited to certain pockets due to conservation easements, according to Mr. Weed. Mr. Rupp mentioned they had toured the treatment plants in Bonners Ferry and Moyie Springs today. Mr. Meschko said the Figure A map is to be compared to the Figure B map and these maps are of the Three Mile area. Mr. Weed stated it would be best to meet with developers in the Three Mile area separately to go over the plans. We will need to find out which parcel a developer is going to develop and how many homes are estimated. Mr. Rupp said annexation could affect the growth rate. Chairman Dinning said if we design the sewer system for today, it will be obsolete in a matter of years so we need to plan for the future. Mr. Rupp discussed holding a public meeting to attract public input.

Those present briefly talked about the location of discharge such as river versus land application. It was mentioned that there is possibly airport land and tree farms, etc., that may be available for land application in the Three Mile area. Also discussed was public involvement and selecting a steering committee. Mr. Rupp said Keller Associates have monthly phone calls with Mr. Weed and they will set up meetings with the steering committee.

The meeting ended at 3:00 p.m.

There being no further business, the meeting adjourned at 3:00 p.m.

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DAN R. DINNING, Chairman

ATTEST:

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GLENDIA POSTON, Clerk  
By: Michelle Rohrwasser, Deputy Clerk