

*****Monday, November 12, 2018**, Commissioners did not meet due to the Veterans Day Holiday.

*****Tuesday, November 13, 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.

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 departmental report. A written report was presented.

Clerk Poston presented Commissioners with the ballots from the November 6, 2018 General Election for Commissioners to canvass. Clerk Poston said there were no errors or inconsistencies.

Commissioner Pinkerton, acting as Board of Canvassers, moved to hereby state that the attached is a true complete abstract of votes cast at the November 6, 2018 General Election. Commissioner Kirby second. Motion passed unanimously.

Mr. Kimball said work is ongoing and Road and Bridge is picking up brush today as well as working on culverts, installing road signs, getting ready for winter, etc.

There is a change order for the work done by Selkirk Sealcoat to seal lateral cracks on Meadow Creek Road. The initial cost was \$5,000, but the hours work exceeded the amount of the quote as more time was needed to seal additional cracks. Additional work included the labor, equipment, materials, and flagging so as a result there is an additional cost of \$3,194.20.

Commissioner Pinkerton moved to approve the change order from Selkirk Sealcoat in the amount of \$3,194.20 for additional work needed to seal lateral cracks on Meadow Creek Road. Commissioner Kirby second. Motion passed unanimously.

Mr. Kimball spoke of the height of the Naples Bridge and how it has been damaged again and he mentioned that Dan Gorley with the Idaho Transportation Department had asked about using a device on the bridge that detects over-height vehicles, commonly known as a bear trap. Mr. Kimball said he doesn't like that for a couple of reasons, one reason being the question of if the driver of the truck will try to back out and cause an accident. Chairman Dinning suggested some kind of camera system. Someone may still hit the bridge, but the county will know who hit it with a camera system. Mr. Kimball suggested a laser light system that would signal a truck that is too high and maybe the mill would agree to not unload that truck. Chairman Dinning said normally the hits come from the south so can we put in a laser system that would work at that end of the bridge so it can signal drivers? Commissioners spoke of needing to come up with some kind of solution. Chairman Dinning said his thinking is for a laser that is placed far enough back from the bridge as well as a camera. Commissioners asked Mr. Kimball to look into details and costs associated with a laser system. Mr. Kimball said if drivers were aware they would start receiving \$300 tickets for these occurrences, they would probably scale back.

Mr. Kimball informed Commissioners of changes to the Kootenai Trail Road Repair project that equate to \$35,000. It was determined that the soil is unsuitable for being built up in the area where the culvert will be placed. Mr. Kimball questioned if this modification needs to be a change order or is it a change in quantities. Chairman Dinning asked if this change will increase the bid price. Mr. Kimball said it's too early

to tell as other materials may cost less. This change will increase the line item for this specific material as it is more rock used in that area and he added that he thinks the amount may be approximately \$20,000. Chairman Dinning said he's thinking it would be a change order that needs to be done. Mr. Kimball said the Federal Emergency Management Agency (FEMA) will be reviewing this project, but the county would end up paying it up front and then get reimbursed. Chairman Dinning questioned what occurs if the county approves a change order and then it gets denied. Can the county get this change order amount pre-approved adding that he just wants to make sure the additional cost qualifies for reimbursement. Mr. Kimball said this thought is the project will be well under the estimate. Commissioner Pinkerton said he understands what Mr. Kimball is saying, but when the entire project was engineered, it called for a certain cost for a specific amount of material. Commissioners think they will need to do a change order for tracking purposes, but they also requested Mr. Kimball check with FEMA about reimbursement.

9:30 a.m., Commissioners spoke to County Civil Attorney Tevis Hull via telephone. Commissioners reviewed Attorney Hull's suggested verbiage change on the Local Professional Service Agreement for the Crossport Guardrail project.

Commissioner Pinkerton moved to sign the Idaho Transportation Department Local Professional Services Agreement between Boundary County and Gorman Preservation Associates for the Crossport Road and Cow Creek Road Guardrail Project (Agreement No. 95047), Project #A019(846), Key No. 19846. Commissioner Kirby second. Motion passed unanimously.

Commissioners and Mr. Kimball discussed signing another claim for the Deep Creek Loop project.

The meeting with Mr. Kimball ended.

Commissioner Pinkerton moved to approve the recommendation of the County's Addressing Committee and to approve the New Private Road Name Request Form accepting the road name of Catan Road. Commissioner Kirby second. Motion passed unanimously.

Commissioners informed Attorney Hull that it was brought to their attention that a plat had been recorded some time ago without signatures from various agencies on it. The county surveyors hadn't even reviewed this plat, according to Chairman Dinning. Attorney Hull said his recommendation is that since one lot has already been sold, it wouldn't make a difference to take out that 10 acre piece as it doesn't have community access, etc. Chairman Dinning asked if the matter would need to go through the hearing process. Attorney Hull said he doesn't think so as it is more of a clerical issue. Chairman Dinning said Attorney Bushnell represents the property owner of one parcel and Attorney Bushnell mentioned having a solution so maybe that was his same solution.

Chairman Dinning informed Attorney Hull that Commissioners will send the earnest money to the title company for the armory property. Attorney Hull said there are a lot of easements through the armory property that are not mapped out very well so it would be good to check with Assessor Ryals about having the county mapper map out where things are on the property for any potential restrictions.

The call to Attorney Hull ended at 9:50 a.m.

Commissioner Pinkerton moved to sign the County Extension Budget University of Idaho College of Agriculture Cooperative Extension System for budget year 2019. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Certificate of Residency for Jessica Hart. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the Idaho Office of Emergency Management 2017 Final Grant Adjustment Notice for the 2017 Emergency Management Performance Grant, Award No. 17EMPG011. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the County Annual Juvenile Justice Report to the Idaho Department of Juvenile Corrections report for October 1, 2017 to September 30, 2018. Commissioner Kirby second. Motion passed unanimously.

9:55 a.m., Solid Waste Department Superintendent Claine Skeen, Treasurer Sue Larson and Kennon McClintock with The Nature Conservancy joined the meeting.

10:00 a.m., Commissioners held a public hearing to consider the County's proposal to establish a new fee to be added to the Solid Waste Department's current fee schedule. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, Deputy Clerk Michelle Rohrwasser, Solid Waste Department Superintendent Claine Skeen, Treasurer Sue Larson, Kennon McClintock, and Octavian Ispiresen. The hearing was recorded.

Chairman Dinning reviewed the public hearing procedures and the purpose of the hearing. No one present had any questions.

Commissioners opened the hearing to consider the proposed fee as follows: demolition/construction debris – up to 1 yard per day. An excess of 1 yard per day will be charged the commercial fee rate.

Chairman Dinning said in this matter Boundary County is the applicant and he asked Mr. Skeen to speak about the proposed fee. Mr. Skeen said any construction or demolition debris that is brought in by the public in excess of one yard will be charged a fee as follows: light demolition is charged five cents per pound and heavy demolition is charged 10 cents per pound, starting at an amount over one yard per day, for the public or private party. The debris will be weighed and there is a chart system that averages the weight. There will be a predisposal weigh-in and a post disposal weigh-in system for cubic yards. Mr. Skeen said this has always been a free system to the public. Commercial haulers do pay the fee, but there are haulers bringing in this material without paying the fee when they should be paying. Mr. Skeen explained that there are commercial haulers using private vehicles in order to dispose of demolition/construction debris without having to pay the commercial fee. If you are a private party, you get the first yard per day free whereas commercial haulers pay for that first yard. If there is more than one yard per day, the fee is per pound. It is five cents per pound for light demolition and 10 cents per pound for heavy demolition. Mr. Skeen explained that there is a chart from the Department of Environmental Quality and other counties that do weigh by the pound. It is pretty accurate and he explained that with drywall, it can weigh anywhere from 300 pounds to 500 pounds.

Commissioners asked for public comment from those in favor of the application. No one spoke. Speaking uncommitted to the application was Treasurer Larson. Treasurer Larson asked if this fee is just for construction debris or would it include a pickup load of yard waste. Mr. Skeen explained that there is already a fee structure for yard waste and he explained the system for that. Mr. McClintock asked if he brought in roofing metal for recycling, would that be subject to a fee. Mr. Skeen said no, not recycled material, just items that go into the landfill.

Speaking in opposition was Mr. Ispiresen who mentioned that people might not bring in their waste to dispose of if they have to pay. Chairman Dinning said there will be scales to weigh the material that is brought in. Mr. Skeen said if someone, such as a private person, comes in with material, they will drive onto the scales to be weighed, dump the material, then go across the scales again to come up with the difference from the weight of the load that was brought in. Mr. Ispiresen said that is his concern. Mr. Ispiresen added that he is concerned about degrading the soil. Chairman Dinning explained that things will operate as they currently have been, this hearing is just about the fee structure. Mr. Ispiresen spoke of companies who pay for glass, paper, etc., and now the public has to pay. Chairman Dinning said the county does not charge people to drop off recyclable materials.

Treasurer Larson asked how long the process of weighing the material before and after disposal will take. Mr. Skeen explained the system and said maybe five to 10 minutes.

Commissioners closed the hearing to additional testimony and held discussion amongst themselves. Commissioner Pinkerton said for clarification that this adjustment is merely for construction material. Mr. Skeen said correct, just demolition/construction debris. Commissioner Kirby said everything has been covered.

Commissioner Pinkerton moved to approve the application to establish a fee for demolition/construction debris as follows: up to one yard per day is free for the private hauler. More than one yard is assessed the commercial fee of five cents per pound for light demolition debris and 10 cents per pound for heavy demolition debris. Commissioner Kirby second. Motion passed unanimously.

Chairman Dinning explained that this is a fee and not something that is on the tax roll.

The hearing ended at 10:15 a.m.

Deputy Clerk Nancy Ryals joined the meeting at 10:18 a.m.

Commissioner Kirby moved to go into closed session pursuant to Idaho Code 31-874. Commissioner Pinkerton second. Motion passed unanimously. 10:19 a.m., Commissioner Kirby moved go to out of closed session. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Kirby moved to write off the following indigent accounts as the clients are deceased and left no estates: Account #2003-23 in the amount of \$5,680.50, Account #2005-13 in the amount of \$24,187.48, Account #2000-3 in the amount of \$1,059.00, Account #2014-46 in the amount of \$1,467.00, and Account #2015-37 in the amount of \$2,061.00 and indigent account #2015-19 in the amount of \$1,818.00. Chairman Dinning yielded the chair to second. Commissioner Pinkerton abstained. Motion passed.

10:20 p.m., Deputy Clerk Ryals left the meeting.

10:30 a.m., Kennon McClintock with The Nature Conservancy joined the meeting to discuss Forest Legacy easements with Commissioners.

Mr. McClintock informed Commissioners that properties titled Killsgaards, North Bench 17 and Kerr Lake used to be Molpus properties, but they now belong to Stimson Lumber Company. Mr. McClintock briefly explained the Kerr Lake property is above Westside Road, by Amoth's farm and he added that the

properties he just mentioned were included in the 2014 Forest Legacy applications and they will be finalized most likely in December. The total acreage for these properties is almost 700, according to Mr. McClintock. Chairman Dinning asked if these properties will have non-motorized public access. Mr. McClintock said yes, they are all gated, but people will be able to hunt, ride bikes, etc. Mr. McClintock briefly informed Commissioners the Forest Legacy program will work to close the Lefebvre and Peterson/Olson properties.

The meeting with Mr. McClintock ended at 10:37 a.m.

Commissioners tended to administrative duties.

10:50 a.m., Ray and Beth Holmes, owners of Wild Horse Mercantile and Saloon, joined the meeting to discuss a tax adjustment matter.

10:56 a.m., Treasurer Sue Larson also joined the meeting.

It was said a reduction in taxes had been requested as a result of the Wild Horse Mercantile and Saloon sustaining a fire. Chairman Dinning said the county has to use the date of the fire as the point in which to cancel value. Treasurer Larson said she took the market value of the building, which was \$130,820.

11:02 a.m., Chief Deputy Assessor Tracy Golder joined the meeting.

The taxes had been prorated from the first part of October and the county can cancel \$363.88 in tax. Mr. Golder said he came in to gather information as to what needs an adjustment. Mr. Holmes said the building is a total loss and is going to come down. It was said the value of the land is \$79,120 and the value of the building is \$130,820. Mr. Golder said his information shows there is more than one building, such as a residence and fuel tanks. If all structures are a total loss, the value is \$130,820. The fuel tanks are on the assessment, according to Mr. Golder. Ms. Holmes questioned why the tanks would be on the assessment. Mr. Golder said the value of \$7,000 for the gas tanks is included in the assessment of \$130,820. It was questioned if the tanks would count toward the value if they are not usable and are just sitting there. Chairman Dinning said using the value \$130,820 for all structures, it would equate to a cancellation of value of that amount and a reduction of tax, solid waste and translator fees totaling \$363.88 owed for this entire year. Treasurer Larson said the county shows taxes and fees owing totaling \$2,242.34 for the year so with the cancellation it would be \$1,878.46 owing for the year.

Commissioner Pinkerton moved to sign the Property Tax Cancellation form to cancel value totaling \$130,820 for parcel #RP65N02E306602A resulting in a cancellation of \$363.88 in taxes and solid waste and translator fees for year 2018. Commissioner Kirby second. Motion passed unanimously.

The meeting with Mr. and Ms. Holmes, Treasurer Larson and Mr. Golder ended at 11:10 a.m.

Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense	\$ 126,038.87
Road & Bridge	561,139.93
Airport	6,755.10
District Court	5,819.15
Justice Fund	34,053.74

911 Funds	8,716.80
Health District	14,304.25
Indigent & Charity	24,992.00
Parks and Recreation	1,657.49
Revaluation	330.79
Solid Waste	21,507.33
Tort	4,059.02
Veterans Memorial	69.65
Weeds	203.24
Restorium	11,799.90
Waterways	170.89
Grant, Airport	26,507.79
Grants, Fire Mitigation	49,945.56

TOTAL \$898,071.50

Trusts

Boundary Co. Drug Court Trust	139.52
Sales Tax Collected	313.78
Driver’s License Trust	8,120.50
Motor Vehicle Trust Acct	153,798.30
Sheriff’s Trust Fund	1,175.15
Drug Forfeiture Trust Fund	248.88
Odyssey Court Trust Account	17,447.25
Odyssey Bond Trust Account	5,142.00
Odyssey Restitution Trust Acct	237.63

TOTAL \$186,623.01

GRAND TOTAL \$1,084,694.51

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners’ allowance & warrant register record 2018-2019).

11:28 a.m., Dick Staples with JRS Surveying joined the meeting.

Commissioner Pinkerton moved to increase the rate of pay for the county surveyors from \$75.00 per hour to \$100.00 per hour. Commissioner Kirby second. Motion passed unanimously.

11:29 a.m., County Civil Attorney Tevis Hull joined the meeting to discuss the matter of a plat map for the Veys Revocable Living Trust.

Attorney Hull said he had spoken to Mr. Veys’s attorney Tom Bushnell about the matter of the plat being recorded without the required signatures some time ago. The person developing the property needs to do a quit claim deed for the 10 acre lot to the person who bought that parcel, then have a plat map drawn up on the remaining five lots. Attorney Hull said from the county perspective, the county won’t ask for more fees so the financial responsibility falls on the owner of the five remaining lots. Mr. Staples asked if the original plat is null and void. Attorney Hull said yes, that is correct. Mr. Staples said so the process is to do a plat; not a replat. Attorney Hull said that was correct. Attorney Hull recommended providing a

certificate stating that the plat was recorded in error, to list the instrument number, and to state that this new plat replaces that instrument or corrects the prior instrument number. Attorney Hull suggested that he review the certificate for the correct verbiage and he added that if there is a financial cost to that, it will be borne by the property owner. The new lots will be lots 1 through 5. Attorney Hull said this shouldn't change the tax base and it won't include the lot that has already been sold.

Mr. Staples left the meeting at 11:32 a.m.

11:32 a.m., Commissioner Pinkerton moved to go into executive session pursuant to Idaho Code 74-206(1)c, 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. The executive session ended at 11:45 a.m.

Commissioner Pinkerton moved to sign the Commercial Investment Purchase and Sale Agreement on behalf of Boundary County as it pertains to the Felsted property, for the amount of \$225,000. Commissioner Kirby second. Motion passed unanimously.

Commissioners recessed for lunch at noon.

1:30 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.

Commissioners and Clerk Poston discussed matters pertaining to the Veterans Service Officer position. Clerk Poston suggested setting a per hour rate and to determine how many hours the person who fills this position will work. Commissioners agreed to increasing the hours worked.

Clerk Poston left the meeting at 1:35 p.m.

1:30 p.m., Commissioners held a continuation of the public hearing to consider Planning and Zoning Applications #18-119, 18-120 and 18-130. Present were: Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Deputy Clerk Michelle Rohrwasser, Planning and Zoning Administrator John Moss, and Planning and Zoning Commission member Marciavee Cossette. The hearing was recorded.

Commissioners and Mr. Moss discussed where this matter was last left. It was said the Planning and Zoning Commission will come back to Commissioners with a definition of structure for the #18-119 portion of the application so Commissioners will now address Application #18-120. Application portion #18-119 will be continued until a future date.

Chairman Dinning said Commissioners will hold a public hearing for Application #18-120. This is an application for a recommendation to amend Ordinance 9B18LOV1, placing such changes in a new version of this ordinance to be named 9B18LOV2. This is a hearing for a legislative matter.

Mr. Moss gave his staff report and said his report involves two things, one of which is the definition of variance. Verbiage in the ordinance does not indicate that a variance goes with the land and the Planning and Zoning Commission felt that it should, according to Mr. Moss. That is the significant change for Application portion #18-120. Verbiage that states a variance and permits go with the land should be

inserted at Section 12.3., according to Mr. Moss. Mr. Moss suggested this change can be inserted into the ordinance after Section 12.3.4.9. The second change for this application are typos and they are highlighted in yellow in Commissioners' information. This application pertains to the insertion that a variance should run with the land and to correct typographical errors.

Commissioners had no questions. Chairman Dinning suggested continuing the hearing until such time Commissioners receive a clean copy of the proposed ordinance.

Commissioner Pinkerton moved to approve Application #18-120. Commissioner Kirby second. Motion passed unanimously.

Commissioners addressed the #18-130 portion of the application. This portion also refers to renaming the ordinance to 9B18LOV2 as well as addresses the terms of the Planning and Zoning Commission members. This is also a legislative matter. Chairman Dinning stated for the record that on one from the public was present.

Mr. Moss provided the staff report for #18-130. This specifically addresses and only looks at the existing limitation of two terms for a Planning and Zoning Commission member. Current verbiage says membership should be limited to not more than two full terms, but the Planning and Zoning Commission is concerned about that as they will have expertise in members who have met their term limit. If a member has a desire to contribute to the community, it would be unfortunate to no longer be able to provide that experience, according to Mr. Moss. Mr. Moss said the Planning and Zoning Commission has two members who have terms coming due in January. Mr. Moss mentioned Section 3.6.3., and changes to make this section easier to follow. Subsections 1 and 2 were added to Section 3.6.3., which are identical to the statement made that Planning and Zoning member terms would be staggered. What has changed is that membership should be limited. Sections 3.4 and 3.5 were changed. Mr. Moss said the Planning and Zoning Commission would like to present a recommendation to keep or not keep an existing member who would like to remain on the commission and County Commissioners would have the final say. Chairman Dinning said Section 3.6.3.4 talks about an existing Planning and Zoning Commission member requesting to stay on the commission and the remaining current commission members would vote on a simple majority, but Section 3.6.3.5., states that upon presentation of interviewed applicants. Mr. Moss said this is meant to incorporate additional applicants in addition to already existing Planning and Zoning Commission members. The Commission would still seek outside members interested joining the commission. Chairman Dinning questioned if Commissioners would know who all has applied and Mr. Moss said yes. Mr. Moss said there is also state law pertaining to membership.

No one present had any questions.

Commissioners continued the discussion amongst themselves. Chairman Dinning asked about tie breaker votes involving the Planning and Zoning Commission. Mr. Moss said the Planning and Zoning Commission chairman has the tie breaker vote.

Commissioner Pinkerton moved to approve Planning and Zoning Application #18-130. Commissioner Kirby second. Motion passed unanimously.

Commissioners stated they have continued the hearing for Planning and Zoning Application #18-119 and have approved Application #18-120 and Application #18-130. Mr. Moss will reschedule the follow up hearing for Application #18-119 at a date and time that works for him.

Commissioner Pinkerton moved to close the hearing understanding that Application #18-119 is being continued to a later date. Commissioner Kirby second. Motion passed unanimously.

The hearing ended at 1:51 p.m.

Chairman Dinning discussed with Mr. Moss the need to update the first version of the ordinance before recording the second version. Those present also discussed the need to update the resolution regarding land use application fees.

Mr. Moss and Ms. Cossette left at 2:00 p.m.

There being no further business, the meeting adjourned at 2:00 p.m.

DAN R. DINNING, Chairman

Attest:

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