

*****Monday, December 01, 2014**, Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, Clerk Glenda Poston, and Deputy Clerk Michelle Rohrwasser.

County resident Terry Capurso joined the meeting.

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

Commissioner Pinkerton moved to amend the agenda for today at 10:30 a.m. to include a motion to sign the Selkirk Cooperative Weed Management Area Annual Operating Plan for year 2015. Commissioner Kirby second. Motion passed unanimously.

9:00 a.m., Road and Bridge Superintendent Jeff Gutshall joined the meeting. Mr. Gutshall did not present a written report. Mr. Gutshall said he has three sand trucks ready for when they are needed. Road and Bridge has been sanding roads to the east, but there is not too much going on yet as far as ice. Road and Bridge also has two dump trucks and pups available for finishing gravel jobs. Material for the Durapatcher is ready for filling potholes if the weather warms up. The rock crusher has not been closed yet, but the screens have been switched to one and one half inch. Mr. Gutshall said crushing may continue for another two weeks before shutting the crusher down for the rest of the year. Part of the crusher may be moved to District 15, according to Mr. Gutshall. Road and Bridge crew has not started working the split shift just yet, which enables them to get other work done first. Mr. Gutshall said he won't look at split shifts until it looks like there will be a lot of overtime occurring.

Mr. Gutshall and Commissioners discussed a matter involving the designation of a driveway versus private road. Mr. Gutshall said once multiple property owners are using the access as a road more than as a driveway, it can become an issue and there may be some sections in the Boundary County Road Standards that may need to be reviewed. Mr. Gutshall said if a property owner is already living there and had a driveway, there might be an easement going back further, but that person is not going to spend more money on that easement so it's left up to the next property owner who moves in. Once an access has been brought up to county standards and a permit has been issued, the county will maintain that access, according to Mr. Gutshall. Mr. Gutshall briefly mentioned differences between new driveway approaches as opposed to older approaches, which are grandfathered prior to a certain year, as well as any changes in use.

Chairman Dinning asked if there is a problem for Road and Bridge if Commissioners conditionally approve a Planning and Zoning building location permit as long as the owner states they will take care of the approach by a certain date. Mr. Gutshall said in every case if a property owners signs a permit and agrees to take care of the approach, he is okay with that. Mr. Gutshall said he wouldn't hold up a building permit based on the approach. Chairman Dinning said the county has no mandate to make property owners pay for a private road. Commissioner Pinkerton said when someone is subdividing for multiple residences is when road improvements should occur. Mr. Gutshall said in this case people just bought property located off the road. Chairman Dinning said under the county's ordinance, if he gave his children a piece of property and an easement, the county wouldn't know that is occurring as it's not a formal subdivision process. But when someone else wants to build this notification will kick in. Chairman Dinning said going forward on new development when an easement is given for property with a house, that approach needs to be brought up to county standards. Mr. Gutshall said this would allow the ordinance to be addressed at the Planning and Zoning stage.

Mr. Capurso requested to make a comment and said a non-formal subdivision could consist of many parcels and it's always been the practice that if someone is going to go through that process, they would be dealing with a private road so it would be the private road owner's problem. If the property owner wants the road to be maintained by the county, the road needs to be brought up, and Mr. Capurso questioned why. Chairman Dinning explained that this discussion pertained to an approach off a county road. If there is more than one house, the property owner needs to make the approach wide enough for two cars. Mr. Gutshall said in counties with higher density there are impact fees, and that is handled during the residential permit or subdivision process as that is usually the only time that activity is picked up. Mr. Gutshall said normally it's preferred to have the builders work on the approach road due to the trucks coming through. Mr. Gutshall said he doesn't hold anything up as far as the building process once he gets the permit.

Airport Manager Dave Parker joined the meeting at 9:20 a.m.

Mr. Parker asked Mr. Gutshall for advice on what to do for an access road at the county airport.

The meeting with Mr. Gutshall ended at 9:22 a.m.

Commissioner Pinkerton moved to sign the award document package for the 2013 Operation Stone Garden Grant Program. Commissioner Kirby second. Motion passed unanimously.

9:26 a.m., Commissioner Pinkerton left the meeting to tend to other matters.

County Civil Counsel Tevis Hull joined the meeting at 9:28 a.m. Ron Sukenik also joined the meeting.

Commissioners talked about JUB invoices associated with the airport land acquisition grant. Mr. Parker said JUB Engineering representatives are coming to meet with him prior to tomorrow's Airport Board meeting and he asked if Attorney Hull could also attend the meeting. Attorney Hull said he won't be able to make the earlier meeting, but he doesn't have any involvement in the billing issues. Attorney Hull said he reviewed the binder of information given out by JUB Engineering and he has some comments about it. Attorney Hull said he did figure out JUB's accounting as far as how the numbers worked out, but you have to go through several charts. The only omission is in the Dinning property, which is the purchase and sale agreement. Attorney Hull reminded everyone present there had been no purchase and sale agreement for the Dinning transaction so he had to write a letter to Gary Gates with the Federal Aviation Administration (FAA) as to why there was no purchase and sale agreement. Attorney Hull handed Mr. Parker the binder for the Airport Board to review. Chairman Dinning also gave Mr. Parker the airport layout map and other documents that accompanied the map.

Attorney Hull said after the binder was given to him he was informed by Diane Zipperer with JUB that there had been replacement documents. Attorney Hull said he had to make copies of the land requisition diaries to include in the binder so the binder is now a complete copy. Attorney Hull said Ms. Zipperer included a summary report pertaining to the Dinning transaction. When the Dinning property is referenced the total cost is approximately \$259,000, but when you read the breakdown of that, \$180,000 is for fair market value, \$40,000 is for relocation such as replacement housing and moving. That leaves a \$39,000 difference so you have to refer back to JUB's ledgers in the General A, and look at land acquisition costs, category 12, which is the difference as everything totals \$39,000. JUB has \$15,000 to \$16,000 for negotiations and relocations. Mr. Parker said JUB should not do that as every engineer has the ability to break it down and correctly itemize.

Attorney Hull said there are fees billed by JUB for tasks they did not even do such as there was no purchase and sale agreement for the Merrifield property as he was the one who typed the purchase and sale agreement for that.

Attorney Hull said when he met with Ms. Zipperer the billing of \$61,000 was discussed to make sure it was the final bill and there were to be no more invoices. Attorney Hull said JUB had a separate ledger that showed \$71,000 that wasn't billed for this project so he doesn't know if there are two different ledger systems.

Mr. Parker said the biggest problem he has is the billing for properties in which no work has been done. There is an invoice, but it doesn't specify anything and nothing has been done for the property. Chairman Dinning said Commissioners and Mr. Gates need justification as to what the costs are for and why are there costs for things that were not authorized. Attorney Hull said the original contract is for six parcels, but when you read the summary it only mentions the first three properties, until you get to the other appendix where it has all of these charges for appraisal fees, etc. Chairman Dinning said appraisals were not done for the Howard and Wheatley properties, but an appraisal was done on the Speed property. Chairman Dinning said it would be JUB's fault if they had an appraisal done on property without having an agreement to sell.

Mr. Sukenik left the meeting.

Chairman Dinning asked Mr. Parker to negotiate with JUB to best of his ability at tomorrow's meeting, but to keep in mind Commissioners have the ultimate say. Chairman Dinning said the Airport Board knows the figures inside and out. Mr. Parker said the Airport Board will meet tomorrow. Attorney Hull said the report before "Appendix A" and "Appendix A" itself are most critical.

Mr. Capurso left the meeting at 9:49 a.m.

Commissioner Kirby moved to go into executive session under Idaho Code #67-2345(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. 10:21 a.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

10:22 a.m., Chief Probation Officer Stacy Brown joined the meeting to give her departmental report.

Ms. Brown informed Commissioners that she has been working on a memorandum of understanding (MOU) with the Kootenai Tribe that would allow the county's Probation Office to perform searches for tribal members on tribal ground. Ms. Brown said Attorney Hull has approved the MOU, but advised of a small change so she would bring the MOU to Commissioners once that change has been made. Ms. Brown handed Commissioners Attorney Hull's written approval of the MOU to keep on file.

Ms. Brown provided a department report. The Boundary County Probation Office has 65 adults on adult misdemeanor probation, 53 juveniles on juvenile probation with five of those juveniles being committed to the state, six juveniles are going through the Juvenile Accountability Board program and they are doing fantastic, according to Ms. Brown. Ms. Brown said her office has 190 adults on unsupervised

probation, but that is the lowest the number has been in a long time. Ms. Brown said she has been contacted by Valley View Elementary staff and they asked her if she would like to help them find ways to curb truancy. Ms. Brown said she has offered to send out Probation Office memo's along with the school's attendance office memos, she can talk to students if requested, and a citation can also be issued if truancy continues. Ms. Brown said last month she spoke with the Clerk's Office about collecting fees that don't go into the Idaho Statewide Trial Court Automated Records System (ISTARS), such as the Youth Accountability Board (YAB).

Ms. Brown left the meeting.

County Noxious Weeds Department Superintendent Duke Guthrie joined the meeting.

Commissioner Kirby moved to authorize the Chairman to sign the junior college out of district tuition forms for the following students: C. English and D. McAllister for the fall 2014/spring 2015 semester. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Commissioner Kirby moved to sign the Selkirk Cooperative Weed Management Area Annual Operating Plan for year 2015. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Mr. Guthrie left the meeting at 10:41 a.m.

Deputy Clerk Nancy Ryals joined the meeting at 10:41 a.m.

Commissioner Kirby moved to deny indigent applications #2015-7 and #2015-4 as per the Clerk's recommendation. Chairman Dinning yielded the chair to second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting at 10:42 a.m.

Commissioners tended to administrative duties.

There being no further business for the week, the meeting adjourned at 11:00 a.m.

Dan R. Dinning, Chairman

Attest:

Glenda Poston, Clerk

By: Michelle Rohrwasser, Deputy Clerk