

*****Monday, December 8, 2014**, 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 joined the meeting.

Commissioner Pinkerton moved to sign the Annual Road and Street Report. Commissioner Kirby second. Motion passed unanimously.

Commissioner Kirby moved to approve the minutes of October 27 & 28, 2014, November 3 & 4, 2014, November 17 & 18, 2014, November 24 & 25, 2014 and December 1 & 2, 2014. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to approve the North Idaho College Certificate of Residency form for A. Wilson. Commissioner Kirby second. Motion passed unanimously.

9:06 a.m., Road and Bridge Superintendent Jeff Gutshall joined the meeting to give the departmental report. County resident Ed Minden joined the meeting to discuss a matter regarding an easement. Mr. Minden said he brought property in Moyie Springs behind the property where his shop is located and he wanted to talk about the road that comes out by the county's gravel pit off Highway 2.

Mr. Minden explained that the property where he lives had previously been subdivided and how he hadn't been aware of the easement matter until Mr. Gutshall contacted him. Mr. Minden said when he purchased his property in the 1990's the easement was held by Phillip Tihonovich, but by the way the property was sold, the easement wasn't obtained for the other residents that he had originally given access to. Mr. Minden said the title company told him he needed to approach Commissioners for an easement access as somehow the easement had never showed up before, but according to the title search, it should've. Chairman Dinning said the title company was correct in that the original property owner did not have authority to give access. Chairman Dinning asked if Basin Lane accesses the property. Mr. Minden said Basin Lane was there, but it does not access his shop. Mr. Minden said the only way he has access now is that he approached the state because he has a frontage road so they need the access. Mr. Minden said he uses Basin Lane. Chairman Dinning said Commissioners have looked at that road so they may need to have some discussion as to what is best including what is best for the gravel pit. Chairman asked Mr. Minden if there is a property sale pending this resolution or economic harm. Mr. Minden said no and the easement will still be there for Mr. Tihonovich, but he would like to request being included in that access. Commissioners said they would discuss the pros and cons. Mr. Gutshall said his only concern is since Mr. Tihonovich has the only legal access across the county property since the pit was there, there would be two addresses. Mr. Minden said he doesn't mind the address being there, but just wants access that he's had. Mr. Minden said if he goes to sell his property, he wouldn't be able to say he has access. Mr. Gutshall said there is access out Basin Lane. Mr. Minden said that might not be true. The frontage road is the road that comes out by the gravel pit. Mr. Gutshall said the state calls it controlled access and it is a title issue. Mr. Minden said the state won't jump in and investigate until he is told he has no access. Chairman Dinning said one thing he talked about with Mr. Gutshall was relocation of the road. Mr. Gutshall said that would have to worked out with Mr. Tihonovich and he added that Mr. Tihonovich owns property up to the highway. Mr. Gutshall said County Mapper Gary Falcon would have the contact number for Mr. Tihonovich.

Commissioner Kirby questioned if the county really wanted to move the road. Chairman Dinning said Commissioners had just discussed it; but there was no consensus. Mr. Gutshall spoke of the advantage to moving the road. Mr. Gutshall said there are expenses involved with relocation such as forming an agreement with Mr. Tihonovich and address changes including the gravel pit. Mr. Gutshall said there are five other properties that access this road. Chairman Dinning said from the Mine Safety and Health Administration (MSHA) aspect, the county is actually making the area safer. Mr. Gutshall said he doesn't think the road could be relocated more than approximately 40 to 50 feet, but if it could be more, it would be 80 to 100 feet. Commissioner Pinkerton said the county needs to at least take a look at that as it is the right thing to do and it would serve a purpose for the county as well. Mr. Gutshall will provide an aerial map and a description of what a relocated road would look like.

Mr. Minden left the meeting at 9:29 a.m.

Mr. Gutshall continued with his department report. Graders were out and cleared a few roads last week and a drainage issue on Highland Flats has been repaired.

County Civil Counsel Tevis Hull joined the meeting at 9:30 a.m.

Mr. Gutshall said Road and Bridge had to do some sanding this last weekend, and they also hauled rock to Round Mountain Road and Deer Creek Road. Only a couple trucks are hauling right now. Mr. Gutshall said he sent a crew to the crusher and if weather holds, they will crush for a couple weeks. Rocks will be sent to White Mountain and Farm to Market Roads, a guardrail on Canyon Creek Bridge will be fixed as two posts had ripped out on the west side. Mr. Gutshall said the bad areas in the Winjum subdivision will be patched.

Mr. Gutshall informed Commissioners that representatives from Western Federal Lands are coming to Boundary County in January to look at a possible project on Riverside Road. This project would fall under the Federal Lands Access Program for feasibility of widening the road and creating a bike path. This project would be done in conjunction with the Kootenai Wildlife Refuge.

The meeting with Mr. Gutshall ended at 9:36 a.m.

Commissioners spoke to Attorney Hull about tax deeded property that was sold to the Keating's on a contract since the property did not sell at the original tax deed auction. Chairman Dinning said the Keatings have not made any payments as per the agreement so Commissioners need Attorney Hull to look into the next steps to take.

Chief Deputy Treasurer Sue Larson joined the meeting at 9:40 a.m.

Commissioners said it has not been verified that Mr. Keating had the property logged. Attorney Hull said he would go forward with what needs to be done.

Chief Deputy Clerk Larson left the meeting at 9:43 a.m.

9:44 a.m., Commissioner Pinkerton 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. Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye."

Motion passed unanimously. 10:20 a.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

Planning and Zoning Administrator John Moss joined the meeting at 10:18 a.m. to discuss matters involving special events.

Chairman Dinning said the county had approved an alcoholic beverage catering permit for an event and it raised a question for the Planning and Zoning Department. The question is how the county knows if an event does or does not need to go through the Planning and Zoning process. Mr. Moss said he's looking for guidance as a special event requires just his approval and he wasn't even aware of the application needed for a special event permit. Chairman Dinning said he believes a permit is not needed for a special event involving less than 500 people. Attorney Hull reviewed Boundary County's Land Use and Planning Ordinances and mentioned a permit is not needed. Attorney Hull mentioned a permit is not needed for an event consisting of less than 500 people or lasting under seven days. Mr. Moss said the article in the newspaper stated this particular event was expected to bring in a couple thousand people.

Mr. Hull reviewed the options for special event applications such as approving or denying the permit once the authority of Planning and Zoning Administrator has been deferred. Mr. Moss said events could go under the radar. Attorney Hull said Mr. Moss can contact the event planner when he learns of an event. Mr. Moss brought up the matter of needing emergency medical services support and notification. The application has notification for fire service, but there should also be a notification for ambulance responders. Chairman Dinning said it's not the county's responsibility to contact other entities as that would be up the event planner. Chairman Dinning said we need to be careful to require placing an ambulance at someone's graduation party as a reference for having a large number of people at an event. Mr. Hull said that was one of the exemptions and he added that a special event deals with seven days or less. Mr. Moss said a special event may recur on a regular schedule per calendar year not to exceed four times. When a permit is granted, it runs with the land. Chairman Dinning said that is almost a conditional use. Mr. Moss said that sounds recurring to him and the permit will run with the land so once he says the permit is approved for a special event, the county is going to inherit that activity. Commissioner Pinkerton said that verbiage needs to be amended. The county needs to insert all limiting language into the permit itself and if the event planner expands beyond what the permit allows, they need to reapply.

Mr. Moss referred to a temporary use permit and the decision to approve. There is verbiage stating issues with special event permits, but it should state a temporary permit. Attorney Hull said this language can be cleaned up. Mr. Moss said there are clerical errors in the entire ordinance that weren't cleaned up when the ordinance was renumbered. The Planning and Zoning Commission will review this and present it to Commissioners, according to Mr. Moss.

Mr. Moss voiced a concern about accessory dwellings. If someone is living in an accessory dwelling, there has to be an address and cannot be called an un-addressable dwelling.

Those present discussed an applicant interested for the Planning and Zoning Commission. Commissioners are requesting a letter of interest, but Mr. Moss hasn't heard back from him.

Mr. Moss left the meeting at 10:45 a.m.

Those present discussed the matter of a deed for the recently paid off local North Idaho College building. Attorney Hull will look into the matter of a quit claim deed versus warranty deed. Commissioners reviewed claims for payment. Fund totals are as follows:

Current Expense	\$37,916.47
Road & Bridge	28,910.47
Airport	6,249.07
District Court	5,768.72
Fair, County	15,000.00
Justice Fund	32,725.35
911 Funds	3,406.45
Indigent & Charity	18,221.30
Junior College Tuition	35,032.00
Parks and Recreation	768.81
Revaluation	2,654.69
Solid Waste	14,800.30
Tort	2,000.00
Veterans Memorial	316.51
Weeds	378.84
Restorium	11,947.08
Waterways	153.87
Grant, Juvenile Accountability	269.97
Grant, Boat Safety	10.00
Grant, Fire Mitigation	<u>4,197.66</u>
TOTAL	\$220,727.56
<u>Trusts</u>	
Auditor's Trust	236.88
Magistrate Trust	45,660.16
Interlock Device Fund	291.36
Motor Vehicle Trust	80,786.92
Sheriff's Trust Fund	<u>449.00</u>
TOTAL	\$127,424.32
GRAND TOTAL	\$348,151.88

Citizens are invited to inspect detailed records on file in the Courthouse (individual claims & Commissioners' allowance & warrant register record 2014-2015).

Attorney Hull left the meeting at 10:48 a.m.

Deputy Clerk Nancy Ryals joined the meeting at 10:49 a.m.

Commissioner Kirby moved to go into closed session under Idaho Code 31-874. Commissioner Pinkerton second. Motion passed unanimously. 10:55 a.m., Commissioner Pinkerton moved to go out of closed session. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to deny indigent applications #2014-49, #2015-5, and #2015-8. Commissioner Kirby second. Motion passed unanimously.
Deputy Clerk Ryals left the meeting at 10:55 a.m.

11:55 a.m., Restorium Administrator Karlene Magee and Assistant Administrator Pam Barton joined the meeting.

Commissioner Kirby moved to approve the Property Tax Exemption Application Form dated November 26, 2014, for Mountain Springs Church, Parcel #RPB0160001011A. Chairman Dinning yielded the chair to second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "abstained", Commissioner Kirby "aye". Motion passed unanimously.

Commissioner Pinkerton reviewed the Restorium resident status report and commented there are two less rooms vacant than in September and October. Commissioners briefly mentioned hearing about the carbon monoxide detector going off, but it turned out to be a false alarm. Commissioner Pinkerton praised Ms. Magee for how she handled the evacuation process. Ms. Magee said changing the detectors is on the maintenance schedule.

Ms. Barton informed Commissioners about new residents having heard about the Restorium by word of mouth, etc. Commissioners spoke of three locations in western Montana having senior centers in regards to getting the word out about the Restorium. Ms. Barton said between visiting a hospital, senior center, and attending the health fair it has made that part of Montana more aware of the Restorium. It was suggested Ms. Magee keep a visitor's log to include a place for a telephone number and question of how they heard about the Restorium.

Commissioners were invited to the Restorium Christmas party to be held in January. Chairman Dinning asked if there are any educational classes Ms. Magee and Ms. Barton would like to take pertaining to their employment. Ms. Magee said marketing.

Commissioner Kirby spoke of drainage issues with Ms. Magee and he said a snow stop needs to be installed the length of the building and in addition, to install an electric heater so only water runs off the building. Then gutters and better drainage need to be installed as the water is not draining fast enough.

Those present discussed ways to possibly save money while upgrading the resident rooms. Chairman Dinning asked Ms. Magee if she thinks this upgrade should be done to every room over the course of years as it could increase the residency. Ms. Barton said there are residents who will prefer the lower cost of a room.

Ms. Magee said some residents' families have talked to a service veteran about what benefits are available, but she has not heard back from them. Chairman Dinning voiced the importance of becoming as informed as a veteran's representative. Clerk Poston suggested Ms. Magee and Ms. Barton talk to the local veteran service representatives Jim Wilson or John Tucker about the state meeting they go to every year.

The meeting with Ms. Magee and Ms. Barton ended at 11:32 a.m.

Commissioner Pinkerton moved to approve and sign the 2011 Bureau of Homeland Security Grant Program document pending approval of Boundary County Emergency Service Director Dave Kramer. Commissioner Kirby second. Motion passed unanimously.

Clerk Poston informed Commissioners that she has an audit scheduled for tomorrow pertaining to Waterways matters and she has concerns about funding for the docks that were to have been purchased. The Vessel fund totals \$46,000 and the recommendation for the bulk of these funds are for materials and labor associated with maintaining or reconstructing the three oldest docks, which are Rocky Point, Copeland, and Sundowner Park. So far no work has been done. Clerk Poston said she shows funding of \$59,000. The budget for boat safety is \$14,000, which is to be used for water safety programs, but the program has been inactive. The Waterways budget has approximately \$45,000. Clerk Poston explained to Commissioners that she has received no input from any of the Waterways Board members so she has looked into Easy Docks as a dock replacement. Clerk Poston said she was impressed with Easy Docks and a six and one half foot by 30 foot dock comes with a ladder, tie offs, and side rails for a cost of \$7,500. This cost does not include installation or freight. Clerk Poston reiterated that she is not receiving any input from the Waterways Board and although there are funds to improve these docks, it's just not getting done. Chairman Dinning said Commissioners contacted Waterways Board Chairman Vern Wilson and asked to schedule a meeting with him, but he said he is too busy with work. Commissioners informed Clerk Poston they would like to carry funds forward, pursue obtaining new docks, and schedule a meeting with the Waterways Board.

The meeting to discuss Waterways matters ended.

Commissioner Kirby moved to recess as the Board of Boundary County Commissioners and convene as the Board of Equalization. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners stated for the record that Boundary County had received no appeals for the subroll this year.

11:44 a.m., Commissioner Kirby moved to adjourn as the Board of Equalization and reconvene as the Board of Boundary County Commissioners. Commissioner Pinkerton second. Motion passed unanimously.

11:47 a.m., County resident Wayne Nishek joined the meeting. Treasurer Jenny Fessler also joined the meeting.

Mr. Nishek said when the county rebuilt Cow Creek Road near the Y intersection in the 1970's, they rebuilt it to where fish could no longer swim up creek and spawn so he would like to see if something can be done about that this year. Mr. Nishek said Kokanee used to swim by, but now they cannot swim upstream and spawn and he suggested some type of fish ladder. Chairman Dinning said he knows there had been a wish list put out and one of the individuals came up with a plan that would be to put in a big culvert or bridge under the east portion of the road and build a dike on the east side of the ditch all the way back where the creek naturally flows. That will be an expense, but that is the ultimate solution. Mr. Nishek said a good job was done at Twenty Mile with creating the fish ladder and he suggested the county talk to the Tribe about this. Commissioner Pinkerton said that would be a good idea to present to the Kootenai Valley Resource Initiative (KVRI). Chairman Dinning said he would bring it forward as it would fit under the scope of natural resources or Total Maximum Daily Load (TMDL).

Mr. Nishek left the meeting at 11:51 a.m.

Treasurer Fessler and Commissioners discussed a matter regarding property taxes. A county resident owned 40 acres and has sold five acres to a family member and now wants to be reimbursed by the county for the acreage the county is using as an easement. Chairman Dinning said if the county road is prescriptive, the property owner still owns the land underneath the road. The easement would need to be directly deeded to the county in order to be taken off the rolls. Treasurer Fessler said the original deed did read 40 acres. Chairman Dinning said the county cannot legally pay this back. Treasurer Fessler said the property owner would like a letter or phone call from Commissioners with their decision. Chairman Dinning said he would contact this person.

Treasurer Fessler left the meeting.

There being no further business, the meeting adjourned at noon.

DAN R. DINNING, Chairman

ATTEST:

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