

**\*\*\*Monday, February 22, 2016, at 9:00 a.m.,** Commissioners met in regular session with Chairman Dan Dinning, Commissioner LeAlan Pinkerton, Commissioner Walt Kirby, and Deputy Clerk Michelle Rohrwasser.

Blue Sky Broadcasting Reporter Mike Brown was in attendance of the meetings off and on throughout the day.

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

Courthouse Maintenance John Buckley joined the meeting.

9:00 a.m., Road and Bridge Department Superintendent Clint Kimball joined the meeting to give the department report. Mr. Kimball presented a written report. Mr. Kimball spoke of work to repair a slide that occurred on Eileen Road. The condition of many roads is good and the graders are out, according to Mr. Kimball. The grader should be out on Pleasant Valley Loop soon.

Mr. Kimball said he took a look at the condition of Westside Road near the Parker Ridge fire area because Naples experienced a lot of rain so he had been concerned about that area. Westside Road seems to be handling the water fairly well, but the pipe was full. Mr. Kimball spoke of completing the road miles report pertaining to the type of work that has been done.

Commissioner Pinkerton mentioned that Mr. Hubbard was under the impression that District 5 Road had been rebuilt, but only a portion had been rebuilt and he didn't know if Mr. Kimball had known that. Commissioner Pinkerton said the culverts in this vicinity are in a marshy area, but don't have water flowing through them. Commissioner Pinkerton said even the portions that had been rebuilt might need to be checked as some areas are sloughing.

Mr. Kimball mentioned wanting to obtain a four speed loader and he explained the makeup of this equipment. This loader will clean ditches like Commissioners haven't seen before and if there is material that he pulls out of ditches that can be used again such as gravel, he will place it back on the roads. Mr. Kimball said he will also increase the crown on a road, which will help the water drain better. Mr. Kimball informed commissioners that his crew is doing a good job.

Mr. Buckley asked Mr. Kimball about the ability to work on the Courthouse Maintenance pickup. Mr. Kimball and Mr. Buckley agreed to look into it. Mr. Buckley left the meeting at 9:21 a.m.

Commissioners and Mr. Kimball spoke of how well the roads hold up in winter dependent on being chip sealed or having a concrete treated base. Mr. Kimball suggested two times the prescription of treatment in some areas such as hills.

Mr. Kimball spoke of various roads that are okay for trucks with heavier loads due to the cold weather.

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

Commissioner Kirby moved to approve the minutes of February 8 & 9, 2016. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to reappoint Rita Pensmith to the Translator Board with a term to expire March 2019. Commissioner Kirby second. Motion passed unanimously.

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

Commissioner Pinkerton moved to grant an extension to receive year 2015 taxes and to accept the remainder of tax for parcel #MHM0740002006DA by March 2, 2016. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to adopt Resolution 2016-13. A resolution transferring cash from the 4-H After School Academy Trust, Boundary County 4-H Trust, and the University of Idaho program trust funds and to increase the current expense county agent budget. Commissioner Kirby second. Motion passed unanimously. Resolution 2016-13 reads as follows:

RESOLUTION 2016-13

A RESOLUTION TRANSFERRING CASH FROM THE 4-H AFTER SCHOOL ACADEMY TRUST,  
BOUNDARY COUNTY 4-H TRUST AND U OF I PROGRAM FUNDS TRUST  
AND INCREASE THE CURRENT EXPENSE COUNTY AGENT BUDGET

WHEREAS, the Board of County Commissioners, County of Boundary, State of Idaho, did establish an operating budget for the Boundary County Current Expense County Agent Budget for fiscal year 2015-2016; and

WHEREAS, Resolution 2014-29, adopted to be effective September 30, 2014, established the 4-H After School Academy Trust, Boundary County 4-H Trust and U of I Program Funds Trust; and

WHEREAS, Boundary County works in cooperation with the University of Idaho to support the University of Idaho (U of I) Program Funds, the 4-H After School Academy and the Boundary County 4-H program; and

WHEREAS, U of I Program Funds are received from class fees paid by class participants in such classes as the Strong Woman program, canning and financial classes among others; and 4-H After School Academy revenue is received from user fees and a grant through the University of Idaho; and the Boundary County 4-H program receives revenue from user fees; and

WHEREAS, the Board of County Commissioners, County of Boundary, State of Idaho, find it is in the best interest of the County to transfer cash from these trusts to the Current Expense County Agent Fund and increase the Current Expense County Agent Budget in order to pay program expenses; and

WHEREAS, the Boundary County Current Expense County Agent Fund is in need of additional revenue for fiscal year 2015-2016; and

WHEREAS, the addition of this revenue does not affect the tax levy for Boundary County; and

WHEREAS, it is appropriate to transfer cash from the trusts and increase the Boundary County Current Expense County Agent Budget as follows:

<u>Transfer Cash From Fund Number</u>	<u>Increase Expense Account Number</u>	<u>In the Amount of</u>
9143, 4-H After School Academy Trust	01-13-0559-043, 4-H After School Academy	\$ 483.64
	01-13-409-00, Other Personnel	\$4,321.63

	01-13-411-00, Social Security	\$ 330.61
	01-13-416-00, Worker's Compensation	\$ 11.24
9144, Boundary County 4-H Trust	01-13-0559-044, Boundary County 4-H	\$1,788.86
9145, U of I Program Funds Trust	01-13-0559-045, U of I Program Funds	\$2,976.91

NOW THEREFORE, upon motion duly made, seconded and unanimously carried,

IT IS RESOLVED, that the transfer of cash from the trusts as outlined above and the increase to the Boundary County Current Expense County Agent Budget as outlined above is hereby authorized and ordered, and

IT IS FURTHER RESOLVED that the Clerk is instructed to deliver certified copies of this resolution to the Boundary County Treasurer and the Boundary County Auditor.

PASSED this 22<sup>nd</sup> day of February 2016 to be effective the 17th day of February 2016.

COUNTY OF BOUNDARY  
 BOARD OF COUNTY COMMISSIONERS  
 s/ \_\_\_\_\_  
 Dan R. Dinning, Chairman  
 s/ \_\_\_\_\_  
 LeAlan L. Pinkerton, Commissioner  
 s/ \_\_\_\_\_  
 Walt Kirby, Commissioner

ATTEST:

s/ \_\_\_\_\_  
 Glenda Poston, Clerk of the Board of County Commissioners  
 Recorded as instrument #266358

Commissioner Pinkerton moved to appoint George Hays as director from Boundary County to the District #1 Animal Damage Control Board. Commissioner Kirby second. Motion passed unanimously.

Commissioners spoke of the United States Forest Service Deer Creek project. Chairman Dinning said the first concern is this was a transportation analysis and in looking at roads there was a discrepancy in the mileage. If there is an unauthorized road it could have gone to a small logging unit at that time. What was expressed was that the Forest Service has been requested to start cleaning up the roads so if it is a road that is not maintained, the road is just numbered in the system and it is not slated for maintenance, and these roads will be removed from the system for identification. The reduction of 730 acres was explained and it was said these acres were already under contract for pre-commercial thinning. Chairman Dinning said Alternative 4 is the analysis of decommissioning Placer Creek Road, which he is against. Commissioners would also request that concerns be addressed prior to the Forest Service making a final decision. Commissioner Pinkerton asked about a disclaimer stating that all alternatives have their flaws. Chairman Dinning said Commissioners will not support Alternative 4. Commissioner Pinkerton said Alternative 2 is the closest choice and although it is the most acceptable, it is still not what Commissioners want in the perfect world.

Chairman Dinning mentioned the comments being clarified, but Commissioner Pinkerton asked to think on the matter before submitting comment. Commissioner Pinkerton said he doesn't want anyone in the public thinking Commissioners are perfectly happy with this issue. As it sits today Commissioners are okay with this, but they would encourage more analysis in a treatment area. Commissioner Pinkerton said not treating an area because it is old growth is not acceptable to him, but all they have to go by are the alternatives.

Commissioners decided to continue their discussion on the Deer Creek project environmental assessment to later today.

10:00 a.m., Boundary Volunteer Ambulance Board (BVA) member Nancy Russell, BVA Medical Director Dr. Stu Willis, and BVA Chief of Operations Jeff Lindsey joined the meeting.

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

Commissioner Kirby moved to approve the minutes of January 25, 2016. Commissioner Pinkerton second. Motion passed unanimously.

Mr. Lindsey explained that he is now Chief of Operations. BVA's Board saw a need for changes in how BVA was operating as you cannot have the lowest level provider instructing the highest level provider on how to do things. Chief Ken Baker is now in charge of administration such as paperwork and stats and Mr. Lindsey is now over the employees as far as the EMT's, training, and the operational function of the service. Mr. Lindsey presented Commissioners with flow chart for the administrative and operational side of BVA.

Mr. Lindsey explained that he had been the operational chief in Bonner County, which involved attending commissioner meetings, etc. Mr. Lindsey asked Commissioners what they would like from BVA. Commissioner Pinkerton said he would like for Commissioners not to have to look for things, and he wants honesty, above table information, and a friendly relationship. Commissioner Pinkerton added that he wants county constituents to get what they pay for. The flow chart is a step in the right direction, according to Commissioner Pinkerton.

Commissioner Kirby said in the process wherein the paramedic arrives first on scene then lets the EMT's handle an incident if they are able is first class. Dr. Willis spoke of the differences between operations in bigger cities versus smaller towns. Commissioner Pinkerton said he thinks BVA has turned the corner in making this a professionally run operation. Mr. Lindsey said BVA has revamped bylaws, articles of incorporation and job descriptions on file. Chairman Dinning said in going through everything he has with BVA he knows that financial records have been kept extremely private. The county has budgeted a lot of money so if there is ever an avenue to be truthful and to share those "here is where we are" figures, even though a non-profit, it would be helpful. Dr. Willis mentioned that ambulance service in this area has come a long way from where it had been a long time ago to where it is now such as initial treatment in the field, paramedics, and medical helicopters. Chairman Dinning said the community needs to know these details and of these services. Commissioner Pinkerton said transparency for the community means everything, and people need to know the strengths and weaknesses of the operations as well as sacrifices made.

Dr. Willis said the biggest losses sustained by BVA are from the people who don't pay their bills whether they have insurance or not. Trying to collect that debt has been difficult so with the tax support BVA has been operating in the black, according to Dr. Willis and Mr. Lindsey.

Commissioner Kirby spoke of the process of forming the district and how the service has improved.

Mr. Lindsey said the vision for rescue services is to give it to the fire departments. Commissioner Pinkerton said BVA will still have their involvement in rescue and each fire department will have a component. Mr. Lindsey said the EMT's provide patient transport and that is their job, but if they have to help the fire departments they have to know how to handle that, but not buy every rope and rescue tool. Chairman Dinning said it can be painful for people hearing about change, and he added that he likes hearing of the willingness to participate.

Those present discussed scheduling a meeting to work on the budget.

10:26 a.m. Kootenai Valley Tribe Facilitator Patty Perry joined the meeting.

Dr. Willis mentioned that some areas have a team to represent emergency agencies as a forum for giving input. Ms. Perry mentioned the Local Emergency Planning Committee (LEPC) as an option and she said that group meets once per month. Commissioner Pinkerton said there are rules and responsibilities of each responding agency.

10:31 a.m., Commissioner Kirby moved to adjourn as the Boundary County Ambulance Service District Governing Board and to reconvene as the Boundary County Board of Commissioners. Commissioner Pinkerton second. Motion passed unanimously.

Ms. Perry met with Commissioners to update them on Kootenai Valley Resource Initiative (KVRI) matters. Ms. Perry briefly reviewed KVRI's meeting agenda. Ms. Perry spoke of an update on the Collaborative Forest Landscape Restoration project, communication issues with the Forest Service, and of issues with roads pertaining to the Deer Creek project. Commissioner Pinkerton said Commissioners discussed that issue a bit this morning so they are going to work on a letter to submit to the Forest Service.

Ms. Perry said the Idaho Forest Restoration Partnership meeting will be held in Boise this week and usually some other KVRI co-chairs have gone. This meeting consists of collaborative groups from around the state that get together to find out what is working and what is not. Ms. Perry said she will give an update on KVRI at this meeting as well as discuss topics Commissioners have already been briefed on.

Ms. Perry said over the last two years Idaho has had approximately 40 to 42 million board feet with 19 to 20 million board feet having come from this district. Our district has provided approximately half of the cut on the Idaho Panhandle, according to Ms. Perry. Projects have managed not to have been litigated. Ms. Perry said the hope is to do more work and have the Forest Service provide staff to do that work. The 2016 targets have been put off by the Forest Service due to the fire season. The Deer Creek project should come out this year, but it will not be until October this year to January of next year.

Ms. Perry said the Kootenai Tribe has been writing a lot of amicus briefs to support the Forest Service moving ahead. A lot of people say if we took on the Forest Service and Fish and Wildlife Service, the issues are still going to be there. Commissioner Pinkerton said if we allow the issues to continue, they will still be tomorrow what they were yesterday. Ms. Perry said if we can get some change, we are poised to do something.

The meeting with Ms. Perry ended at 10:43 a.m.

Courthouse John Buckley joined the meeting at 10:44 a.m.

Mr. Buckley met with Commissioners to discuss matters pertaining to Veterans Memorial Hall. Mr. Buckley said the commander from the American Legion had inquired about funding for permanent flag poles and had asked if the county had the ability to help fund this. It isn't certain if the county has funds available this year or if this item could be budgeted for next year. Mr. Buckley said plans for this current budget are to upgrade the windows in the Veterans Memorial Hall as well as put in a new door with a keyless entry. Mr. Buckley said he has \$5400 left for this year, but these expenses will total approximately \$3,200, which doesn't leave much to work with for the rest of the season. Mr. Buckley said the commander was to get back with him about this, but he hasn't heard from him yet. Chairman Dinning said at this point the purchase of the permanent flag poles will wait for the next budget year. Mr. Buckley said he would let the commander know this decision.

Mr. Buckley left the meeting at 10:50 a.m.

Commissioners resumed working on the Deer Creek draft comment letter.

11:00 a.m., Property owner Bob Vickaryous and Planning and Zoning Administrator John Moss joined the meeting.

Chairman Dinning said Commissioners received a packet of information from the Natural Resource Conservation Services (NRCS). Commissioner Pinkerton said he believes there are ways to get some things accomplished. There are certainly prohibitions within the Fish and Game easements as well as allowances for compatible uses by the landowner, but there has to be a written request. Mr. Vickaryous said Fish and Game can do some things to manage the land, but they just don't want to. Mr. Vickaryous said he has given up in allowing grazing even though it is allowed because Fish and Game just doesn't want it. Chairman Dinning asked Mr. Vickaryous who is telling him that grazing is not allowed and Mr. Vickaryous replied it was Ree Brannon at NRCS. Chairman Dinning said we need to figure out how to go up the proper chain to address that. Mr. Vickaryous said there would have to be several head of cattle to eliminate that grass. Chairman Dinning said somewhere he recalls that there was a percentage figure of that ground that could be grazed or farmed. Mr. Vickaryous said it is five percent. Chairman Dinning said in the documents Commissioners have it doesn't say that so we need to investigate further because if that is just a rule, a rule can change.

Mr. Vickaryous said when this issue came up a lot of people came to think of reasons not to allow grazing and they refused to be worked with. It looks like any instruction would have to come from the state, but the county could adopt a resolution asking for the state to take a look at this. Commissioner Pinkerton said this may be something the county cannot address at this level, but how can we give guidance in the future. We need to get out in front of this. Chairman Dinning said he spoke to County Civil Attorney Tevis Hull about this and he indicated the county could not legislatively place restrictions on state owned property. Because of this structure the county is a subdivision of the state so legislatively the state can tell the county what to do, but not vice versa. Mr. Vickaryous said nothing prohibits Fish and Game from burning the grass. There are shrubs that Fish and Game do not want to burn. Chairman Dinning said you can protect shrubs from burning and he added that these natural areas burn periodically in life anyway. Mr. Vickaryous said the idea is to keep a wildfire from occurring and spreading. Chairman Dinning said it is state land so are they bound by their own rules?

Mr. Vickaryous asked if there is a way the county could adopt an ordinance for undue risks to private property, such as to require the burning and removal of dead and dying grass. Chairman Dinning said he

thought about that and there are private landowners who don't do anything so the issue would have to be defined as a health and safety issue. The question is who enforces this. It would be the county, but Commissioners don't know if the county can really do that so how do we compel that, and if we do, is the county liable if a fire gets away.

Commissioner Kirby said the county has the authority to compel treatment of noxious weeds. Chairman Dinning said he hates government saying "we're going to do this to you." Commissioners will see how the county can move something forward for this fire season coming up. Mr. Vickaryous asked if Commissioners would consider passing a resolution on approaching the state. Chairman Dinning said he wants to know where the percentage figures come from. Commissioner Pinkerton said he thinks legislation is something to look at. Chairman Dinning said he is sure the Idaho Fish and Game Commission itself doesn't have an idea this is a concern.

The meeting with Mr. Vickaryous ended at 11:21 a.m.

Mr. Moss joined the meeting to discuss Planning and Zoning matters with Commissioners. Mr. Moss presented Commissioners with draft minutes from the Planning and Zoning Commission meeting. Mr. Moss asked Commissioners to review the section on page 2 addressing final plat requirements and he explained the difference in process between short plats and long plats. Chairman Dinning said the concern is there is not a date that something has to be completed by and recorded. Mr. Moss said he doesn't have a trigger for him to tell people when they haven't taken care of the final plat. Commissioners approve a short plat then wait for the final plat to be recorded. Until the final plat is recorded the property cannot be sold. The problem is they could potentially wait 10 years to record that final plat, but in the meantime the county ordinance may have changed to where the plat doesn't fit the ordinance.

Commissioners asked other than a forever timeline, what are the concerns. Mr. Moss said there is one piece of property on the other side of Bent Twig Road and the developer wanted to create a commercial subdivision. The question came up when the Idaho Transportation Department conducted a highway traffic stop as a final requirement for the subdivision is a traffic study. This traffic study had not been done as it costs \$2,500 so the developer didn't have one done so it wasn't included in a final plat. Mr. Moss said this scenario has taken one year now. Mr. Moss said in the last two and one half years he has had zero final plats, but there have been a couple of subdivisions. Mr. Moss said there is a document recorded in the Clerk's Office that shouldn't have been recorded as he and Commissioners didn't see it. This document didn't go through the final plat process before being recorded. Chairman Dinning said his contention, if he were the landowner, is that there is a final plat recorded. So in this case we need to define what the final plat is and Commissioners need to sign off on it. Mr. Moss said that is how it is supposed to be now and it is already spelled out that way. Mr. Moss said if the period of time has expired and there isn't a final plat, one of two things should happen, which is either a misdemeanor or revoke approval of the subdivision. There is currently no teeth. Chairman Dinning said his quick thought is the developer or property owner would have one year to finalize the plat. The county can grant an extension to go through the final plat process and have it recorded and if that doesn't get done, then approval can be rescinded. Mr. Moss said right now it is coded as a penalty. Chairman Dinning suggested Mr. Moss talk with County Civil Attorney Tevis Hull as a penalty is not going to prompt someone to complete the final plat. Commissioner Pinkerton said revoking the approval is a penalty.

Mr. Moss said the next page addresses density bonuses, which is buying development rights and transferring them to another property. The county can do away with that and Chairman Dinning said no one has taken advantage of transferred development rights.

Mr. Moss said he didn't change anything pertaining to definitions, but he did categorize them. Chairman Dinning said in the ag/forestry or ag/suburban zone he believes a person can do almost anything, even a commercial venture, is that correct? Mr. Moss said just about anything within reason. Chairman Dinning said someone said you can actually put in something commercial in an ag/forest zone as long as it is okay. Mr. Moss said there is a lot of criteria, though, so it is not a slam dunk. Chairman Dinning questioned if that was the intent of what the county wanted to begin with.

Mr. Moss informed Commissioners there are approximately 60 placement permits per year.

Mr. Moss left the meeting at 11:44 a.m.

11:44 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. 12:06 p.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

Commissioners recessed for lunch at 12:10 p.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.

Commissioner Pinkerton moved to approve and sign the comment letter for the Deer Creek environmental Analysis (EA). Commissioner Kirby second. Motion passed unanimously.

1:32 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. 1:40 p.m., Commissioner Kirby moved to go out of executive session. Commissioner Pinkerton second. Motion passed unanimously. No action was taken.

Commissioners tended to administrative duties.

There being no further business, the meeting adjourned at 2:05 p.m.

**\*\*\*Tuesday, February 23, 2016, at 3:00 p.m.,** Chairman Dinning, Treasurer Sue Larson, and Assessor Dave Ryals participated in the Idaho Association of Counties legislative conference call with members of the Idaho Association of Counties and various elected officials from the four remaining norther counties. The conference call ended at 3:25 p.m.



DAN R. DINNING, Chairman

ATTEST:

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GLEND A POSTON, Clerk

By: Michelle Rohrwasser, Deputy Clerk