

**\*\*\*Monday, July 25, 2016, 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 his departmental report. Mr. Kimball presented a written report. Mr. Kimball said road patching was done last week and since patching with hot mix came in a bit under budget Road and Bridge will do some patching on Westside Road. Mr. Kimball said mowing took place on Farm to Market Road, Deep Creek Loop, Lions Den Road, Moravia Road, and Peaceful Way.

Mr. Kimball spoke of doing some work at the fairgrounds to include improving drainage from the fairgrounds office to the parking lot. Interstate Concrete and Asphalt will come by this week to take a look at the area of the fairgrounds parking lot to be paved. Mr. Kimball said this week crew will mow along Cow Creek Road in anticipation of the canal cleaning project. Work will be done in the area between Turkey Hollow two-thirds of the way to Crossport Road. Mr. Kimball spoke of the possibility of obtaining right-of-way from property owner Ken Irons. Chairman Dinning spoke of the plan in the past of installing a culvert so the county doesn't have to worry about the high level stream along Cow Creek Road.

Mr. Kimball spoke of a meeting with the Local Highway Technical Assistance Council (LHTAC) to discuss the legislation for 129,000 pound trucks. Chairman Dinning said this legislation applies to state highways and they are working on permitting for the county roads, but since there are 44 different counties they are looking for a generic permit. Mr. Kimball said there is a safety aspect to this. Commissioners mentioned that truck drivers with experience who had provided comments were disregarded. It was said it isn't certain if this legislation was designated for Highway 2 to Moyie Springs. Commissioner Pinkerton mentioned his concern is this legislation takes in Three Mile to the Canadian border.

Mr. Kimball said tomorrow is the selection process for design engineer for the Ruby Creek #2 Bridge. On July 27<sup>th</sup> is the meeting for Trout Creek followed by the Idaho Transportation Department Board meeting for District 1. The Boundary Area Transportation Team (BATT) meeting also held on July 27<sup>th</sup> is set for 1:30 p.m.

Those present discussed the Naples Bridge at the south end of Deep Creek Loop. The rating for this bridge decreased from 51.5 to 42, according to Mr. Kimball. Mr. Kimball said he has a multiple page report on this bridge and it clearly states there are some superstructure deficiencies. The last truck that hit the bridge and lost logs should have their insurance company pay for another bridge inspection. Those present discussed the issue with trucks in relation to the Naples Bridge as well as access from School House Road. Mr. Kimball said there had been an inspection post in Naples and 50 trucks were inspected and there were eight over-height citations issued, 10 warnings given, and three trucks were put out of service.

Commissioner Pinkerton moved to sign the Independent Contractor Agreement with Interstate Concrete and Asphalt for the fairgrounds parking lot paving project. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to sign the Cooperative Maintenance Agreement with the Idaho Transportation Department allowing the storage of the county's winter sand supply at two sites as follows: one temporary 30' by 85' canvass shed at Site #1, parcel #RP60N01W130010A, consisting of a 6.87 acre parcel and one temporary 30' by 60' canvass shed at Site #2, parcel #RP64N01E200470A, consisting of a .57 acre parcel. Commissioner Kirby second. Motion passed unanimously.

9:30 a.m., Commissioners spoke with County Civil Attorney Tevis Hull via telephone.

Those present asked about the matter pertaining to trees to be cut down in a right-of-way and who the trees would belong to. Attorney Hull said the trees would not belong to the county so the county can just cut the trees down and leave them for the property owner.

Commissioners spoke to Attorney Hull about an offer received for tax deeded properties that did not sell at auction. Chairman Dinning mentioned the county would have a title company close on the properties Commissioners had received an offer for. Attorney Hull said Commissioners don't need to do that, but he is open to suggestions. The contract will need to be recorded, but the deed will not be transferred. As it pertains to the offer from Walter Merrifield, Attorney Hull said the only thing Mr. Merrifield has to do is pay \$1,000 down then he has possession of the property on Parker Canyon. The county cannot put any liens on the property until it is completely paid for. Attorney Hull said the payment schedule is \$600 per month payable to the Boundary County Treasurer. Attorney Hull said he checked with Community Title about a long term escrow and they don't offer that service and the only company that does is Panhandle Escrow in Sandpoint, but Treasurer Larson can track these payments. If the county went through long term escrow, there will be a fee. Chairman Dinning said at least there would be another entity keeping track instead of the county.

The call to Attorney Hull ended at 9:35 a.m.

Commissioner Pinkerton moved to approve the Certificates of Residency for Jill Alexander and Cailey Rankin. Commissioner Kirby second. Motion passed unanimously.

Commissioner Pinkerton moved to grant an extension of time to pay year 2015 taxes for parcel #MH61N01W256150 and to accept the tax amount due by August 20, 2016. Commissioner Kirby second. Motion passed unanimously.

Chief Deputy Clerk Tracie Isaac joined the meeting at 9:37 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. The executive session ended at 10:20 a.m. No action was taken.

Mr. Kimball and Chief Deputy Clerk Isaac left the meeting.

Commissioner Kirby moved to sign the Public Defense Grant for a total of \$25,000. Commissioner Pinkerton second. Motion passed unanimously.

Deputy Clerk Nancy Ryals joined the meeting at 10:30 a.m.

Commissioner Pinkerton moved to approve indigent case 2016-24. Commissioner Kirby second. Motion passed unanimously.

Deputy Clerk Ryals left the meeting at 10:32 a.m.

Commissioners tended to administrative duties.

10:49 a.m., Treasurer Sue Larson joined the meeting to provide a quarterly review of Boundary County accounts as of June 30, 2016.

Commissioner Kirby moved to approve the Treasurer's report of investment accounts as per the report dated June 30, 2016. Commissioner Pinkerton second. Motion passed unanimously.

Commissioners informed Treasurer Larson that Commissioners are looking into selling tax deeded properties that hadn't sold at the county's tax deed auction.

Those present reviewed the draft resolution pertaining to veterans and Veterans Memorial Hall.

County resident Gary Leonard stopped by Commissioners' Office and thanked them for their support for the July Fourth event.

Mr. Leonard left the meeting.

Commissioners tended to administrative duties.

Commissioner Kirby moved to approve the minutes of July 18 and 19, 2016. Commissioner Pinkerton second. Motion passed unanimously.

Dick Staples with JRS Surveying joined the meeting.

Commissioner Kirby moved to authorize the Chairman to sign the plat map for the Allentown Subdivision. Commissioner Pinkerton second. Motion passed unanimously.

Commissioner Pinkerton moved to authorize the Chairman to sign the plat map for the Wild Horse Subdivision upon receiving the signature of the Planning and Zoning Administrator. Commissioner Kirby second. Motion passed unanimously.

Mr. Staples left the meeting at 11:37 a.m.

Commissioners tended to administrative duties.

Commissioners recessed for lunch at 12:00 p.m.

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.

1:30 p.m., Boundary County resident Richard Villelli joined the meeting to discuss a matter pertaining to use of Ball Park Road and how it affects his property. Those present briefly discussed the matter where a wedding had been held near Mr. Villelli's property in which garbage was left and people parked on his property saying the county had given them permission.

Commissioners said they had spoken to Parks and Recreation Maintenance and were informed the garbage was picked up Monday and the garbage bags had been stacked up when they found them. Chairman Dinning said JRS Surveying had recently completed the survey and will bring the results to Commissioners. Mr. Villelli said JRS Surveying had done the original survey when he had gotten the donation from Mr. Snow and when the original survey was done, the roadway ended up being located on his property. Mr. Villelli said the county can keep using this road and he added that he doesn't know if the entire road is on his property, but if it is based on the monuments, it is. The restrooms are not on his property, but that may be off. Mr. Villelli said the health department had informed him the restrooms are built, but not operational. Mr. Villelli said he would like to be as good a neighbor as he can, but the people at the wedding said they were given permission to park on his property, although he thought it was most likely not true. Mr. Villelli explained that he had just hydro seeded the ground where people had parked their cars. Mr. Villelli said it is not good and it's not the end of world, but he doesn't want it to happen again. Mr. Villelli said he doesn't want to have to pay to put up a fence and he didn't know what the county's plans were about this.

Mr. Villelli said he would also like to know the results of the new survey as it pertains to the roadway. In the survey done in year 1990, the road had been on his property. Mr. Villelli said it has just been since the Kootenai Tribe started their project that it has become a zoo as everyone wants to come down. Mr. Villelli informed Commissioners that putting up a gate at the dike has really helped and he added that he is happy to work with anyone on this issue as he doesn't want to close off the roadway. If the road is closed off, the restrooms are in the way of the roadway. Mr. Villelli said he would like to figure out a resolution so he and the county can work together. Mr. Villelli talked about the wildlife near his property and the ballfields and how leaving garbage out is not a good idea.

Mr. Villelli said if someone has a function, someone should say they need to provide a dumpster or many garbage bags. Chairman Dinning said we'll see where the survey puts everything. Mr. Villelli said he just wants it to work out. From the original monument that Mr. Staples set, the entire road is on his property. If the stake across the road is the actual stake, then the road is not on his property and that is fine. Chairman Dinning mentioned going out and taking a look at the pins. Mr. Villelli said maybe the county might want to abandon the road from where the park starts and not be responsible from that point on, and if that were the case, he would put up a gate at the dike and have a key for the dike district members, but that was just a thought. Chairman Dinning said once Commissioners get the survey, they will check on that.

Mr. Villelli said Panhandle Health District mentioned there is still no approval for the restrooms. Mr. Villelli said bringing in a sewer line would also benefit him so if we all worked together, Panhandle Health District would be happy about that.

The meeting with Mr. Villelli left the meeting at 1:50 p.m.

Commissioners discussed possible solutions for the restrooms at the Riverside Park ball fields.

1:56 p.m., Commissioners spoke to Kevin Merrifield via telephone to clarify a matter pertaining to Mr. Merrifield's offer to purchase six county tax deeded parcels. Chairman Dinning said Commissioners received Mr. Merrifield's offer of \$ 1,817 for six parcels. The offer would be \$2,850 to purchase six properties if the county had these properties surveyed. Chairman Dinning said they had done some checking and there is a small triangle-shaped parcel, parcel #RPB0240054A06AA, in which Cow Creek Road takes up most of the property. This property had been tax deeded in the 1930's, but it has not gone to public auction yet so the county cannot legally sell it. Mr. Merrifield said for what he is doing, which is putting in a road, he would need that property. Mr. Merrifield said the lots all read differently so the alleyway could belong to another property owner. Chairman Dinning said there is no way the county can legally sell that parcel today. Mr. Merrifield said he just doesn't think he can put in a road without that little piece, but he did contact a neighboring property owner and he may be able to purchase another parcel and do away with the parcel in question. Commissioners suggested Mr. Merrifield withdraw his offer for the time being. Mr. Merrifield asked about the possibility of offering the property for sale. It was said Treasurer Larson will do some research on this parcel.

It was said everything being discussed is not contingent on that one parcel. Mr. Merrifield mentioned making an offer for the five remaining parcels at the same price.

Commissioner Pinkerton moved to provide a counter offer to sell Mr. Merrifield the following parcels with the exception of parcel #RPB0240054A06AA for the price of \$1,817: #RPB0240057007AA, #RPB0240056012AA, RPB0240053005AA, RPB0240055006AA, and RPB02400530110A. Commissioner Kirby second. Motion passed unanimously.

The call with Mr. Merrifield ended at 2:04 p.m.

Commissioners returned a call to Denise Crichton, Treasurer for The Pearl Theater. Ms. Crichton had called to check the status of the Property Tax Exemption Form she had submitted for The Pearl Theater. Commissioners informed Ms. Crichton that the Property Tax Exemption Form had not been received by the Assessor's Office by the deadline so the application will not apply for year 2016. Chairman Dinning listed a similar situation in which a church had not submitted their Property Tax Exemption Form by the deadline to apply for that year, but Commissioners had offered payment options and information on options in the case of financial hardships.

The conversation with Ms. Crichton ended at 2:23 p.m.

Chief Deputy Sheriff Rich Stephens joined the meeting.

2:44 p.m., Commissioner Pinkerton 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 Kirby second. Commissioners voted as follows: Chairman Dinning "aye", Commissioner Pinkerton "aye", and Commissioner Kirby "aye". Motion passed unanimously. The executive session ended at 3:00 p.m. No actions were taken.

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

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Dan R. Dinning, Chairman

ATTEST:

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Glenda Poston, Clerk

By: Michelle Rohrwasser, Deputy Clerk